LANGLADE COUNTY

CODE

OF

ORDINANCES

Revision History:
Ordinance # 3-2022 adopted November 28, 2022
Ordinance # 1-2024 adopted March 25, 2024
Ordinance # 1-2025 adopted August 25, 2025
Ordinance # 2-2025 adopted September 29, 2025
Ordinance # 3-2025 adopted December 22, 2025
Ordinance # 2-2026 adopted January 26, 2026
Ordinance # 1-2026 adopted February 23, 2026
Ordinance # 3-2026 adopted March 23, 2026

CHAPTER 1 17
GENERAL GOVERNMENT 17
GENERAL PROVISIONS 17
1.01 ELECTED OFFICIALS 17
1.02 APPOINTED OFFICIALS AND CONTRACTED SERVICES 17
1.03 VACANCIES 18
1.04 SALARIES 18
1.05 CODE OF ETHICS 18
1.06 DESIGNATION OF A SELF-ORGANIZED COUNTY 18
1.065 CUTOFF RECEPTION TIME FOR FILING AND RECORDING DOC. 18
1.07 CHIPS AND TRUANCY PROCEEDINGS 19
1.30 COMPREHENSIVE PLANNING 19
1.31 HOME RULE 21
CHAPTER 2 23
PUBLIC RECORDS 23
2.01 DISPLAY OF PROCEDURAL INFORMATION 23
2.02 RESPONDING TO REQUESTS FOR PUBLIC RECORDS 23
2.03 RECORDS RETENTION 23
2.04 DESTRUCTION OF OBSOLETE COUNTY RECORDS 23
CHAPTER 3 25
TAXATION, UNCLAIMED PROPERTY & DONATIONS 25
3.01 COUNTY SALES AND USE TAX 25
3.02 SALE OF TAX-DELINQUENT LAND 25
3.03 ABANDONED, UNCLAIMED OR FORFEITED PROPERTY 27
3.04 GIFTS AND DONATIONS 28
3.05 ANNUAL COUNTY VEHICLE REGISTRATION FEE/WHEEL TAX 28
3.06 PENALTY ON DELINQUENT PROPERTY TAX SETTLEMENTS 29
3.07 PROPERTY ASSESSED CLEAN ENERGY FINANCING 29
CHAPTER 4 32
RESERVED FOR FUTURE USE 32
CHAPTER 5 33
RESERVED FOR FUTURE USE 33
CHAPTER 6 34
EMERGENCY GOVERNMENT 34
6.01 POLICY AND PURPOSE 34

6.02 DEFINITIONS 34
6.03 EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE 34
6.04 COUNTY EMERGENCY MANAGEMENT DIRECTOR 34
6.05 COUNTY SUPPORT 35
6.06 DUTIES OF THE COUNTY EMERGENCY MANAGEMENT DIRECTOR 35
6.07 OTHER EMERGENCIES 35
6.08 LOCAL EMERGENCY PLANNING COMMITTEE 35
6.09 EMERGENCY MANAGEMENT PLAN 35
6.10 USE OF HEALTH SERVICE CENTER 35
6.15 PENALTY 36
CHAPTER 7 37
TRAFFIC CODE 37
LANGLADE COUNTY TRAFFIC ORDINANCE 37
7.01 STATE TRAFFIC LAWS ADOPTED 37
7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS 37
7.03 SPEED LIMITS 38
7.04 THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS 39
7.05 NO PASSING ZONES 40
7.06 WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES 40
7.07 PARKING REGULATIONS 40
7.08 ABANDONED VEHICLES 43
7.09 ACCIDENT REPORTS 45
7.10 DISPLAY OF POWER PROHIBITED 45
7.11 RELOCATION OF UTILITIES WITHIN HIGHWAY RIGHT-OF-WAY 45
7.12 MAILBOX REGULATION 46
7.15 PENALTIES 48
7.16 ENFORCEMENT 49
7.17 REPEALS 50
CHAPTER 8 51
MOTORIZED RECREATIONAL VEHICLE ORDINANCE 51
8.01 AUTHORITY AND PURPOSE; STATE LAW ADOPTED 51
8.02 COMMITTEE APPOINTMENT 52
8.03 POWERS AND DUTIES OF THE COMMITTEE 52
8.04 DEFINITIONS 52
8.05 OPERATION OF MOTORIZED RECREATIONAL VEHICLES (MRV) 55

8.06 NON-MOTORIZED USE OF MOTORIZED RECREATIONAL TRAILS 57
8.07 ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLES (UTV) TRAILS AND ROUTES 57
8.08 SNOWMOBILE TRAILS AND ROUTES 61
8.09 OFF HIGHWAY MOTORCYCLE (OHM) TRAILS AND ROUTES 63
8.10 OFF-HIGHWAY MOTOR VEHICLE (OHMV) TRAILS AND ROUTES 64
8.11 BOATS AND PERSONAL WATERCRAFT ON CERTAIN RIVERS 65
8.12 ENFORCEMENT 66
8.13 VIOLATIONS/PENALTY 66
8.14 SEVERABILITY 66
8.15 EFFECTIVE DATE 66
8.16 DEPOSIT SCHEDULE 66
ADENDUM 1- CHAPTER 8 67
MOTORIZED RECREATIONAL VEHICLE ORDINANCE 67
ADDENDUM #2 68
ATV/UTV ROUTES APPROVED ON MUNICIPAL ROADWAYS 68
CHAPTER 9 71
PEACE AND ORDER 71
9.01 STATE STATUTES ADOPTED 71
9.02 REGULATION OF WEAPONS WITHIN COUNTY BUILDINGS AND GROUNDS 71
9.03 FAIR AND OPEN HOUSING 72
9.04 JUVENILE DRINKING OFFENSES 73
9.05 TRUANCY AND HABITUAL TRUANCY 73
9.06(1) PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY A PERSON UNDER 18 YEARS OF AGE PROHIBITED 75
9.06(2) POSSESSION OF VAPING PRODUCT ON PROPERTY UNDER THE CONTROL OF A SCHOOL 76
9.06(3) EMERGENCY TELEPHONE CALLS 77
9.06(4) ESTABLISH A SURCHARGE FOR THE COUNTY-WIDE “911” EMERGENCY TELEPHONE SYSTEM 77
9.07(1) RESTRICTIONS ON KEEPING OF DOGS 78
9.07(2) PROVISION OF CARE, TREATMENT OR DISPOSAL SERVICES FOR ANIMALS TAKEN INTO CUSTODY BY LANGLADE COUNTY LAW ENFORCEMENT 79
9.08 RESTRICTION ON THE SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS TO A PERSON UNDER THE AGE OF 18 82
9.09 POLICE ALARM SYSTEMS 82
9.10 ABUSE AND INTERFERENCE WITH DOGS USED BY THE COUNTY SHERIFF’S OFFICE 83

9.11 JAIL INMATE FEES AND REIMBURSEMENT OF EXPENSES 84
9.12 SMOKING POLICY 84
9.13 PENALTY 85
CHAPTER 10 86
PROHIBITION OF HUMAN HEALTH HAZARDS 86
10.01 PURPOSE 86
10.02 JURISDICTION 86
10.03 DEFINITIONS 86
10.04 HUMAN HEALTH HAZARDS PROHIBITED 87
10.05 RESPONSIBILITY FOR HUMAN HEALTH HAZARDS 87
10.06 HUMAN HEALTH HAZARDS ENUMERATED 87
10.07 DESIGNATION OF UNFIT DWELLING 88
10.08 INVESTIGATION OF POSSIBLE PUBLIC HEALTH HAZARDS 88
10.09 ABATEMENT, CORRECTION AND ENFORCEMENT 89
10.10 PENALTIES 89
10.11 SEVERABILITY 89
CHAPTER 11 90
PUBLIC NUISANCES AND PUBLIC HEALTH STANDARDS 90
11.05 STORAGE AND DISPOSAL OF JUNK 90
11.06 PUBLIC HEALTH STANDARDS FOR LODGING, RECREATION AND FOOD ESTABLISHMENTS 92
11.10 PENALTY 97
CHAPTER 12 98
LICENSES AND PERMITS 98
12.03 PEDDLER'S LICENSE AND TRANSIENT MERCHANTS 98
12.04 LARGE ASSEMBLIES 98
CHAPTER 13 104
RESERVED FOR FUTURE USE 104
CHAPTER 14 105
CODE OF ORDINANCES 105
Wisconsin Uniform Dwelling Code (UDC) 105
14.01 AUTHORITY 105
14.02 PURPOSE 105
14.03 SCOPE 105
14.04 WISCONSIN UNIFORM DWELLING CODE ADOPTED 105
14.05 BUILDING INSPECTOR 105

14.06 BUILDING PERMIT REQUIRED 105
14.07 BUILDING PERMIT FEE 106
14.08 PENALTIES 106
14.09 EFFECTIVE DATE 106
CHAPTER 15 107
PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS 107
15.01 15.01 STATUTORY AUTHORITY 108
15.02 PURPOSE & INTENT 108
15.03 REPEAL AND EFFECTIVE DATE 108
15.04 SEVERABILITY AND LIABILITY 108
15.05 INTERPRETATIONS 108
15.06 DEFINITIONS 108
SUBCHAPTER II: GENERAL REQUIREMENTS 110
15.07 COMPLIANCE 110
15.08 INCORPORATION OF PROVISIONS BY REFERENCE 110
15.09 APPLICABILITY 110
15.10 LIMITATIONS 110
15.11 ABANDONMENT OF PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS 111
15.12 NON-PLUMBING SANITATION SYSTEMS 112
15.13 RESERVED FOR FUTURE USE 114
SUBCHAPTER III: PERMITS AND APPLICATIONS 114
15.14 SOIL AND SITE EVALUATION 114
15.15 SANITARY PERMITS 114
15.16 APPLICATION REQUIREMENTS 115
15.17 PLANS 116
15.18 PERMIT CARDS 117
15.19 PERMIT EXPIRATION 118
15.20 TRANSFER OF OWNERSHIP 118
15.21 CHANGE OF PLUMBERS 118
15.22 PERMIT DENIAL 118
15.23 RECONNECTION 119
15.24 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD 120
15.25 EXISTING POWTS EVALUATION REPORTS 120
15.26 FEES 121
SUBCHAPTER IV: INSPECTIONS 121

15.27 INSPECTIONS: GENERAL 121
15.28 INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS 122
15.29 INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS 122
15.30 INSPECTIONS: MOUNDS 122
15.31 INSPECTIONS: AT-GRADE SYSTEMS 122
15.32 INSPECTIONS: SAND FILTERS 122
15.33 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY SPS 383.60 .. 123
15.34 REINSPECTION 123
15.35 TESTING 123
SUBCHAPTER V: SYSTEM MANAGEMENT AND MAINTENANCE 123
15.36 MAINTENANCE AND MANAGEMENT 123
15.37 POWTS MAINTENANCE PROGRAM 124
15.38 HOLDING TANK MAINTENANCE AGREEMENT 124
SUBCHAPTER VI: ADMINISTRATION AND ENFORCEMENT 125
15.39 ADMINISTRATION 125
15.40 POWERS AND DUTIES 125
15.41 BOARD OF ADJUSTMENT 126
15.42 VIOLATIONS AND PENALTIES 126
CHAPTER 16 126
FOREST, PARKS AND RECREATION ORDINANCE 126
16.01 AUTHORITY 126
16.02 DEFINITIONS 127
16.03 APPOINTMENT: DELEGATED POWER AND DUTIES OF THE COMMITTEE: 132
16.04 ANNUAL REPORT 135
16.05 FOREST FINANCES 135
16.06 FOREST, PARKS, RECREATION AND LAND USE REGULATIONS 136
16.07 SURVEY REGULATIONS 148
16.08 ENFORCEMENT AND PENALTY ASSESSMENTS 148
16.09 SEVERABILITY AND CONFLICTS 149
16.10 PUBLICATION 149
16.11 SCHEDULE OF CHAPTER FORFEITURES 149
CHAPTER 17 154
ZONING CODE 154
SUBCHAPTER I: INTRODUCTION 156
17.01 TITLE AND AUTHORIZATION 156
17.02 INTENT AND PURPOSE 156

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS 157
SUBCHAPTER II: GENERAL PROVISIONS 168
17.05 APPLICATION 169
17.06 APPLICATION TO GOVERNMENT USES 169
17.07 APPLICATION OF OVERLAPPING REGULATIONS 169
17.08 GREATER RESTRICTIONS 169
17.09 SEPARABILITY 169
17.10 COMPLIANCE 169
17.11 OPERATIONAL STANDARDS 169
17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS 170
17.13 TEMPORARY USES 172
17.14 UNCLASSIFIED USES 172
17.15 HEIGHT REGULATIONS 173
17.16 PERMANENT FOUNDATION 173
17.17 ACCESSORY AND APPURTENANT STRUCTURES 173
17.18 SETBACKS, YARD SPACES AND VISION CLEARANCE TRIANGLE 174
17.19 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS OR SETBACK AREAS 175
17.20 FENCES 175
17.21 SIGNS 175
17.22 EXCAVATING. FILLING, GRADING, RECONTOURING, PONDS (Rev. ORD #3-2009, Res. Ord #3-2025) 176
17.23 COMMUNITY LIVING ARRANGEMENTS 177
17.24 HOME OCCUPATION AND PROFESSIONAL OFFICES IN HOMES 178
17.25 RECREATIONAL VEHICLES 179
17.26 AREA REGULATIONS 179
17.27 LOT DIMENSIONS 179
17.28 PARCEL SIZE AND DIMENSION WHERE NOT SPECIFICALLY IDENTIFIED 179
17.29 PARKING AND LOADING SPACE REQUIREMENTS 180
17.30 PLANNED RESIDENTIAL DEVELOPMENT 182
17.31 UTILITIES 184
17.32 MOBILE TOWER SITING 185
17.33 AIRPORT-RELATED REGULATIONS 187
SUBCHAPTER III: SHORELAND PROVISIONS 187
17.36 SHORELAND ZONING ORDINANCE 187
SUBCHAPTER IV: FLOODPLAIN ZONING ORDINANCE FOR LANGLADE COUNTY, WISCONSIN 208

17.371 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS 208
17.3711 STATUTORY AUTHORIZATION 208
17.3712 FINDING OF FACT 208
17.3713 STATEMENT OF PURPOSE 208
17.3714 TITLE 208
17.3715 GENERAL PROVISIONS 208
17.372 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS 213
17.3721 HYDRAULIC AND HYDROLOGIC ANALYSES 213
17.3722 WATERCOURSE ALTERATIONS 214
17.3723 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT 214
17.3724 PUBLIC OR PRIVATE CAMPGROUNDS 214
17.373 FLOODWAY DISTRICT (FW) 214
17.3731 APPLICABILITY 214
17.3732 PERMITTED USES 214
17.3733 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY 215
17.3734 PROHIBITED USES 217
17.374 FLOODFRINGE DISTRICT (FF) 218
17.3741 APPLICABILITY 218
17.3742 PERMITTED USES 218
17.3743 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE 218
17.375 OTHER FLOODPLAIN DISTRICTS 220
17.3751 GENERAL FLOODPLAIN DISTRICT (GFP) 220
17.376 NONCONFORMING USES 221
17.3761 GENERAL 221
17.3762 FLOODWAY DISTRICT 224
17.3763 FLOODFRINGE DISTRICT 225
17.377 ADMINISTRATION 226
17.3771 ZONING ADMINISTRATOR 226
17.3772 ZONING AGENCY 231
17.3773 BOARD OF ADJUSTMENT 231
17.3774 TO REVIEW APPEALS OF PERMIT DENIALS 234
17.3775 FLOODPROOFING STANDARDS 235
17.3776 PUBLIC INFORMATION 236
17.378 AMENDMENTS 236
17.3781 GENERAL 236

17.3782 PROCEDURES 237
17.379 ENFORCEMENT AND PENALTIES 237
17.3710 DEFINITIONS 237
SUBCHAPTER V: RESERVED 244
SUBCHAPTER VI: ZONING DISTRICTS 244
17.39 INTRODUCTION 244
17.40 DISTRICTS 245
17.41 PRINCIPLES FOR LOCATION OF DISTRICTS: LAND FOR TRANSITION FROM ONE DISTRICT TO ANOTHER 245
17.42 CONSERVANCY OVERLAY DISTRICT (C-1) 246
17.43 CONSERVANCY BUFFER OVERLAY DISTRICT (C-2) 250
17.44 FOREST DISTRICT (F) 250
17.45 PARK AND RECREATION DISTRICT (PR) 252
17.46 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP) 253
17.47 EXCLUSIVE AGRICULTURAL DISTRICT (A-1) 268
17.48 GENERAL AGRICULTURAL DISTRICT (A-2) 271
17.49 FARM PRESERVATION OVERLAY DISTRICT 273
17.50 AGRICULTURAL/FOREST/RESIDENTIAL DISTRICT (AFR) 274
17.51 RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1) 275
17.52 RESIDENTIAL, MULTIPLE FAMILY AND CONDOMINIUM DISTRICT (R-2) 276
17.53 MOBILE HOME PARK DISTRICT (R-3) 277
17.54 MOBILE HOME SUBDIVISION DISTRICT (R-4) 279
17.55 RESIDENTIAL, LARGE LOT (R-5) 280
17.56 GENERAL COMMERCIAL DISTRICT (C) 280
17.57 INDUSTRIAL DISTRICT (I) 282
17.58 QUARRYING OVERLAY DISTRICT (Q) 285
17.59 METALLIC MINING EXPLORATION OVERLAY DISTRICT (MME) 287
17.60 MINING DISTRICT (M) 290
17.61 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH 294
SUBCHAPTER VII: ADMINISTRATION AND ENFORCEMENT 294
17.65 PURPOSE 294
17.66 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES 294
17.67 DUTIES OF THE ZONING ADMINISTRATOR; RECORDS; INSPECTIONS; DETERMINATIONS; PERMITS; FEES 295
17.68 FEES 299

17.69 BOARD OF ADJUSTMENT 299
17.70 VIOLATIONS 306
17.71 AMENDMENT PROCEDURES 307
17.72 RECONSIDERATION 314
17.73 VALIDITY, ADOPTION, AND EFFECTIVE DATE 315
CHAPTER 18 317
SUBDIVISION AND PLATTING 317
18.01 STATUTORY AUTHORITY 318
18.02 TITLE 318
18.03 PURPOSES 318
18.04 DEFINITIONS 318
18.05 GEOGRAPHIC JURISDICTION 322
18.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER 322
18.07 CLASSIFICATION OF LAND DIVISIONS 323
PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS 323
18.10 PRE-APPLICATION CONSULTATION 323
18.11 APPLICATION AND REVIEW OF MINOR SUBDIVISIONS 323
18.12 APPLICATION AND REVIEW OF PROPOSED COUNTY & STATE SUBDIVISIONS 325
18.13 PROCEDURES FOR REVIEW OF PROPOSED COUNTY & STATE SUBDIVISIONS 326
18.14 OBJECTING REVIEW 329
SUITABILITY STANDARDS 329
18.15 GENERAL 329
18.16 ZONING 329
18.17 DIVISION OF LANDS OF HIGH AGRICULTURAL VALUE 330
18.18 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE 330
18.19 SUITABILITY OF LANDS FOR LARGE RURAL DEVELOPMENTS 330
SUBDIVISION DESIGN STANDARDS 331
18.20 GENERAL 331
18.21 SURFACE DRAINAGE AND EROSION CONTROL 331
18.22 STREETS AND ROADS 331
18.23 LOTS AND BLOCKS 335
18.24 LANDS NEAR WATER'S EDGE 336
18.25 RESERVATION OF LAND 336
18.26 PARKS, PLAYGROUNDS 336

18.30 DEDICATION 337
18.31 IMPROVEMENTS 337
18.32 COMMENCEMENT OF IMPROVEMENTS AND CONSTRUCTION 338
CONDOMINIUMS 338
18.35 INTENT 338
18.36 ZONING 338
18.37 CONDOMINIUM PLATS 338
18.38 STANDARDS 338
18.39 UNITS 338
18.40 APPROVAL 338
ADMINISTRATION AND ENFORCEMENT 338
18.45 WATER & LAND USE PLANNING COMMITTEE 338
18.46 ZONING ADMINISTRATOR 338
18.47 FEES, ENFORCEMENT, VARIANCES AND APPEALS 339
18.48 RECORDING AND CONVEYANCE OF LOTS OR PARCELS INCLUDED WITHIN LAND DIVISION REQUIRING COUNTY APPROVAL 340
18.49 ABROGATION AND GREATER RESTRICTIONS 341
18.50 WAIVER OF LIABILITY 341
18.51 SEVERABILITY 341
CHAPTER 19 342
RESERVED FOR FUTURE USE FOR 342
SOIL AND WATER CONSERVATION ORDINANCE 342
CHAPTER 20 343
NONMETALLIC MINING RECLAMATION 343
PART I - GENERAL 345
20.01 TITLE 345
20.02 PURPOSE 345
20.03 STATUTORY AUTHORITY 345
20.04 RESTRICTIONS ADOPTED UNDER AUTHORITY 345
20.05 INTERPRETATION 345
20.06 SEVERABILITY 345
20.07 APPLICABILITY 345
20.07(1) OVERALL APPLICABILITY 345
20.07(2) EXEMPTIONS 345
20.08 ADMINISTRATION 347
20.09 EFFECTIVE DATE 347

20.10 DEFINITIONS 347
PART II – STANDARDS 351
20.11 STANDARDS 351
PART III - PERMITTING 354
20.12(1) REQUIRED SUBMITTAL 355
20.12(2) RESERVED FOR FUTURE USE 355
20.12(3) RECLAMATION PERMIT APPLICATION CONTENTS 355
20.13 RECLAMATION PLAN 355
20.13(1) RECLAMATION PLAN REQUIRED 355
20.13 (2) & (3) RESERVED FOR FUTURE USE 358
20.13(4) EXISTING PLANS AND APPROVALS 358
20.13(5) APPROVAL OF RECLAMATION PLAN 358
20.14 FINANCIAL ASSURANCE 358
20.14(1) FINANCIAL ASSURANCE REQUIREMENTS 358
20.14(2) RESERVED FOR FUTURE USE 361
20.14(3) PRIVATE NONMETALLIC MINES 361
20.14(4) PUBLIC NONMETALLIC MINING 361
20.15 PUBLIC NOTICE AND RIGHT OF HEARING 361
20.15(1) RECLAMATION PLAN HEARING 361
20.15(2) RESERVED FOR FUTURE USE 362
20.15(3) LOCAL TRANSPORATION- RELATED MINES 362
20.16 ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT 362
20.16(1) PERMIT REQUIRED 362
20.16(2) & (3) RESERVED FOR FUTURE USE 362
20.16(4) PERMIT ISSUANCE 362
20.16(5) AUTOMATIC PERMIT FOR LOCAL TRANSPORTATION-RELATED MINES 363
20.16(6) EXPEDITED REVIEW 364
20.16(7) PERMIT CONDITIONS 365
20.17 PERMIT DENIAL 365
20.18 ALTERNATIVE REQUIREMENTS 365
20.18(1) SCOPE OF ALTERNATIVE REQUIREMENTS APPROVABLE 366
20.18(2) PROCEDURES 366
20.18(3) TRANSMITTAL OF DECISION OF REQUEST FOR ALTERNATIVE REQUIREMENT 366
20.18(4) NOTICE TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES 366
20.19 PERMIT DURATION 366

20.20 PERMIT TRANSFER 366
20.21 PREVIOUSLY PERMITTED SITES 367
20.22 REVIEW 367
PART IV - ADMINISTRATION 367
20.23 PERMIT MODIFICATION 367
20.23(1) BY LANGLADE COUNTY 367
20.23(2) AT THE OPERATOR'S OPTION 367
20.23(3) REQUIRED BY THE OPERATOR 367
20.23(4) REVIEW 368
20.24 PERMIT SUSPENSION AND REVOCATION 368
20.24(1) GROUNDS 368
20.24(2) PROCEDURES 368
20.24(3) CONSEQUENCES 368
20.25 ANNUAL OPERATOR REPORTING 368
20.25(1) CONTENTS AND DEADLINE 368
20.25(2) INSPECTION IN LIEU OF REPORT 369
20.25(3) RETENTION OF ANNUAL REPORTS 369
20.26 PLAN REVIEW FEES 369
20.26(1) AMOUNT AND APPLICABILITY 369
20.26(2) EXPEDITED PLAN REVIEW FEE 370
20.26(3) RELATION TO ANNUAL FEE 370
20.27 ANNUAL FEES 370
20.27(1) AREAS SUBJECT TO FEES, PROCEDURES, DEADLINE AND AMOUNT 370
20.27(2) WISCONSIN DEPARTMENT OF NATURAL RESOURCES SHARE OF FEE 371
20.27(3) LANGLADE COUNTY'S SHARE OF FEE 372
20.28 REGULATORY REPORTING AND DOCUMENTATION 373
20.28(1) REPORTING 373
20.28(2) DOCUMENTATION 373
20.29 COMPLETED RECLAMATION 374
20.29(1) REPORTING 374
20.29(2) REPORTING OF INTERIM RECLAMATION 374
20.29(3) CERTIFICATION OF COMPLETED RECLAMATION 374
20.29(4) EFFECT OF COMPLETED RECLAMATION 374
20.29(5) EFFECT OF INACTION FOLLOWING REPORT OF COMPLETED RECLAMATION 375
20.30 PERMIT TERMINATION 375

PART V - ENFORCEMENT 375
20.31 RIGHT OF ENTRY AND INSPECTION 375
20.32 ORDERS AND CITATIONS 375
20.32(1) ENFORCEMENT ORDERS 375
20.32(2) SPECIAL ORDERS 375
20.32(3) REVIEW OF ORDERS 376
20.32(4) CITATIONS 376
20.32(5) ENFORCEMENT 376
20.33 PENALTIES 376
CHAPTER 21 377
AIRPORT ZONING 377
AIRPORT 377
17.61 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH) 377
AIRPORT ZONING 377
21.01 DEFINITIONS 377
21.02 ZONES 378
21.03 HEIGHT LIMITATION ZONES 378
21.04 USE RESTRICTIONS 378
21.05 NONCONFORMING USES 378
21.06 ADMINISTRATION 379
21.07 PERMITS 379
21.08 HAZARD MARKING AND LIGHTING 380
21.09 BOARD OF ADJUSTMENT 380
21.10 APPEALS AND REVIEW 380
21.28 TRAFFIC ON AIRPORT PREMISES 381
21.35 PENALTY 382
CHAPTER 22 383
RESERVED FOR FUTURE USE 383
CHAPTER 23 384
ADMINISTRATIVE APPEAL PROCEDURE 384
23.01 WHO MAY APPEAL 384
23.02 APPEAL PROCEDURE 384
CHAPTER 24 386
MANURE STORAGE ORDINANCE 386
INTRODUCTION 386
24.01 AUTHORITY 386

24.02 TITLE 386
24.03 PURPOSE 386
24.04 INTENT 387
24.05 APPLICABILITY 387
24.06 INTERPRETATION 387
24.07 ABROGATION, GREATER RESTRICTIONS, SEVERABILITY, AND REPEAL CLAUSE 387
24.08 EFFECTIVE DATE 387
24.09 DEFINITIONS 387
GENERAL PROVISIONS 389
24.10 GENERAL REQUIREMENT 389
24.11 COMPLIANCE WITH PERMIT REQUIREMENTS 389
24.12 ABANDONMENT REQUIREMENT 389
24.13 STANDARDS 389
24.14 PERMIT REQUIRED 390
24.15 EXCEPTION TO PERMIT REQUIREMENT 390
24.16 FEE 390
24.17 MANURE STORAGE FACILITY PLAN AND NUTRIENT MANAGEMENT PLAN REQUIRE 390
24.18 ABANDONMENT PLAN REQUIRED 391
ADMINISTRATION & ENFORCEMENT 392
24.19 REVIEW OF APPLICATION 392
24.20 PERMIT CONDITIONS 392
24.21 PERMIT REVOCATION 392
24.22 DELEGATION OF AUTHORITY 393
24.23 ADMINISTRATIVE DUTIES 393
24.24 INSPECTION AUTHORITY 393
24.25 ENFORCEMENT AUTHORITY 393
24.26 PENALTIES 393
24.27 ENFORCEMENT OF INJUNCTION 394
24.28 APPEALS 394
24.29 APPEAL PROCEDURE 394
24.30 WHO MAY APPEAL 394
CHAPTER 25 395
CONSTRUCTION AND EFFECT OF ORDINANCES 395
25.01 RULES OF CONSTRUCTION 395
25.02 CONFLICT AND SEPARABILITY 395

25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE 396
25.04 PENALTY PROVISIONS 396
25.05 REPEAL OF GENERAL ORDINANCES 398
25.06 EFFECT OF REPEALS 398
25.07 TITLE; EFFECTIVE DATE; CITATION 399
25.08 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS 399

CHAPTER 1

GENERAL GOVERNMENT

GENERAL PROVISIONS

1.01 Elected Officials
1.02 Appointed Officials
1.03 Vacancies
1.04 Salaries
1.05 Code of Ethics
1.06 Designation of a Self-Organized County (ORD #10-2015)
1.065 Cutoff Reception Time for Filing and Recording Documents

COUNTY OFFICIALS

1.10 County Board Supervisors

COMPREHENSIVE PLANNING

1.30 Comprehensive Planning (ORD #4-2009 & ORD #2-2019)

1.31 Home Rule

GENERAL PROVISIONS

1.01 ELECTED OFFICIALS: Elected officials of the County shall be the County Clerk, County Treasurer, Register of Deeds, Clerk of Court, District Attorney, Sheriff, Coroner, and 21 Supervisors.

1.02 APPOINTED OFFICIALS AND CONTRACTED SERVICES: The County Administrator is subject to appointment and removal by the County Board.

The following officials* shall be appointed by the County Administrator and the County Board elects to waive the requirement to confirm the appointment(s). Unless, by law, the County Board is required to confirm the removal of an official as recommended by the County Administrator, then the County Board also elects to waive confirmation of removal.

Appointed officials/positions:

Child Support Agency Director
Corporation Counsel
Director of Facilities Management
Emergency Government Coordinator
Finance Director
Forest, Parks and Recreation Administrator
Recreation Coordinator
Health/Social Services Dept. Director
Health Officer
Highway Commissioner
Assistant Highway Commissioner
Human Resources Generalist
IT Director
Veteran's Service Officer
Victim Witness Coordinator
Zoning Administrator (Director of Land Records and Regulations)
Land Conservationist

Contracted services*:
Airport Manager / Fixed Base Operator
Child Support Attorney
Court Commissioner(s)
Labor & Employment Specialist
Standby Corporation Counsel

*Not intended as an exhaustive list. Additional appointed officials and contracted services shall be subject to the same provisions. The titles of positions/services are illustrative and may be subject to change.

1.03 VACANCIES: Vacancies in elected positions are caused as provided in 17.03, Wis. Stats., and filled as provided in 17.21 and 17.22, Wis. Stats.

1.04 SALARIES: The salaries for elected officials shall be established consistent with Section 59.22, Wis. Stats.

1.05 CODE OF ETHICS: The conduct of elected officials, candidates, and employees of Langlade County shall be governed by Sections 19.59, Wis. Stats. (RS #44-93).

1.06 DESIGNATION OF A SELF-ORGANIZED COUNTY (ORD #10-2015)

(1) Pursuant to the authority granted by Section 59.10(1), Wisconsin Statues, Langlade County shall hereby become a "self-organized" County, with all the power and authority that is conferred upon the County by such statutory designation.
(2) Elections for Supervisors: The term of office of Supervisors is two (2) years with terms running concurrently.
(3) Compensation for Supervisors: The method of compensation for Supervisors shall be determined by the Board and is subject to change; however, any change to compensation shall not take effect until the succeeding term of office.
(4) Vacancies: The Board may determine the procedure for filling a vacancy on the County Board and any established procedures shall be included within the Rules of the County Board.

1.065 CUTOFF RECEPTION TIME FOR FILING AND RECORDING DOC. (ORD #7-2020)

(1) The cutoff reception time for the filing and recording of documents in the Register of Deeds Office shall be 3:30 p.m. (CST) during any official business day upon which the Office is open to the public, to complete the processing, recording, and indexing of such documents to conform to the day of reception. For all other purposes, the office shall remain open to the public until the normal posted office hours on all official business days.

1.07 CHIPS AND TRUANCY PROCEEDINGS: (Ord. #3-2022)

The office of the District Attorney shall represent the County's interests in CHIPS and habitual truancy proceedings.

1.30 COMPREHENSIVE PLANNING (ORD. #4-2009) (ORD #2-2019)(ORD #2-2025)

THE COUNTY BOARD OF SUPERVISORS OF LANGLADE COUNTY, WISCONSIN, pursuant to Section 66.1001 Wisconsin Statutes, does hereby ordain to amend Section 1.30 entitled "Comprehensive Planning" under the General Government section of the Langlade County Code of Ordinances as follows:

Section 1: Purpose.

The Langlade County Board of Supervisors shall maintain a Comprehensive Plan to provide the Langlade County government with a framework for land use planning and a guide for land use decision-making.

Section 2: Contents of the Comprehensive Plan.

A) The Comprehensive Plan shall contain the following planning elements:
   (1) Issues and Opportunities.
   (2) Housing.
   (3) Transportation.
   (4) Utilities and Community Facilities.
   (5) Agricultural, Natural and Cultural Resources.
   (6) Economic Development.
   (7) Intergovernmental Cooperation.
   (8) Land Use.
   (9) Implementation.

B) The Comprehensive Plan may include any other planning procedures or policies that do not conflict with the planning elements listed in Section 2 (A).

C) The current Comprehensive Plan entitled "Langlade County Comprehensive Plan 2019" shall be available to the public at the following locations: in print at the Langlade County Land Records & Regulations Department Office, and digitally on the Langlade County Website.

D) The Langlade County Board of Supervisors has authorized the adoption and/or amendments to the Comprehensive Plan as follows:
   (1) ORD #4-2009 Adoption of the Langlade County Comprehensive Plan 2009.
   (2) ORD #2-2019 Adoption of the Langlade County Comprehensive Plan 2019.
   (3) ORD #3-2024 Amendment of the Langlade County Comprehensive Plan 2019.
   (4) ORD #X-2025 Amendment of the Langlade County Comprehensive Plan 2019.

Section 3: Actions and procedures that must be consistent with the Comprehensive Plan:

A) The following actions of Langlade County government shall be consistent, as set forth herein, with the Comprehensive Plan:
   (1) Local subdivision regulation under Sections 236.45 or 236.46, Wis. Stats.
   (2) County zoning ordinances enacted or amended under Section 59.69, Wis. Stats.

(3) Zoning of shorelands or wetlands in shorelands under Section 59.692, Wis. Stats.

B) At the time of adoption or modification of the Comprehensive Plan, any action identified by the Planning Commission in Section 3(A) that is contrary to the Plan shall be made consistent with the Plan, according to the process outlined in the Comprehensive Plan.

C) Consistency between the actions listed in Section 3(A) and the Plan can be achieved through a Plan amendment or through a revision to the underlying action.

Section 4: Procedure for adopting or modifying the Comprehensive Plan:

A) The County Board shall adopt a Public Participation Plan designed to foster public participation in the preparation of a Comprehensive Plan.

B) The Water and Land Use Planning Committee is authorized as the Planning Commission to prepare or amend a Comprehensive Plan.

C) The Comprehensive Plan may be adopted or amended upon a resolution of the Planning Commission to the County Board.

D) At least one public hearing is required to adopt or amend the Comprehensive Plan.

E) Amendments to the Comprehensive Plan shall be in the form of an ordinance and shall take effect upon passage and publication.

F) The Plan should be reviewed by the Plan Commission at least once every 5 years and shall be updated at least once every 10 years. The Future Land Use Plan Map should be reviewed on an annual basis and amended if necessary to keep the map current.

Section 5: Applicability of Regional Planning Commission's Plan:

A) A regional Planning Commission's Comprehensive Plan is only advisory.

B) Langlade County shall not be required to comply with the comprehensive plan adopted by another local governmental unit, political subdivision, or regional plan commission.

Section 6: Reservation of Rights

A) Langlade County retains its sovereignty to govern its affairs by the consent of its citizens, to promote and protect the safety, health, and general welfare of its citizens.

B) Langlade County retains the authority to modify the Plan or to rescind the Plan in its entirety, at any time.

C) The citizens of Langlade County shall retain all unalienable (natural) and inherent rights, including but not limited to the right to life, liberty, and the pursuit of happiness.

D) The citizens of Langlade County shall retain all alienable (legal) rights that are not delegated to the government by the Constitution of the United States or the Wisconsin Constitution, including but not limited to the allodial rights of landowners.

E) The Comprehensive Plan shall not be used to expand the enumerated or implied powers of any government.

Section 7: Severability:
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

Section 8: No penalty clause:
There shall be no penalty for failure to comply with the terms of this Ordinance.

1.31 HOME RULE (ORD #1-2021)

Section 1: Home Rule and Reservation of Rights:

A. Langlade County Government may exercise any organizational or administrative power, subject only to the Constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.
B. Langlade County retains its sovereignty to govern its affairs by the consent of its citizens, and to promote and protect the safety, health, and general welfare of its citizens.
C. The citizens of Langlade County shall retain unalienable (natural) and inherent rights including but not limited to the right to life, liberty, and the pursuit of happiness.
D. The citizens of Langlade County shall retain all alienable (legal) rights that are not delegated to the government by the Constitution of the United States or the Wisconsin Constitution, including but not limited to the right to keep and bear arms under the Second Amendment.

Section 2: Infringements on the Right to Keep and Bear Arms are prohibited.

A. The following described actions infringe upon the Right to keep and bear arms and are prohibited as such under the Home Rule authority of Langlade County Government:
    a. The imposition of any tax levy, fee, or stamp imposed on firearms, firearm accessories, magazines, or ammunition.
    b. The imposition of any mandatory "buy-back" program for firearms.
    c. The imposition or any registration or any type of tracking program for firearms, ownership permit firearm accessories, or ammunition.
    d. The imposition of any act ordering the confiscation of firearms, firearm accessories, magazines, or ammunition without due process of law.
    e. The imposition of any "red flag" law that would allow temporary confiscation of firearms based upon allegations of violent behavior without due process of law.

Section 3: Severability:
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this Ordinance are severable.

Section 4: No penalty clause:
There shall be no penalty for failure to comply with the terms of this Ordinance; however, any action in violation of this Ordinance shall be declared null and void by the Langlade County Board of Supervisors.

CHAPTER 2

PUBLIC RECORDS

2.01 Display of Procedural Information
2.02 Responding to Requests for Public Records
2.03 Records Retention
2.04 Destruction of Obsolete County Records

2.01 DISPLAY OF PROCEDURAL INFORMATION

As required by Wisconsin Statutes, each designated legal custodian of public records retained by Langlade County government shall prominently display a notice for the guidance of the public, containing a description of its organization and the established times and places at which, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof.

2.02 RESPONDING TO REQUESTS FOR PUBLIC RECORDS

The designated legal custodian may require that oral (verbal) requests for public records in their custody be submitted in writing. In responding to the request for public records, the legal custodian shall follow any applicable State and Federal statutes and County policies. The legal custodian may seek the assistance of the County Corporation Counsel in responding to any request for public records.

2.03 RECORDS RETENTION

(a) Custodians of records shall retain county records as an original or reproducible record pursuant to the Langlade County Records Retention Schedule and in conformity with State and Federal law.

(b) The Records Retention Schedule may be revised by the Administrative Committee.

(c) Any existing record that is the subject of a public record request may not be destroyed until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. If an authority receives written notice that an enforcement action relating to a record has been commenced under Wisconsin Statute Section 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.

2.04 DESTRUCTION OF OBSOLETE COUNTY RECORDS

(a) Any public record that has been retained beyond the time set forth in the "Langlade County Records Retention Schedule" is deemed obsolete and may be destroyed by the custodian of the record or his or her designee. Obsolete county records may be destroyed by any method approved by the Administrative Committee in consultation with the record custodian.

(b) Any county record not covered by the County Records Retention Schedule shall be retained for seven (7) years.

(c) Prior to the destruction of any records of historical value, notice shall be provided to the State Historical Society, which may preserve any records it determines to be of historical interest.

Notice to the State Historical Society is not required for any records listed in Section 59.52(4)(a), Wis. Stat.

ADOPTED: DEC. 19, 2006 ORD #10-2006

CHAPTER 3

TAXATION, UNCLAIMED PROPERTY & DONATIONS

3.01 County Sales and Use Tax
3.02 Sale of Tax Delinquent Land
3.03 Abandoned, Unclaimed or Forfeited Property
3.04 Gifts and Donations
3.05 Annual County Vehicle Registration Fee/Wheel Tax
3.06 Penalty on Delinquent Property Tax Settlements

3.01 COUNTY SALES AND USE TAX

(1) AUTHORITY AND PURPOSE

This section is enacted under the authority of Subchapter V, Ch. 77, Wis. Stats., and the County sales and use taxes imposed herein shall be used for the purpose of directly reducing the property tax levy of the County.

(2) IMPOSITION OF TAX

There are hereby imposed County sales and use taxes at a rate of 0.5 percent in the manner and to the extent permitted as set forth in their entirety in Subchapter V, Ch. 77, Wis. Stats., and acts amendatory thereto. (3) EFFECTIVE DATE

This section shall become effective April 1, 1988, and the sales tax and interest collected shall be credited to the property tax levy of the following year.

3.02 SALE OF TAX-DELINQUENT LAND

(1) PURPOSE AND APPLICABILITY

The purpose of this Section is to establish procedures for the sale of tax-delinquent real estate acquired by the County pursuant to Chapter 75, Wisconsin Statutes. This Section applies exclusively to the sale of tax-delinquent real estate acquired by Langlade County. *The County may initiate procedures to acquire tax deeds for tax delinquent real estate by the "Notice of Application for Tax Deed" process as set forth by Section 75.12, Wisconsin Statutes, or by "Foreclosure of Tax Liens by Action In Rem" as set forth by 75.521, Wisconsin Statutes.*

(a) Definitions:

"Beneficiary" is defined in Wis. Stat. § 851.03, and shall mean any person nominated in a will to receive an interest in property other than in a fiduciary capacity and can demonstrate such to the County Treasurer upon request.

"Heir" is defined Wis. Stat. § 851.09 and shall mean any person, including the surviving spouse, who is entitled under the statutes of intestate succession to an interest in property of a decedent and can demonstrate such to the County Treasurer upon request.

"Single Family, Owner-Occupied Property" shall mean any non-multiple residential unit that is used by one family who owns the property as their domicile (permanent and primary residence) and can demonstrate such to the County Treasurer upon request (i.e., utility bills). This term does not include rental properties, multiple-unit buildings (e.g., duplexes and condominiums with two or more units) or multiple-family units, nor does this term include any mixed-use building (e.g., a business being operated out of residence), structure, or installation that contains a residential unit.

"Tax-deeded land or property" shall have the meaning ascribed to such term in Wis. Stat. § 75.35(1).

(2) LAND SALES COMMITTEE

The Land Sales Committee (hereinafter Committee) shall consist of the members of the Administrative and Finance Committee of the County Board, the County Clerk, and the County Treasurer, which Committee shall have the power and authority to manage and sell tax delinquent real estate pursuant to the provisions of this section. The Committee is authorized to sell or convey tax-deeded lands by any manner and upon such terms as authorized by law under Sections 75.35 and 75.69, Wis. Stats., including but not limited to advertising for sealed bids, public auction, and redemption by the former owner(s). Consistent with this authority, the Committee shall enact policies to be followed in the acquisition, management, and sale of tax-deeded land. The Committee shall have the authority to engage licensed real estate brokers and salespersons to assist in selling tax-deeded properties and pay a commission for such services and advertise land sales in such manner as the Committee deems proper.

Upon the acquisition of a tax-deeded land, the Committee shall determine the appraised value of the tax-deeded land. The appraised value determination may be made by the Committee based upon the valuation of the property for tax purposes and reducing the appraised value based on the current condition of the property.

(3) ANNUAL REPORT

The County Clerk shall present the County Board with a list of all lands sold, their appraised value, and the sales price at the end of each year. Each year, the County Clerk shall provide a report to the Committee listing all properties the County has refused to foreclose upon with a reason for such refusal. If a property is not acquired for any reason, the County Clerk shall notify the appropriate assessor and request that the value of such property be reduced.

(4) RIGHT TO REPURCHASE BY FORMER OWNER

(a) Right to repurchase by the former owner, beneficiary, or heir.

Prior to the sale of tax-delinquent single−family, owner−occupied properties, the former owner who lost his or her title through delinquent tax collection enforcement procedure, or his or her beneficiaries, or heirs, shall have the right to purchase such lands by paying the county for all costs and expenses incurred as provided under s. 75.36(3)(a), plus the amount of property taxes that would have been owed on the property for the year during which the purchase occurs if the county had not acquired the property and plus amounts to satisfy any other liens at the time of the foreclosure as provided in a Title Report furnished by the County Treasurer, including the county's costs associated with the repurchase.

(b) Request to repurchase properties by former owner.

Prior to the sale of any other properties not subject to subsection (b), the former owner who lost title to the property through delinquent tax collection enforcement may submit a request to repurchase said property to the Administrative and Finance Committee within 90 days of the date the County acquired the tax-deeded land. At its option, the Administrative and Finance Committee may grant the former owner's request to repurchase the property on the condition that the former owner provides proof of satisfaction of all liens of record as established in the title report within 30 days and pays the county for all costs and expenses incurred as provided under s. 75.36 (3) (a), plus the amount of property taxes that would have been owed on the property for the year during which the purchase occurred if the county had not acquired the property.

(5) RIGHT TO NET PROCEEDS OF SALE OF TAX DEED PROPERTY

The Treasurer shall notify the former owner, by registered mail or certified mail sent to the former owner's mailing address on the tax bill, that the former owner may be entitled to a share of the proceeds of a future sale of the tax-deeded land.

The Treasurer shall send to the owner any proceeds to which the former owner is entitled under Wis. Stat. § 75.36(2m)(a) by certified mail to the former owner's last known address. If the payment to the former owner is returned to the County or otherwise not claimed by the former owner within one year following the mailing of the proceeds, the payment shall be considered unclaimed funds and disposed of pursuant to Wis. Stat. § 59.66(2). Neither the former owner nor any person making a claim for any funds under this Section is entitled to interest on sums owed by the County hereunder.

3.03 ABANDONED, UNCLAIMED OR FORFEITED PROPERTY (ORD #2-99)

(1) PURPOSE

The purpose of this regulation is to establish procedures for abandoned, unclaimed, or forfeited property in the possession of Langlade County.

(2) PROPERTY SUBJECT TO THIS SECTION

"Property is to be interpreted in its broadest sense and includes, but is not limited to, due to enumeration: any goods, chattels, money, notes, bonds, stocks, animals, furniture, merchandise, or similar tangible or intangible items.

(a) Any property of unknown ownership in the possession of Langlade County which remains unclaimed for a period of thirty (30) days after Langlade County has taken possession shall be deemed abandoned and become the property of Langlade County.

(b) Any property of known ownership shall be deemed abandoned and become the property of Langlade County if said property remains unclaimed for a period of thirty (30) days after the notice is mailed to the owner of record.

(c) Any property forfeited to Langlade County pursuant to lawful order of the Court.

(3) PROPERTY NOT SUBJECT TO THIS SECTION

(a) Abandoned vehicles are regulated by Section 7.08 of the Langlade County Code of Ordinances and are not subject to this section.

(b) This section does not apply to any property that is lost and found and turned over to the Langlade County Sheriff's Department by the finder. Lost and found property in the possession of the Langlade County Sheriff's Department shall be disposed of pursuant to applicable state statutes.

(c) For any property for which a statutory provision exists regarding the retention and disposal of such property, then such State Statute shall control (such as: Secs. 59.66(3), 66.0139, 170.07-.11 and 177.13, Wis. Stats.)

(d) This section does not apply to real estate or recorded interests in land.

(4) METHOD OF DISPOSAL

(a) If the owner of the property is known, then the owner of the property shall be notified by mail sent to the owner's last known address. The notice to the owner shall contain a description of the property in Langlade County's possession and advise that any property unclaimed after thirty (30) days from the date the notice was mailed shall be deemed abandoned. Any property that remains in the possession of Langlade County thirty (30) days from the date of mailing the notice to the

owner of record shall become the property of Langlade County and may be disposed of pursuant to the County's policy. The owner of record shall pay any accrued storage fees pursuant to subsection 4 of Section 3.03 before the property may be released to the owner.

(b) If the owner of the property is unknown, then any property which remains unclaimed for a period of thirty (30) days is deemed abandoned and may be disposed of pursuant to the County's policy. Any property deemed abandoned shall become the property of Langlade County.

(c) Any property forfeited to Langlade County by lawful order of the Court shall be disposed of pursuant to the terms and conditions of the forfeiture order. In the absence of any specific Court order for the disposition of the forfeited property, the property may be disposed of pursuant to the County's policy.

(5) STORAGE FEES

Any property remaining unclaimed beyond the requisite thirty (30) day time period may be subject to a storage fee on a per-day basis commencing the first day after the expiration of the thirty (30) day period and continuing until such time as the property is reclaimed.

Updated 3/2013

3.04 GIFTS AND DONATIONS

The following procedures shall be initiated for the acceptance of gifts and donations.

(1) The County Clerk shall develop a form setting forth the name of the accepting official, date, item offered, and value of the item to be accepted by the County

(2) Each County agency head to whom a gift or donation is offered shall fill out the form as described in sub. (1) and shall refer the form to the agency head's oversight committee or, if the agency head has no oversight committee, to the Administrative Committee.

(3) The committee to whom the gift or donation is referred shall determine whether the gift or donation would result in special treatment or privileges to the donor, whether the gift or donation would distort the County agency's activities, or otherwise result in a burden on the County or its citizens or whether the gifts or donations would be utilized for the common good.

(4) The committee receiving the referral shall recommend to the full County Board to either accept, decline, or conditionally accept any gift after such review, and the full County Board, at its next regularly scheduled meeting, shall vote on whether to accept, decline or conditionally accept such gift or donation.

3.05 ANNUAL COUNTY VEHICLE REGISTRATION FEE/WHEEL TAX (ORD #1-2019)

(1) **Adoption of State Statutes.** The following enumerated sections of the Wisconsin Statutes are adopted and made a part of this Code of Ordinances: Section 341.35, Wis. Stats. Any act required to be performed or prohibited by any statute incorporated herein by reference is required by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are made part of this section.

(2) **Definitions.** In this section, "motor vehicle" means an automobile or motor truck registered under §341.25(1)(c), Wis. Stats., at a gross weight of not more than 8,000 pounds, that is registered in this state and is customarily kept in Langlade County.

(3) **Annual registration fee.** At the time a motor vehicle is first registered or at the time of registration renewal, the applicant shall pay a county vehicle registration fee of $20.00. This fee is in addition to other fees required by Ch. 341, Wis. Stats. The Wisconsin Department of Transportation (WisDOT) shall collect the fee. Use of funds generated by this registration fee shall be restricted to

transportation-related expenses incurred by Langlade County Government.

(4) **Exemptions.** The following motor vehicles are exempt from the annual vehicle registration fee:
   a. All vehicles exempted by Ch. 341, Wis. Stats., from payment of a state vehicle registration fee.
   b. All vehicles registered by the state under §341.26, Wis. Stats., for a fee of $5.00.

(5) **Replacements.** No county vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current county vehicle registration fee has been paid.

(6) **Administrative costs.** The WisDOT shall retain a portion of the monies collected under this section equal to the actual administrative costs related to the collection of these fees (currently $0.17 per vehicle).

3.06 PENALTY ON DELINQUENT PROPERTY TAX SETTLEMENTS (ORD #2-2020)

(1) A penalty of 0.5 percent per month or fraction of a delinquent month, in addition to the interest provided in Section 74.47(1), Wis. Stats., shall be charged on all delinquent general property taxes, special assessments, special charges and special taxes included in tax rolls that are delinquent as certified by the County Treasurer.

(2) Interest and penalty will be distributed in accordance with Section 74.47(3), Wis. Stats.

3.07 PROPERTY ASSESSED CLEAN ENERGY FINANCING (ORD #2-2022)

(1) PURPOSE: The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increase property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this Section is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

(2) STATUTORY AUTHORITY: This ordinance is enacted pursuant to Wis. Stats. §66.0627, as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premise.

(3) DEFINITIONS: In this section:
   a) "Annual Installment" means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.
   b) "Borrower" means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.
   c) "Default Loan Balance" means the outstanding balance, whether or not due, of a PACE loan at the time the County receives foreclosure proceeds.
   d) "Foreclosure Proceeds" means the proceeds received by the County from the disposition of a subject property through an *in rem* property tax foreclosure.
   e) "Loan Amount" means the principal, interest, administrative fees (including the Program Administrator's fees) and other loan charges to be paid by the borrower under the PACE loan.
   f) "PACE" means the acronym for Property Assessed Clean Energy.
   g) "PACE Default Provisions" means:
      1. The delinquent annual installment(s) due when the County initiates the *in rem* property tax foreclosure on the subject property;
      2. Any additional annual installment(s) that become due between the time that the County initiates *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;

3. Any default interest charges applied to unpaid annual installments referenced in subs. (1) and (2) above, as provided in the supplemental agreement; and
4. Any default loan balance

h) "PACE Lender" means any person that makes a PACE loan, and which may include an affiliate of the borrower.

i) "PACE Loan" means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.

j) "Person" means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture, or other legal entity, or a pollical subdivision as defined in Wis. Stats. §66.06247.

k) "Program Administrator" means the person retained by the Wisconsin PACE Commission as provided in subsection (5)(b).

l) "Subject Property" means any premises located in the County on which energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.

m) "Supplemental Agreement" means a written agreement between a borrower, a PACE lender, and the County, as provided for in subsection (7).

n) "Wisconsin PACE Commission" means the Wisconsin PACE Commission formed under Wis. Stats. §66.031, as amended, by the County and on or more political subdivisions as defined in Wis. Stats. §66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stats. §66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

(4) PACE LOANS AS SPECIAL CHARGES; DELINQUENT AMOUNTS AS LIENS. Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to this Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant Wis. Stats. §66.0627, as amended.

(5) WISCONSIN PACE COMMISSION

a) Any of the powers and duties of the County under this Section, except for those under subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.

b) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stats. §66.0627, as amended.

(6) LOAN APPROVAL

a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.

b) The County shall approve the financing arrangements between the borrower and PACE lender.

(7) SUPPLEMENTAL AGREEMENT

a) The County, the borrower, and the PACE lender shall execute the supplemental agreement which, without limitation:

1. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stats. §66.0627, as amended;
2. Shall recite the amount and the term of the PACE loan;
3. Shall provide for the amount, or a method for determining the amount, of the annual

installment due each year;

4. Shall provide whether default interest may be applied to unpaid annual installments;
5. Shall require PACE lender and the borrower to comply with all federal, state, and local lending and disclosure requirements;
6. Shall provide for any fees payable to the County and/or Program Administrator;
7. Shall recite the supplemental agreement is a covenant that runs with the land;
8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender if any; and
9. May allow for amendment by the parties.

b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.

c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.

d) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stats. §66.0627, as amended.

e) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stats. §66.0627, as amended.

(8) ANNUAL INSTALLMENTS ADDED TO TAX ROLLS. Upon request of the Program Administrator the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Wis. Stats. §66.0627, as amended.

(9) REMITTANCE OF SPECIAL CHARGES. The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stats. Ch. 74, as amended.

(10) PROPERT TAX FORCLOSURE PROCEDURES.

a) The County elects to utilize the provision of §75.521, as amended, for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section as required.

b) The County shall begin an *in rem* tax foreclosure proceeding on the subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that the subject property is a "brownfield" (as defined in Wis. Stats. §75.106, as amended) or that the *in rem* property tax foreclosure is not in the best interest of the County due to the condition of the property or for other reasons.

c) If the County has determined that it will not commence an *in rem* property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stats. §75.106, as amended, assign the County's right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stats. §75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stats. §75.36(3)(a)1 and 1m, as amended.

(11) SALE OF FORECLOSED PROPERTY. If the County prevails in an *in rem* property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Wis. Stats. §75.69, as amended.

(12) DISTRIBUTION OF FORECLOSURE PROCEEDS. The County treasurer shall follow the procedures set forth in Wis. Stats. §75.36, as amended, to distribute the proceeds from the sale of a subject property.

CHAPTER 4

RESERVED FOR FUTURE USE

CHAPTER 5

RESERVED FOR FUTURE USE

CHAPTER 6

EMERGENCY GOVERNMENT

6.01 Policy and Purpose
6.02 Definitions
6.03 Emergency Management Oversight Committee
6.04 County Emergency Management Director
6.05 County Support
6.06 Duties of the County Emergency Management Director
6.07 Other Emergencies
6.08 Local Emergency Planning Committee
6.09 Emergency Management Plan
6.10 Use of Health Service Center
6.15 Penalty

6.01 POLICY AND PURPOSE

To ensure that the County will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from natural disasters, an emergency management organization is created to carry out the purposes set forth in Ch. 323, Wis. Stats.

6.02 DEFINITIONS

As used in this chapter:

All those activities and measures designed or undertaken to:

(a) Minimize the effects upon the civilian population caused or which would be caused by enemy action.

(b) Deal with the immediate emergency conditions which could be created by such enemy action.

(c) Coordinate emergency repairs to or the emergency restoration of vital public utilities and facilities destroyed or damaged by such enemy action.

ENEMY ACTION. Any hostile action taken by a foreign power which threatens the security of the State, including actions undertaken by domestic entities on behalf of a foreign power.

NATURAL DISASTER. Includes all other extraordinary misfortunes affecting the County, natural or man-made, not included in the definition of "enemy action."

6.03 EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE

(1) HOW CONSTITUTED. The Public Safety Committee of the County Board will be responsible for Emergency Management direction and control.

(2) DUTIES OF PUBLIC SAFETY COMMITTEE. The Public Safety Committee shall be an advisory and planning group and shall advise the County Emergency Management Director and the County Board on all matters pertaining to emergency management. It shall meet upon the call of the chairperson.

6.04 COUNTY EMERGENCY MANAGEMENT DIRECTOR

(1) DIRECTOR. There is hereby created the office of the County Emergency Management Director.

(2) APPOINTMENT. The Director shall be appointed by the County Board upon hire by the Sheriff's Office. The County Emergency Management Director shall hold office at the pleasure of the Sheriff's Office.

(3) COUNTY EMPLOYEE. The County Emergency Management Director shall be considered to be an employee of the County, not under civil service, and they shall be entitled to all of the rights, privileges, and benefits that County employees have.

6.05 COUNTY SUPPORT

The County Board shall provide offices, office furniture, and such stenographic help as may be necessary for the position of County Emergency Management Director and the cost thereof, including salaries, wages, necessary expenses, and other employee benefits.

6.06 DUTIES OF THE COUNTY EMERGENCY MANAGEMENT DIRECTOR

The Director, in the capacity as County Director, subject to the control and direction of the Public Safety Committee and under general supervision of the County Sheriff shall:

(1) Develop and promulgate emergency management plans for the County, consistent with the State plan of emergency management.

(2) Coordinate and assist in municipal emergency management activities as responsibility is County-wide.

(3) Direct the County emergency management program.

(4) Direct County-wide emergency management training programs and exercises.

(5) Advise the State Director of all emergency management planning for the County and render such reports as may be required.

(6) In case of a state of emergency proclaimed by the Governor, direct the County emergency management activities subject to the coordinating authority of the State Director.

(7) Perform such other duties relating to emergency management as may be required by the County Board.

6.07 OTHER EMERGENCIES

Natural or man-made disasters.

(1) If the Governor determines that an emergency exists growing out of natural or man-made disasters, then the County emergency management organization may be employed by the County Board to cope with the problems of the emergency.

(2) If an emergency affects the County, then the County Board may employ the County emergency management organization, the County Director, the facilities and other resources of such organizations to cope with the problems of local public emergencies, except where restrictions are imposed on property donated by the federal management.

6.08 LOCAL EMERGENCY PLANNING COMMITTEE

(1) The County Board hereby creates a Local Emergency Planning Committee as a part of the emergency management operation for administration and budgeting purposes.

(2) The Local Emergency Planning Committee shall have a minimum composition of representatives from agriculture, the County Board, emergency management, emergency medical services, fire protection, law enforcement, public education, and small business to expedite the planning process.

6.09 EMERGENCY MANAGEMENT PLAN

The County emergency management plan, and other emergency management planning, is hereby adopted by reference as the official program of the County for emergency management.

6.10 USE OF HEALTH SERVICE CENTER

The Wisconsin Army National Guard, Company B, 1st Battalion 632D Armor, shall have use of the gymnasium area and not more than 2 offices for a period not to exceed 4 days as an alternate assembly area in the event of a national emergency. The use of the building would occur only if the National Guard Armory is destroyed or damaged beyond use prior to or during mobilization for a national emergency being defined as an act of aggression from a hostile country resulting in the activation of National Guard troops by the President of the United States.

6.15 PENALTY

No person shall willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation, or plan issued pursuant to this chapter or do any act forbidden by order, rule, regulation, or plan issued pursuant to the authority contained in this chapter. Except as otherwise provided herein, any person found in violation of any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided under 25.04 of this Code of Ordinances.

CHAPTER 7

TRAFFIC CODE
LANGLADE COUNTY TRAFFIC ORDINANCE

7.01 State Traffic Laws Adopted
7.02 Official Traffic Map and Control Devices; Prohibited Signs, Signals and Markers
7.03 Speed Limits
7.04 Through Highways and Controlled Intersections
7.05 No Passing Zones
7.06 Weight Limits and Heavy Traffic Routes
7.07 Parking Regulations
7.08 Abandoned Vehicles
7.09 Accident Reports
7.10 Display of Power Prohibited
7.15 Penalties
7.16 Enforcement
7.17 Repeals

7.01 STATE TRAFFIC LAWS ADOPTED

Except as otherwise specifically provided in this chapter, the statutory provisions in Chapters 340 to 348 and 350, Snowmobiles, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the State.

7.02 OFFICIAL TRAFFIC MAP AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS

(1) DUTY OF COUNTY HIGHWAY DEPARTMENT TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES

Whenever traffic regulations in this chapter, including State traffic regulations adopted by reference in 7.01, require the erection of traffic control devices for enforcement, the County Highway Department shall procure, erect, and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulations to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such manner as in the judgment of the County Highway Department will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the County.

(2) CODE NUMBERS TO BE AFFIXED TO OFFICIAL TRAFFIC CONTROL DEVICES

The County Highway Department shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under sub. (1) a code number assigned by the Wisconsin

Department of Transportation and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State.

(3) OFFICIAL TRAFFIC MAP

(a) Established. There is hereby established an official traffic map for the County upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings, and all other restrictions or limitations contained in this chapter as from time to time amended or modified by the County Board when the laws of the State require the erection or use of official traffic control devices to enforce such restrictions or limitations.

(b) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions, and limitations shown on the official traffic map are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition, or limitation shown on the official traffic map shall be a violation of the provisions of this chapter.

(c) Map to be Maintained. A copy of the official traffic map shall be maintained and displayed in the office of the County Sheriff's Office and County Highway Department.

(d) Additions to Map. The County Board may from time to time make additions to or deletions from the official traffic map and the County Highway Commissioner shall keep such official traffic map current.

(4) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS

No person other than an official authorized by this chapter to erect and maintain official traffic control devices or his designees shall place within the limits of any street or highway maintained by the County any sign, signal, marker, mark, or monument unless permission is first obtained from the County Highway Commission or State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in par. (3)(b) shall be subject to removal as provided in sub. (5).

(5) REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES

The County Highway Commissioner may remove any sign, signal, marking, or other device that is placed, maintained, or displayed in violation of this chapter or State law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the County Highway Commissioner to the County Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special County taxes.

7.03 SPEED LIMITS (RS #113-95)

The County Board hereby determines that the statutory speed limits on the following highways or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits as indicated. With the approval of the Wisconsin Department of Transportation, speed limits are decreased as indicated upon the following highways or portions thereof:

(1) 25 MPH

CTH "F", Town of Antigo. From STH 52 to city limits.

CTH "K", Elcho. From U.S. 45 to Riordan St.

CTH "M", White Lake. From 900' south of Kriewaldt Rd. to the south side of Erdman Rd.

(2) 30 MPH
CTH "A", Neva. 1,000' south of CTH "B" to 1,450' north to CTH "B".

(3) 35 MPH
CTH "B", Kempster. From east CTH "J" south 1,200' and west CTH "J" north 1,250'.

CTH "B", Summit Lake. From 1,200' south of Summit Lake Rd. to 850' north of Summit Lake Rd.

CTH "C", Neva. From USH "45" to CTH "B".

CTH "E", Deerbrook. North of CTH "B" 1,000' to CTH "C".

CTH "F", Town of Antigo. From city limits easterly 2,365'.

CTH "K", Elcho. From Riordan St. to 450' east of Elk Rd.

CTH "K", Post Lake. From Turtle Lake Dr. to 2,680’ west of Pratt Rd.

CTH"X", Towns of Antigo and Rolling. From Hwy 45 west to Dorr St.

CTH "Y". From U.S. 45 to Wausau Rd.

CTH "Y", Town of Antigo. From USH "45" easterly 5,950'.

(4) 45 MPH
CTH "B", Summit Lake (Town of Upham). (ORD #2-92) From USH 45 north 3,800' to a point 1,200 south of Summit Lake Drive.

CTH "B" Summit Lake (Towns of Upham and Elcho). (ORD #2-92) From a point 850' north of Summit Lake Rd. north 1.32 miles to USH 45.

CTH "K", from Fish Lane to the existing 35 mph speed limit located 450' east of Elk Road. (ORD #4-2008)

CTH "M", White Lake (Town of Wolf River). (ORD #9-2000) From State Highway 64 to the Village of White Lake limits.

CTH "T", from STH "55" to the bridge over the Wolf River in Pearson.

CTH "TT", from CTH "T" to CTH "A".

7.04 THROUGH HIGHWAYS AND CONTROLLED INTERSECTIONS

(1) HIGHWAY COMMITTEE TO DESIGNATE
The Highway Committee in the interest of public safety shall designate those highways within the County's jurisdiction which are through highways and shall provide for installation and maintenance of traffic control devices in accordance with the Wisconsin Official Traffic Control Device Manual.

(2) CONTROLLED INTERSECTIONS DESIGNATED

In the interest of public safety, the following intersections are declared controlled intersections and traffic control signals shall be installed thereon in conformity with the Wisconsin Official Traffic Control Device Manual and the provisions of this chapter: (Reserved)

(3) DESIGNATION OF LOCATION OF STOP SIGNS
The County Highway Committee in the interest of public safety is authorized to erect stop signs conforming to the Wisconsin Official Traffic Control Device Manual on highways over which the County has exclusive jurisdiction.

(4) YIELD SIGNS TO BE ERECTED
The Highway Commissioner is authorized to erect yield right-of-way signs conforming to the Wisconsin Official Traffic Control Device Manual at the following intersections on highways in the exclusive jurisdiction of the county, provided that if the intersected highway is part of a through highway designated under sub. (1), 346.18(3), Wis. Stats., applies: (Reserved)

(5) OPERATORS TO OBEY TRAFFIC CONTROL DEVICES
Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this section shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by references in 7.01 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by 346.18(6), Wis. Stats.

7.05 NO PASSING ZONES

(1) HIGHWAY COMMITTEE TO DESIGNATE
The County Highway Committee is directed to designate and mark no passing zones on all County trunk highways in accordance with the Wisconsin Uniform Traffic Control Device Manual.

(2) PASSING PROHIBITED
When "No Passing Zone" markers or signs giving notice thereof are erected or placed on the pavement as provided in this section, no person shall operate a vehicle so as to overtake or pass another vehicle or drive to the left of the center of the roadway in designated no passing zones.

7.06 WEIGHT LIMITS AND HEAVY TRAFFIC ROUTES

(1) CLASS "B" HIGHWAYS DESIGNATED
The County Highway Committee is authorized to designate any County highway or part thereof to be Class "B" highways for the purposes of putting into effect the weight limitations imposed on Class "B" highways by Wisconsin Statutes adopted by reference in 7.01 of this chapter.

(2) PERMITS
The County Highway Commissioner may issue permits for vehicles and loads of excessive size and weight under the terms, provisions and fees as authorized under 348.25 through 348.28, Wis. Stats.

7.07 PARKING REGULATIONS

(1) PARKING PROHIBITED AT ALL TIMES
(Ord. #1-96) Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle upon any of the following highways or parts of highways:

CTH "A", Neva Corners. From CTH "B" south 50' on each side of road. (No parking here to corner.)

CTH "M", White Lake. Between Center St. and School St. on west side of road. (No parking.)

CTH "M", White Lake. From Jct. CTH "M" and School St. south 50' on east side of road. (No parking here to corner.)

Town of Elcho

No parking on the east side of Minola Street from Rummel Street to Owano Street.

No parking on either side of US Highway 45 from Enterprise Lake Road south to Cole Street, except where posted "two (2) hour parking permitted" (see paragraph 7.07(2) below).

No parking on the south side of Owano Street from US Highway 45 west to Minola Street.

No parking on either side of Dorr Street from CTH "K" south to Cole Street.

No parking within 15 feet of any fire hydrant.

(2) PARKING PROHIBITED DURING CERTAIN PERIODS
(ORD #1-96) No person shall park or leave standing any vehicle upon any of the following highways at the time indicated, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

Town of Elcho

No parking on the west side of Minola Street from Rummel Street north to Owano Street during school hours.
Thirty (30) minute parking is permitted on the north side of Owano Street from US Highway 45 west to Minola Street and also parking is permitted for school personnel and for bus loading and unloading, where posted.

No parking on either side of Owano Street from Minola Street to Arcola Street during school hours.

Two (2) hour parking is permitted on the west side of US Highway 45 a distance of 196' from Rummel Street south to Cole Street, where posted.

Two (2) hour parking is permitted on the east side of US Highway 45 a distance of 176' from CTH "K" south to Cole Street, where posted.

Two (2) hour parking is permitted on the east side of US Highway 45 a distance of 109' from Owano Street south to CTH "K", where posted.

(3) MISCELLANEOUS PARKING RESTRICTIONS
(a) Street maintenance. Whenever it is necessary to clear or repair a County roadway or any part thereof, the County Highway Department shall post such highways or parts thereof with signs bearing the words "No Parking - Street Maintenance Work." Such signs shall be erected at least 2 hours prior to the time that street maintenance work is to be commenced. No person shall park

a motor vehicle in violation of such signs.

(b) Parking in Driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(c) Handicapped Parking. When official traffic signs indicating such restriction have been erected in accordance with 7.02 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically handicapped person.

(d) Posted Parking Restrictions in County Parking Lots (ORD #8-2000)

(1) No overnight parking: No person shall park a motor vehicle overnight in any County parking lot posted "No Overnight Parking."

(a) Exceptions: County-owned vehicles.

(2) Posted Time Limits: No person shall exceed the posted time limit for parking a motor vehicle in a County parking lot.

(3) Posted Parking Restrictions: No person shall park a motor vehicle in a County parking lot in violation of the posted parking restrictions.

(4) Penalties: Any vehicle in violation of this Section 7.07(3)(d) may be towed at the owner's expense pursuant to Section 7.07(5) of this Chapter, (ORD.9-98), in addition to the issuance of a parking citation set forth in Section 7.16 of this Chapter.

(4) UNLAWFUL REMOVAL OF PARKING CITATIONS

No person other than the owner or operator thereof shall remove a County parking violation ticket or notice from a motor vehicle.

(5) REMOVAL OF ILLEGALLY PARKED VEHICLES

(a) Hazard to Public Safety. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this section or 7.01 of this chapter is declared to be a hazard to traffic and public safety.

(b) Removal by Operator. Such vehicle shall be removed by the operator in charge upon request of any traffic officer to a position where parking is permitted or to a private or public parking or storage premises.

(c) Removal by Traffic Officer. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter is authorized to remove such vehicle to a position where parking is permitted.

(d) Removal by Private Service. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage, rental parking grounds or any facility of the person providing the towing services.

(e) Towing and Storage Charges. In addition to other penalties provided by 7.15 of this chapter, the owner or operator of a vehicle so removed shall pay reasonable costs of moving, towing and storage. If the vehicle is moved or towed by the County Sheriff's Department, a charge of $20 plus $.21 per mile shall be paid for moving or towing. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

(f) Refund of Towing or Storage Charges. Any person charged with a parking violation whose vehicle has been towed or stored in connection with such charge and who is subsequently adjudged not guilty of such violation shall be allowed a refund of any towing and storage charges paid upon filing with the County Clerk a certified copy of the judgment and a receipt showing payment of such charges.

(6) REGISTRATION RECORD OF VEHICLE AS EVIDENCE
When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing, or parking vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation or a comparable authority of any other State shall be deemed to have committed the violation for purposes of enforcement of this section and 7.01 of this chapter and shall be subject to the applicable forfeiture penalty, provided the defenses defined and described in 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

7.08 ABANDONED VEHICLES

(1) ABANDONMENT OF VEHICLES PROHIBITED
No person shall abandon any vehicle unattended within the County for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(2) DEFINITION
As used in this section, "vehicle" means a motor vehicle, trailer, semi-trailer, or mobile home as defined in 7.01 of this chapter, whether or not the vehicle is registered under Ch. 341, Wis. Stats.

(3) PRESUMPTION OF ABANDONMENT
Any vehicle left unattended for more than 72 hours on any public street or grounds or on private property where parking is prohibited, limited, or restricted without the permission of the owner or lessee is deemed abandoned and constitutes a public nuisance, provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of public view by permission of the owner or lessee.

(4) EXCEPTIONS
This section shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the County or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.

(5) REMOVAL AND IMPOUNDMENT OR SALE
Any vehicle found abandoned in violation of this chapter shall be impounded by the Sheriff's Department until lawfully claimed or disposed of as provided in this section. If the Sheriff or his authorized representative determines that towing costs and storage charges for the 30 day impoundment period [see sub.(6) would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of

the impoundment period upon determination by the Sheriff that the vehicle is not wanted for evidence or any other reason, provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with sub. (8) of this section.

(6) MINIMUM IMPOUNDMENT PERIOD
The minimum period or storage of a vehicle found in violation of this section shall be 30 days.

(7) NOTICE TO OWNER
The County Sheriff's Office removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Sheriff's Office of the abandonment and location of the impounded vehicle and shall within 10 days thereafter notify the owner and lienholders of record by certified mail of the impoundment and their right to reclaim the vehicle. The notice shall set forth the information contained in 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title, and interest in the vehicle and consent to a sale of the vehicle.

(8) SALE
Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in 342.40(3), Wis. Stats.

(9) SALE TO BAR CLAIMS AGAINST VEHICLE
The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims to and interest in such vehicle except as provided below.

(10) PURCHASER TO REMOVE VEHICLE
The purchaser of any vehicle on sealed bid or auction sale under sub. (8) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of $5 for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(11) REQUEST FOR LIST
Any listing of vehicles to be sold under this section shall be made available by the County Sheriff to any interested person or organization who makes a written request at a reasonable fee.

(12) NOTICE TO DEPARTMENT
Within 5 days after the sale or disposition of a vehicle under this section, the Sheriff shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(13) EXEMPTION

(a) Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall within 12 hours of such occurrence notify the County Sheriff's Office of the location of the vehicle and shall transfer and deliver clear title for such vehicle to the County, together with a fee to offset the cost of towing and junking charges, and shall be exempt from the provisions of this chapter,

(b) When so requested by the owner or person in charge of a vehicle, the Sheriff shall be authorized

to order such vehicle removed and junked directly from the scene of disablement by the Highway Department or contractor engaged by the County for towing of disabled vehicles. The provisions of sub. (11) shall apply to any vehicle removed under this subsection.

7.09 ACCIDENT REPORTS

(1) OPERATORS TO FILE

The operator of any vehicle involved in an accident resulting in injury to or death of any person or property damage to State or other government-owned property to an apparent total extent of $200 or more or total damage to property owned to an apparent extent of $500 or more shall within 10 days after such accident file with the County Sheriff's Office a copy of the report required by 346.70, Wis. Stats.

(2) REPORTS CONFIDENTIAL

Accident reports filed under this section shall be for the confidential use of the Sheriff's Office and shall not be open to public inspection, except as permitted by 346.73, Wis. Stats. Such reports shall not be used as evidence in any trial or proceeding.

7.10 DISPLAY OF POWER PROHIBITED

No person shall make unnecessary and annoying noises with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

7.11 RELOCATION OF UTILITIES WITHIN HIGHWAY RIGHT-OF-WAY

(1) Definitions and Purpose

(a) Definitions

Right of way: includes the area extending 33 feet from the centerline of the highway and any required setback distance from the highway that applies to the specific location.

Highway agency: means the Langlade County Highway Department or its designee.

Utility facilities: means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure, whether aboveground or underground, used for the transmission or distribution of electrical power or light; or the transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication services, including cable services.

(b) Purpose

The highway agency has the authority to designate where utility facilities may occupy the right-of-way. The agency may require the relocation of the facilities within the right of way or off the right of way when these facilities interfere with the construction, operation, maintenance, or safety of the highway.

The purpose of the Ordinance is to set forth the process of requesting the relocation of utility facilities in the highway right of way and imposing a penalty in the event the utility owner fails to comply with relocation requests on a timely basis.

(2) Requests to relocate utility facilities.

The highway agency shall provide the utility owner at least 180 days' notice in advance of the need to relocate its utility within the county highway right of way. The notice shall identify where the project is

occurring, the area in which the utilities must be relocated from, that the utility owner must provide a plan for where the utilities will be relocated to, the permitting requirements of the utility owner, the deadline by which the relocation must be completed, and any other information that the highway agency deems pertinent.

(3) Penalty for failure to timely relocate utility facilities.

In the event the utility owner fails to comply with the notice to relocate utility facilities, then the highway agency may impose a forfeiture of up to $1500 per day for each day of the continuing violation and/or relocate the utility and charge the utility owner for all costs, fees and expenses relating to the relocation of the utility. These forfeitures and remedies are in addition to any other remedies provided under the law.

(4) Conflict with other laws.

No provision in this Ordinance shall reduce or limit the obligations of a utility owner or operator concerning the installation, maintenance, permitting, marking, use, location, or relocation of its utilities set forth under any other applicable law or policy.

7.12 MAILBOX REGULATION

(1) GENERAL REQUIREMENTS:

All mailboxes shall meet U.S. Post Office, federal, and state requirements.

1. **Support:** The support should be a wood post, steel pipe, or steel channel installed no more than 24 inches in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42 inches but not to exceed a maximum of 48 inches above the ground surface. The support should be one of the following dimensions:
    a. Square wood post: 4 x 4 inch nominal
    b. Round wood post: 4-inch diameter
    c. Steel pipe: 1-1/2 inch inside diameter
    d. Steel channel: 2 pounds per foot

    Dimensions exceeding these will be deemed unacceptable and in violation of the ordinance.

    Mailbox supports must be designed so that if struck, it will bend or fall away from the striking vehicle to prevent severe damage to the vehicle or injury to the traveling public. Massive supports such as telephone poles, heavy metal posts, concrete posts, antique farm equipment, or other similar items are prohibited. The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports, but should not be embedded more than 10 inches into the ground.

    No other object, including, but not limited to, landscaping boulders or fences, may be placed near the mailbox on the right-of-way.
2. **Attachment:** The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck.

3. **Multiple mailboxes:** If possible, a resident's newspaper tube and mailbox shall be placed on the same post to avoid unnecessary posts within the public right-of-way. No more than two mailboxes should be mounted on one support post unless specifically approved by the County Highway Department. A lightweight newspaper tube mounted below a mailbox will not be counted toward this limit. For multiple installations, support posts must be spaced a minimum longitudinal distance apart, which is equal to three-

quarters of the height of the posts in the installation. Thus, for example, in an installation where posts are four feet above ground, they should be spaced three feet apart.

4. **Location:** Mailboxes must be located on the right side of the road in the carrier's travel direction and should be conveniently placed so the carrier does not have to leave the vehicle to deliver the mail. (The left side is permissible on one-way roads or streets.) They should be located on the far side of the driveways. The face of the mailbox must not extend over the outer edge of the shoulder.

5. Installations should avoid blind spots or poor sight distance locations.

6. The County will maintain a supply of standard drawings of approved mailbox installations for issuance.

7. The U.S. Postal Service states that customers must remove obstructions, including vehicles, trash cans, and snow, that impede the efficient delivery of mail. The Highway Department also encourages the removal of snow near mailboxes to help facilitate the safe and convenient delivery of mail, reduce potential conflicts between mail delivery vehicles and the traveling public, and reduce the possibility of damaged mailboxes resulting from repeated snowplowing and pushing of snow toward the mailbox.

(2) MAILBOX REPLACEMENT:

Langlade County will repair or replace mailboxes damaged only along County roads where it has been determined that:

1. Physical damage, which can be proven and documented by the resident of the County, was caused by actual County truck or equipment contact;

2. The mailbox is of standard design and placed in conformance with this ordinance and all other applicable regulations; and

3. The existing installation, mailbox, and mailbox post were in good condition and repair.

Langlade County will not replace mailboxes damaged along County roads where it has been determined that:

1. The mailbox was not of standard design or not placed in conformance with this Ordinance, even though it may have been damaged by County equipment;

2. The mailbox, post, and installation were not in good condition and repair; and

3. Evidence indicates that the weight of plowed snow resulted in damage to the mailbox and/or post.

The replacement of mailboxes by Langlade County shall be limited to a minimum standard U.S. Post Office mailbox with a standard 4" x 4" treated wood post. Special decorative mailboxes and/or posts will not be provided. If the resident wishes to install a decorative mailbox and/or post that meets standards, it and any replacement cost beyond the standard design shall be at the resident's expense.

(3) PENALTIES:

In the event that any mailbox is deemed to be an obstruction or a road maintenance problem or not in conformance with the ordinance or other applicable regulations by the Langlade County Highway Department, the owner of the mailbox shall be notified in writing that the mailbox does not comply with the Langlade County Mailbox Ordinance standards and shall be repaired or replaced, or moved as

necessary. Upon such notification, the resident shall have 30 days to make corrections in order to come into compliance with this ordinance. Any and all costs of repair or replacement, or removal shall be paid for by the resident, and if any resident fails to pay the same, and the county must incur such costs, such costs may be placed upon the tax rolls as a special assessment against the applicable property.

Mailboxes installed or maintained in violation of this ordinance shall also be subject to removal pursuant to section 86.04, Wis. Stats.

Langlade County may take such other enforcement action as set forth in Chapter 25 of the Code of Ordinances and as permitted under the laws of the State of Wisconsin.

If Langlade County is successful in any enforcement action, all Langlade County costs, including reasonable attorneys' fees and costs, shall be charged against the resident, and if the resident fails to pay the same, such costs may be placed upon the tax rolls as a special assessment.

(4) COUNTY NOT RESPONSIBLE FOR DAMAGE:

Except as specifically provided in this ordinance, Langlade County shall have no responsibility or obligation for the repair or replacement of mailboxes or supports that may become damaged in the course of County road maintenance activities, regardless of whether the location requirements of this ordinance have been followed. This ordinance is not intended to and shall not be construed to create any affirmative duty on the part of the Langlade County Highway Department to locate, remove, repair, or replace improperly installed or maintained mailboxes.

7.15 PENALTIES

(1) FORFEITURE PENALTY

Except as otherwise provided, the penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees as prescribed by S.S.814.63(1) and (2) or 814.65(1), Wisconsin Statutes, the penalty assessment for moving traffic violations, the driver improvement surcharge imposed by S.S.53.46(1), Wisconsin Statutes, where applicable. Payment of the judgment and applicable court costs, fees, assessments, and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge, or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefore and having jurisdiction of the case, be imprisoned until such forfeiture, costs, and assessment are paid, but not exceeding 90 days.

(2) OTHER SANCTIONS

(a) By Court

Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs, or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(a) By the County

No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the County Clerk, except a marriage, hunting, fishing, or dog license unless the forfeiture imposed for such violation and any penalty assessment, court costs, fees or surcharge is paid.

(3) FORFEITURES FOR VIOLATION OF MOVING TRAFFIC REGULATIONS

Forfeitures for violations of traffic regulations contained in the statutes adopted by reference in 7.01 of this chapter shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable statute, including any variations or increases for subsequent offenses, provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chapters 341 to 348, Wis. Stats., for which a fine or term of imprisonment may be imposed upon the defendant.

(4) FORFEITURES FOR PARKING VIOLATIONS (ORD. 6-2007)

(a) Issuance of parking citation for direct payment to the Sheriff's Office.

1. Violations of parking restrictions as listed in Section 7.07 may be enforced by the issuance of a parking citation pursuant to a Forfeiture Schedule. The Forfeiture Schedule is subject to revision and approval of the Public Safety Committee.

2. Persons cited under this section may discharge the penalty and avoid court prosecution by remitting the forfeiture to the Sheriff's Office within 48 hours of receipt of the citation. The amount of the forfeiture shall double if not paid within 48 hours.

3. If the forfeiture is not received within 15 days of the date the citation was issued, then a Wisconsin Uniform Traffic Citation shall be issued which includes all related court costs and assessments as included in the Forfeiture Schedule adopted by the Langlade County Circuit Court.

(b) Issuance of Wisconsin Uniform Traffic Citation for Parking, Stopping and Standing Offenses.

1. Violations of parking restrictions as listed in Section 7.07 may be enforced by the issuance of a Wisconsin Uniform Traffic Citation pursuant to the enforcement procedure set forth in Section 7.16 and in an amount as identified in the Forfeiture Schedule adopted by the Langlade County Circuit Court.

(5) OTHER VIOLATIONS

Any person who shall violate any provision of this chapter for which a penalty is not established by subs. (1) and (2) shall be subject to a penalty as provided in 25.04 of this Code of Ordinances.

7.16 ENFORCEMENT

This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

(1) APPLICABLE COURT PROCEDURES

Except as otherwise specifically provided by the statutes or this chapter, the traffic regulations in this chapter shall be enforced in the circuit court of the County in accordance with the provisions of Ch. 345 and 799, Wisconsin Statutes.

(2) CITATIONS

(a) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter, except those provisions which describe or define nonmoving traffic violations under SS7.10 of this chapter and violations of SS346.71 through 346.73, Wisconsin Statutes, shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases, except upon written request of the District Attorney.

(3) DEPOSITS AND STIPULATIONS

(a) Uniform Traffic Offenses

1. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and be released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes.

2. Delivery or Mailing of Deposit. The deposit shall be delivered personally by the person cited or mailed to the office of the Sheriff or Clerk of Court.

3. Receipt Required. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within 10 days to the Clerk of Court.

7.17 REPEALS

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

CHAPTER 8

MOTORIZED RECREATIONAL VEHICLE ORDINANCE

8.01 Authority and Purpose; State Law Adopted
8.02 Committee Appointment
8.03 Powers and Duties of Committee
8.04 Definitions
8.05 Operation of Motorized Recreational Vehicles
8.06 Non-Motorized Use of Motorized Recreational Trails
8.07 All-Terrain Vehicle (ATV) and Utility Terrain Vehicles (UTV) Trails and Routes
8.08 Snowmobile Trails and Routes
8.09 Off-Highway Motorcycle (OHM) Trails and Routes
8.10 Off-Highway Motor Vehicle Trails and Routes
8.11 Boats, Motorized Boats, and Personal Watercraft
8.12 Enforcement
8.13 Violations/Penalty
8.14 Severability
8.15 Effective Date
8.16 **Deposit Schedule**
Addendum #1- Forfeiture Schedule (2/26/24)
Addendum #2- ATV/UTV Routes Approved on Municipal Roadways (2/16/24)

8.01 AUTHORITY AND PURPOSE; STATE LAW ADOPTED

This ordinance has been created pursuant to County Board authority under Wisconsin Statutes §59.02, §23.33, §30.50, §346.94(19), §350, §23.335, §346.59 and Wisconsin Administrative Code NR §64 as amended; Wisconsin Statutes §350, and Wisconsin. Administrative Code NR §6 and Wisconsin Statutes §23.335, §346.59, and Wisconsin. Administrative Code NR §65 for the purposes of management of motorized recreational vehicles and establishment of Recreational Vehicle routes and trails, providing law enforcement to improve trail safety and to support the operations and maintenance of motorized recreation in Langlade County, Wisconsin.

1) STATE LAW ADOPTED Except as otherwise specifically provided in this chapter, the statutory provisions of the following Wisconsin Statutes and Wisconsin Administrative code with respect to ATV/UTV, Snowmobile, Off-Highway Motor Vehicles and motorized boats and exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this chapter as if fully set forth herein:
   a) Wis. Stats. §59.02-Power; how exercised; quorum, related to County procedure and authority to create an ordinance.
   b) Wis. Stats. §23.33-All-terrain and Utility Terrain Vehicles, current in its entirety or as may be amended.
   c) Wis. Stats. §30.50-Regulation of Boating, current in its entirety or as may be amended.
   d) Wis. Stats. §30.77-Local Regulation of Boating, current in its entirety or as may be amended.
   e) Wis. Stats. §23.335-Off-highway motorcycles, current in its entirety or as may be amended.
   f) Wis. Stats. §346.59-Motorcycles and Mopeds, current or as may be amended.
   g) Wis. Stats. §346.94(19)-Off-Road Utility Vehicles on Roadway, current or as may be amended.
   h) Wis. Stats. §350-Snowmobiles, current in its entirety or as may be amended.

i) Wis. Admin. Code NR §6-Wisconsin Standards Certification and Snowmobile Rail Crossings as it may relate to the chapter, current or as may be amended.
j) Wis. Admin. Code NR §64 All-Terrain Vehicles current in its entirety or as may be amended.
k) Wis. Admin. Code NR §50-Administration of Outdoor Recreation Program Grants and State Aids as it may relate to the chapter, current or as may be amended.
l) Wis. Admin. Code NR §65-Administration of Off-Highway Motorcycle (OHM) Program as it may relate to the chapter, current or as may be amended.

8.02 COMMITTEE APPOINTMENT

The Langlade County Board hereby assigns oversight and policy-making jurisdiction under this ordinance to the Committee of this Board known as the Forestry and Recreation Committee. This committee shall coordinate with the County Highway committee for properties and agreements that are under the jurisdiction of the Highway Committee and Municipalities for changes requiring municipal actions as required by Statute.

8.03 POWERS AND DUTIES OF THE COMMITTEE

a) SCOPE. The provisions of this ordinance shall apply to all motorized recreational vehicle trails and routes Countywide, sponsored, controlled, or administered by Langlade County. All such trails or routes shall be shown on an official map or listing at the Forestry, Parks, and Recreation Department located at 1633 Neva Road, Antigo, Wisconsin 54409
b) PERSONNEL. The Committee shall oversee and create motorized trail policy for the County Forestry, Parks and Recreation Department subject to the approval of the County Board. Langlade County shall employ a County Forestry, Parks, and Recreation Administrator as its agent regarding motorized recreational trails and routes and other competent personnel as the Board may authorize to direct, perform, and enforce the administration and management functions of this chapter.
c) MODIFICATION OF THE ORDINANCE. The Committee shall oversee necessary modifications of this Chapter, subject to the approval of the County Board. The Committee shall oversee modifications of operational policy which will not require approval of the County Board. Changes to the ordinance resulting from City, Village, or Town Actions under their statutory authority, when properly posted and approved, will be incorporated into this ordinance as an addendum not requiring Board approval. To keep recreational users current, City, Village, and Town governments retain the responsibility to provide changes from local actions to the Forestry, Parks, and Recreation Department when those changes occur.

8.04 DEFINITIONS

1) CHAPTER Shall be defined as Chapter 8- Langlade County Motorized Recreational Vehicles Ordinance.
2) COMMITTEE Shall be defined as the Langlade County Forestry and Recreation Committee
3) DEPARTMENT Shall be defined as the Langlade County Forestry, Parks, and Department.
4) ELECTRIC BICYCLES(E-BIKES) The state of Wisconsin (WI) defines an electric bike as a bicycle with a motor attached. E-bikes are classified as "motor bicycles," and are regulated like bicycles, so long as the bicycle's motor has a maximum power output of 750w, has pedals that propel the bike with human power and the bike doesn't exceed 20mph.
5) ALL TERRAIN VEHICLE (ATV) Wisconsin law, Chapter 340.01 (2g) of Wisconsin Statutes, defines an all-terrain vehicle as a commercially designed and manufactured motor-driven device which has a net weight of 900 pounds or less, *was originally manufactured with a width of 50 inches or less,* equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on three or more tires. This includes small or child-sized ATVs. Certain ATVs that do not currently fit the ATV definition may be registered as UTVs. The chapter definition of ATV shall conform to current Wisconsin Statutes or definitions as may be amended in the future under appropriate Statutes. The following do not meet legal ATV specifications:
   a) Any recreational vehicles or machines that do not meet the statutory specifications for ATVs.

b) An ATV modified with tracks, skis, etc.
c) Machines that can be legally registered as UTVs.
d) An off-road motorcycle.
e) 6-8 wheel amphibious vehicles.
f) A go-cart or golf cart.
g) Golf cart: a vehicle in which the speed attainable in one mile does not exceed 20 mph on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
h) A homemade or non-commercially manufactured machine.

6) UTILITY TERRAIN VEHICLE (UTV) Wisconsin law Chapter 23.33.(1)(ng) of Wisconsin Statutes, defines a utility-terrain vehicle as a commercially designed and manufactured motor-driven device that is designed to be used primarily off highway and originally manufactured and equipped with all of the following: a weight, without fluids, of 3,000 pounds or less; four or more tires; steering wheel; tail light; brake light; two headlights; width of not more than 65 inches; seat belts; and roll bar or similar device designed to reduce the likelihood that an occupant would be crushed as the result of a rollover. This includes small or child-sized UTVs. Vehicles that do not qualify as an ATV as defined in ss.340.01(2g) but are commercially designed and manufactured, motor-driven devices that contain 3 or more tires, a weight without fluids of 2000 pounds or less, a width of 65 inches or less and a seat designed to be straddled by the operator may also be registered as a UTV. The following do not meet legal UTV specifications: A motor-driven device that meets federal motor vehicle safety standards. The chapter definition of UTV shall conform to current Wisconsin Statutes or definitions as may be amended in the future under appropriate Statutes. The following do not meet the specifications of a Utility Terrain Vehicle:
   a) A UTV modified with tracks, skis, etc.
   b) A dune buggy or golf cart.
   c) Golf cart: a vehicle in which the speed attainable in one mile does not exceed 20 mph on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
   d) Vehicles that meet the legal definition of a low-speed vehicle.
   e) A mini-truck.
   f) A homemade or non-commercially manufactured machine.
7) OFF HIGHWAY MOTOR CYCLE (OHM) Wisconsin Statutes define an OHM as any 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether the motor vehicle is also designed for use on a highway.
8) *OFF HIGHWAY MOTOR VEHICLE* (OHMV) Wisconsin Statutes define "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a trail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power. OHMV under the Chapter shall be all vehicles defined as Motor Vehicles which are operating or located off from defined public roadways. OHMV typically include trucks, jeeps, cars, and motorcycles which can meet licensing requirements for road use but are commonly modified to allow for efficient off-road use. OHMV operating on defined road routes may or may not meet standards for motor vehicles on a public roadway including wheel size limitations, width limitations, fender requirements, or other non-standard modifications for off-road use.
9) SNOWMOBILE Wisconsin law, Chapter 340.01 (58a) of Wisconsin Statutes, defines a snowmobile as an engine-driven vehicle that is manufactured solely for snowmobiling that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow. All snowmobiles must be 48 inches wide or less. This includes a child-sized snowmobile. A vehicle that has inflatable tires is not considered a snowmobile even if skis are attached. An ATV or similar machine that is converted with an aftermarket kit, complete with skis and a track cannot be registered as a snowmobile and cannot be driven on public snowmobile trails.

10) SHARED USE TRAIL shall be defined under the Chapter to include any trail that is utilized by multiple user groups at various times of the year. These trails may include but not be limited to ATV/UTV, OHM, Snowmobile, Bicycle, Equestrian, and Hiking utilizing the same trail on the same property.
11) TRAIL COUNCIL A group which has been officially established as an independent entity under articles of incorporation with goals of providing cooperation and unity between trail clubs which operate, maintain, and promote specific trails and trail types in Langlade County.
    a) Recognized Trail Councils in Langlade County:
        i) Langlade County ATV/UTV Council
        ii) Langlade County Snowmobile Council
12) TRAIL CLUB A group which has been officially established as an independent entity under articles of incorporation with goals of operating, maintaining, and promoting specific trails and trail types in Langlade County.
    a) Recognized Motorized Trail Clubs in Langlade County:
        i) ATV/UTV Clubs
            (1) Wolf River Riders ATV Club
            (2) Parrish Highlanders ATV/UTV Club
            (3) Antigo ATV/UTV Club
            (4) White Lake ATV/UTV Club
        ii) Snowmobile Clubs
            (1) Antigo Sno-Drifters
            (2) Bryant Ridge Runners
            (3) Deerbrook Bridge Runners
            (4) Lily Sno-Birds
            (5) Northwoods Boulder Lake Sno-Goers
            (6) Phlox Winter Knights
            (7) Polar Blazers
            (8) Tombstone-Pickerel Sno Club
            (9) 100 Mile Snow Safari
        iii) Off-Highway Motorcycle Clubs
            (1) None Identified
        iv) Off-Highway Motor Vehicle Clubs
            (1) 4 Lakes 4 Wheelers, Inc.
            (2) Greater MKE 4X4, Inc.
13) TRAIL OPENING Authorization was made by Langlade County to sanction the use of specific trails within the county. Official Trail opening is accomplished by an act of the Department to provide a Public Service Announcement to sanction opening specific trails on a certain date and at a certain time. The established practice for seasonal opening is for trail clubs or Councils to provide certification for safe trail conditions prior to sanctioning the opening.
14) TRAIL CLOSURE Authorization was made by Langlade County to sanction the closure of specific trails within the county. Official Trail Closure is accomplished by an act of the Department to provide a Public Service Announcement to sanction the closing of specific trails on a certain date and at a certain time. The established practice for seasonal closure is for trail clubs or Councils to provide certification for deteriorating conditions resulting in unsafe conditions prior to sanctioning the closing; however, the Department reserves the authority to close the trails at any time for any reason.
15) TRAIL MAINTENANCE SEASON A specific term of dates within any year when trail maintenance by trail clubs is planned and authorized. This season may be dependent upon agreement from landowners on which particular trails cross.

16) PLANNED TRAIL SEASON A specific term of dates within any year which sets planned seasonal trail opening dates and seasonal trail closing for specific trail types.
17) ACTUAL TRAIL SEASON The actual term of dates within any year when trail conditions provide for trail operation of specific trail types. This is the term between Public Service Announcement for opening and Public Service Announcement for closing of specific trail types.
18) UNCLASSIFIED RECREATIONAL VEHICLES (URV) Any recreational vehicle or machine that does not meet the statutory specifications for ATV, UTV, Off-Highway Motorcycle, Off-Highway Motor Vehicle, or Snowmobile that is operated for recreational use or transportation shall be considered URV under the Chapter. The following types of vehicles are examples of URVs:
    a) E- Bicycles.
    b) 6-8 Wheel Amphibious Vehicles.
    c) Tractors and lawn tractors utilized as alternative transportation.
    d) A go-cart.
    e) Golf cart: a vehicle in which the speed attainable in one mile does not exceed 20 mph on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
    f) A UTV or ATV modified with tracks, skis, etc.
    g) A dune buggy or golf cart.
    h) Vehicles that meet the legal definition of a low-speed vehicle.
    i) A mini-truck.
    j) A homemade or non-commercially manufactured machine.
19) MOTORIZED RECREATIONAL VEHICLE (MRV) shall be defined under the chapter to include all ATV, UTV, OHM, OHMV, SNOWMOBILE, or URV operated off from officially defined roads to include all operation on lands, trails, routes or ice in Langlade County.
20) MRV TRAIL shall be defined under the chapter to include trails designed for ATV/UTV, OHM, or Snowmobile use on public property or on private lands, subject to public easement or lease, authorized for use by ATV/UTV, OHM or Snowmobiles by the governmental agency having jurisdiction. Trails exclude roadways or highways.
21) MRV ROUTE shall be defined under the chapter to include public roadways or streets authorized for ATV/UTV, OHM, OHMV, or Snowmobile use under ordinances approved by the operating government of jurisdiction. Authorization of ordinances are subject to requirements and restrictions of Wisconsin Statutes for various roadway types and various MRV uses. Ordinances must be enacted by a municipality and/or county before operation may occur. Routes by statute are roadway portions, not the shoulder or other parts of the right-of-way (ROW), where MRV operation is authorized.
22) MRV TRAIL SYSTEM shall be defined under the chapter to include connecting ATV/UTV, OHM or snowmobile trails and routes are connected to a state-funded trail system for defined use.

23) MOTORBOAT shall be defined as any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion.
24) PERSONAL WATERCRAFT shall be defined as a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on, or sitting astride the watercraft.

8.05 OPERATION OF MOTORIZED RECREATIONAL VEHICLES (MRV)

1) PUBLIC LAND
    a) No person shall operate any MRV on public lands, trails, or roads unless authorized by the Federal, State, County, or Local agency controlling the lands under a permit issued by the agency (such as a power-driven mobility permit) and carried by the operator or **unless marked as open** to the specific MRV type used.

b) No person shall operate any MRV on public lands, trails, or roads **designated as closed** to vehicles by a sign, physical barrier, or gate (either open or closed) placed by the Federal, State, County or Local government agency controlling the lands.
c) No person shall operate any MRV off from established trail surfaces on public lands. Trail surfaces shall be signed and marked with uniform motorized recreational (ATV/UTV, OHM or Snowmobile) vehicle signs in accordance with Wisconsin Administrative Code
d) No person shall operate any MRV cross-country on public land.
e) Federal, State or County agencies controlling the lands shall be exempt from MRV use limitations in this subsection when MRV utilization is authorized for completion of duties on the public lands.

2) PRIVATE LAND
a) No person shall operate any MRV on private lands, trails, or roads unless authorized by the landowner.
b) No person shall operate any MRV off from established trail surfaces on private lands. Trail surfaces shall be signed and marked with uniform motorized recreational (ATV/UTV, OHM or Snowmobile) vehicle signs in accordance with Wisconsin Administrative Code.
c) Landowners of specific lands shall be exempt from MRV use limitations in this subsection on lands under their control.

3) DAMAGE BY MRV No person shall operate any MRV in such a manner as to cause intentional soil displacement, soil erosion, soil or water pollution or other environmental damage on any authorized trail, road, land, or water body.

4) MRV PARKING No person shall park, stop or leave standing, whether attended or unattended, any MRV in any manner as to block, obstruct, or limit the use of any road, trail, waterway, or facility, or contrary to posted notice.

5) MRV ENTRY INTO WATERBODY OR WETLAND No person shall enter any lake, stream, pond, wetland, or other waterbody with any MRV. Designated drivable fords which are part of an authorized trail are exempt from this subsection.

6) MRV SPEED
a) No person shall operate any MRV in excess of posted MRV speed limits on any road, route, trail or lake in Langlade County.
b) MRV speed shall not exceed posted limits for motor vehicles on authorized routes, or the speed limit posted for the MRV, whichever is less.

7) SINGLE FILE No person shall operate any MRV except single file on the right-hand side of authorized trails or routes.

8) UNCLASSIFIED RECREATIONAL VEHICLES (URV) No person shall operate any URV on any MRV Trail within Langlade County unless that person is the owner of the land which such trail crosses or authorized by a permit from the land manager for public lands.

9) OFF HIGHWAY MOTOR VEHICLES (OHMV) No person shall operate any OHMV on any MRV Trail within Langlade County unless that person is the owner of land of which such trail crosses or authorized by a permit from the land manager for public lands. Note that OHMV use is allowed on MRV Routes as regulated for public roadways.

10) PARENT OR GUARDIAN SUPERVISION AND LIABILITY Children under the age of 16 must be accompanied by an adult designated by the parent or guardian when operating any MRV on any route or lake in Langlade County. Supervision requirements don't apply on private property or for Off-Highway Motorcycles operating on established trails as allowed by State Statutes. Parents or guardians shall retain all liability for the operation of MRVs on any route by minor children.

11) MRV ON ROADWAYS
a) No person shall operate any MRV on a roadway unless the MRV meets all requirements as defined by DOT regulations or unless that roadway is designated by the Department of Transportation, County, or Municipality as an official Route.
b) No person shall operate any MRV on a roadway other than the extreme right side of the roadway and travel with the flow of traffic.

c) No person shall operate an MRV on a roadway other than in single file.
d) No person shall operate an MRV on a roadway without headlights illuminated at all times.
e) No person shall operate any MRV off the paved portion of roadways. Operation on gravel shoulders, grassy slopes, ditches, or other highway or road right-of-way is prohibited and illegal unless such area is part of an authorized and property-signed trail system.
f) All operators of MRV on a roadway shall yield the right-of-way to other vehicular traffic and pedestrians.

12) ADDITIONAL RESTRICTIONS DURING SNOWMOBILE SEASON
a) During the period from December 1st of any year and extending to April 1st of the following year no person shall operate any MOTOR VEHICLE, UTV, OHM, OHMV, or URV on any designated and marked snowmobile trail within Langlade County unless:
i) That person is the owner of the land of which such a trail crosses
ii) That person authorized by a permit from the land manager for public lands of which such trail crosses
iii) That person is officially completing snowmobile trail maintenance under a club maintenance agreement.
iv) Such trail section is plowed for motor vehicle use by actions of the land owner or land manager of such trail section
v) Rescue and official vehicles are exempt from this section.
b) During the period from December 1st of any year and extending to April 1st of the following year no person shall operate any ATV on any designated and marked snowmobile trail within Langlade County:
i) On any snowmobile trail located on National Forest Lands
ii) Unless the Langlade County Snowmobile trail system in the respective zone has been officially open for the previous 10 days and the temperature during operation is less than 28 degrees F.
iii) UTVs are not allowed to operate on snowmobile trails due to the weight and width of machines
iv) Rescue and official vehicles are exempt from this section.

13) RIVER OPERATION OF MOTORBOATS AND PERSONAL WATERCRAFT
a) No person shall operate any motorboat or personal watercraft on any river contrary to limitations as posted and identified in this chapter.

8.06 NON-MOTORIZED USE OF MOTORIZED RECREATIONAL TRAILS

Due to safety concerns with non-motorized uses on motorized recreational trails and mosaic of property ownership across Langlade County, non-motorized use of MRV trails is not advisable. Non-motorized users of MRV trails shall be aware of the following:

1) PEDESTRIAN, E-BICYCLE, BICYCLE AND EQUESTRIAN USE OF MRV TRAILS: MRV Trail use is based upon recreational agreements in place throughout the county with various landowners. Those recreational agreements provide for specific uses according to the agreement. Anyone that utilizes MRV trails to walk, ski, snowshoe or ride equestrian animals on any marked MRV trail may be subject to trespassing or other violations unless that person is the landowner, has permission from the landowner or is authorized through policy or agreement of the public entity managing the lands. The presence of trail signage does not allow for any and all recreational use of properties. People walking, skiing, snowshoeing, biking or riding equestrian animals on any MRV trails marked in Langlade County retain the responsibility to know the ownership of the lands and land regulations on the properties upon which they enter.

8.07 ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLES (UTV) TRAILS AND ROUTES

1) OFFICIAL ATV/UTV TRAILS -STATE FUNDED ATV/UTV TRAILS
a) GRANT FUNDING the Department will sponsor grant funding, upon request, and will aid trail clubs for grant applications related to the establishment and maintenance of official ATV/UTV trails. Official trails must meet specifications for State funding as identified in grant requirements. Grant funding may include but not be limited to State and Federal grant programs.

b) AGREEMENTS REQUIRED All ATV/UTV trails shall have a written easement, verbal easement or land use agreement between the operating trail club and the landowner or managing agency which meets the requirements of the landowner. Easements and land use agreement dates shall be certified by the operating trail club annually. Operating trail clubs shall also maintain an annual maintenance agreement with Langlade County.
   i) LAND USE AGREEMENTS Prior to acceptance as an official ATV/UTV trail or route and prior to County assistance with grant funding, trails on Langlade County Lands, State Lands, or Federal Lands shall be authorized by appropriate agency through a land use agreement with the operating club for such use. Other agencies have their independent requirements for land use agreements and processing requirements.
   ii) EASEMENTS. All ATV/UTV trails shall have a written easement, verbal easement or land use agreement between the operating trail club and the landowner or managing agency which meets requirements of the landowner. Easements shall be certified by the operating trail club annually as part of the annual operations and maintenance agreement.
   iii) TRAIL MAINTENANCE AGREEMENTS Trail clubs shall maintain an annual maintenance agreement with Langlade County. Annual maintenance agreements shall define the managing trail club as "the operator" of the trail segments. All maintenance agreements will include a requirement for liability insurance provided by the managing Trail club, naming Langlade County as an additional insured. Any and all trail maintenance agreements must be approved by the Department with signature of the Forest Administrator. Standard ATV/UTV Operations and Maintenance Agreements can be found in Appendix 1.
   iv) LIABILITY INSURANCE Annual maintenance agreements shall list parcel identification numbers for all lands. This requirement will provide protections to the landowners under Wisconsin Recreation Laws. All land parcel identification numbers shall also be designated by the operating trail club under their annual liability insurance policy to protect landowners. Trails sponsored by Langlade County in grant application shall also have Langlade County named as additional insured with a certificate filed and maintained by the Department.
c) MAINTENANCE OF OFFICIAL MAPS AND AGREEMENTS The department will maintain official maps and agreements for State Funded ATV/UTV trails which meet the requirement of the Chapter.
d) PLANNED TRAIL SEASON April 1st until December 1st of any year, depending upon weather, trail conditions and environmental conditions. Opening may be approved in any year with Forest Administrator approval and concurrence from the ATV/UTV Council. Actual trail season will be determined by official opening and closing announcements based upon adequate trail operating and environmental conditions as determined by Trail Clubs, the Langlade County ATV/UTV Council and the Department.
e) TRAIL OPENING Authorization will be made by Langlade County any time after April 1st of any year, to sanction use of ATV/UTV trails within the county upon receipt of certification forms from trail clubs and confirmation of a vote of the Langlade County ATV/UTV Council that safe and maintainable trail and conditions exist. The Department will approve opening dates following inspections by the department to confirm the certifications and ensure that environmental conditions allow sustainable operation of the trails. Trail opening will be completed with provision of a Public Service Announcement by the Department through local media outlets to sanction trail opening on specific dates and at a certain time.
f) TRAIL CLOSURE Authorization will be made by Langlade County to sanction closure of ATV/UTV trails within the county upon confirmation of a vote of the Langlade County ATV/UTV Council that trail conditions are deteriorating resulting in unsafe and unmaintainable trail surfaces or upon reaching December 1st of each year, whichever is earlier. Closure of trail segments or trail sections may be completed by the Department from inspections which identify safety issues, conflicting uses which provide for unsafe operation of the trail or for environmental and resource degradation resulting from trail operation or inadequate trail maintenance. Trail closures will be completed with provision of a Public

Service Announcement by the Department through local media outlets to sanction closing of trails on a specific date and at a certain time.

2) CLUB FUNDED TRAILS: Trails that do not meet specification to be state funded can be operated and maintained with private club funding. Langlade County does not sponsor or provide funding for Club trails. It is recommended that the club operating a club funded trail should maintain both easements and liability policies which protect landowners in all cases.
3) ATV/UTV ON STATE HIGHWAYS

ATV/UTV ROUTES — DEFINITION

i) ATV routes by statute are on the roadway portion of a highway and not the shoulder or other parts of the right-of-way (ROW). A roadway is defined in Wis. Stat. as the, "portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder." On a 2-lane rural highway, the “roadway” is the area between the fog lines (white lines). In an urban area, it is the area between the curbs.
ii) Wis. Stat. s. 23.33 allows all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) to operate on a state highway in certain cases, which are detailed in sections A - C below. An ATV ordinance must be enacted by a municipality and/or county before operation may occur.

ATV ROUTE DESIGNATION ON STATE HIGHWAYS

A town, village, city or county may enact an ordinance under Wis. Stat. s. 23.33(8)(b)1. to designate a highway not under its jurisdiction as an ATV route. In this case, ATV operation on a state highway or connecting highway is allowed only if WisDOT approves the route. WisDOT's approval consists of an ATV route order that is issued for the authorized segment of state or connecting highway. WisDOT will review all ATV ordinance drafts to verify that the termini of the authorized route are what WisDOT and the municipality or county agreed upon prior to issuing the route order.

iii) Under the Chapter all ATV/UTV routes on State Highways shall have a detailed listing of termini for each individual route
iv) ATV OPERATION ON STATE HIGHWAYS WITH SPEED LIMITS OF 35 MPH OR LESS WITHIN MUNICIPAL BOUNDARIES.
v) A town, village or city may enact an ordinance under Wis. Stat. s. 23.33(11) (am)4. to authorize the operation of ATVs on a highway that has a speed limit of 35 mph or less and is located within the territorial boundaries of the town, village or city regardless of who has jurisdiction over the highway. In this case, ATV operation on a state highway is not subject to WisDOT approval.
vi) WisDOT will review an ATV ordinance to verify that the statute language “authorize the operation” has been correctly used instead of “designated." Much of the state highway system operates with speed limits above 35 mph, and these higher speed highways remain off-limits to ATV use without approval from WisDOT. Speed limits on any highway are set after careful consideration to enhance safety and facilitate traffic flow for the traveling public and are typically not based on a specific type of vehicle.
vii) ATV/UTV AUTHORIZED ROUTES ON STATE HIGHWAYS.
No ordinances provided at this time.

4) ATV OPERATION OVER STATE HIGHWAY BRIDGES 1,000' IN LENGTH OR LESS

Under Wis. Stat. ss. 23.33(4)(d)3.b. and 11(am)3., ATVs may be authorized to operate on the roadway or shoulder of a highway to cross a bridge 1,000 feet or less in length that is located within the territorial boundaries of a county, city, village or town, regardless of who has jurisdiction over the highway, and only if a county and a city, village or town both enact ordinances that apply to the bridge. In this case, ATV operation on a state highway bridge is not subject to WisDOT approval.

i) Under the law, ATVs must exit the highway as quickly and safely as practicable after crossing the bridge. WisDOT defines this as the first available road authorized as an ATV route on either

side of the bridge that is not a dead end, or an ATV trail on WisDOT right-of-way that is established after crossing the bridge in which ATVs may use. A bridge is any structure (bridge, box culvert, etc.) over a navigable waterway, highway or railroad.

ii) A county, city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and that is located within the territorial boundaries of the county, city, village, or town regardless of whether the county, city, village, or town has jurisdiction over the highway.

iii) WisDOT reviews both municipal and county ATV ordinances developed under the two bridge statutes to verify that:

iv) The ATV route has the appropriate termini on each side of the bridge (the first available road or ATV trail as described above) and that both ordinances mention the same roads or trails.

v) Any such ordinance shall require a person crossing a bridge to do all of the following:
   (1) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
   (2) Stay as far to the right of the roadway or shoulder as practicable.
   (3) Stop the vehicle prior to the crossing.
   (4) Yield the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder.
   (5) Exit the highway as quickly and safely as practicable after crossing the bridge.

vi) The statute language "authorize the operation" has been correctly used instead of "designated."

vii) The term "jurisdiction" in sections A - C above refers to maintenance jurisdiction instead of the right-of-way (fee title) owner or highway easement owner.

viii) ATV operation been authorized with passage of Town and County Ordinances on the following segments of State Roadways for crossing of bridges:

Wolf River Bridge Crossing- Approximately 0.72 miles of Highway 64, from the intersection of Buettner Road east to the intersection of Highway 55 and approximately 0.14 miles of Highway 55 from the intersection of Highway 64 and Highway 55 south to the intersection of Blue Goose Drive. including the bridge across the Wolf River on Highway 64.

ATV TRAILS ON STATE HIGHWAY ROW

WisDOT may authorize an ATV trail within the ROW of a state highway if sufficient space is available, and the proposed trail does not affect the safety, maintenance and operation of the highway. ATV trails on state highways require a DT1504 permit from WisDOT, and a municipality or county must be the applicant. For more information on the permitting process, go to the STH connection permits webpage.

5) ATV/UTV ROUTES ON COUNTY ROADWAYS

ATV/UTV trail clubs and other interested parties can request the use of roadways from the County depending upon road conditions and speed limits. An established ATV/UTV club must request the route use through the Department. The operating ATV/UTV club shall provide for insurance coverage and maintenance as may be required by the County.

a) COUNTY TRUNK HIGHWAYS

i) By action of the County Highway Committee on June 14, 2023 removing the remaining County Highways from the listing of roadways limited, Langlade County authorizes the operation of ATV/UTV vehicles on County Trunk Highways for recreational purposes on all County Trunk Highways year-round.

b) COUNTY FOREST ROADS

i) Langlade County authorizes the operation of *ATV/UTV Vehicles on* County Forest Roads that are open to motor vehicle traffic or those identified as ATV/UTV trails by appropriate signage. Roadways or trails signed as closed to ATV/UTV or those with a physical barrier or gate are closed to ATV/UTV traffic.

6) ATV/UTV ROUTES ON MUNICIPAL ROADWAYS
Langlade County Townships may authorize the operation of ATV/UTV Vehicles on Town Roads. Route designation is an independent Town decision approved by a Town Resolution or Ordinance and subject to Town enforcement of such action. Information on designated ATV/UTV routes within the Municipal Roadways within Langlade County may be found on the Department website at www.langladeforestryandparks.com under the permits and regulations tab. A general description of the Town ordinances can be viewed in Addendum #2.

7) MAINTENANCE OF OFFICIAL MAPS AND AGREEMENTS: The Department will maintain official maps and resolutions for approved routes which meet the requirement of the Chapter.

8.08 SNOWMOBILE TRAILS AND ROUTES

1) OFFICIAL SNOWMOBILE TRAILS. STATE FUNDED SNOWMOBILE TRAILS
   a) GRANT FUNDING: The Department will sponsor grant funding upon request and will assistant trail clubs with grant applications related to establishment and maintenance of official Snowmobile trails. Official trails must meet specifications for State funding as identified in grant requirements. Grant funding may include but not be limited to State and Federal grant programs.
   b) AGREEMENTS REQUIRED All snowmobile trails shall have a written easement, verbal easement or land use agreement between the operating trail club and the landowner or managing agency which meets requirements of the landowner. Easements and land use agreement dates shall be certified by the operating trail club annually. Operating trail clubs shall also maintain an annual maintenance agreement with Langlade County.
      i) LAND USE AGREEEMENTS Prior to acceptance as an official Snowmobile trail or route and prior to County assistance with grant funding, trails on Langlade County Lands, State Lands, or Federal Lands shall be authorized by appropriate agency through a land use agreement with the operating club for such use. If the trail is proposed to be situated on County highway right-of-way, land use agreements shall be in cooperation with and the approval of the Langlade County Highway Committee. All trail designations on County lands shall be consistent with the Langlade County Forest Comprehensive Land Use Plan.
      ii) EASEMENTS All Snowmobile trails shall have a written easement, verbal easement or land use agreement between the operating trail club and the landowner or managing agency. All easements must be reviewed and approved the landowner either as a written agreement or verified verbally by the club. Easements shall be certified by the operating trail club annually in the trail maintenance agreement.
      iii) TRAIL MAINTENANCE AGREEMENT Trail clubs shall maintain an annual maintenance agreement with Langlade County. Annual maintenance agreements shall define the managing trail club as "the operator" of the trail segments. All maintenance agreements will include a requirement for liability insurance provided by the managing Trail club, naming Langlade County as an additional insured. Any and all trail maintenance agreements must be approved by the Forestry, Parks and Recreation Administrator.
      iv) LIABILITY INSURANCE Annual maintenance agreements shall list parcel identification numbers for all lands. This requirement will provide protections to the landowners under Wisconsin Recreation Laws. All land parcel identification numbers shall also be designated by the operating trail club under their annual liability insurance policy to protect landowners. Trails sponsored by Langlade County in grant applications shall also have Langlade County named as additional insured with a certificate filed and maintained by the Department.

c) MAINTENANCE OF OFFICIAL MAPS AND AGREEMENTS: The Department will maintain official maps and agreements for State Funded Snowmobile trails which meet the requirement of the Chapter. Check Department Capital
d) PLANNED TRAIL SEASON: Planned Trail season shall be December 1st through December 31st and January 1st through March 31st of any year, depending upon weather, trail conditions and consideration of Wisconsin Deer Hunting safety issues. Actual trail season will be determined by official opening and closing announcements based upon adequate trail operating and environmental conditions as determined by Trail Clubs, the Langlade County Snowmobile Council and the Department.
e) TRAIL OPENING Authorization will be made by Langlade County any time after December 1st of any year, to sanction use of Snowmobile trails within the county upon receipt of certification forms from trail clubs and confirmation of a vote of the Langlade County Snowmobile Council that safe and maintainable trail conditions exist. Trail opening will be completed by a Public Service Announcement by the Department through local media outlets to sanction trail opening on specific dates and at a certain time.
f) TEMPORARY TRAIL CLOSURE: Closure of trail segments or trail sections may be completed by the Department from inspections which identify safety issues, conflicting uses which provide for unsafe operation of the trail or for environmental and resource degradation resulting from trail operation or inadequate trail maintenance. Trail closures will be via Public Service Announcement by the Department through local media outlets to sanction the closing of trails on a specific date and at a certain time.
g) SEASONAL TRAIL CLOSURE Authorization will be made by Langlade County to sanction closure of Snowmobile trails within the county upon confirmation of a vote of the Langlade County Snowmobile Council that trail conditions are deteriorating resulting in unsafe and unmaintainable trail surfaces or upon reaching March 31st of each year, whichever is earlier. Closure of trail segments or trail sections may be completed by the Department from inspections which identify safety issues, conflicting uses which provide for unsafe operation of the trail or for environmental and resource degradation resulting from trail operation or inadequate trail maintenance. Trail closures be via a Public Service Announcement by the Department through local media outlets to sanction closing of trails on a specific date and at a certain time.

2) CLUB FUNDED TRAILS: Trails that do not meet specification to be state funded can be operated and maintained with private club funding. Langlade County does not sponsor or provide funding for Club trails. It is recommended that the club operating a club funded trail should maintain both easements and liability policies which protect landowners in all cases.
3) SNOWMOBILE ROUTES Snowmobile trail clubs and other interested parties can request the use of roadways, roadway shoulders and rights-of-way from the County, Towns and the State of Wisconsin depending limitations of roadways. The Department shall be the agency for maintenance of official Snowmobile route maps which meet the requirement of the Chapter.
4) SNOWMOBILE ROUTES ON COUNTY ROADWAYS Snowmobile trail clubs can request the use of roadways from the County depending upon road conditions and speed limits. An established Snowmobile club must request the route use through the Department. Any use of County property, including use of rights of way or travel on the paved surface shall be approved by the appropriate Committee of jurisdiction.
   a) COUNTY TRUNK HIGHWAYS
      i) Snowmobiles may operate on all Langlade County Trunk Highway Right-of-Ways and shoulders to provide access between a residence or place of domicile and any officially established snowmobile trails.
      ii) Langlade County may authorize the operation of Snowmobiles on County Trunk Highways.
      iii) Snowmobile Routes on County trunk highways shall be processed through the Forestry, Recreation and Land Department. Any use of County highway property will require approval by the Highway Committee.
      iv) APPROVED COUNTY TRUNK HIGHWAY SNOWMOBILE ROUTES ON RIGHTS OF WAY ARE INDICATED WHEN SUCH TRAILS ARE SIGNED AND PART OF THE OFFICIAL LANGLADE COUNTY SNOWMOBILE MAP

b) COUNTY FOREST ROADS
Langlade County authorizes the operation of Snowmobiles on County Forest Roads in locations where appropriately signed as a trail. Roads open to motor vehicle traffic are open to travel by snowmobile unless such roads are posted closed with signs or a barrier.

5) SNOWMOBILE ROUTES ON MUNICIPAL ROADWAYS
   a) Langlade County Municipalities may authorize the operation of Snowmobiles on roads under their jurisdiction. Access and Route designation is an independent Municipal decision approved by a Resolution.

6) SNOWMOBILE ACCESS FOR RESIDENTS AND LODGING ON MUNICIPAL ROADS
Municipalities may enact local ordinances to provide a means for persons to travel on Municipal roadways or roadway shoulders from a residence or lodging establishment via the shortest distance to access a snowmobile trail or route. Operators should contact the Municipality directly for information on access to and from residences and lodging establishments utilizing municipal roadways.
   a) Municipal Roads Open to Snowmobiles by Ordinance from Opening of Public Use Snowmobile Trail System to Close of Season Each Year.
   b) Municipalities may enact local ordinances is to provide a means for persons to travel on Municipal roadways or roadway shoulders from established snowmobile trails along roadways and roadway shoulders or for trail extensions through the developed areas or to provide access to local businesses. Designated snowmobile routes in Langlade County will either be signed by trail clubs or by municipalities on roadways that authorize use and subject to enforcement by the municipality. If or when municipal roads are requested or approved for Snowmobile use, the roads approved will be listed on the Department website at www.langladeforestryandparks.com under the permits and regulations tab.

7) MAINTENANCE OF OFFICIAL MAPS AND AGREEMENTS
The department will maintain official maps and resolution for approved routes which meet the requirement of the Chapter.

8.09 OFF HIGHWAY MOTORCYCLE (OHM) TRAILS AND ROUTES

1) OFFICIAL OHM TRAILS. The Department will sponsor grant funding upon request for establishment and maintenance of official OHM trails meeting specifications for State funded trails in Langlade County. In addition, OHM Clubs may establish and maintain Club funded trails within the County. Official maps and data including but not limited to insurance requirements, easement or agreement documentation and maintenance agreements shall be monitored and controlled by the Department in cooperation with the Wisconsin DNR.
   a) AGREEMENTS REQUIRED. All OHM trails shall have a written easement, verbal easement or land use agreement between the operating trail club and the landowner or managing agency which meets requirements of the landowner. Easements and land use agreement dates shall be certified by the operating trail club annually. Operating trail clubs shall also maintain an annual maintenance agreement with Langlade County.
      (1) LAND USE AGREEMENTS. Prior to acceptance as an official OHM trail or route and prior to County assistance with grant funding, trails on Langlade County Lands, State Lands, or Federal Lands shall be authorized by appropriate agency through a land use agreement with the operating club for such use. All trail designations on County lands shall be consistent with the Langlade County Forest Comprehensive Land Use Plan.
      (2) TRAIL MAINTENANCE AGREEMENT. Trail clubs shall maintain an annual maintenance agreement with Langlade County. Annual maintenance agreements shall define the managing trail club as "the operator" of the trail segments. All maintenance agreements will include a requirement for liability insurance provided by the managing Trail club, naming Langlade County as an additional insured.
      (3) LIABILITY INSURANCE. Operating trail clubs shall list parcel identification numbers for all lands with trails in annual maintenance agreements to provide protections to the landowners under

Wisconsin Recreation Laws. All land parcel identification numbers shall also be designated by the operating trail club under their annual liability policy.

2) CLUB FUNDED TRAILS. While the County does not sponsor or provide funding for Club trails, it is recommended that the club operating a trail should maintain both easements and liability policies which protect landowners in all cases.
3) OHM ROUTES. OHM trail clubs and other interested parties can request the use of roadways from the County, Towns and the State of Wisconsin.
   a) OHM ROUTES ON COUNTY ROADWAYS. OHM trail clubs can request the use of roadways from the County. An established OHM club must request the route use through the Department. Any use of County property, including use of rights of way or travel on the paved surface will require submission by the Department and approval by the appropriate Committee of jurisdiction. The operating OHM club shall provide for insurance coverage and maintenance as may be required by the County.
      i) COUNTY TRUNK HIGHWAYS.
         (1) Langlade County may authorize the operation of OHM vehicles on County Trunk Highways and rights-of-way. OHM Routes on County trunk highways shall be processed through the Forestry, Parks and Recreation Committee with cooperation of the Highway Committee. Any use of County highway property approval by the Highway Committee.
         (2) APPROVED COUNTY TRUNK HIGHWAY OHM ROUTES. The following County controlled roads are authorized as OHM routes for:
         No County Trunk Highways have been requested or approved.
   b) COUNTY FOREST ROADS.
      Langlade County may designate County Forest Roads which provide connection of OHM trails.
         (1) APPROVED COUNTY FOREST ROADS
         No County Forest Roads have been requested or approved.
4) OHM ROUTES ON MUNICIPAL ROADWAYS.
   Langlade County Municipalities may designate OHM routes on Municipal Roads. Route designation is an independent Municipal decision approved by a Resolution and subject to Town enforcement of such action.
   a) Municipal Roads Open to Off-Highway Motorcycles as Per Municipal Actions
   No Town Roads have been requested or approved at this time. If or when municipal roads are requested or approved for OHM use, the roads approved will be listed on the Department website at www.langladeforestryandparks.com under the permits and regulations tab.
5) MAINTENANCE OF OFFICIAL MAPS AND AGREEMENTS.
      i) The department will maintain official maps and resolutions for approved routes which meet the requirement of the Chapter.

8.10 OFF-HIGHWAY MOTOR VEHICLE (OHMV) TRAILS AND ROUTES

1) OFFICIAL OHMV TRAILS. The Department will sponsor grant funding upon request for establishment and maintenance of official OHMV trails meeting specifications for State or Federally funded trails in Langlade County. In addition, OHMV Clubs may establish and maintain Club funded trails within the County. Official maps and data including but not limited to insurance requirements, easement or agreement documentation and maintenance agreements shall be monitored and controlled by the Department in cooperation with the Wisconsin DNR.
   a) AGREEMENTS REQUIRED. All OHMV trails shall have a written easement, verbal easement or land use agreement between the operating trail club and the landowner or managing agency which meets requirements of the landowner. Easements and land use agreement dates shall be certified by the operating trail club annually. Operating trail clubs shall also maintain an annual maintenance agreement with Langlade County.
      (1) LAND USE AGREEMENTS. Prior to acceptance as an official OHM trail or route and prior to County assistance with grant funding, trails on Langlade County Lands, State Lands, or Federal Lands shall be authorized by appropriate agency through a land use agreement with the operating

club for such use. All trail designations on County lands shall be consistent with the Langlade County Forest Comprehensive Land Use Plan.

(2) TRAIL MAINTENANCE AGREEMENT. Trail clubs shall maintain an annual maintenance agreement with Langlade County. Annual maintenance agreements shall define the managing trail club as "the operator" of the trail segments. All maintenance agreements will include a requirement for liability insurance provided by the managing Trail club, naming Langlade County as an additional insured.

(3) LIABILITY INSURANCE. Operating trail clubs shall list parcel identification numbers for all lands with trails in annual maintenance agreements to provide protections to the landowners under Wisconsin Recreation Laws. All land parcel identification numbers shall also be designated by the operating trail club under their annual liability policy.

2) CLUB FUNDED TRAILS. While the County does not sponsor or provide funding for Club trails, it is recommended that the club operating a trail should maintain both easements and liability policies which protect landowners in all cases.

3) OHMV ROUTES. OHMV trail clubs and other interested parties can request the use of roadways from the County, Towns and the State of Wisconsin.

a) OHMV ROUTES ON COUNTY ROADWAYS.

OHMV trail clubs can request the use of roadways from the County. An established OHMV club must request the route use through the Department. Any use of County property, including use of rights of way or travel on the paved surface will require submission by the Department and approval by the appropriate Committee of jurisdiction. The operating OHMV club shall provide for insurance coverage and maintenance as may be required by the Committee of jurisdiction.

i) COUNTY TRUNK HIGHWAYS.

Langlade County may authorize the operation of OHMV vehicles on County Trunk Highways and rights-of-way. OHMV Routes on County trunk highways shall be processed through the Forestry, Parks and Recreation Committee with cooperation of the Highway Committee. Any use of County highway property approval by the Highway Committee.

(1) APPROVED COUNTY TRUNK HIGHWAY OHM ROUTES. The following County controlled roads are authorized as OHM routes for:

No County Trunk Highways have been requested or approved.

ii) OHMV ROUTES ON COUNTY FOREST ROADS.

Langlade County may designate County Forest Roads which provide connection of OHMV trails when appropriately sponsored by a club

(1) APPROVED COUNTY FOREST ROADS.

No County Forest Roads have been requested or approved.

b) OHMV ROUTES ON MUNICIPAL ROADWAYS.

Langlade County Municipalities may designate OHMV routes on Municipal Roads. Route designation is an independent Municipal decision approved by a Resolution and subject to Town enforcement of such action.

i) MUNICIPAL ROADS OPEN TO OFF-HIGHWAY MOTOR VEHICLES AS PER MUNICIPAL ACTIONS.

No Town Roads have been requested or approved at this time. If or when municipal roads are requested or approved for OHMV use, the roads approved will be listed on the Department website at www.langladeforestryandparks.com under the permits and regulations tab.

8.11 BOATS AND PERSONAL WATERCRAFT ON CERTAIN RIVERS

1) SPEED LIMITATIONS (SLOW- NO WAKE).

To provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources to sustain recreational use as allowed, the rivers as listed below

prohibit operation of any watercraft at speeds creating a wake **(SLOW-NO WAKE)** on the following segments of rivers:

a) Township of Elcho (E) (T34N, R11E)
   i) Wolf River within a boundary extending from the Lower Post Lake Dam (Clear Lake Road) in the Township of Langlade (Section 14, T34N, R11E) southeasterly including all segments in the Township of Elcho (E) (Sections 13,14, 24& 25, T34N, R11E).
b) Township of Ainsworth (N) (T34N, R12E).
   i) Wolf River within township boundary including all segments in the Township of Ainsworth (N) (Sections 30,31& 32, T34N, R12E).
c) Township of Ainsworth (S) (T33N, R12E).
   i) Wolf River within township boundary including all segments in the Township of Ainsworth (S) (Sections 6,8,9,13,22,23,2415,1631& 32, T34N, R12E).
d) Township of Langlade (S) (T32N, R13E).
   i) Wolf River within township boundary including all segments in the Township of Langlade (S) (Sections 2,3,11,12,13,24,25, T32N, R13E).
e) Township of Wolf River (C) (T32N, R14E).
   i) Wolf River within township boundary including all segments in the Township of Wolf River (C) (Sections19,30,31,32,33, T32N, R14E).
f) Township of Wolf River (S) (T31N, R14E and T31N, R15E).
   i) Wolf River within township boundary including all segments in the Township of Wolf River (S) (Sections 3,4,5,9,1015,22,23,25,26,27&35, T34N, R14E and Sections 30&31, T31N, R15E).

8.12 ENFORCEMENT

This Ordinance shall be enforced by the Langlade County Sheriff's Office or assigned staff within the Forestry, Parks and Recreation Department.

8.13 VIOLATIONS/PENALTY

The penalty for violation of any part of the chapter shall result forfeiture as set forth in the Deposit Schedule below, plus court costs and restitution for repairs to infrastructure or environmental damage that may be required.

8.14 SEVERABILITY

Should any portion of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

8.15 EFFECTIVE DATE

This Ordinance becomes effective immediately upon passage by the Langlade County Board of Supervisors and publication.

8.16 DEPOSIT SCHEDULE

The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with court costs and restitution as may be required. Forfeiture Schedule and Total Deposit- see Addendum #1.

ADENDUM 1- CHAPTER 8
MOTORIZED RECREATIONAL VEHICLE ORDINANCE

Addendum 1- CHAPTER 8- Motorized Recreational Vehicle Ordinance Uniform Schedule of Forefeitures		All violations may require restitution	
		Violation Forefeiture	Violation Forefeiture
Ordinance	Violation Description	1st Offense	Subsequent Offense
8.05 (1)(a)	Unauthorized MRV Use of Unmarked Trail (Public Lands)	$ 100.00	$ 200.00
8.05 (1)(b)	Unauthorized MRV Use of Trail Designated as Closed (signed, gated, bermed)	$ 200.00	$ 300.00
8.05 (1)(c)	Unauthorized MRV Use off from trail surface (Public Lands)	$ 200.00	$ 300.00
8.05 (1)(d)	Unauthorized MRV Use Cross Country (Public Lands)	$ 200.00	$ 300.00
8.05 (2)(a)	Unauthorized MRV Use of Unmarked Trail (Private Lands)	$ 300.00	$ 600.00
8.05 (2)(b)	Unauthorized MRV Use off from trail surface (Private Lands)	$ 300.00	$ 600.00
8.05 (3)	Damage by MRV (soil, water, environmental)	$ 300.00	$ 600.00
8.05 (4)	MRV Parking obstructing public access	$ 100.00	$ 200.00
8.05 (5)	MRV Entering Waterbody or Wetland	$ 300.00	$ 600.00
8.05 (6)(a)	MRV Speed in Excess of Posted MRV Limits	$ 100.00	$ 200.00
8.05 (6)(b)	MRV Speed in Excess of Posted MRV Limits (Motor Vehicle Speed)	$ 200.00	$ 400.00
8.05 (7)	MRV Operation Other than Single File	$ 100.00	$ 200.00
8.05 (8)	Operation of Unclassified Recreational Vehicle on MRV Trail	$ 100.00	$ 200.00
8.05 (9)	Unauthorized Trail Use by Off Highway Motor Vehicle	$ 100.00	$ 200.00
8.05 (10)	Unsupervised Use of MRV Routes by Chilren Under 16 years of Age	$ 200.00	$ 400.00
8.05 (11)(a)	Operation of MRV on unauthorized road routes	$ 100.00	$ 200.00
8.05 (11)(b)	Operation of MRV on road routes other than exteme right side	$ 100.00	$ 200.00
8.05 (11)(c)	Operation of MRV on road routes other than single file	$ 100.00	$ 200.00
8.05 (11)(d)	Operation of MRV on road routes without headlight at all times	$ 100.00	$ 300.00
8.05 (11)(e)	Operation of MRV on road routes off from pavement	$ 100.00	$ 300.00
8.05 (11)(f)	MRV Failure to yield right of way to vehicles or pedestrians	$ 100.00	$ 200.00
8.05 (12)(a)	Unauthorized Snowmobile Trail Use by Motor Vehicle, UTV, OHM, OHMV or URV	$ 150.00	$ 300.00
8.05 (12)(b)	Unauthorized Snowmobile Trail Use by ATV	$ 100.00	$ 200.00
8.05 (13)(a)	River Operation of Motorboats contrary to posted limitations (slow-no wake)	$ 100.00	$ 200.00

ADDENDUM #2
ATV/UTV ROUTES APPROVED ON MUNICIPAL ROADWAYS

a) **Town of Parrish-**All Town Roads are open to ATV/UTV traffic as per Town Ordinance dated December 11,2023. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

b) **Town of Elcho-**All Town Roads are open to ATV/UTV traffic as per Town Ordinance dated May 18, 2012. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

c) **Town of Ainsworth-**All Town Roads are open to ATV/UTV traffic as per Town Ordinance dated November 15, 2022. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

d) **Town of Summit-**All Town Roads are open to ATV/UTV traffic as per Town Ordinance dated January 9, 2024. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

e) **Town of Upham-**All Town Roads are open to ATV/UTV traffic as per Town Ordinance dated December 5, 2023. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

f) **Town of Langlade-**All Town Roads are open to ATV/UTV traffic as per Town Ordinance dated September 16,2016. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

g) Town of Neva-All Town Roads are open to ATV traffic as per Town Ordinance dated May 11, 2021. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

h) **Town of Evergreen-**All Town Roads are open to ATV traffic as per Town Ordinance dated November 14, 2023. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

i) **Town of Polar-**All Town Roads are open to ATV traffic as per Town Ordinance dated June 15, 2017. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

j) **Town of Antigo-**All Town Roads are open to ATV traffic as per Town Ordinance dated October 13, 2020. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

k) **Town of Ackley-**All Town Roads are open to ATV traffic as per Town Ordinance dated July 7, 2023. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

l) **Town of Rolling-**All Town Roads are open to ATV traffic as per Town Ordinance dated July 29, 2020. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

m) **Town of Norwood-**All Town Roads are open to ATV traffic as per Town Ordinance dated May 9,2016. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

n) **Town of Vilas-**The following Town Roads are open to ATV/UTV traffic as per Town Ordinance 1-99 (revised). A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office:
   i) Range Line road from southern end to Lloyd Creek road.
   ii) Lloyd Creek road from Range Line road to Mc Cloud road.
   iii) N Pratt road from Lloyd Creel road to Hwy H.

iv) Dump Lane form Mc Cloud road to north end.
v) Mc Cloud road from Hwy J to Hwy C.
vi) Jane Spur road from County Line road to Mc Cloud road.
vii) County Line road from Jane Spur to the south end of County Line road.
viii) Peterson road from Hwy C to the south end.
ix) Blue Bird Lane from Hwy C to the south end.
x) South Pratt road from Hwy C to Lloyd Creek road.
xi) Fieldler road from Hwy C to the south end.
xii) Hayes road from Hwy C to the south end.
xiii) Game Farm road from Hwy I to Hayes road.
xiv) Zaitz Lane from Hwy H to the west end.
xv) Wetzel lane from Hwy H to the west end.
xvi) Surty road from County Line road to the east end.

o) **Town of Peck-**All Town Roads are open to ATV traffic as per Town Ordinance dated January 10, 2024. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

p) **Town of Wolf River-**All Town Roads are open to ATV traffic as per Town Ordinance dated August 10, 2022. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office.

q) **Village of White Lake-**The following Village Roads are open to ATV/UTV traffic according to Village Ordinance A-6(b). A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office:
i) Robbins Street.
ii) Motion Street.
iii) Mill Street east of Birch Street.
iv) Birch Street.
v) Anderegg Street.
vi) Marked portion of Wood Street east of Bissell Street.
vii) Marked portion of Bissell Street north of Wood Street.
viii) Marked portion of Gamble Street east of South Shore Street.
ix) South Shore Street.
x) Lakeside Street.
xi) Church Street.
xii) Mytas Road to village limits.
xiii) Fire Street (an alley).
xiv) Legion Street (an alley).
xv) Marked alley between Anderegg Street and Lake Street.
xvi) Marked portion of Marathon Drive from Lakeside St. to N. Lake Lane.

A map of the routes for the all-terrain vehicle and snowmobile access routes in the village is available in the office of the village clerk.

r) **City of Antigo-**All City Roads other than the following are open to ATV/UTV traffic as per City Ordinance dated December 13, 2023. A copy of the ordinance is on file at the Forestry, Parks and Recreation Department Office. All city roads and streets are open to ATV/UTV traffic other than the following:
i) **Closed to ATV/UTV**-Highway 64 (aka: Century Ave.)
ii) Closed to ATV/UTV-Highway 45 (aka: Superior Street, South Superior Street and Neva Road).

Town of Price-All Town Roads are CLOSED to ATV/UTV traffic. No ordinance authorizing ATV/UTV use is in effect.

CHAPTER 9

PEACE AND ORDER

9.01 State Statutes Adopted
9.02 Regulation of Weapons Within County Buildings and Grounds
9.03 Fair and Open Housing
9.04 Juvenile Drinking Offenses
9.05 Truancy
9.06(1) Purchase or Possession of Tobacco Products by a Person Under 18 Years of Age Prohibited
9.06(2) Emergency Telephone Calls
9.06(3) Establish a Surcharge for the County-Wide "911" Emergency Telephone System
9.07(1) Restrictions on Keeping of Dogs
9.07(2) Provision of care, treatment or disposal services for animals taken into custody by Langlade County law enforcement
9.08 Restriction on the Sale or Gift of Cigarettes or Tobacco Products to a Person Under the Age of 18
9.09 Police Alarm Systems
9.10 Abuse and Interference with dogs used by the County Sheriff's Office
9.11 Jail Inmate Fees and Reimbursement of Expenses
9.12 Smoking Policy
9.13 Penalty

PEACE AND ORDER ORDINANCE - adopted & amended in 1975, amended by ORD. #3-82, amended by ORD. #6-2020

9.01 STATE STATUTES ADOPTED (last revised by ORD #20-2020)

The following enumerated sections of the Wisconsin Statutes, in connection with the described misdemeanor offenses, preceded by the numeral 9 to indicate their adoption as County ordinance violations, are hereby adopted and by reference made a part of this Code as of fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.

9.943.01(1)	Criminal Damage to Property
9.943.13	Trespass to land
9.943.14	Criminal Trespass to a dwelling
9.943.20(3)(a)	Petty Theft
9.943.21	Fraud on hotel or restaurant keeper
9.943.50(4)(a)	Shoplifting
9.946.41	Resist/obstruct an officer
9.947.01	Disorderly conduct
9.947.012	Unlawful use of telephone
9.947.013	Harassment

9.02 REGULATION OF WEAPONS WITHIN COUNTY BUILDINGS AND GROUNDS (ORD. #2-2011)

(1) WEAPONS PROHIBITED WITHIN COUNTY BUILDINGS AND GROUNDS

No person in the possession of a weapon shall enter or remain in any part of a building or grounds that is

listed as a prohibited area under State Statute (§175.60(16), Wis. Stat.) owned, occupied, or controlled by Langlade County, including but not limited to:

a) Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a division of criminal investigation special agent of the department.

b) Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.

c) Any portion of a building that is a county, state, or federal courthouse.

(2) APPLICABLE WEAPONS

This regulation applies to the following weapons:
firearm (Sec.167.31 (1) (c), Wis. Stats.), handgun, taser or other electric weapon (Sec. 941.295 (1c) (a), Wis. Stats.), a knife of any length including a switchblade knife (Sec. 941.24, Wis. Stats.) or billy club. This regulation does not apply to a pocket folding knife having a blade length of less than 3 inches.

(3) EXCEPTIONS

(a) This regulation does not apply to any weapon stored in a vehicle driven or parked in any of the grounds used for parking vehicles.

(b) This regulation does not apply to active law enforcement, circuit court judge, district attorney, assistant district attorney or any other personnel authorized by the circuit court judge in writing to be able to carry a weapon in a court house or court room per sec. 175.60(16)(b).

(4) CONSISTENCY

At all times, the provisions of this Ordinance shall be interpreted, applied and enforced consistent with Sections 66.0409 & 943.13 Wisconsin Statutes, any subsequent amendments thereto and any administrative regulations promulgated for the enforcement of the state-wide concealed carry weapons law. Any revisions to Sections 66.0409 & 943.13 Wisconsin Statutes are incorporated by reference herein.

(5) ENFORCEMENT

The Langlade County Sheriff's Office shall have the authority to take appropriate enforcement action pursuant to Chapter 943 of Wisconsin Statutes.

(6) PENALTIES

The penalties for violation of this Ordinance shall be established by Section 25.04 of the Langlade County Code of Ordinances.

(7) SEVERABILITY

In the event any section, subsection, clause, phrase or portion of this Ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this Ordinance. It is the legislative intent of Langlade County that this Ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

9.03 FAIR AND OPEN HOUSING

(1) The County Board of Langlade County hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto. Langlade County endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein; and recognizes familial status as a protected class as adopted by the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implemented under 24 CFR Part 14 et al (January 23, 1989). (ORD #1-95, ORD #5-98, ORD #5-2001)

(2) The officials and employees of the County of Langlade shall assist in the orderly prevention and removal of all discrimination in housing within the County by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

(3) The Housing Authority shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the County to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

9.04 JUVENILE DRINKING OFFENSES (ORD #1-82)

The following enumerated sections of the Wisconsin Statutes, preceded by the numeral 9 to indicate their adoption as County ordinance violations, in connection with the described juvenile drinking offenses, together with their respective penalties, are hereby adopted and by reference made a part of this chapter as if fully set forth herein, pursuant to 125.10(2), Wis. Stats. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the Statutes incorporated herein are intended to be made part of this section.

9.125.07(1)(a)3	Failing to Prevent Underage Drinking
9.125.07(1)(a)4	Contributing to Underage Drinking
9.125.07(4)(a)1	Procures or attempts to procure alcohol beverages
9.125.07(4)(a)3	Enters, knowingly attempts to enter or is on licensed premises
9.125.07(4)(a)4	Falsely represents age
9.125.07(4)(b)	Knowingly possesses or consumes
9.125.085(3)(b)	Identification card violations
9.125.09(2)	Possession of alcohol beverages on school grounds prohibited

Any person violating any of the subsections of this Ordinance shall be subject to the citation and forfeiture procedures of Wisconsin Statutes, Section 778.25.

9.05 TRUANCY AND HABITUAL TRUANCY

(1) It shall be unlawful for any person under 18 years of age to be a truant or to be a habitual truant. It shall be unlawful for any person to contribute to truancy.

(2) Definitions

(a) "Acceptable excuse" has the meaning given that term in Sec. 118.15 and 118.16(4), Wis. Stats.

(b) "Habitual truant" or “habitual truancy” means a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during a school semester.

(c) "Operating privilege" has the meaning given in Sec. 340.01, Wis. Stats.

(d) "Truant" or “truancy” means a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

(3) Referral of habitual truancy from school attendance officer

(a) A referral for habitual truancy to the Sheriff’s Office, shall include evidence that appropriate school personnel in the school in which the juvenile is enrolled has, within the school year during which the truancy occurred:

1. Met with or attempt to meet with the juvenile's parent or guardian to discuss the juvenile's truancy.

2. Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.

3. Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.

4. Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.

(4) Form of citation

Any citation issued shall be returnable in circuit court assigned to exercise jurisdiction under Chapter 938, Wis. Stats. The citation is to state on its face that this is a "must appear" citation, and no forfeiture amount is to be written on the face of the citation.

(5) Disposition Upon a finding the juvenile is habitually truant, a sanction may be imposed for violation of the dispositional order if at the time of judgment the court explained the conditions to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions. The following dispositions are available to the court:

(a) Suspension of operating privileges. Suspend the juvenile's operating privileges as defined in Wis. Stats. § 340.07(40) for not less than 30 days, nor more than 90 days. The judge shall immediately take possession of the suspended license and forward it to the state department of transportation, together with a notice setting forth the reason for and duration of the suspension.

(b) Counseling, service or work program. Order the juvenile to participate in counseling, community service or a supervised work program under Wis. Stats. 938.

(c) In-house restraint. Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a juvenile to leave home if the juvenile is accompanied by a parent or guardian.

(d) Educational programs. Order the juvenile to attend an educational program as set forth in Wis. Stats. 938.

(e) Revocation of work permits. Order the state department of labor to revoke a work permit to the juvenile.

(f) Teen court program. Order the juvenile to be placed in a teen court program if all of the following conditions apply:

1. The chief judge of the judicial administrative district has approved a teen court program established in the juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community.

2. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present.

3. The juvenile has not successfully completed participation in a teen court program during the two years before the date of the alleged violation.

(g) Parental counseling. Order the parent, guardian or legal custodian of a habitually truant juvenile to participate in counseling at his/her own expense.

(h) Attend school. Order the juvenile to attend school.

(i) Suspension of Wisconsin Department of Natural Resources privileges. Suspend the juvenile's ability to hold a state license for hunting and/or fishing for not more than one year. The judge shall immediately take possession of the suspended license and forward notice to the Wisconsin Department of Natural Resources setting forth the reasons for, and duration of, the suspension.

(j) Seizure of property. Order that one or more of the following items of personal property be seized by the court or authorized school officials for a period of time to be determined by the court, but not to exceed more than 60 days:

1. Cell phones of any kind;

2. iPods or other music listening devices;
3. Hand-held video game devices and/or games;
4. Other electronic devices;
5. Any other personal property deemed appropriate by the court.

(k) Community service Order that the juvenile perform a minimum of 25 hours of community service.

(6) Compulsory school attendance

(a) Any person having under his/her control a juvenile who is between the ages of six and 18, subject to the exceptions found in Wis. Stats. § 118.15, shall cause the juvenile to attend school regularly during the full period and hours that the public or private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes 18 years of age.

(b) Exceptions, Exceptions are as follows:

1. A person will not be found in violation if that person can prove that he/she is unable to comply because of the disobedience of the juvenile. The juvenile shall be referred to the court assigned to exercise jurisdiction under Wis. Stats. 938.

2. A person will not be found in violation of this section if he/she has a juvenile under his/her control and the child has been sanctioned under Wis. Stats. § 49.26(1)(h).

3. Proof required for exacting penalty. Before a person may be found guilty of violating this section, the school attendance officer must present evidence to the court that the activities under Wis. Stats. § 118.16(5) have been completed by the school system. If that evidence has been presented to the court and if the court finds a person guilty of violating this subsection, a forfeiture may be assessed.

(7) Contributing to truancy, Contributing to truancy is as follows:

(a) Any person 17 years of age or older who, by an act or omission, knowingly encourages or contributes to the truancy of a child shall be subject to a forfeiture. An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be a truant.

1. This subsection does not apply to a person who has under his/her control a child who has been sanctioned under Wis. Stats. 938.

(8) Parent or guardian liability for truancy, Liability of a parent or guardian for truancy is as follows:

(a) Unless the child is excepted or excused under Wis. Stats. § 118.15, or has graduated from high school, any person having under control a child who is between the ages of six and 18 years shall cause the child to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.

1. This subsection does not apply to a person who has under his/her control a child who has been sanctioned under Wis. Stats. 938, nor does it apply if the person proves that he/she is unable to comply because of the disobedience of the child.

(b) A person found to have violated this section, after evidence is provided by a school official that the activities under Wis. Stats. § 118.16(5) have been completed, shall be subject to a forfeiture.

9.06(1) PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY A PERSON UNDER 18 YEARS OF AGE PROHIBITED (ORD #6-2000)

(1) Section 254.92, Wis. Stats., is hereby adopted in its entirety.

(a) No person under 18 years of age may do any of the following:

(1) Buy or attempt to buy any cigarette or tobacco product;

(2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product;

(3) Possess any cigarette or tobacco product.

(2) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a licensed retailer.

(3) PENALTY

a) Seizure. A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and/or is in the possession of a person under 18 years of age.
b) Forfeiture. Any person under 18 years of age violating the provisions of this ordinance shall be subject to a forfeiture not to exceed $50 or 10 hours of community service for each violation.
c) Sanctions imposed by the Circuit Court. The Court assigned to exercise jurisdiction under Chapter 938, Wis. Stats., for violations of civil ordinances by juveniles may impose sanctions set forth in 938.343, Wis. Stats.

9.06(2) POSSESSION OF VAPING PRODUCT ON PROPERTY UNDER THE CONTROL OF A SCHOOL

(1) Definitions:

(a) School: A school is an administrative unit dedicated to and designed to impart skills and knowledge to students. A school is organized to efficiently deliver sequential instruction from one or more teachers. A home-based private educational program (homeschool) is not a school.

(b) School Property: All facilities and property, including land, whether owned, rented or leased by a School and all vehicles owned, leased, rented, contracted for, or controlled by School used for transporting students, staff and visitors.

(c) Student or Minor: Any person between the ages of 6 and 18.

(d) Vape or vaping product: Includes any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizer, or similar products or devices. Any noncombustible product, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

(e) Electronic smoking device: Any product containing or delivering nicotine or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of an aerosol or vapor. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as E-Cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

(f) Smoking/Vaping: Inhaling, exhaling, aerosol produced by an electric smoking device or vaping product. “Smoking” also includes carrying or using an activated electronic smoking device.

(2) Possession of a vaping product or electronic smoking device on School Property by a student or minor is prohibited.

(a) No student or minor shall possess or use, smoke, vape, consume, display or sell any tobacco products, tobacco-related devices, or electronic smoking devices at any time on school property.

(b) Exception: It is not a violation of this policy to use a product that has been approved by the

U.S. Food and Drug Administration as a tobacco cessation product or for other medical purposes. NOTE: AS OF THE EFFECTIVE DATE OF THIS ORDINANCE the use of electronic smoking devices is not medically recognized as a mean for facilitating smoking cessation or for any other medical purpose.

(3) PENALTY

(a) Seizure. A law enforcement officer shall seize any vaping product or electronic smoking device in the possession of a person under 18 years of age.

(b) Forfeiture. Any person under 18 years of age violating the provisions of this ordinance shall be subject to a forfeiture not to exceed $50 or 10 hours of community service for each violation.

(c) Sanctions imposed by the Circuit Court. The Court assigned to exercise jurisdiction under Chapter 938, Wis. Stats., for violations of civil ordinances by juveniles may impose sanctions set forth in 938.343, Wis. Stats.

9.06(3) EMERGENCY TELEPHONE CALLS (ORD #2-94)

(1) PURPOSE AND INTENT

The County Board, pursuant to 59.025 and 59.026, Wis. Stats., does hereby adopt 146.70(10), Wis. Stats., regulating the use of emergency telephone calls and further does hereby ordain to promote the public health and safety as follows.

(1) DEFINITIONS

(a) "Emergency" means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(2) INTENTIONAL MISUSE OF EMERGENCY "911" TELEPHONE SYSTEM PROHIBITED

(a) Any person who intentionally dials the telephone number "911" to report an emergency, knowing that the fact situation which he or she reports does not exist, shall be fined not less than $50 nor more than $300 or imprisoned not more than 90 days or both for the first offense and shall be fined not more than $10,000 or imprisoned not more than 5 years or both for any other offense committed within 4 years after the first offense.

(b) Any person who discloses or uses, for any purpose not related to the operation of a basic or sophisticated system, any information contained in the data base of that system shall be fined not more than $10,000 for each occurrence.

9.06(4) ESTABLISH A SURCHARGE FOR THE COUNTY-WIDE "911" EMERGENCY TELEPHONE SYSTEM (ORD #3-2005)

Pursuant to Section 146.70(3)(b), Wisconsin Statutes, a county may levy a charge on all service users in the county to finance the costs related to the establishment of a basic or sophisticated 911 emergency telephone system in that county if certain conditions are met as follows:

(1) IMPLEMENTATION OF A 911 EMERGENCY TELEPHONE SYSTEM

(a) Langlade County has implemented, under a joint powers agreement with all municipalities within the county, a county-wide 911 emergency telephone system.

(2) CONTRACT WITH SERVICE PROVIDER

(a) Langlade County has entered into a contract with a service supplier for the establishment of a county-wide 911 emergency telephone system. The current contract is on file for inspection in the County Clerk's Office.

(3) SURCHARGE FOR 911 EMERGENCY TELEPHONE SERVICES

(a) The contracted provider of 911 emergency telephone services is authorized to impose a surcharge for 911 emergency telephone services.

(4) ESTABLISHMENT OF A SURCHARGE FOR 911 EMERGENCY TELEPHONE SERVICES

(a) Langlade County hereby adopts a plan for the 911 emergency telephone system which includes the authorization for the contracted service supplier to implement a surcharge for the emergency telephone services as authorized by statute or administrative rule and by the Public Service Commission of Wisconsin.

9.07(1) RESTRICTIONS ON KEEPING OF DOGS (ORD #1-2004)

(1) DEFINITIONS

(a) "Dog". An animal that is a member of the canine family.

(b) "Running at large". A dog is considered running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(2) DOGS RUNNING AT LARGE

(a) No person having in his/her possession or ownership any dog shall allow the same to run at large within the County. The owner of any dog, whether licensed or unlicensed, shall keep his/her dog so as not to allow the dog to interfere with the passing public or neighbors. Any dog running at large unlicensed and required by state law or County Ordinance to be licensed shall be seized and impounded by a law enforcement officer or animal warden.

(b) No person shall tie, stake or fasten any dog within any street, road, highway or other public place within the County or in such a manner that the dog has access to any portion of a street, road, highway or other public place. A dog shall not be considered to be running at large if it is on a leash and/or otherwise under control of a person physically able to control it when the dog is off of the owner's premises.

(c) Exception for legal hunting activities. A dog is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

(3) UNLICENSED AND UNTAGGED DOGS

(a) The owner of any dog shall acquire and attach to the dog any licenses required by state law, administrative rule or local ordinance.

(b) The owner of a dog shall attach a valid license tag and rabies vaccination tag to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(4) VICIOUS DOGS DECLARED PUBLIC NUISANCES

(a) Dogs that attack or otherwise injure humans or domestic animals are declared public nuisances. A dog is vicious if it bites or inflicts injury to any person in unprovoked circumstances off the owner's premises.

(b) No person having charge of or occupying any building or premises shall keep a vicious dog.

(5) EXCEPTIONS

(a) This Ordinance does not apply to dogs for the blind, deaf, and mobility-impaired and dogs kept for scientific, educational, or law enforcement purposes (pursuant to Wisconsin Statutes).

(6) ENFORCEMENT

(a) When behavior that constitutes a violation of this Section is observed by a law enforcement officer or is reliably reported to a law enforcement officer, a warning or citation may be issued to the owner of a dog for violation of this Ordinance.

(b) Forfeitures for violations of this Ordinance are set forth in the penalty provisions contained in Section 25.04, Langlade County Code of Ordinances.

(c) This Ordinance shall not apply to any municipality within Langlade County which has adopted similar animal control ordinances.

9.07(2) PROVISION OF CARE, TREATMENT OR DISPOSAL SERVICES FOR ANIMALS TAKEN INTO CUSTODY BY LANGLADE COUNTY LAW ENFORCEMENT (ORD #1-2018)

(1) ADOPTION OF STATE STATUTES

The following enumerated sections of the Wisconsin Statutes are adopted and made a part of this Code of Ordinances: Section 173.13-173.25, Wis. Stats. Any act required to be performed or prohibited by any statute incorporated herein by reference is required by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this section.

(2) TAKING CUSTODY OF ANIMALS. A humane officer designated by the Langlade County Board or Law enforcement officer for Langlade County (hereinafter collectively referred to as "officer") may take custody of an animal for reasons set forth in Section 173.13, Wis. Stats. And/or violation of County Ordinance Section 9.07(1) "Restrictions on Keeping of Dogs" or Chapter 10 "Prohibition of Human Health Hazards" or by order of the court.

a. When taking custody of an animal, the officer shall follow the notification procedures set forth in Section 173.13(3), Wis. Stats.

b. The officer taking custody of an animal on behalf of a political subdivision shall maintain, or require any person to whom the animal is delivered under a contract under Section 17.15(1), Wis. Stats. To maintain, as appropriate, records for each animal containing the following information:

i. A physical description of the animal

ii. The date that custody was taken of the animal, the date that the animal was delivered into the possession of another person, and the identity of the person to whom delivered.

iii. The reason for taking custody of the animal.

(3) PROVISION OF CARE, TREATMENT OR DISPOSAL SERVICES. The standard fees for the care, custody and treatment of animals taken into custody shall be established in contracts between Langlade County and the care provider. *Note: The County may establish different fees for animals released to their owners and animals released to persons other than their owners. If the County does not establish standard fees (via contract), it may charge no more than the actual costs of care, custody or treatment to any person required to pay for the care, custody, or treatment of an animal*

a. Every person who enters into a contract to care for an animal shall agree to do all the following:

i. Provide adequate care and treatment of all animals delivered under the contract.

ii. Maintain adequate records consistent with Section 173.17, Wis. Stats.

iii. Release or dispose of animals under Section 173.23, Wis. Stats. Or as provided in a court order.

b. Disposition of abandoned or stray animals.
   i. An animal deemed abandoned if it is not claimed or returned to its owner within 4 days after custody is taken of the animal.
   ii. An animal may not be euthanized before 7 days have elapsed after custody is taken, except to alleviate physical suffering or to protect the safety of shelter staff, volunteers, or the public.

c. Animals held for cause. The person providing care shall not release the animal to the owner or anyone claiming to be the owner of animals held for cause, as follows:
   i. There are reasonable grounds to believe that the owner has used the animal in a crime under Chapter 951, Wis. Stats. Or that the animal constitutes evidence of a crime under Chapter 951, Wis. Stats.
   ii. There are reasonable grounds to believe that the animal poses a significant threat to public health, safety, or welfare.
   iii. A court has ordered the animal withheld for any reason.

d. Return of the animal. The contracted person having custody of an animal shall release the animal to the owner at the direction of the humane officer or law enforcement officer that took custody of the animal if all the following requirements are satisfied:
   i. The owner claims the animal and provides reasonable evidence of ownership.
   ii. If licensure is required by statute or ordinance, the animal is licensed, or assurance of licensure by prepayment is given.
   iii. If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination by prepayment is given.
   iv. All charges for custody, care, vaccination, and treatment are paid.
   v. If custody of the animal is not required for a criminal investigation or prosecution, or for other pending legal actions relating to the animal in question.

e. Euthanization. The contracted person who has custody of an animal may have the animal euthanized if there are reasonable grounds to believe that any of the following applies:
   i. The animal is hopelessly injured beyond any reasonable chance of recovery.
   ii. The animal poses an imminent threat to public health or safety.
   iii. The animal poses an imminent threat to the health or safety of itself or its custodian.

The County, the contracted person, a humane officer or a law enforcement officer who has a reasonable ground to believe that the authority exists for an animal to be euthanized is not liable for damages for the loss of the animal results from euthanizing the animal.

(4) FINANCIAL RESPONSIBILITY FOR ANIMAL TAKEN INTO CUSTODY

a. The owner of an animal taken into custody under this Ordinance is personally liable to the County, or the person contracting with the County to take custody of the animal, for the cost of the custody, care, and treatment of the animal.

b. The County, or the person contracting with the County to take custody of the animal, shall notify the owner in writing that he or she must pay for the outstanding costs of custody, care, or treatment of the animal upon demand. The costs for which a person may be financially liable, including but not limited to the boarding of the animal, may not exceed any limits contained in Chapter 173, Wis. Stats., for those services.

c. If the amount demanded is not received within 30 days of the mailing of the demand, the County, or the person contracting with the County to take custody of the animal, shall treat the animal as unclaimed.

d. The owner of the animal may challenge the reasonableness of the amount demanded by filing a petition with the court within 20 days after the date the demand was mailed.

(5) DISPOSITION OF UNCLAIMED ANIMALS As authorized under Section 173.23, Wis. Stats., the County, or the person contracting with the County to take custody of the animal, may:

- **a.** Euthanize the animal if there are reasonable grounds to believe that any of the following applies:
  - **i.** The animal is hopelessly injured beyond any reasonable chance of recovery.
  - **ii.** The animal poses an imminent threat to public health or safety.
  - **iii.** The animal poses an imminent threat to the health or safety of itself or its custodian.
  - **iv.** The animal is not confined as required by quarantine order.
- **b.** If the animal is a stray or abandoned dog, release the dog under Section 9.07(2)(3)(b).
- **c.** Sell the animal
  - **i.** If the owner of an animal sold files a claim under Section 173.23, Wis. Stats., that he/she was entitled to have the animal returned to them and provides proof of ownership within 30 days after the sale, the sale proceeds, less the cost of custody, care, treatment, and sale, shall be returned to the owner.
  - **ii.** Disposition by court order. If an animal in the custody of the County is not returned to the owner or disposed of under other applicable provisions contained in this Ordinance, it shall be disposed of under a court order.

(6) PETITION FOR COURT ORDER

- **a.** The County, or the person, contracting with the County to take custody of the animal, may petition the Circuit Court for an order doing any of the following with respect to an animal taken into custody by a law enforcement officer or a humane officer.
  - **i.** Providing for payment for the custody, care, or treatment of the animal.
  - **ii.** Requiring the owner of the animal to post bond for the costs of custody, care, or treatment of the animal pending the outcome of any other proceeding.
  - **iii.** Authorizing the sale, destruction, treatment as unclaimed, or other disposal of the animal.
- **b.** The County shall serve a copy of the petition upon the owner of the animal if known.
- **c.** The court shall conduct a hearing on the petition. The petitioner and any person upon whom a copy of the petition was served may appear as a party.
- **d.** The court shall issue its order after hearing and may grant, modify, and grant, or deny the petitioned-for relief after considering the interests of the animal, the owner of the animal, the County, and the public.
- **e.** Reimbursement for expenses. The court shall assess the expenses in any case in which there has been a search authorized under or in which an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime under Chapter 951, Wis. Stats. Expenses covered under this section include:
  - **i.** Investigate expenses of any search or any seizure under this Ordinance or Chapter 951, Wis. Stats.
  - **ii.** Any fees of a doctor or veterinary medicine.
  - **iii.** Expenses of taking any animal into custody under this Ordinance, including expenses reasonably incident to taking the animal into custody.
  - **iv.** Expenses of keeping or disposing of any animal taken into custody.

(7) ENFORCEMENT

- **a.** When behavior that constitutes a violation of this Section is observed by a law enforcement officer or is reliably reported to a law enforcement officer, a warning or citation may be issued to the owner of an animal for violation of the Ordinance.
- **b.** Forfeitures for violations of this Ordinance are set forth in the penalty provisions contained

in Section 25.04, Langlade County Code of Ordinances.

c. This Ordinance shall not apply to any municipality within Langlade County that has adopted similar animal control ordinances.

9.08 RESTRICTION ON THE SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS TO A PERSON UNDER THE AGE OF 18 (ORD #3-2006)

(1) ADOPTION OF THE WISCONSIN STATUTE SECTION 134.66
The restrictions on the sale or gift of cigarettes or tobacco products contained in Wisconsin Statute Section 134.66 are adopted in entirety and are incorporated by reference herein. The conduct regulated by this Ordinance shall be in strict conformity with Wisconsin Statute Section 134.66 and any revisions or amendments thereto.

(2) APPLICABILITY
This Ordinance shall not apply within any municipality that has adopted or adopts a similar ordinance under Wisconsin Statute Section 134.66.

(3) INVESTIGATIONS
Unannounced investigations to determine compliance with this Ordinance shall meet the requirements of Wisconsin Statute Section 134.66 and any standards established by the Department of Health and Family Services.

(4) ENFORCEMENT
This Ordinance may be enforced by a law enforcement officer or the Public Health Officer or the Health Officer's designee, by the issuance of a citation.

(5) PENALTIES
The penalties for violation of this Ordinance shall be established by the Board of Health in conformance with the penalties established by Wisconsin Statute Section 134.66 and Section 25.04 of the Code of Ordinances.

(6) SEVERABILITY
Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than the portion affected by such decision.

(7) EFFECTIVE DATE
This Ordinance shall be in force and effect from and after its passage and publication.

ORD #3-2006 Adopted 3-21-2006

9.09 POLICE ALARM SYSTEMS

(1) Purpose. The purpose of this section is to establish regulations, standards, and controls relating to the type, use, and installation of police alarm devices whether such alarm devices are monitored by a private alarm company or any other person, firm, or corporation; and to establish a County central alarm station and policies and procedures for the development and use of a County central alarm station.

(2) Definitions
a. False Alarm. A signal from an alarm system resulting in a response by the County Sheriff's Office, Antigo Police Department, an emergency medical unit, or a fire-fighting agency when an

emergency situation did not exist.

b. Police Alarm Any device which, when actuated by a criminal act or other emergency requiring police response, transmits a signal to a central alarm station at the County Safety Building directly to the County Safety Building by means of an automated prerecorded telephone call or produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

(3) False Alarms

i. First 3 false alarms. No Charge
ii. Fourth false alarm. $10.00
iii. Fifth false alarm. $20.00
iv. Sixth and subsequent false alarms. $35.00

b. Charges for false alarms requiring a law enforcement response shall be imposed under the following conditions: the alarm system malfunctions because of faulty equipment or improper installation or operation; or the alarm is not a justifiable response to a presumed emergency condition made in good faith. The charge shall not be imposed when the alarm is caused by an electrical storm, tornado, electric system failure, or other violent conditions as determined by the Sheriff.

(4) Private Alarm Companies Private alarm companies including individuals engaged in the business of monitoring burglary alarm systems shall be responsible for the monitoring, maintenance, and use of private central alarm stations and shall pay to the County the false alarm charge prescribed in sub. (6) for false alarms responded to by law enforcement agencies if such a response was a result of the actions of a private alarm company. The amount of such false alarm charge shall be based on the number of such police responses to each such business, commercial, and residential premises. Any person owning, leasing, or operating a private alarm system programmed to a central office shall also maintain a maintenance system during the hours that such system is in operation and shall dispatch a company representative to the location of any alarm transmitted upon request of the Sheriff's Office or the central station contractor so that such representative arrives within one hour of such request. Each premises shall be considered a separate entity for purposes of determining the number of false alarms under this subsection. When reporting an alarm, a caller shall first identify this private alarm company that monitors the alarm. Private alarm companies shall provide the Sheriff with a telephone number at which the maintenance service may be contacted at all times.

(5) Central Alarm Station Contractors: The Protection of Persons and Property Committee shall select one central alarm contractor to coordinate all connection activities and functions of the County central alarm station. The contractor shall pay an annual renewable fee of $25.00 for this privilege. All persons whose application for connection to the County central alarm station is approved shall arrange with the central alarm station contractor for the installation to the station.

(6) Penalties

a. Any person found guilty of violating sub. (5) of this section shall forfeit not less than $25 nor more than $200, plus penalty assessment and costs. A bond schedule of $50 is established for violation of sub. (5).

b. In addition to the charges referred to in par. (a) for false alarms, any noncompliance with any provisions of this section by any subscriber may result in suspension or revocation of their license.

9.10 ABUSE AND INTERFERENCE WITH DOGS USED BY THE COUNTY SHERIFF'S OFFICE

No person shall willfully or maliciously torture, harass, tease, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the County Sheriff's Office in the performance of the functions of the Department;

or interfere with or meddle with any such dog while such dog is being used by the Department or any other police officer in the performance of any of the functions or duties of the Department or of such officer.

9.11 JAIL INMATE FEES AND REIMBURSEMENT OF EXPENSES (ORD #3-2016)

PURPOSE: It is the intent of the provisions of this ordinance that incarcerated persons be held responsible for paying part of the costs of incarceration and any related expenses, to the extent permitted by law. This section applies to any expenses incurred by the County in relation to the crime for which a person was sentenced to a county jail, or which the person was placed on probation and confined to jail.

(1) JAIL INMATE FEE SCHEDULE: The per day cost of maintaining a prisoner is identified in the attached "Jail Inmate Fee Schedule" which is incorporated by reference herein. The inmate fee schedule shall be posted in the Jail and a copy of the fee schedule and any revisions thereof shall be provided to inmates in jail.
   a. The Sheriff, or his designee, within his discretion may waive any fees established for any prisoner upon good cause shown.
   b. The Sheriff may revise the Jail Inmate Fee Schedule at any time.

(2) COLLECTION FORM INSTITUTIONAL ACCOUNT: The Sheriff may charge a prisoner for the expenses set forth in this section, while he/she is a prisoner; plus, the costs to investigate the financial status of the prisoner and the expenses of collection.
   a. If the Sheriff maintains an institutional account for a prisoner's use for payment of items from the canteen, vending, or similar services, the Sheriff may make deductions from the account to pay for the expenses set forth in this section. If the prisoner has a balance due for expenses under this section, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.
   b. If the Sheriff maintains an account of a Huber prisoner, the Sheriff may make deductions from the account to pay for the expenses set forth in this section, subject to any statutory limitations.

(3) PREPAYMENT OF CERTAIN EXPENSES: The Sheriff may require prepayment of the expenses set forth in this section for providing discretionary services to an inmate, such as participation in a home detention program.

(4) ACTION FOR REIMBURSEMENT: Within 12 months after the release of a prisoner from jail, the county may certify and collect debts for non-medical expenses, plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered. Within 24 months after the release of a prisoner from jail, the county may certify and collect debts for medical expenses, plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered. [Sec.302.372(7), Wis. Stats.]

(5) PROCEEDS: Any sums collected under this section shall be deposited with the County Treasurer, except to the portion of the sums collected for meals for Huber prisoners are subject to sales tax which shall be assessed and forwarded to the Wisconsin Department of Revenue.

9.12 SMOKING POLICY (ORD #2-93)

(1) INTENT

Langlade County finds that tobacco use contributes to health problems, both directly through the use of tobacco products and indirectly, to non-tobacco users, through involuntary inhalation of tobacco smoke. This section is enacted to reduce health risks associated with tobacco use in County buildings and vehicles.

(2) DEFINITIONS

a. Tobacco Products: Has the meaning given in 139.75(12), Wis. Stats., and includes the following: cigarettes, cigars, snuff, chewing tobaccos, and other kinds of tobacco suitable for chewing or smoking or both, in a pipe or otherwise.
b. Use of Tobacco Products: Smoking, carrying or possessing a lighted tobacco product, chewing tobacco, or otherwise using a tobacco product for its intended purpose.
c. County Building: Any building owned or leased by the County or the leased portion thereof. This definition includes the Multi-Purpose Building.
d. County Vehicle:
e. Any vehicle owned or leased by Langlade County.
f. Smoking will not be allowed at employee workstations, private offices, elevators, conference rooms, or areas where smoking may create a potential safety hazard or damage to equipment or machinery in the area.
g. Implementation and monitoring of this policy is the responsibility of each department head. Problems due to repeated infractions of this policy should be addressed to the Board of Health. Production and placement of signs will be done by the Public Property Committee with the assistance of department heads.

(3) TOBACCO USE PROHIBITED

No person, whether employed by Langlade County or a member of the public, shall use tobacco products in any County building or County vehicle.

(4) EXCEPTIONS

Subsection (3) prohibition does not apply to those areas where there exists a freedom to use tobacco products in accordance with Federal Law and Regulation, or State Statute or Rule.

(5) PENALTY

Any person violating the provisions of this Ordinance shall forfeit no more than $25 for each violation.

9.13 PENALTY

Except as otherwise provided in this Chapter, any person who shall violate any provision of this chapter or any rule, regulation, or order promulgated herein shall be subject to a penalty as provided by 25.04 of this Code of Ordinances.

CHAPTER 10

PROHIBITION OF HUMAN HEALTH HAZARDS

10.01 Purpose
10.02 Jurisdiction
10.03 Definitions
10.04 Human Health Hazards Prohibited
10.05 Responsibility for Human Health Hazards
10.06 Human Health Hazards Enumerated
10.07 Designation of Unfit Dwelling
10.08 Investigation of Possible Public Health Hazards
10.09 Abatement, Correction, and Enforcement
10.10 Penalties
10.11 Severability

PROHIBITION OF HUMAN HEALTH HAZARDS (ORD #2-2006)

10.01 PURPOSE

The purpose of this Ordinance shall be to protect public health, safety, and welfare.

10.02 JURISDICTION

This Ordinance applies in all municipalities within Langlade County, provided, however, that any section of the Ordinance shall not be enforced by the County in said municipality that has adopted a similar Ordinance or designated a health officer other than the Langlade County Health Officer.

10.03 DEFINITIONS

As used in this Ordinance:

(1) “County” means Langlade County

(2) “Dwelling” means any structure, all or part of which is designed or used for human habitation.

(3) “Health Officer” qualifications defined in state statute 251.06, enforce state public health statutes and rules at the local level.

(4) “Human Health Hazard” means a substance, activity, or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious disease, or otherwise injuriously affect the health of the public, Wis. Stats. 254.01(2).

(5) "Immediate Health Hazard" means a condition that exists or has the potential to exist which should, in the opinion of the Health Officer, be abated or corrected immediately (or at a minimum within a 24-hour period) to prevent possible severe damage to human health and/or the environment.

(6) “Owner” means any of the following:
   a. A person who has legal title to a dwelling
   b. A person who has charge, care, or control of a dwelling or unit of a dwelling as an agent, executor, administrator, trustee, or guardian of the estate of a person under par. (a).

(7) "Person" means any individual, firm, corporation, society, association, institution, public body or other entity.

10.04 HUMAN HEALTH HAZARDS PROHIBITED

No person shall erect, construct, cause, continue, maintain, or permit any human health hazard within the County. Any person who shall cause, create, or maintain a health hazard or who shall in any way aid or contribute to the causing, creating, or maintenance thereof, shall be guilty of a violation of this Ordinance and shall be liable for all costs and expenses attendant upon the abatement, removal and/or correction of such a health hazard and to the penalty provided in Section 10.10 of this Ordinance.

10.05 RESPONSIBILITY FOR HUMAN HEALTH HAZARDS

It shall be the responsibility of the owner, occupants, or person causing, permitting, or maintaining the human health hazard to maintain their property in a manner that does not create a health hazard. The abatement and/or correction of any human health hazard that has been determined to exist may be ordered against any or all responsible.

10.06 HUMAN HEALTH HAZARDS ENUMERATED

Human Health Hazard is defined in Section 10.03(4) of this Ordinance. More specifically, but not limited by enumeration, the following are declared human health hazards and a violation of this Ordinance:

(1) UNBURIED CARCASSES

Carcasses of animals, birds, or fowl not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death as required by Section 95.50(3), Wis. Stats.

(2) WASTE

Accumulations of waste from animals and fowl that is handled, stored, or disposed of in a manner or in quantities to endanger the health of the public or that creates a health hazard.

(3) NON-FUNCTIONAL SYSTEMS

Any non-functioning water supply systems, toilets, urinals, lavatories, or other fixtures are considered necessary to ensure sanitary conditions in a public building.

(4) UNFIT FOR HABITATION

Any condition or situation which renders a structure or any part thereof unsanitary or unfit for human habitation.

(5) SOLID WASTE

Any solid waste, refuse, or garbage that is not stored in vermin, rodent, and fly-proof containers or enclosure or disposed of in non-compliance with State Statute or rule.

(6) FOOD OR BREEDING PLACES FOR VERMIN, INSECTS

Accumulations of decaying animal or vegetable matter, trash, rubbish, standing water, garbage, rotting lumber, bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, or disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.

(7) TOXIC AND HAZARDOUS MATERIALS

Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it creates a health hazard.

(8) GROUNDWATER POLLUTION
Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. Contamination of any well, cistern, stream, lake, or other body of water by sewage, waste, industrial by-products, or other materials and substances.

(9) HOLES AND OPENINGS
Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, etc.; or any improperly abandoned, barricaded, or covered-up excavation.

(10) Any other situation as determined by the Health Officer to meet the definition of a human health hazard contained in this Ordinance.

10.07 DESIGNATION OF UNFIT DWELLING

(1) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and marked as unfit by the Health Officer:
   (a) A dwelling that is so abandoned, damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

(2) No person shall continue to occupy, rent, or lease space for human habitation that is declared unfit for human habitation.

(3) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and marked by the Health Officer, shall be vacated within the time specified by the Health Officer.

(4) No dwelling or dwelling unit that has been condemned and marked as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such posting is removed by, the Health Officer. The Health Officer shall remove such posting whenever the defect or defects upon which the condemnation and posting were based have been eliminated.

(5) No person shall deface or remove the Health Officer's posting from any dwelling or dwelling unit that has been condemned as unfit for human habitation.

(6) The owner or occupant of any dwelling affected by any notice or order relating to the condemning, or posting of a dwelling, or dwelling unit as unfit for human habitation may request a hearing before the Board of Health.

(7) Whenever the Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this section, or any rule or regulation adopted pursuant thereto, he/she shall give or cause to be given, notice of such violation or alleged violation to the person or persons responsible for the condition and/or for the property upon which the human health hazard exists. Such notice shall be in writing and include a description of the real estate involved, a statement of violations, and corrective actions required, and shall allow a reasonable time for the performance of any act required. Such notice shall be served upon the owner, property, or occupant as the case may require, and may be served in the manner provided by Ch. 801, Wis. Stats.

10.08 INVESTIGATION OF POSSIBLE PUBLIC HEALTH HAZARDS

The Health Officer or a designated representative shall investigate all complaints of human health hazards and shall determine whether a human health hazard exists.

10.09 ABATEMENT, CORRECTION AND ENFORCEMENT

The Health Officer, or any other person designated by the Board of Health, shall be responsible for enforcing the provisions of this Ordinance consistent with the policies and procedures adopted by the Langlade County Health Department. Abatement and correction of, or enforcement against human health hazards will be as follows:

(1) If the existence of a human health hazard is confirmed, a written abatement order will be issued by registered mail specifying the action needed to abate and/or correct the health hazard; the time allowed to abate and/or correct the health hazard, (such as 24 hours, 5, 10, 30 or more days, depending on the nature of the health hazard); and the possible penalty (citation and/or possible court action) if the health hazard is not abated and/or corrected.

(2) To expedite the abatement and/or correction of the human health hazard, the Health Officer may issue citations with penalty amounts established by the Board of Health.

(3) In cases where the use of a citation alone is inadequate or inappropriate to fully cause the abatement and/or correction of a human health hazard, legal action seeking additional penalties or injunctive relief to abate the human health hazard, and also to rectify any damage created by the health hazard, may be initiated against the violator.

(4) In the case of an immediate health hazard or in extreme cases where the person responsible for a health hazard refuses to abate and/or correct it within the time period specified in the written order, the County may take actions to abate the health hazard and/or correct the violation, with the cost of such abatement and/or correction to be recovered directly from the responsible person or persons, or as otherwise authorized by law. The Health Officer shall provide the clerk of the local municipality with a copy of the abatement notice along with a notice that the County may seek recovery of abatement costs from the town in the event the County incurs costs for abating the public health hazard within their municipality. If the costs incurred by Langlade County to abate or otherwise remedy a human health hazard are not paid by the owner of the property on a timely basis, then the Public Health Officer shall submit these charges for reimbursement to the municipality where the health hazard is located.

10.10 PENALTIES

All violations of this Ordinance shall be subject to a forfeiture of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) per offense, together with applicable surcharges and penalty assessment and the taxable costs of prosecution. The Court may also grant injunctive relief. Failure to comply with an order of abatement issued under this Ordinance shall constitute a violation of this Ordinance and may result in imprisonment as authorized by State Statute. Each day of continued violation shall constitute a separate offense.

10.11 SEVERABILITY

Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than the portion affected by such decision.

ORD #2-2006 Adopted 3-21-2006

CHAPTER 11

PUBLIC NUISANCES AND PUBLIC HEALTH STANDARDS

11.05 Storage and Disposal of Junk
11.06 Public Health Standards for Lodging, Recreation, and Food Establishments
11.10 Penalty

11.05 STORAGE AND DISPOSAL OF JUNK (ORD #3-94)

(1) DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted as having the same meaning as they have in common law, the Wisconsin Statutes, or the Wisconsin Administrative Code, to give this section its most reasonable application. Words used in the present tense include the future and vice-versa. Words used in the singular include the plural and vice-versa. The word shall is always mandatory, may is always permissive. The masculine gender includes the feminine.

(a) Junk:

1. Scrap metal, metal alloy, wood, concrete, or synthetic material including, but not limited to tanks, barrels, cages, pallets, wire/cable, furniture, culverts, and bricks.

2. Twenty or more used tires.

3. Any junked, ruined, dismantled, wrecked, unlicensed, unregistered, and inoperative motor vehicle, including but not limited to buses, trucks, cars, and recreation vehicles.

4. Any junked, ruined, dismantled, or wrecked machinery, including but not limited to construction equipment, campers, snowmobiles, boats, and parts thereof.

5. Unusable appliances, or any part thereof.

6. All or parts of dismantled buildings or structures that were not originally parts of the land's principal or accessory buildings and have not been reconstructed within one year of their deposit on the land.

7. All or parts of dismantled buildings or structures that were originally part of the land's principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than 18 months.

8. Farm equipment not in use and parts of farm equipment, except as provided in par. (2)(c)2. below.

9. Parts of buildings or other structures, including abandoned mobile homes or house trailers.

(b) Junk Yard: Any place which is maintained, owned, operated, or used for the storage, keeping, processing, buying, or selling of junk.

(c) Screened: Hidden from public view from any other property or public right-of-way in a manner that is compatible with the surrounding environment and permitted under the applicable

regulations. Screening could include a solid fence or evergreen planting of a height not less than 8', behind buildings or in natural depressions. Covering junk with tarps or like materials is not considered screened.

(2) PROHIBITED ACTIVITIES

(a) Enumerated. No person shall within the unincorporated areas of the County:

1. Store junk outside a building or within public view for a period in excess of 14 consecutive days over a period of one year except as provided by subpar. 2. and 3. below.

2. Store parts of or entire dismantled buildings or fixtures outside of buildings or within public view for a period in excess of one year.

3. Leave parts of or entire destroyed buildings or structures outside of buildings or within public view for a period in excess of 18 months.

(b) Public Nuisance Declared. Any activity prohibited by par. (a) above is declared a public nuisance.

(c) Exceptions. This chapter is not intended to:

1. Regulate or place limitations on any properly zoned junkyard, recycler, salvage dealer, or other junk, waste disposal, or storage activity for which a valid license from the State of Wisconsin or other necessary municipal issuing authority is required and has been issued and all such licenses are in full force and effect.

2. Prohibit the storage of idle but operable farm equipment on farms with greater than 35 contiguous acres or the storage of inoperative or abandoned farm equipment screened from public view or adjacent property owners by a natural or manmade visual barrier.

3. Prohibit the storage of idle but operable snow removal vehicles or equipment.

4. Prohibit the storage of wood for fuel.

5. Regulate unlicensed and operable stock cars or vehicles for active personal use up to a limit of 2 cars or vehicles.

6. Prohibit visual displays protected by the First Amendment to the U.S. Constitution.

(3) ADMINISTRATION AND ENFORCEMENT

The County Board hereby assigns the duties of administering this chapter as follows:

(a) The County Zoning Administrator or designee, shall have the duty, responsibility, and authority to enforce this chapter along with the assistance of the County Sheriff and his deputies. The committee of jurisdiction for the County is the Water and Land Use Planning Committee.

(b) Persons shall allow access to the Zoning Administrator or designee to their property for purposes of enforcing this section.

(c) It is the intent of the County Board to have administration of this chapter originate with the town board of the town where the alleged violation is located. The complainant shall file a written complaint letter with the town clerk who will place the item on the town board's regular meeting agenda. The board may invite the complainant, alleged violator and any other interested person to the town board meeting to discuss the alleged violation. Town officials may conduct a site

visitation of the alleged violation. The board may resolve the complaint at the town meeting. Pursuant to formal town board action (such as resolution or motion in the board minutes the board may refer the results of their investigation and recommendation to the County Zoning Administrator in writing. The Zoning Administrator will further investigate the alleged violation and review enforcement options with the town board. If the town board requests injunctive relief (i.e., court order for clean-up) then the town board must enter into a written agreement to the satisfaction the County that addresses the costs associated with the clean-up process, in the event the property owner fails to comply with the court order. The court order may provide the County (or its designee, the town) with the opportunity to enter upon the property for the purpose of bringing the property into compliance with this ordinance.

(4) VIOLATIONS AND PENALTIES

In addition to the penalties provided in 25.04 of this General Code, whenever a violation of this section is found, any of the following may occur:

(a) The Zoning Administrator may take one or more of the following actions:

1. Order the violation corrected by the property owner by removal and proper disposal of the material within a specified period ranging from one to 30 days; or

2. Request the County Sheriff to issue a citation for violation of this section.

3. When violations are pursued by the County Sheriff's Department, legal actions shall occur through the District Attorney's Office, including injunctive relief and additional forfeiture actions through the process of summons and complaint or other proper legal recourse. When violations are initiated and pursued by the County Zoning Administrator, proper legal action shall be brought through the Corporation Counsel's Office, including injunctive relief and additional forfeiture actions through the process of summons and complaint or other proper legal recourse.

(b) The County may file a petition against the property owner in the Circuit Court for an order compelling compliance with this section. In addition, the Court may order the removal of the violating junk, tires or similar materials at County expense. The County shall then invoice the property owner for all such costs incurred. If that invoice is not paid within 30 days, the County may place the amount of the invoice on the tax rolls as a special assessment against the property in question. If the costs incurred by Langlade County to abate or otherwise remedy a junkyard violation are not paid by the owner of the property on a timely basis, then the Zoning Administrator shall submit these charges for reimbursement to the municipality that referred the violation pursuant to Section 3(c).

(c) Any person failing to comply with the provisions of this section shall upon conviction, forfeit not less than $75 nor more than $500, plus costs of the prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense.

11.06 PUBLIC HEALTH STANDARDS FOR LODGING, RECREATION AND FOOD ESTABLISHMENTS

(1) APPLICABILITY. The provisions of this section shall apply to any operation falling under the jurisdiction of the Langlade County Health Department either directly or pursuant to Langlade County's acting as an agent of the State of Wisconsin pursuant to Wis. Stats., §97.41, Wis. Admin. Code, Chapter ATCP 74 and any other applicable statutes, codes or agreements between the state and Langlade County. Such operations include, but may not be limited to, any retail food establishment, hotel, motel, tourist rooming house, bed and breakfast

establishment, campground, camping resort, recreational and educational camp, public swimming pool, water attraction, or vending machines in all areas of Langlade County.

(2) DEFINITIONS: All definitions set forth in Chapters 66.0417, 68, 97, 125, 251, 252, and 254, Wis. Stats.; and Chapters ATCP 72, 73, 74, 75, 76, 78, 79, Wis. Admin. Code, and SPS 381-386 and 390-391 are incorporated in this section by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. In addition, the following terms and phrases have meanings ascribed to them in this section:

(a) "Annual License Fee" shall mean a fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.

(b) "Duplicate License Fee" shall mean a fee for the replacement of an original permit.

(c) "Health Department" shall mean the Langlade County Health Department

(d) "Inspection Fee" is the fee charged by Langlade County Health Department, the amount of which is reasonably related to the cost of performing an assessment of an establishment's compliance with the statutes and rules, under which a license is granted

i. An inspection in an establishment not under DATCP's regulatory authority.

ii. An inspection in Langlade County's jurisdiction of a DATCP licensed mobile or transient retail food establishment.

(e) "Late Application Fee" shall mean a fee that is charged for failure to comply with the application time frame specified in the applicable statute and administrative code for completion and submission of the required application for a permit to the Health Department.

(f) "Operator" shall mean the owner, operator, or person responsible to the owner for the operations of the establishment.

(g) "Pre-Inspection Fee" shall mean the fee associated with the required inspection necessary to determine compliance at the time of a change-in-operator or new business.

(h) "Re-Inspection Fee" shall mean a fee structure for the subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern a respective establishment. The fee for a re-inspection will be a set fee, determined by the Board of Health.

(i) "Fee Schedule" means the schedule of all fees associated with this article, amended as needed by the Board of Health.

(j) "Health Officer" in this ordinance and applicable State codes, shall mean the person, or the Health Officer's designated representative, responsible for administering the environmental health programs as outlined in the Agent agreement (ATCP 74.04) with the Wisconsin Department of Agriculture and Consumer Protection.

(3) INSPECTION FREQUENCY

(a) Inspections shall be conducted as required by DATCP under the Agent contract and no greater than 12 months from the last inspection unless received in writing approval from DATCP.

(b) Inspections shall be mostly unannounced visits.

(c) An authorized employee or agent of the department (DATCP), upon presenting the proper identification, shall be permitted to enter, at any reasonable hours, (Ch. 97, Wis. Stats.) any premises for which a permit is required to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographs or other evidence needed to enforce the requirements.

(d) Inspections and their reports shall reflect the original purpose of the inspection and should not be combined with other activities or different types of inspections.

(e) All inspections shall assess the qualifications of any particular licensure and include verification and notation of changes (such as payment, the operator and status, complexity category, number of sleeping rooms, expansions, modifications, etc.) in order to update the permit.

(f) Several types of inspections can be conducted at an establishment:

i. Pre-inspection: a pre-arranged inspection, for an initial or new permit, to check if a facility is capable of meeting the code requirements.

ii. Routine Inspection: This can be pre-arranged or unannounced inspection. A routine inspection is done to determine if a facility is operating according to code.

iii. Complaint Investigation: Can be pre-arranged or unannounced. A complaint investigation is done to investigate the conditions alleged in a complaint.

iv. Food Borne Illness Investigation: Can be pre-arranged or unannounced. An investigation to help identify the cause of food borne illness outbreak and prevents its continuation.

v. Follow-up Inspection: An inspection conducted at the inspector's discretion to check on the status of an outstanding order on a facility. If the routine inspection called for a re-inspection, a follow-up inspection is not an option.

vi. Re-inspection: All re-inspections are pre-arranged. A re-inspection is an inspection to verify that priority/critical violations and repeat violations have been corrected.

vii. Special Inspection: Shall be used to detail any type of inspection not listed here.

(4) COMPLAINTS

(a) Langlade County Health Department shall follow up on all complaints received.

(b) Complaints of illness and reported food and water borne illness are investigated to ensure compliance.

(c) Langlade County Health Department will notify DATCP for complaints that are under DATCP's jurisdiction as well as notification for the investigation and follow up of foodborne illness. DATCP Emergency response, complaints mailbox be utilized for reporting.

(5) ENFORCEMENT

(a) The provisions of this ordinance shall be enforced by employees of the Langlade County Health Department, the designees of this department, or other persons authorized by the Board of Supervisors. Non-compliance with the ordinance or with a temporary order from the Health Officer or designee shall be cause for enforcement action under this section of this ordinance.

(b) The provisions of this section shall be administered by or under the direction of the Health Officer of the Health Department, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this section and issue citations or seek a summon and complaint through a referral to the District Attorney.

(c) If violations are found, an order to correct shall be given to the owner or operator, in writing, noting specific changes that must be made in order to bring the facility into compliance. The order shall set forth the time period by which corrections must take place. In accordance with s. 29.013 of this ordinance, failure to correct may result in

re-inspection fees, suspension of the establishments license to operate, and may invoke the penalty provisions of this ordinance.

(6) LICENSE

(a) No person shall operate a retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, campground and camping resort, recreational and educational camp, public swimming establishments, without first obtaining a license form the Health Department as defined in ATCP 72, 73, 75, 76, 78 and 79.

(b) The license shall expire on June 30 of each year following their issuance except that license initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. Department of Agriculture, Trade, and Consumer Protection licenses shall expire on June 30 of each year following their issuance.

(c) The issuance of a license may be conditioned upon the operator correcting a violation of this section within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided.

(d) The license shall not be transferable from operator to another except as provided pursuant to ATCP 72, 73, 75, 76, 78 and 79.

(e) With the exception of those establishments defined herein as "transient retail", no license shall be granted to any person under this section until a pre-inspection by the Health Department of the premises is verified for compliance.

(f) No license shall be issued until a complete application and all applicable fees have been received by the Langlade County Health Department.

(7) APPLICATION: Application for a license shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the license within 30 days after receipt of a complete application. Notice will be given to the applicant of action taken, if an application for license is granted by the Health Department that license approval shall constitute a license to do business in Langlade County in conformity with this ordinance.

(8) FEES

(a) License fees shall be established by the Board of Health to cover the cost of issuing license, making investigations, sampling, testing, providing education, training, and technical assistance to the establishments, plus the cost required to be paid to DATCP for each license issued. Fees shall be those established and provided through the fee schedule and annually approved by the Board of Health.

(b) If a mobile or transient unit with a current license from the State of Wisconsin or another county is operating in Langlade County, an inspection for food safety practices will be conducted once per licensing year and an inspection fee assessed.

(9) TEMPORARY ORDERS: Whenever, as a result of an examination, the Health Officer or designee has reasonable cause to believe that an immediate danger to health exists on a premise covered by this section, the Health Officer or designee, may issue a temporary order in accordance with section 66.0417(2), Wis. Stats. or section 97.12, Wis. Stats., to issue a temporary order to prohibit the sale or movement of food for any purpose, prohibit the continued operation or method of operation of equipment, require the premise to cease any other operation or method of operation which creates an immediate danger to public health.

Section 66.0417, Wis. Stats., is incorporated herein by reference and made part of this ordinance.

(10) DENIAL, SUSPENSION OR REVOCATION OF LICENSE: The Health Officer, or designee, may deny any license application or suspend or revoke any license issued under this chapter for noncompliance with this code and regulations, rules and laws adopted by reference. The following procedure shall be followed in the denial, suspension or revocation of any license issued under this chapter:

(a) A decision by the Health Officer or designee, to deny, suspend or revoke a license shall be in writing and shall state, with specificity, the reasons for the Health Officer's or designee's decision and shall state any applicable statues, ordinances, rules, regulations or order which may have been violated. The Health Officer or designee shall send to the license copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

(b) Any licensee or applicant aggrieved by a decision of the Health Officer or designee, to deny, suspend or revoke a license may have the decision reviewed and reconsidered by a written request mailed or delivered to the Health Officer's or designee's decision. The written request for review and reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(c) Within 15 working days of receipt of the request for review and reconsideration, the Health Officer or designee shall review its initial determination. The Health Officer or designee may affirm, reverse or modify the initial determination. The Health Officer or designee shall mail or deliver to the licensee or applicant a copy of the decision on review and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to an administrative appeal, the time within which appeal shall be taken and the office or person with whom the appeal shall be filed.

(d) A license or applicant who wishes to appeal a decision made by the Health Officer or designee on review must file a notice of appeal within 30 days of notice of the Health Officer or designee's decision on review. The Administrative appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice of appeal with the Langlade County Board of Health.

(e) A licensee or applicant who wishes to appeal a decision made by the Health Officer or designee on review must file a notice of appeal within 30 days of notice of the Health Officer or designee's decision on review. The Administrative appeal shall be filed or mailed to the Health Officer. The Health Officer shall immediately file said notice of appeal with the Langlade County Board of Health.

(f) A licensee or applicant shall be provided a hearing on appeal within 15 days of receipt of the request for an Administrative appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or personal service at least 10 days before the hearing.

(g) The hearing shall be conducted before the Langlade County Board of Health and shall be conducted in accordance with the procedures outline in §68.11 (2) and (3), Wis. Stats.

(h) Within 20 days of the hearing, the Langlade County Board of Health shall mail or deliver to the appellant its written determination stating the reasons therefor.

(i) A decision by the Health Officer upon a request for review and reconsideration which is not appealed to the Langlade County Board of Health, or a decision by the Langlade County Board of Health on an appeal of a decision by the Health Officer of a request

for review and reconsideration shall be a final determination under §68.12(2), Wis. Stats.

(j) Any party to a proceeding resulting in a final determination may seek review thereof by certiorari within 30 days of receipt of the final determination per §68.13, Wis. Stats.

(11) VIOLATION AND PENALTIES: Any person who violates and refuses to comply with any provisions of this chapter shall be subject to a citation and respective forfeiture as established in Chapter 25 of the general code of Langlade County. As requested by the Health Officer or designee by referring the violation to Langlade County Corporation Counsel. Each day a violation exists or continues shall be considered a new and separate offense. The Health Department may seek injunctive relief from the circuit court where deemed appropriate to gain compliance. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable through long form summons and complaint with the District Attorney. The Health Officer or the Health Officer's designee or Environmental Health Specialist may issue citations using the standard citation form used in Langlade County. Citations may be served in person or may be sent by mail.

11.10 PENALTY

Except as otherwise provided, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall, upon conviction thereof, be subject to a penalty as provided in 25.04 of this Code of Ordinances.

CHAPTER 12

LICENSES AND PERMITS

12.03 Peddler's License and Transient Merchants
12.04 Large Assemblies

12.03 PEDDLER'S LICENSE AND TRANSIENT MERCHANTS

1) No person shall go on to any private residence, apartment or premises in the County for the purpose of soliciting from the occupants thereof; canvassing for orders for goods, wares, merchandise or services of any character or description; offering to give or to furnish or giving or furnishing any goods, wares, merchandise or services to any such occupants; or inducing or inviting such orders, without first having applied for and received from the County Sheriff's Department a solicitor's permit to do so.

2) The terms of this section shall not be held to include newsboys; the acts of resident merchants, businessmen, insurance agents or employees residing in the County in taking orders in the houses of their customers for goods held by them in stock at established places of business within the County or at established agencies; the acts of such merchants, businessmen and employees in delivering such goods, merchandise or insurance policies in the regular course of business; to solicitations or sales made by residents of the County for charitable purposes; nor shall it apply to farmers or truck gardeners residing in the State, who shall vend, sell or dispose of or offer to sell, vend, dispose of the products of the farm or garden occupied or cultivated by him, provided further that nothing contained in this section shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person from conducting a bona fide auction sale pursuant to law.

3) Any person desiring to secure such a solicitor's permit shall apply therefore in writing to the Sheriff's Department on forms provided by the County and such application shall state:

(a) The name and address of the applicant.
(b) The name and address of the person by whom employed.
(c) The length of service of such applicant with such employer.
(d) The place of residence and nature of the employment of the applicant during the last preceding year.
(e) The nature or character of the goods, wares, merchandise or services to be offered by the applicant.
(f) The personal description of the applicant. Such application shall be accompanied by such credentials and other evidence of the good moral character and identity of the applicant as may be reasonably required by the Sheriff's Department.

4) No solicitor's permit under this section shall be issued to any person until that person's fingerprints are on file with the County Sheriff's Office.

5) If the County Sheriff's Office shall determine after reasonable investigation that the applicant is of good moral character and proposes to engage in a lawful and legitimate commercial or professional enterprise, he shall then issue the permit applied for, which permit shall expire on December 31 of the year in which such permit shall have been issued.

(Rev. ORD #2-2008)

12.04 LARGE ASSEMBLIES

(1) PURPOSE AND INTENT

(a) It is the purpose of the County Board to regulate the assemblage of large numbers of people in excess of those normally needing the health, sanitary, fire, police and utility services regularly provided in the County, in order that the health, safety and welfare of all persons in the County, residents and visitors alike, may be protected.

(b) It is the intent herein that all subsections of this section have an independent existence and should any subsection be and should any subsection be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board that any subsection or provision so declared shall be severable from and shall not affect the remainder of this chapter.

(2) LICENSE REQUIRED

(a) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, manage or sell or give tickets to an actual or reasonably anticipated assembly of 3,000 or more people which continues or can reasonable anticipated assembly of 3,000 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the County Clerk. Application for a license shall be made at least 90 days in advance of such assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(b) As used in this section:

1. Person means any individual natural human being, partnership, corporation, firm, company, association, society or group.
2. Assembly means a company of persons gathered together at any location at any single time for any purpose.

(c) A separate license shall be required for each event and each location in which 3,000 or more people assemble. The applicant shall pay the required fee as established by the Land Records and Regulations Department.

(d) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(e) If the event involves sound systems, the license shall stipulate reasonable hours allowed for the use of the sound systems during the assembly.

(f) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other similar permanently established place of assembly of assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(g) This section shall not apply to government sponsored fairs held at regularly established fairgrounds nor to assemblies required to be licensed by other regulations of the County.

(3) CONDITIONS FOR ISSUING LICENSE: Before a license may be issued, the applicant shall first:

(a) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly.

(b) Provide proof that he will furnish at his own expense before the assembly commences:

1. Fencing, or natural barriers such as vegetation, rivers, lakes or wetlands to adequately enclose the proposed location of sufficient height and strength, or width to prevent people in excess of the maximum permissible numbers from gaining access to the assembly grounds, and an adequate number of gates to allow for safe ingress and egress from the grounds.
2. Portable water meeting all Federal and State requirements for purity, sufficient to provide drinking water for the maximum number or people to be assembled.

3. Separate enclosed toilets for males and females meeting all State and local specifications, and portable toilets, as required by the WI Division of Health conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all State and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provide with each toilet.
4. A sanitary method of disposing of solid waste in compliance with State and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled, together with a plan for holding and a plan for collection all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.
5. Physicians and nurses licensed to practice in Wisconsin sufficient to provide urgent medical care for the maximum number of people to be assembled, together with an enclosed covered structure where treatment may be rendered and contractual arrangements for the sufficient provision of ambulance service during the event.
6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
7. An off-street parking area inside the assembly grounds or adjacent to the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled. If the parking area is not contiguous to the assembly grounds, a shuttle service from the off-premise parking area to the assembly grounds.
8. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled and/or identification of the location on the grounds where there is cell phone reception available, if any.
9. If the assembly is to continue overnight, camping facilities in compliance with all State and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the County, sufficient to provide camping accommodations for the maximum number of people camping.
10. Security guards, either regularly employed, duly sworn, off duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled and contractual arrangements for the sufficient provision of security during the event as approved by the Sheriff's Office.
11. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, and a severe weather warning system sufficient to meet all State and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the County and sufficient emergency personnel to efficiently operate the required equipment.
12. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the boundaries of the location of the assembly.
13. If alcohol is to be served, provisions for an enclosed, secured, monitored area for the purposed of preventing the sale and distribution of alcohol to underage persons, as approved by the Sheriff's Office.
14. A bond filed with the County Clerk, either in cash or underwritten by a surety company licensed to do business in Wisconsin at a per/person rate to be determined by the Water and Land Use Planning Committee after consultation with affected agencies for the maximum number of people permitted to assemble, which shall indemnify and hold harmless the County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license and from

any cost incurred in cleaning up any waste material produced or left by the assembly and any out of pocket expenses that may be incurred or paid by government agencies, including but not limited to Sheriff, fire, ambulance, public health and zoning.

15. A certificate of liability insurance in the amount of $1,000,000 each occurrence, $1,000,000 personal injury for coverage of injuries to persons and/or damage to property during the event.
16. The event coordinator and/or any other vendor selling goods or services are responsible to obtain and provide copies of licenses and/or approvals from the Division of Health, DATCP, and any other state or local agency and comply with said requirements at the time of inspection.

(4) APPLICATION

(a) Application for a license under this section shall be made in writing to the County Clerk at least 90 days in advance of such assembly.

(b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application, in the case of an individual, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there are no officers, by all members of such association, society or group.

(c) The application shall contain and disclose:

1. The name of the person responsible to obtain the license for the event and who is authorized to provide the information required. Also, the name, age, residence, and mailing address of all persons required to sign the application in par. (b) and, in the case of a corporation, a certified copy of the articles of incorporation, together with the name, age, residence and mailing address of each person holding 10% or more of the stock of such corporation.
2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of all such property.
3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for an assembly of 3,000 persons.
4. The nature or purpose of the assembly.
5. The total number of days and/or hours during which the assembly is to last.
6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight.
7. The maximum number of tickets to be sold, if any.
8. The plans of the applicant to limit the maximum number of people permitted to assemble.
9. The plans for fencing the location of the assembly and the gate contained in such fence.
10. The plans for supplying potable water, including the source, amount available and location of outlets.
11. The plans for providing toilet and lavatory facilities, including the source, number and location, type and means of disposing of waste deposited. Copies of the application for a Division of Health license or evidence of notification of the Division of Health regarding the number and location of portable toilets.
12. The plans for holding, collection and disposing of solid waste material. Copies of the contract with the licensed solid waste disposal service.

13. The plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service. Copies of the contract for provisions of these services.
14. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.
15. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots, and plans for provision of a shuttle service or other safe means of transporting people form off premise parking areas to the assembly grounds.
16. The plans for telephone service, including the source, number and location and telephones.
17. The plans for camping facilities, if any, including facilities available and their location. Copies of the application for a Division of Health license or evidence of notification of the Division of Health regarding the number, location, and layout of campsites.
18. The plans for security, including the number of guards, their deployment and their names, addresses, credentials and hours of availability. Copies of the contract for provisions of these services.
19. The plans for fire protection, including the number, type and location of all protective devices, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment. The plans for notification of severe weather and tornado watches and warnings.
20. The plans for sound control and sound amplification, if any, including number, location and power amplifiers and speakers.
21. If alcohol is to be served, plans for an enclosed, secure area and provisions for monitoring ingress and egress to the secure area for purposes of preventing the sale and distribution of alcohol to underage persons.
22. The plans for food and dairy product concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers. Copies of the application of a Division of Health and/or Department of Agriculture, Trade and Consumer Protection (DATCP) license or evidence of notification of the Division of Health and/or DATCP regarding the number, name and type of vendors. Plans for selling of liquor, beer or wine. Copies of the liquor, beer or wine license applications.

(d) The application shall include the bond and certificate of insurance required in subpart (3)(b) 13 and 14.

(5) ISSUANCE

(a) Upon receipt of an application for a license under this section the County Clerk shall:
1. Notify the County Zoning Administrator of the application and shall provide the administrator with a copy thereof.

(b) Upon receipt of notification of application, the County Zoning Administrator shall:
1. Investigate the application to determine whether there is full compliance with the requirements of subs. (3) and (4) and report to the Water and Land Use Planning Committee prior to its hearing and review.
2. Notify all landowners with 300’ of all proposed sites in application and advise them of the application and hearing and review by the Water and Land Use Planning Committee and the time, date and location of such hearing and review.

(c) Upon referral of an application to the Water and Land Use Planning Committee, the chairman shall schedule a hearing and review by the Committee for a time prior to the County Board meeting prior to the proposed date of the event.

(d) The Water and Land Use Planning Committee shall hold a hearing and review of any application. The applicant and any interested person may address the Committee on any matter concerning the application. Upon completion of any public discussion of the application, the Committee shall vote to accept, reject or modify the application. The vote of each Committee member shall be based on the following:
    1. Compliance of the application with subs. (3) and (4).
    2. Recommendations of the County Zoning Administrator in the administrators report to the Committee.
    3. Public approval or disapproval of the application.
    4. Economic, transportation and law enforcement impact of the proposed event on the County and Town.

(e) If the Water and Land Use Planning Committee accepts the application, the Committee will instruct the County Clerk to issue the license to the applicant, upon receipt of copies of all required Division of Health licenses, DATCP licenses, and/or liquor, beer and/or wine licenses. If the Water and Land Use Planning Committee approves a modified version of the application and the applicant accepts the modifications, the Committee will instruct the County Clerk to issue the license as modified.

(f) If the Water and Land Use Planning Committee rejects the application or modifies the application in a manner unacceptable to the applicant, the applicant may request a review by the full County Board. A request full County Board review must be made at the Water and Land Use Planning Committee hearing and review after their vote. If a request is made, the chairman of the Water and Land Use Planning Committee shall arrange for a review of the application by the full County Board at its next meeting prior to the proposed date of the event. The full County Board shall base its vote to approve or disapprove the application on the same criterion as the Water and Land Use Planning Committee made its original determination. The decision of the County Board shall both approve the application in its original form and instruct the County Clerk to issue a license or disapprove or approve as modified by the Water and Land Use Planning Committee. If the applicant accepts the modified application affirmed by the County Board, the County Clerk shall issue the license as modified. The decision of the County Board is not appealable.

(g) The license fee will not be returned to applicants whose applications are denied or modified in a way unacceptable to the applicant.

(6) REVOCATION: The license may be revoked by the Water and Land Use Planning Committee at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if nay condition previously met ceases to be complied with.

(7) INSPECTIONS: The Langlade County Zoning Administrator, Sheriff's Office and Health Department shall be allowed to enter the premises without notice/without admission fee during the term of the license solely for purpose of inspecting the premises for compliance with license conditions.

(8) ENFORCMENT

(a) The provisions of this section may be enforced by injunction in any court of competent jurisdiction.

(b) The hold of an assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.

(9) PENALTY: Any person who violates par. (2)(a) or who violates any condition upon which he is granted a license may be subject to a forfeiture of not less than $5,000.00 no more than $10,000.00. Each day of violation shall be considered a separate offense.

CHAPTER 13

RESERVED FOR FUTURE USE

CHAPTER 14

CODE OF ORDINANCES
Wisconsin Uniform Dwelling Code (UDC)

14.01 Authority
14.02 Purpose
14.03 Scope
14.04 Wisconsin Uniform Dwelling Code Adopted
14.05 Building Inspector
14.06 Building Permit Required
14.07 Building Permit Fee
14.08 Penalties
14.09 Effective Date

14.01 AUTHORITY
These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes. This ordinance shall apply to all municipalities in the county without a Uniform Dwelling Code enforcement program.

14.02 PURPOSE
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.

14.03 SCOPE
The scope of this ordinance includes the construction and inspection of one- and two-family dwellings. (Rev. ORD #1-2009-02-17-09)

14.04 WISCONSIN UNIFORM DWELLING CODE ADOPTED
The Wisconsin Uniform Dwelling Code, Chapters COMM 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

14.05 BUILDING INSPECTOR
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 person or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

14.06 BUILDING PERMIT REQUIRED
No person shall alter in any twelve-month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from Langlade County. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Additions, decks, and roof extensions where the addition, deck or roof extensions is less than 100 square feet, re-siding, re-roofing, finishing of interior

surfaces and installation of cabinetry shall be exempted from permit requirements. If the project is exempt from the requirement of a zoning permit pursuant to Chapter 17, it is exempt from a building permit. (Rev. ORD #1-2009-02-17-09)

14.07 BUILDING PERMIT FEE

The building permit fees shall be established by the Water and Land Use Planning Committee and may be subject to change upon 30-day notice and shall include the applicable fee to be forwarded to the Wisconsin Department of Commerce for a UDC permit seal that shall be assigned to any new dwelling.

14.08 PENALTIES

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than $25.00 or more than $1,000.00 for each day of noncompliance.

14.09 EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as provided by law.

ORD #5-2006 Adopted April 18, 2006

CHAPTER 15

PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

15.01 Statutory Authority
15.02 Purpose
15.03 Repeal and Effective Date
15.04 Severability and Liability
15.05 Interpretations
15.06 Definitions
15.07 Compliance
15.08 Incorporation of Provisions by Reference
15.09 Applicability
15.10 Limitations
15.11 Abandonment of Private Onsite Wastewater Treatment Systems
15.12 Non-plumbing Sanitation Systems
15.13 Reserved for Future Use
15.14 Soil and Site Evaluation
15.15 Sanitary Permits
15.16 Application Requirements
15.17 Plans
15.18 Permit Cards
15.19 Permit Expiration
15.20 Change of Ownership
15.21 Change of Plumbers
15.22 Permit Denial
15.23 Reconnection
15.24 Construction Affecting Wastewater Flow or Contaminant Load
15.25 Existing POWTS Evaluation Reports
15.26 Permit Fees
15.27 Inspections: General
15.28 Inspections: Site Constructed Holding Tanks
15.29 Inspections: Non-Plumbing Sanitary Systems
15.30 Inspections: Mounds
15.31 Inspections: At-Grade Systems
15.32 Inspections: Sand Filters
15.33 Experimental Systems and Systems Not Recognized by SPS 383.60
15.34 Reinspection
15.35 Testing
15.36 Maintenance and Management
15.37 POWTS Maintenance Program
15.38 Holding Tank Maintenance Agreement
15.39 Administration
15.40 Powers and Duties
15.41 Board of Adjustment
15.42 Violations and Penalties

15.01 15.01 STATUTORY AUTHORITY

This ordinance is adopted pursuant to the authorization in §59.70(1), 59.70(5), 145.01, 145.13, 145.19, 145.20, Wisconsin Statutes.

15.02 PURPOSE & INTENT

The purpose of this chapter is to promote and protect public health, safety, prosperity, aesthetics, and general welfare of the people and communities within the County. The general intent of this chapter is to regulate the location, design, installation, alteration, inspection and management of private onsite wastewater treatment systems and non-plumbing sanitation systems, and to assure the timely maintenance, repair, or replacement of failing private onsite wastewater treatment systems so as to protect the health of residents and transients and to secure safety from disease, nuisance and pestilence and for the protection of the surface and groundwater resources.

15.03 REPEAL AND EFFECTIVE DATE

After public hearing, adoption by the County Board, and publishing or posting as required by law, this ordinance shall be effective. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance.

15.04 SEVERABILITY AND LIABILITY

Should any section, clause, provision, or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private onsite wastewater treatment system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply with Wisconsin Statute or Administrative Code requirements.

15.05 INTERPRETATIONS

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related Administrative Codes.

15.06 DEFINITIONS

The following terms shall have the meanings indicated in this section.

(1) Accessory Building. A detached building, not used as a dwelling unit, but is incidental to that of the dwelling.

(2) Building. A structure for the support, shelter, or enclosure of persons or property.

(3) Conventional Private onsite wastewater treatment system. A private onsite wastewater treatment system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

(4) County Sanitary Permit. A permit issued by the Department pursuant to Wis. Stats. §145.04 and Wisconsin Administrative Code SPS 383.25 for the reconnection of a private onsite wastewater treatment system or for the installation of a non-plumbing sanitation system.

(5) Department. The Langlade County Land Records and Regulations Department.

(6) DSPS. The Wisconsin Department of Safety & Professional Services.

(7) Failing Private Onsite Wastewater Treatment System. "Failing onsite wastewater treatment system" has the following meanings:

(a) Those specified under §145.01(4m), Wisconsin Statutes.
(b) A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect.
(c) Those specified under SPS 383.03(2)(b)2 Wis. Adm. Code.

(8) Human Habitation: The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

(9) Minor Repairs: A minor repair to a private onsite wastewater treatment system includes the replacement or repair of any of the following:

(a) Manhole covers
(b) Manhole risers
(c) Septic tank baffles
(d) Effluent pumps and related controls or wiring
(e) Other components as determined by the Department

(10) Modification in Wastewater Flow or Contaminant Load: A modification in wastewater flow or contaminant load shall be considered to occur:
(a) For public buildings, facilities, or places of employment, when there is a proposed change in occupancy of the structure, or the proposed modification affects either the type or number of plumbing appliances, fixtures, or devices discharging to the system;
(b) For dwellings, when there is an increase or decrease in the number of bedrooms.

(11) Non-plumbing Sanitation System: Sanitation systems and devices within the scope of SPS 391, Wisconsin Administrative Code, which are alternatives to water-carrying waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets, and privies.

(12) Occupancy: Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

(13) Plumber: A person licensed by the State as a Master Plumber or Master Plumber-Restricted Service.

(14) Portable Restroom: A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

(15) POWTS: Also referred to as a "Private Onsite Wastewater Treatment System, has the meaning given under s. 145.01(12), Wis. Stats.

(16) Privy: An enclosed nonportable toilet into which non-water-carried human wastes are deposited.

(17) Privy-Pit: A privy with a subsurface storage chamber which is not watertight.

(18) Privy-Vault: A privy with a subsurface storage chamber that is watertight.

(19) Rebuilt or Rebuilding: The construction which takes place after a structure is demolished or damaged to the extent of replacement of 50% or more of the supporting structural members, such as bearing walls, columns, floors, beams, or any substantial changes in the roof and exterior walls.

(20) Sanitary Permit: A County Sanitary Permit, a State Sanitary Permit, or both.

(21) Septic Tank: An anaerobic treatment tank.

(22) State: The Wisconsin Department of Safety and Professional Services.

(23) State Sanitary Permit: A permit issued by the Department for the installation or modification of a private onsite wastewater treatment system, pursuant to §145.19, Wisconsin Statutes.

(24) Structure: Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools.

(25) Zoning Administrator: A person recommended by the County Water and Land Use Planning committee and approved by the County Board to administer and enforce this ordinance, or designee.

SUBCHAPTER II: GENERAL REQUIREMENTS

15.07 COMPLIANCE

(1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.

(2) The private onsite wastewater treatment system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit under Section 15.23 shall be approved and installed and may be inspected before the structure may be occupied.

15.08 INCORPORATION OF PROVISIONS BY REFERENCE

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private onsite wastewater treatment systems: §59.70(5), Chapters 145, 281.48 and 968.10, Wisconsin Statutes; Chapters SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, SPS 391, NR 113 and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

15.09 APPLICABILITY

The requirements of this ordinance shall apply to all geographic areas of Langlade County.

15.10 LIMITATIONS

(1) All domestic wastewater shall enter a private onsite wastewater treatment system unless otherwise exempted by the State or this ordinance.

(2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided (see 15.12 for other limitations).

(3) Any private onsite wastewater treatment system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Langlade County Zoning Code, Chapter 17 of the Langlade County Code of Ordinances.

(4) Installation of a holding tank is prohibited if any other type of private onsite wastewater treatment system permitted by SPS 383, Wisconsin Administrative Code, can be utilized.

A sanitary permit for the installation of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for a conventional/inground soil absorption system, at-grade system, or mound system, except as provided in (a) or (b) below.

(a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in 15.15, an application for a sanitary permit to install a temporary holding tank shall include written statements from:

1. The municipality or sanitary district, verifying the date that the public sewer will be installed and available to serve the property;

2. The Department of Natural Resources, verifying approval of the public sewer; and the property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank must be replaced with another type of system recognized by SPS 383, Wisconsin Administrative Code.

(b) A temporary treatment/holding tank may be installed in cases of emergency due to inclement weather conditions, tank collapses, and other unforeseen circumstances. A sanitary permit application for the entire proposed system shall be submitted to the Department as required in Section 15.15, prior to installation of the temporary tank(s). All components of the system shall be completed as soon as conditions permit. Time limits may be established at the discretion of the Department.

(5) When a failing private onsite wastewater treatment system is identified, it shall be brought into compliance with current code requirements, replaced with a code-compliant system, or its use discontinued within the period of time required by Department order. Unlawfully modified private onsite wastewater treatment systems, a private onsite wastewater treatment system that has sewage bypassing the system, or a holding tank which is discharging sewage into the ground, onto the ground's surface, or into surface waters may be ordered by the Department to be corrected or replaced with a code-compliant system.

15.11 ABANDONMENT OF PRIVATE ONSITE WASTEWATER

TREATMENT SYSTEMS

(1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private onsite wastewater treatment system shall be disconnected within one year and a connection made to the public sewer, with the following exception:

The delay in abandonment of the disconnected private onsite wastewater treatment system is to ensure the abandonment is done in accordance with the provisions of SPS 383.33, Wisconsin Administrative Code.

(2) The components of an existing private onsite wastewater treatment system that are not part of the approved sanitary permit for a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with SPS 383.33, Wisconsin Administrative Code.

15.12 NON-PLUMBING SANITATION SYSTEMS

(1) Non-plumbing sanitary systems shall comply with the minimum requirements of SPS 391 and SPS 362.2900(2), unless this ordinance is more restrictive.

(2) PRIVIES

(a) Location

1. Except as provided in 2. privies are prohibited on lots that are:
   a. Less than 3 acres in size; or
   b. Zoned for residential use excluding Agriculture Forestry Residential (AFR); or
   c. Within 300' of any navigable water body unless the following conditions are met:

      a. It is located at least 150' from the ordinary high-water mark of any navigable waterbody.
      b. It is located on the landward side of a residential structure, if present.
      c. Exterior building colors shall blend with the natural groundcover in the vicinity of the construction. Any privy must be screened from the view of the water body.
      d. Privy to be constructed on a vault only.

2. Privies may be located on public lands, including campgrounds and parks, DATCP-licensed campgrounds, and group camps operated by a not-for-profit service organization.

3. A privy is allowed only when the building served by the privy is not provided with plumbing or water service.

4. A privy may be allowed on lots where there is no building, provided the following conditions are met:
   a. The lot in question would be used for recreational or seasonal occupancy purposes only (camping, hunting, etc.).

   b. A soil test may be required to be completed and filed with the County to identify a primary and replacement site for a private onsite wastewater treatment system on the lot.

   c. The property owner shall obtain a county sanitary permit for the privy.

d. If at any time the property owner desires to construct or place a residence on the lot, the owner shall obtain a sanitary permit for the installation of a private onsite wastewater treatment system in addition to the privy sanitary permit.

5. Pit privies shall be a minimum of 50 feet to a well, 25 feet to a building, 15 feet to a lot line, and meet shoreland setback requirements in Chapter 17.

6. Vault privies shall be a minimum of 25 feet to a well, 25 feet to a building, 15 feet to a lot line, and meet shoreland setback requirements in Chapter 17.

(b) Permit, fee, and agreement:

1. Prior to the installation of a privy, a property owner shall obtain a county sanitary permit for the privy and pay the applicable fee.

2. Prior to the issuance of a sanitary permit, the property owner must sign a privy installation agreement and have it recorded in the Register of Deeds' office.

(c) Soil boring requirements:

1. If a property owner wishes to construct a pit privy, a soil boring must be evaluated by a certified soil tester to ensure that the bottom of the proposed excavation is 3' above a limiting soil factor (i.e., high groundwater, bedrock mottling, etc.). This information shall be submitted to the Department on a Soil and Site Evaluation form. Where the soil tester determines that there are no suitable soils for a pit privy, a vault privy shall be installed.

(d) Vault requirements:

1. Vaults used for privies shall be an approved sewage/treatment tank as listed in the most current Department product approval register.
2. The minimum chamber size for a vault privy shall be 300 gallons.

(3) CHEMICAL, COMPOSTING, OR INCINERATING TOILETS

(a) Location:

1. Chemical, Composting (organic), Incinerating, or other non-water-using toilets may be utilized in the same locations that privies are allowed, and;

2. A chemical, organic, or other non-water-using toilet may be allowed for water conservation purposes, in structures that are served by a code-compliant private onsite wastewater treatment system.

(b) Permit, fee, and agreement:

1. Prior to utilization of a chemical, organic, or other non-water-using toilet, a property owner shall obtain a county sanitary permit for the toilet and pay the applicable fee.

2. Prior to the issuance of the sanitary permit, the property owner must sign a non-water-using toilet agreement and have it recorded in the Register of Deeds' office.

(c) Inspections:

1. All properties where non-water-using toilets are utilized may be inspected periodically by the Zoning Administrator with the permission of the property owner, to assure there is no plumbing in the structure and that no other type of sanitary system exists. Denying the right to inspect the premises shall result in a revocation of the permit and the

requirement that another code-compliant private onsite wastewater treatment system be installed on the property.

(4) PORTABLE TOILETS

(a) Location:

1. Portable, self-contained toilets may be allowed for emergency purposes, at construction sites, and in quarries for the duration of the project or need.

2. Portable, self-contained toilets may be allowed on a temporary basis for short-term events such as auctions, flea markets, recreational events, etc.

3. Portable, self-contained toilets are prohibited as a substitution for an approved wastewater treatment system, for other non-plumbing sanitation systems, or for connection to a municipal wastewater system.

15.13 RESERVED FOR FUTURE USE

SUBCHAPTER III: PERMITS AND APPLICATIONS

15.14 SOIL AND SITE EVALUATION

(1) Soil and site evaluations shall be completed prior to issuance of sanitary permits and comply with SPS 383, SPS 385, and SPS 391, Wisconsin Administrative Code, and this ordinance.

(2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. Observation is best accomplished by the excavation of backhoe pits as in SPS 385.20(3)(c).

(3) Department verification of a Soil and Site Evaluation Report may be necessary to determine the suitability of a lot for a private onsite wastewater treatment system as specified in SPS 385.50(2). This verification will be made at the discretion of the Zoning Administrator and will be made prior to the issuance of the sanitary permit. This verification will result in one of the following:

(a) Issuance of a sanitary permit is provided if all information on the application is correct and complete.

(b) Establish a record indicating site suitability for future sanitary permit applications.

(c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.

(d) Denial of the report and/or sanitary permit, if the site does not meet all the provisions of this ordinance and the appropriate Wisconsin Statutes and Administrative Codes. Written notice of the right to appeal shall be given to the submitter pursuant to Section 15.41

(4) A certified soil tester may request Department assistance in evaluating the significance of unusual site conditions. The Department may decline to provide assistance and defer to the use of soil saturation determinations per SPS 385.60.

15.15 SANITARY PERMITS

(1) Every private onsite wastewater treatment system shall require a separate application and sanitary permit.

(2) Per Wis. Stats 145.19(1g) No person may purchase or install a private on-site wastewater treatment system unless the owner of the property on which the private on-site wastewater treatment system is to be installed holds a valid sanitary permit issued under this section. No person may sell at retail, as defined under s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser holds a valid sanitary permit. Any property owner, their agent, or contractor who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.

(3) A sanitary permit shall be obtained by the property owner, their agent, or contractor, in the name of the property owner, prior to the installation, establishment, or construction of any structure which requires a private onsite wastewater treatment system or non-plumbing sanitation system.

(4) A sanitary permit shall be obtained by the property owner, their agent, or contractor, before any private onsite wastewater treatment system or part thereof may be installed, replaced, repaired, reconnected, or modified. A sanitary permit is not required for the addition of manhole risers or for minor repairs.

(5) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.

(6) If any part of a private onsite wastewater treatment system has failed or requires replacement or modification, the entire system shall be evaluated to determine if it is compliant with applicable codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department.

If any part of the system is found to be defective or not in conformance with applicable standards, the sanitary permit application shall include specifications for the repair, renovation, replacement, or removal of that part.

15.16 APPLICATION REQUIREMENTS

(1) A sanitary permit application shall include the following information, which shall be furnished by the applicant on forms required by the State and/or the Department, along with all applicable fees:

(a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).

(b) Legal description of the subject site and the parcel identification or parcel number.

(c) All lot dimensions.

(d) Driving directions to the site.

(e) Description of building use (single family, duplex, etc.).

(f) Soil and Site Evaluation report.

(g) System plans (see 15.17).

(h) Appropriate agreements, contracts, and a management plan for the proposed design describing monitoring, maintenance, and servicing agreements.

(i) Verification that any existing private onsite wastewater treatment systems on the same parcel of land are not failing private onsite wastewater treatment systems.

(j) Copies of any documents required in 15.16(4) and verification that they have been recorded.

(k) Any other information required by the Department, including verification of compliance with 15.40 of this ordinance.

(2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.

(3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with SPS 391 Wisconsin Administrative Code.

(4) The following documents must be recorded with the Langlade County Register of Deeds prior to sanitary permit issuance:

(a) Maintenance agreements, notification of servicing requirements, or notification of system limitations, if recording is required by SPS 383 Wisconsin Administrative Code, or 15.38 of this ordinance.

(b) If a private onsite wastewater treatment system or parts thereof is located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.

(c) If a private onsite wastewater treatment system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.

(d) If a private onsite wastewater treatment system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.

(e) If the design wastewater flow of a private onsite wastewater treatment system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.

(5) The Department reserves the right to require Floodplain and/or Wetland delineation prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum.

(6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

15.17 PLANS

System plans shall be submitted for approval to the Department or to the State in accordance with SPS 383 Wisconsin Administrative Code. Plans shall comply with the requirements of SPS 383 Wisconsin Administrative Code and this ordinance.

(1) Plans submitted to the Department shall include the original and as many copies as are required by the Department.

(2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.

(3) Plans submitted shall be clear, legible, and permanent (ink) copies.

(4) Plans submitted shall comply with SPS 383, Wisconsin Administrative Code, and include the following:

(a) The name of the property owner and the legal description of the site;

(b) Estimated daily wastewater flow and design wastewater flow.

(c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private onsite wastewater treatment system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to ensure that the horizontal setback parameters in SPS 383 Table 383.43-1 Wisconsin Administrative Code are met. All separating distances and dimensions shall be clearly shown on the plot plan.

(d) Details and configuration layouts depicting how the system is to be constructed.

(e) A description of a contingency plan in the event the proposed private onsite wastewater treatment system fails and cannot be repaired (see §15.10(4)). The contingency plan must include an alternate replacement area or a detailed analysis of options approved by the Zoning Administrator.

(f) Sufficient supporting information to determine whether the proposed design, installation, and management of the proposed private onsite wastewater treatment system or modification to an existing system complies with this ordinance.

(g) A management plan including appropriate agreements and contracts for system management and maintenance.

(5) Plans shall be signed or sealed as specified in SPS 383, Wisconsin Administrative Code.

(6) A copy of the approved plans shall be maintained at the construction site until the private onsite wastewater treatment system installation is completed, inspected, and accepted. The plans shall be made available to the Department or the State upon request.

(7) A modification to the design of a private onsite wastewater treatment system, which has been previously approved, shall be submitted to the Department or the State as specified in SPS 383, Wisconsin Administrative Code. Plan revisions must be approved prior to system installation. A fee may be charged when submitting revised plans according to 15.26.

15.18 PERMIT CARDS

(1) The permit card issued by the Zoning Administrator to the property owner or his agent shall serve as the sanitary permit.

(2) The permit card shall contain all the information required by §145.135, Wisconsin Statutes.

(3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.

(4) The permit card may not be removed until the private onsite wastewater treatment system has been installed, inspected, and approved by the Zoning Administrator.

(5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent, or contractor to penalty provisions of this ordinance.

15.19 PERMIT EXPIRATION

(1) A sanitary permit for a private onsite wastewater treatment system or non-plumbing sanitation system which has not been installed, replaced, repaired, modified, or reconnected and approved shall expire two years after the date of issuance unless renewed. Permits may be renewed by the property owner, his agent, or plumber, prior to the expiration date of the original permit.

(2) Permit Renewal and Fee. Requests to renew a sanitary permit may occur prior to the expiration of the sanitary permit, provided the licensed plumber submits the renewal application form along with the appropriate fee. A new permit card shall be issued when the permit is renewed.

(3) The approval of a renewal shall be based on Wisconsin Administrative Code, Statute, and ordinance requirements in force at the time of renewal. Changed Wisconsin Administrative Code, Statute, or ordinance may impede renewal, and a new permit shall be required if the permit must be altered to comply with current standards.

(4) A sanitary permit which has been renewed shall expire two years from the date of renewal.

(5) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

15.20 TRANSFER OF OWNERSHIP

(1) Transfer of ownership of a property for which a valid sanitary permit has been issued, and the system has not been installed, shall be subject to the following:

(a) The applicable form, fee, and previously issued permit card shall be submitted to the Department.

(b) Transfer of ownership shall not affect the expiration date or renewal requirements.

15.21 CHANGE OF PLUMBERS

(1) To change plumbers, the applicable form signed by the new plumber and the applicable fee shall be submitted to the Department.

(2) The change of plumbers shall be approved by the department prior to the installation of the private onsite wastewater treatment system.

(3) Sanitary permits for systems requiring State plan approval shall not be approved by the Department unless the plan bears the stamp of an architect, engineer, or plumbing designer, or a State-level approval is obtained by the new plumber.

15.22 PERMIT DENIAL

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code, or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Notice of the right to appeal, along with the procedures for the appeal, shall be given to the plumber pursuant to

SPS 383.21(3)(d)2. b. Reasons for the denial shall be forwarded to the plumber, landowner, and, when appropriate, the Corporation Counsel.

15.23 RECONNECTION

(1) A county sanitary permit for a reconnection of an existing system shall be obtained prior to:

(a) Construction of a structure to be connected to an existing private onsite wastewater treatment system;

(b) Disconnection of a structure from an existing private onsite wastewater treatment system and connection of another structure to the system except as permitted in 15.23(4); or

(c) Rebuilding a structure that is reconnected to a private onsite wastewater treatment system.

(d) A modification of or addition to an existing building which includes a new building sewer and/or a new connection to an existing private onsite wastewater treatment system.

(2) Prior to issuing a reconnection sanitary permit, the existing private onsite wastewater treatment system shall be examined to:

(a) Determine if it is functioning properly or whether it is a failing system.

(b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.

(c) Determine that all minimum setback requirements of SPS 383, Wisconsin Administrative Code, will be maintained.

(3) Application for a County reconnection permit shall include the following:

(a) All items in §15.16(1) (a - e) and §15.16(1) (i-k);

(b) An Existing POWTS Evaluation Report, as specified in §15.25.

(c) Complete plans, as specified in §15.17, for any system components which will be modified or replaced.

(d) If required, a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance for reconnections to existing holding tanks.

(e) If required, a new maintenance agreement or contract for reconnections to existing systems other than a holding tank.

(f) If required, a copy of an affidavit which has been recorded in the Register of Deeds office.

(4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, and a plot plan that documents all setbacks between the structure and system components.

(5) All systems shall be inspected at the time of reconnection at the discretion of the Department, prior to backfilling, to ensure that proper materials and methods are being used.

(6) Reconnection to an undersized system is not permitted.

15.24 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private onsite wastewater treatment system, the owner(s) of the property shall:

(1) Possess a sanitary permit to construct a new private onsite wastewater treatment system or modify an existing private onsite wastewater treatment system to accommodate the modification of wastewater flow or contaminant load; or

(2) Provide the following to the Department:

(a) Documentation that a private onsite wastewater treatment system of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in SPS 383, Wisconsin Administrative Code;

(b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private onsite wastewater treatment system components; and

(c) An Existing POWTS Evaluation Report, as specified in §15.25.

(3) If the existing private onsite wastewater treatment system is found to be undersized, construction of the building addition or modification shall be allowed only if permitted by SPS 383 and SPS 384, Wisconsin Administrative Code, and an affidavit for the use of the undersized system is recorded with the Office of the Register of Deeds.

(4) Any installation, addition, or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

(5) Prior to commencing construction of any structure or addition to a structure on a site where there exists a private onsite wastewater treatment system, the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of SPS 383, Wisconsin Administrative Code. Documentation shall be submitted as required in SPS 383, Wisconsin Administrative Code.

15.25 EXISTING POWTS EVALUATION REPORTS

(1) When an evaluation of an existing POWTS is required by this ordinance, an Existing POWTS Evaluation Report shall be completed and submitted to the Department. Existing POWTS Evaluation Reports must be on forms provided by the Department. The evaluation report shall include all of the following:

(a) A Soil and Site Evaluation Report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater and/or bedrock, along with identifying a replacement area that complies with SPS 383, Wisconsin Administrative Code.

Submittal of a Soil and Site Evaluation Report will not be required if:

1. The existing POWTS is a code-compliant holding tank.

2. An adequate Soil and Site Evaluation Report is on file, which was submitted and approved by the Department after July 1, 1980. The Department may accept Soil and Site Evaluation Reports on a case-by-case basis.

(b) A report provided by a plumber, certified septage servicing operator, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of any existing treatment or holding tanks;

(c) A report provided by a plumber, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, relative to the condition, capacities, and code compliance of all other system components;

(d) A plot plan prepared by a plumber, certified soil tester, certified POWTS inspector, or other person(s) authorized to do so by SPS 383, Wisconsin Administrative Code, including information specified in §15.16(4)(c), unless an accurate plot plan is on file with the Department;

(e) An evaluation of the use and wastewater flow of the structure(s) served relative to the capacity of the existing POWTS.

(f) Verification that all domestic wastewater from the structure discharges into the POWTS and that no outfall pipe(s) or connection(s) to drain tile exist.

(2) Existing POWTS Evaluation Reports must be signed by the licensed or certified person(s) performing the evaluation(s).

(3) Existing POWTS Evaluation Reports must be submitted to the Department within thirty (30) days of the evaluation.

15.26 FEES

(1) Fees shall be as determined and adjusted from time to time by the Water & Land Use Planning Committee of the Langlade County Board and as maintained by the Department in its "Land Records & Regulations Department Fee Schedule."
(2) Pursuant to Wis. Stat. § 66.0628(2), any fee imposed shall have a reasonable relationship to the service for which the fee is imposed.
(3) In addition to the foregoing fees as allowed by Wis. Stat. § 145.20(4), each owner of a private sewage system shall annually be charged a fee as reviewed and set by the Langlade County Water & Land Use Planning Committee, not to exceed Fifteen Dollars ($15.00) per private sewage system for the recordkeeping attributable to the inventory and tracking of the pumping and maintenance of each system, said fee to be recovered in the same manner as municipalities may make property assessments pursuant to Wis. Stat. § 66.0703.

SUBCHAPTER IV: INSPECTIONS

15.27 INSPECTIONS: GENERAL

(1) Notice for final inspection shall be given to the Department for all private onsite wastewater treatment systems installed, replaced, repaired, modified, or reconnected.

(2) These private onsite wastewater treatment systems shall be inspected by the Department for compliance with SPS 382, SPS 383, and SPS 384 Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes, and this ordinance.

(3) Notification for final inspection shall be given in accordance with the requirements of SPS 383 Wisconsin Administrative Code.

(4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of SPS 383, Wisconsin Administrative Code, are not met by the Department.

(5) When a private onsite wastewater treatment system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment, and necessary assistance to make a proper inspection.

(6) Private onsite wastewater treatment systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the Administrator.

15.28 INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS

(1) All site-constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms for the tank walls have been set, but in all instances before any concrete for the walls has been poured.

(2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.

(3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

15.29 INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS

(1) All non-plumbing sanitary systems installed may be inspected for compliance with SPS 391, Wisconsin Administrative Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one- and two-family dwellings shall also be inspected for compliance with SPS 391.12 and 361-366, Wisconsin Administrative Code.

(2) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

15.30 INSPECTIONS: MOUNDS

(1) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays, and holidays.

(2) Mound systems may be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed, before backfilling, and after all work has been completed, at the discretion of the Zoning Administrator.

15.31 INSPECTIONS: AT-GRADE SYSTEMS

(1) The plumber installing the at-grade shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays, and holidays.

(2) At-grade systems may be inspected at the time the ground surface is plowed, before distribution pipes have been placed in the cell, at the time the distribution piping installation has been completed before backfilling, and after all work has been completed at the discretion of the Zoning Administrator.

15.32 INSPECTIONS: SAND FILTERS

(1) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays, and holidays.

(2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place, before placement of any treatment media, at the time the distribution piping installation has been completed, and after all work has been completed.

15.33 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY SPS 383.60

(1) The plumber installing the system shall coordinate any required preconstruction meeting(s).

(2) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.

(3) Inspections shall be done pursuant to the approved plan~~s~~ requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

15.34 REINSPECTION

(1) A reinspection fee may be assessed when a reinspection of a private onsite wastewater treatment system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, Administrative Codes, the approved plans, or this ordinance. Each additional reinspection required at the site will require a fee.

(2) The reinspection fee shall be due within ten working days of written notification by the Department. Failure to pay this fee within that period shall constitute a violation of this ordinance.

15.35 TESTING

(1) If testing of new systems or new system components is required by SPS 382, 383, or 384, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in §15.27(3), so that the Department may make an inspection during the test.

(2) The Department may verify that required testing has been completed by:

(a) Performing an inspection during the test,

(b) Requiring written verification from the responsible person, or

(c) Both a and b.

SUBCHAPTER V: SYSTEM MANAGEMENT AND MAINTENANCE

15.36 MAINTENANCE AND MANAGEMENT

(1) All private onsite wastewater treatment systems shall be managed and maintained in accordance with SPS 383 and 384, Wisconsin Administrative Code, and this ordinance.

(2) The property owner shall report to the Department each inspection, maintenance, or servicing event, in accordance with SPS 383, Wisconsin Administrative Code, and this ordinance.

(3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance.

(4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department whenever there is a change to such document(s).

(5) The property owner shall submit a new maintenance agreement and/or servicing contract to the Department prior to the expiration of any existing maintenance agreement and/or servicing contract.

15.37 POWTS MAINTENANCE PROGRAM

(1) All new and existing private onsite wastewater treatment systems shall be visually inspected within three years of the date of installation and at least once every three years thereafter pursuant to SPS 383.255.

(2) Visual inspection of a private onsite wastewater treatment system shall be conducted by persons specified in SPS 383.54 to determine the condition of the tank and whether wastewater or effluent from the POWTS is ponding on the ground surface.

(3) All new and existing septic tanks shall be pumped within three years of the date of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum pursuant to SPS 383.54(3) & (4).

(4) PUMPING AND DISPOSAL
The pumping and the disposal of the septage shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.

(5) REPORTS
The property owner or owner's agent of a private onsite wastewater treatment system shall furnish the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the POWTS is discharging to or ponding on the ground surface, and the date of pumping within 30 calendar days of the date of inspection and/or pumping. Reports shall include all information required in SPS 383.55, Wisconsin Administrative Code, and signed by the person(s) inspecting and pumping the private onsite wastewater treatment system. Other maintenance or management reports required by SPS 383 or 384, Wisconsin Administrative Code, shall be included with this report.

(6) INSPECTIONS
The County Zoning Administrator shall make or cause to be made by a properly licensed individual necessary inspections to ensure an effective program of maintenance of private onsite wastewater treatment systems.

15.38 HOLDING TANK MAINTENANCE AGREEMENT

(1) The owner of a holding tank shall enter into a Maintenance Agreement on a form provided by the Department with Langlade County prior to issuance of a sanitary permit. The agreement shall require the holding tank owner to maintain/service the holding tank in accordance with all state and local requirements. Failure of the owner to meet requirements in response to orders issued by the Department shall empower the Department to take action to restore compliance. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner, and assignees of the owner. The Maintenance Agreement shall be filed with the Register of Deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

(2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.

SUBCHAPTER VI: ADMINISTRATION AND ENFORCEMENT

15.39 ADMINISTRATION

The Zoning Administrator shall be responsible for the administration of this ordinance. The Zoning Administrator may delegate his responsibilities to personnel employed by the Department.

15.40 POWERS AND DUTIES

In the administration of this ordinance, the Zoning Administrator shall have the following powers and duties:

(1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Codes.

(2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.

(3) Review and approve plans for private onsite wastewater treatment systems for one- and two-family residences or as approved through agent status by the State.

(4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.

(5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.

(6) Report violations of this ordinance to the Corporation Counsel.

(7) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Administrator or upon issuance of a special inspection warrant in accordance with §66.0119, Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.

(8) Upon reasonable cause or question as to proper compliance, revoke or suspend any sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration, or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance or applicable Wisconsin Statutes and the Administrative Code is obtained.

(9) Issue and enforce orders to plumbers, certified septage servicing operators, property owners, their agents or contractors, or the responsible party, to assure proper compliance with all provisions of this ordinance.

(10) Withhold county sanitary permits or approvals pursuant to this Ordinance where the applicant, owner, or parcel of land is not in compliance with this or any Ordinance administered by the Department until compliance is reestablished or a waiver has been granted by a body authorized to do so.

(11) Consider and approve or deny requests for a waiver to 15.10(4), 15.12, or any other section of this ordinance. Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Administrator may require recording of affidavits, Water and Land Use Planning Committee approval, the identification and preservation of a replacement system area, or other conditions as deemed necessary. (Rev. 8/19/03)

(12) Perform other duties regarding private onsite wastewater treatment systems as considered appropriate by the County or the State.

(13) Review and approve Existing POWTS Evaluation Reports for compliance with this ordinance and administrative codes.

15.41 BOARD OF ADJUSTMENT

Any person who alleges that there is an error in any order, requirement, or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in Ch. 17 (Zoning Ordinance) of the General Code. Any appeal shall be made on forms furnished by the Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

15.42 VIOLATIONS AND PENALTIES

(1) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in §25.04 of the Langlade County Code of Ordinances.
(2) Any construction which is in violation of this ordinance shall cease upon written orders from the Administrator or the placement of a notification of violation at the site.
(3) All construction shall remain stopped until the order is released by the Administrator.
(4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

CHAPTER 16

FOREST, PARKS AND RECREATION ORDINANCE

16.01 Authority
16.02 Definitions
16.03 Committee Appointment
16.04 Annual Report
16.05 Forest Finances
16.06 Forest, Parks, Recreation and Land Use Regulations
16.07 Survey Regulation
16.08 Enforcement and Penalty Assessments
16.09 Severability and Conflicts
16.10 Publication
16.11 Schedule of Chapter Forfeitures

16.01 AUTHORITY

This chapter is enacted to prescribe rules and regulations for the administration of County powers and duties as provided in Chapters 26, 28, 29, 59, 75 and 77, Wis. Stats., under which the Langlade County Board is granted specific powers relative to the establishment, protection, development, and management of County Lands and Forests to provide sustained yield of forest products for commercial use and the associated benefits

of soil and water conservation, scenic values, and fish and game resources; all in cooperation with the Department of Natural Resources. All references to Wisconsin Statutes shall include any amendment thereof. Wisconsin Statutes §350, and Wisconsin. Administrative Code NR §6 and Wisconsin Statutes §23.335, §346.59 and Wisconsin. Administrative Code NR §65 for the purposes of establishment of Recreational Motor Vehicle routes and trails, providing law enforcement to improve trail safety and to support the operations and maintenance of trails in Langlade County, Wisconsin.

1) STATE LAW ADOPTED: Except as otherwise specifically provided in this chapter, the statutory provisions of the following Wisconsin Statutes and Wisconsin Administrative code with respect to ATV/UTV, Snowmobile, and Off-Highway Motor Vehicles and exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this chapter as if fully set forth herein.

16.02 DEFINITIONS

As used in this chapter, the following terms mean:

1) AGENT: The Langlade County Forest Administrator.
2) BEACH: Any water area or adjacent land area designated as a swim area by standard regulatory markers.
3) BOAT LANDING: Any site adjacent to water that provides public access to navigable waters.
4) BOARD: Langlade County Board of Supervisors.
5) CAMP OR CAMPING: The use of a shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purposes.
6) CAMPSITE: A segment of a campground or camping area which is designated for camping use by a camping unit or camping party.
7) CAMPING UNIT: A single shelter, except sleeping bags and hammocks, used for a camp by a camping party, except those used exclusively for dining purposes. One tent or one shelter shall be considered a camping unit
8) CAMPING PARTY: Any individual, family, or individual group occupying a campsite.
9) COMMITTEE: The Langlade County Forestry and Recreation Committee.
10) COUNTY FOREST LAND: County land and property previously and subsequently acquired under supervision of the Forestry and Recreation Committee and enumerated under agreements within Chapters 28.11 Wis. Stats.
11) COUNTY RESERVE LAND: County land and property previously and subsequently designated to the supervision of the Forestry and Recreation Committee and **not enumerated under agreements within Chapters 28.11 Wis. Stats** and those lands under land use agreements with the County including Federal, State, Town and private lands that provide forest, wildlife or recreational benefit under agreements beneficial to Langlade County.
12) COUNTY PROPERTY: County property includes land, trees, shrubs, plants and other natural growth, sand and gravel, rocks, archaeological or geological features, gates, signs, walls, tables, piers, and structures.
13) DEPARTMENT: The Langlade County Forestry, Parks and Recreation Department.
14) DEFINED SHOOTING RANGE: County property officially designated as a shooting range by the Committee which is appropriately signed and fenced to provide public safety from shooting uses within the range.
15) FIREARMS: Shall be defined as any rifle, pistol, shotgun, air gun or other device whose function is similar to that of a firearm
16) FIREWORKS: Shall be defined as any explosives or pyrotechnic device containing powder or other combustible or explosive material
17) HUNTING CAMPS, FISHING CAMPS AND REMOTE CAMPS: Establishment of a shelters such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purpose by a camping party exceeding 6 people on lands not developed for as a campground or campsite. Camping parties within ¼ mile of each other are considered a camp. Hunting and Fishing camps are typically a base camp for

a group of hunters or fishermen at locations commonly occupied by the party for more than 3 days concurrent with hunting or fishing seasons.

18) MOTORIZED RECREATIONAL TRAIL: Include all trails designed, operated and maintained for use of All Terrain Vehicles (ATV), Utility Terrain Vehicles (UTV) or Snowmobiles as defined in Wisconsin DNR Regulations or other Motorized uses as may be defined by the Committee.

19) ALL TERRAIN VEHICLE (ATV): Wisconsin law, Chapter 340.01 (2g) of Wisconsin Statutes, defines an all-terrain vehicle as a commercially designed and manufactured motor-driven device which has a net weight of 900 pounds or less, *was originally manufactured with a width of 50 inches or less,* equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on three or more tires. This includes small or child-sized ATVs. Certain ATVs that do not currently fit the ATV definition may be registered as UTVs. The following do not meet legal ATV specifications.

- Any recreational vehicle or machine that does not meet the statutory specifications for ATVs.
- An ATV modified with tracks, skis, etc.
- Machines that can be legally registered as UTVs.
- An off-road motorcycle.
- 6-8-wheel amphibious vehicles.
- A go-cart or golf cart.
- Golf cart: a vehicle in which the speed attainable in one mile does not exceed 20 mph on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
- A homemade or non-commercially manufactured machine.

20) UTILITY TERRAIN VEHICLE (UTV): Wisconsin law Chapter 23.33.(1)(ng) of Wisconsin Statutes, defines a utility-terrain vehicle as a commercially designed and manufactured motor-driven device that is designed to be used primarily off highway, and originally manufactured and equipped with all of the following: a weight, without fluids, of 3,000 pounds or less; four or more tires; steering wheel; tail light; brake light; two headlights; width of not more than 65 inches; seat belts; and roll bar or similar device designed to reduce the likelihood that an occupant would be crushed as the result of a rollover. This includes small or child-sized UTVs. Vehicles that do not qualify as an ATV as defined in ss.340.01(2g) but are commercially designed and manufactured, motor driven devices that contain 3 or more tires, a weight without fluids of 2000 pounds or less, a width of 65 inches or less and a seat designed to be straddled by the operator may also be registered as a UTV. The following do not meet legal UTV specifications:

- A motor-driven device that meets federal motor vehicle safety standards.
- A UTV modified with tracks, skis, etc.
- A dune buggy or golf cart.
- Golf cart: a vehicle in which the speed attainable in one mile does not exceed 20 mph on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
- Vehicles that meet the legal definition of a low speed vehicle.
- A mini-truck.
- A homemade or non-commercially manufactured machine.

21) NON-MOTORIZED RECREATIONAL TRAIL: Include all trails designed, operated and maintained for hiking, biking, cross country skiing, snowshoeing, sled dogs or other Non- Motorized uses as may be defined by the Committee.

22) PERSONNEL: Includes all individuals involved with the implementation of the Langlade County Forest 15-Year Comprehensive Land Use Plan, the 5-Year Outdoor Recreation plan, and under the direction of the Forestry and Recreation Committee and Forest Administrator.

23) PICNIC AREA: Any tract of land developed and maintained for picnicking, including adjacent recreational areas.

24) PLAN: The Langlade County Forest 15-Year Comprehensive Land Use Plan and all other documents referenced therein.
25) SERVICE ANIMALS**:** Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities as defined in the American's With Disabilities Act, as currently published or as may be amended. Currently, dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. To determine the status as a service animal, staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform.
26) SIGNS

a) *Guide Signs.* Signs used to direct a forest user or trail rider to a destination or trailside business on the trail.
b) *Informational Signs*. Signs used to furnish information to the forest user or trail rider about trails, facilities, or road crossings.
c) *You are Here Signs.* Signs used to help a forest user or trail rider find his or her location by providing a trail map with the location pointed out by the phrase "You are Here".
d) *Regulatory Signs.* Signs used to define regulations on the forest or a trail

27) RECREATIONAL LANDS: All lands and water heretofore and hereafter acquired, leased, controlled or operated under authority of the Committee and designated for recreational use in the 15-year Comprehensive Land Use Plan or the 5 Year Outdoor Recreation Plan.
28) RECREATIONAL FACILITIES: All areas that have buildings, equipment, or improvements that are controlled, operated, and maintained on land designated to the Committee and Department. The following recreational sites are included in the 15 Year Comprehensive Land Use Plan or are otherwise designated to control of the Committee and shall be shown on an official County map or listing at the Forestry, Parks and Recreation Office located at 1633 Neva Road, Antigo, Wisconsin 54409. The following areas shall be designated as developed recreational facilities.

<u>Park Areas:</u>

- Veteran's Memorial Park
- Charles De Langlade Memorial Park
- Summit Lake Park
- Post Lake Dam Park

<u>Campground Areas**:**</u>

- Jack Lake Campground
- Charles De Langlade Memorial Campground
- High Lake Campground

<u>Recreation Areas:</u>

- Langlade County Public Bow and Gun Range
- Bear Caves Geological Area
- Gartzke Flowage Recreation Area
  - Hiking
  - Biking
  - Cross Country Skiing
  - Snowshoeing
- Moccasin Lake Recreation Area
  - Hiking
  - Biking
  - Cross Country Skiing
  - Snowshoeing
  - Equestrian Trails
- Jack Lake Recreation Area

    - Veteran's Memorial Park
    - Jack Lake Campground
    - High Lake Campground
    - Game Lake Nature Trail
    - Jack Lake Arboretum
    - Jack Lake Winter Park
        - Cross Country Skiing
        - Snowshoeing
    - Jack Lake Trailhead
        - Hiking
        - Mountain Biking
        - Snowmobile Trail Access
        - Snow Shelter and Gathering Area
        - Winter Fat Tire Biking
    - Jack Lake Boat Landing
    - Ice Age Trail Access
    - Stevens Springs Improved Hunting Area
    - Eau Claire Flowage Improved Hunting Area
- Crocker Hills Recreation Area
    - Hiking
    - Biking
    - Sled Dog Trails
    - Equestrian Trails
- Kettlebowl Recreation Area
    - Hiking
    - Biking
    - Sled Dog Trails
    - Kettlebowl Winter Park
        - Cross Country Skiing
        - Snowshoeing
        - Down Hill Skiing and Snowboarding
- Augustyn Springs Recreation Area
    - ATV/UTV Trailhead
    - Wolf River Fishing and River Access
    - Ice Age Trail Access
    - Peters Marsh Wildlife Area (DNR)
    - Camp 23 Grade Improved Hunting Area
    - Otto Mauk Improved Hunting Area
- Ackley Wildlife and Recreation Area
    - Ackley Wildlife Area (DNR)
    - Ackley Improved Hunting Area
    - Ackley Waterfowl Area
- Parrish Highlands Recreation Area
    - ATV/UTV Trailhead
    - Parrish Highlands Shelter and Picnic Site
- Charles De Langlade Memorial Recreation Area
    - Charles De Langlade ATV Campground
    - Charles De Langlade Memorial Park
    - Perch Lake Campground
- Established trailheads for Non- Motorized Trails on County Forest Lands including

Cross-Country Ski Trails, Snowshoe Trails, Hiking Trails, Mountain Bike Trails, Equestrian Trails, Sled Dog Trails or other trails as approved by the Committee

- Established trailheads for Motorized Trails on County Forest Lands including Snowmobile Trails, ATV/UTV Trails or other trails as approved by the Committee

Day Use and Water Access Areas**:**

- Townline Lake Fishing Access
- Lost Lake Fishing Access
- Indian Lake Fishing Access
- Clear Lake Fishing Access
- Hunting River Fishing Access
- Deep Woods Lake Fishing Access
- Post Lake Dam Fishing Access
- Turtle High Banks River and Fishing Access
- Highway "A" Wolf River Fishing Access
- Moose Lake Public Boat Landing and Fishing Access
- Two Island Lake Fishing Access
- Snag Lake Access Fishing Access
- Squaw Lake Fishing Access
- Crooked Lake Fishing Access
- Shoestring Lake Fishing Access
- Wolf River Fishing Access
- High Lake Fishing Access
- Pence Lake Fishing Access
- Baker Lake Fishing Access
- Sawyer Lake Fishing Access
- Low Lake Fishing Access
- Rogers Lake Fishing Access

Public Licensed Use Areas**:**

- Langlade County Fairgrounds
- Langlade County Race Track Facility
- Camp Susan Youth Camp Area
- Kettlebowl Ski Area (Winter Park)

29) RECREATIONAL AREAS: Extensive areas of the County forest lands which are grouped together as a method to market the recreational opportunities found within those area. Recreation areas are managed primarily for timber products but the recreational use is a secondary purpose of the area. Additional regulations and rules may be posted and enforced by the committee. The following recreational areas are included in the 15 Year Comprehensive Land Use Plan or are otherwise designated to control of the Committee and shall be shown on an official County map or listing at the Forestry, Parks and Recreation Office located at 1633 Neva Road, Antigo, Wisconsin 54409. The following areas shall be designated as developed recreational facilities.

30) SPECIAL USE: Any use of County lands for the purpose of short termed organized events with attendance of more than 6 people shall be considered a special use. Special uses include but are not limited to equestrian rides, bike rides, bike races, hunting camps, fishing camps, remote camps or school events, other events as may be designated by the Forest Administrator.

31) RESTRICTED FOREST PRODUCTS: Restricted forest products shall include but not be limited to:

- Wild Ginseng
- Sheet Moss
- Other products as identified by the Committee

32) SPECIAL FOREST PRODUCTS: Special forest products shall include but not be limited to:

- Christmas trees
- Boughs
- Specialty mushrooms
- Chaga
- Craft or Furniture Sticks including aspen, white birch or other trees species with a diameter less than 5”
- Other products identified by the Committee

33) SPECIAL FOREST PRODUCTS NON-COMMERCIAL USE THRESHOLDS: The maximum limit of possession (on person or in vehicle) of any special forest product collected, any amount above this limit shall be subject to requirements for a commercial permit or contract.

34) PRIVATE ACCESS: Any use crossing County forest lands for access to private lands beyond the County land. Private accesses may include driveways, temporary access for land management activity, utility accesses or other access as approved by the Committee

35) APPROVED LAND USE: Any development of facilities or trails by partner groups on County Lands which benefit the public, allowing public use. Such use must be allowable under Chapter 28.11 Wisconsin Statutes on County Forest land. Approved land uses include but are not limited to Motorized Recreational Trails, Non-Motorized Trails, trailheads, buildings or other permanent land improvements as may approved by the Committee.

16.03 APPOINTMENT: DELEGATED POWER AND DUTIES OF THE COMMITTEE:

The Langlade County Board hereby assigns oversight and policy making jurisdiction of the County Forestry, Parks and Recreation Department, staffing, offices and all forestry, parks and recreation lands, Fairgrounds, the Langlade County Race Track Facility and all facilities under the Chapter to the Committee of this Board known as the Forestry and Recreation Committee. The Langlade County Board hereby assigns oversight of construction of buildings and maintenance of the Langlade County Fairgrounds and Langlade County Race Track Facility to the Committee of this Board known as the Public Property Committee.

(1) POLICIES: The Forestry and Recreation Committee shall oversee and create policy for the County Forestry, Parks and Recreation Department subject to approval of the County Board. The Langlade County Forest 15-Year Comprehensive Land Use Plan, the Langlade County Outdoor Recreation Plan, all documents referenced therein, shall serve as guidance in development of such policies. The Public Property Committee shall oversee and create policy for the County Forestry, Parks and Recreation Department related to Langlade County Fairgrounds and Langlade County Race Track Facility, all documents referenced therein, shall serve as guidance in development of such policies.

(2) LANDS AND FACILITIES: Management and regulatory control of the Langlade County Fairgrounds and Langlade County Race Track Facility are delegated to the Public Property Committee. Management and regulatory control of all remaining lands and facilities designated in this chapter or not specifically designated to another committee of the Board of Supervisors are delegated to the Forestry and Recreation Committee.

(3) SCOPE: The provisions of this ordinance shall apply to all lands, structures, and property owned, leased, controlled or administered by Langlade County as determined in Chapter 16.04(2) of this chapter. All such lands shall be shown on an official map or listing at the Forestry, Parks and Recreation Department located at 1633 Neva Road, Antigo, Wisconsin, and in accordance with the records of the office of the Register of Deeds.

(4) COUNTY FOREST LANDS: The Langlade County Forest shall include all lands now held or hereafter acquired for forestry or special use purposes and entered under the provisions of Section 28.11 of the Wisconsin Statutes.

(5) OTHER COUNTY LANDS: Includes all lands or not specifically designated to another committee of the Board of Supervisors.

(6) FAIRGROUNDS AND LANGLADE COUNTY RACE TRACK FACILITY: Includes all lands and

facilities located at 1633 Neva Road and not designated to the County Highway department, the County Forestry Department or the County Maintenance Department.

(7) ANNUAL OPERATIONS: The Forestry and Recreation Committee shall approve an Annual Work Plan and Budget prepared by the Administrator for the Department operations for each ensuing year. The Committee shall approve and the Department shall submit the work plan and budget to the County Board whose approval shall establish the limits as well as purpose for which expenditures may be made.

(8) PERSONNEL: Langlade County shall employ a County Forest Administrator meeting training and experience requirements of chapter 28.11 of Wisconsin Statutes as its agent regarding land and recreation assets, an Assistant Forest Administrator, a Parks and Recreation Coordinator, Foresters, Park Manager, Campground Staff, Interns, Recreational Patrol Officer, Seasonal Limited Term Staff, Office Staffing and other competent personnel as the Board may authorize to direct, perform, and enforce the administration and management functions of this chapter.

(9) HEADQUARTERS: The Committee and Department shall establish and maintain forestry, parks and recreation headquarters for office space and the housing of machinery, tools, equipment and supplies needed in conducting Forestry, Parks and Recreation operations.

(10) EQUIPMENT AND SUPPLIES: The Committee or its agent may purchase, sell, trade, or dispose of equipment and supplies required for the operations of its Department in accordance with applicable Langlade County Board Standing Rules & Committee Duties.

(11) LAND ACQUISITION: The Committee or its agent may negotiate for the acquisition of lands and easements within the County Forest boundary by purchase, gift, bequest, or by exchange of County-owned lands outside the boundary for the purpose of blocking the forest for improvement of forest administration or for recreational purposes. Each such proposed acquisition must be presented to the County Board for its approval.

(12) LAND SALES: The Committee or its agent may recommend, establish, and monitor the sale of County Lands. Each such proposed sale must be presented to the County Board for its approval. Once approved by the Board, negotiations of sales shall be designated to the Committee Chair, the County Administrator, and the Forest Administrator.

(13) ENTRY OF LANDS: The Committee may make application for entry under the County Forest Law as lands are acquired within the County Forest boundary.

(14) FOREST, LAND AND FACILITY PROTECTION: The Committee and Department shall do all things necessary for the protection of the forest, land and facilities whether from fire, insects, disease, trespass, or from damage by animals or from other natural or human causes, in cooperation with law enforcement, the Department of Natural Resources and through regular maintenance and updates of the Chapter.

(15) SURVEYS: The Department shall oversee the activities of the County Surveyor in locating survey lines and appropriately monument corners of County Forest Lands, Reserve Lands and other lands as necessary.

(16) ROADS: The Committee or its agent may construct, improve, and maintain a system of forest roads, trails and firebreaks and purchase secure easements for access required to cross privately owned lands to improve access to County property.

(17) FOREST IMPROVEMENT: The Committee or its agent may conduct forest improvement work including reforestation, release cuttings, harvesting, thinning, pruning, and weeding by any method including manual, mechanical and chemical processes. These processes may include prescribed burning and/or spraying or dusting of chemicals by airplane and other methods which provide cost efficiency and are not prohibited by law.

(18) FISH AND GAME: The Committee or its agent shall coordinate and cooperate with the Department of Natural Resources on all matters relating to game and fish management. The Committee and Department may also coordinate and cooperate with non-profit groups, and participate in grant programs to improve fish and game habitat on County lands.

(19) SALE OF FOREST PRODUCTS: The Committee may sell timber stumpage in accordance with the guidelines in the 15-Year Comprehensive Land Use Plan.

(20) COOPERATION AND COORDINATION: The Committee or its agent may enter into agreements with

the U.S. Forest Service, Lakes States Forest Experiment Station, the University of Wisconsin, the Department of Natural Resources, School Districts or other groups as deemed appropriate for the use of County labor, materials, and equipment for conducting forest research, forest management, forest protection, recreational development and maintenance activities on County, Federal, State or School owned lands. The Committee will promote coordination of County land management plans and County land use plans with Federal and State Land management plans as allowed under Federal and State authorities that may require coordination of County plans with Federal and State plans under existing regulations.

(21) SPECIAL PUBLIC USES: The Committee may approve and the Department may establish, construct and maintain recreation and interpretation facilities, boat landings, wild resource zones, aesthetic management zones, special use areas, and wildlife habitat. The Committee may approve and the Department may complete special forest or recreation development work on school forests, community forests, and other public lands in Langlade County that provide public benefits. Such uses and developments may also be provided by non-profit organizations and groups under a land use permit as approved by the Committee.

(22) PROSPECTING: The Committee may enter into agreements to prospect for minerals upon County lands under its jurisdiction subject to the approval by the County Board and the Department of Natural Resources.

(23) SAND AND GRAVEL PITS: The Committee may issue permits to a municipality within Langlade County and County Departments for removal of sand and gravel from lands under its jurisdiction. The municipality shall submit a reclamation plan with this request. The reclamation plan shall follow State of Wisconsin Statutes and must be approved by the Committee prior to issuing a permit. The removal of sand and gravel from County Forest Lands shall be for public use only and may require royalties paid to the Department for material removed. Royalties may include direct payments or trade for product in return for royalties charged.

(24) PLAN: The Committee shall cooperate with the Department of Natural Resources in the establishment and maintenance of the Langlade County 15 Year Comprehensive Land Use Plan. In addition, the Committee will cooperate in the determination of the allowable annual cut, an inventory of growing stock and an acreage assessment including establishment of compartments, and other necessary items for such plan. The 15 Year Comprehensive Land Use plan shall incorporate recreational uses and facilities on County lands as an active part of the plan.

(25) COUNTY SPONSORSHIP OF MOTORIZED RECREATIONAL TRAILS: Upon request from a non-profit organizations or trail club, the Committee may sponsor grant funding requests for public motorized recreational trail systems in Langlade County with connectivity to neighboring Counties when possible. The Department will aid non-profit trail clubs with grant applications related to development and maintenance of official motorized trails and administer such grants as may be obtained. Official trails must meet specifications for grant funding and provide for maintenance as identified in grant requirements. Grant funding may include but not be limited to State and Federal grant programs. Any such sponsorship shall include requirements for land use agreements, easements, trail operations and maintenance agreements and required liability protections for the County with responsibility for such requirements held by the requesting group or organizations. The Committee may retain a portion of grant funding for administration of such agreements and to capture County cost that may be incurred as allowable by the specific grant.

(26) COUNTY SPONSORSHIP OF NON-MOTORIZED RECREATIONAL TRAILS: Upon request from a non-profit organizations or trail club, the Committee may sponsor grant funding requests for public non-motorized recreational trail systems in Langlade County with connectivity to neighboring Counties when possible. The Department will aid non-profit trail clubs with grant applications related to development and maintenance of official non-motorized trails and administer such grants as may be obtained. Official trails must meet specifications for grant funding as identified in grant requirements and provide for maintenance as identified in grant requirements. Grant funding may include but not be limited to State and Federal grant programs. Any such sponsorship shall include requirements for land use agreements, easements, trail operations and maintenance agreements and required liability protections for the County with responsibility for such requirements held by the requesting group or organizations. The Committee may retain a portion of grant funding for administration of such agreements and to capture County cost that may be incurred as allowable by the specific grant.

(27) PUBLIC LICENSED USE AREA: The Committee and the Department shall promote, operate and

maintain all public licensed use areas. Promotions, operations and maintenance for specified terms may be completed by development, monitoring and administration of land use agreements. Licenses may be created for short term events utilizing areas, buildings, grounds and lands within defined public licensed use areas. The Department shall be responsible as the first point of contact for uses of the defined areas and for administration of all agreements and licenses. Land use agreements and licenses may require use fees and license fees as approved by the Committee.

16.04 ANNUAL REPORT

The Committee shall provide an annual report of department activities prepared by the Forest Administrator and other staff as may be assigned, to the County Board. The report(s) shall include statistics showing work accomplished and at what cost. Such reports shall be sufficient in detail so that performance of the Forestry, Parks and Recreation Department may be measured.

16.05 FOREST FINANCES

(1) LAND PURCHASE FUND

Collection and Disposition of Land Purchase Funds shall be dictated by resolution of the County Board. Currently Standing Resolutions provide for the following:

a. LAND SALES: 50% of the net proceeds from each county land sale be assigned to the Fund for Forestry Land Purchase (RS #2-2021).

b. FUND DISPOSITION: *(*RS #2-2021).

i. After this Assigned Fund reaches $500,000 any additional revenues that would accrue to this Fund shall be allocated to the Undesignated General Fund (RS #2-2021).

ii. The Assigned Fund for Land Purchases cannot be transferred to another Fund or used for any other purpose. (RS #2-2021).

iii. This fund shall be non-lapsing and will be retained for future investments in Forest Land Purchase expenditures as approved by the County Board.

(2) PARKS AND RECREATION FUND

Collection and Disposition of Parks and Recreation Funds shall be dictated by resolution of the County Board. Currently Standing Resolutions provide for the following:

a. DONATIONS: Under direction of the Committee all donations received and collected at parks and recreation facilities or through direct donations to the Department for Parks and Recreation Uses shall be deposited to the County Park and Forest Fund by the County Board annually.

b. PARK AND RECREATION FEE REVENUE: Under direction of the Committee, all parks, recreation and facility revenue including, but not limited to, camping fees, rental fees, and user fees collected shall be deposited in the County Park and Forest Fund by the County Board annually.

c. LICENSE FEE REVENUE: Under direction of the Committee, license fees collected including, but not limited to license fees collected including fees for use of the fairgrounds and race track facilities shall be deposited in the County Park and Forest Fund by the County Board annually.

d. LAND SALES: 30% of the net proceeds from each land sale be assigned to the Fund for Recreation (RS #2-2021).

e. FUND DISPOSITION: (RS #2-2021)

i. After this Assigned Fund reaches $300,000 any additional revenues that would accrue to this Fund shall be allocated to the Undesignated General Fund.

ii. The Assigned Fund Parks and Recreation cannot be transferred to another Fund or used for any other purpose.

iii. This fund shall be non-lapsing and will be retained for Parks and Recreation expenditures as budgeted and approved by the County Board.

(3) FOREST PRESERVATION FUND

Collection and Disposition of Forest Preservation Funds shall be dictated by resolution of the County Board. Currently Standing Resolutions provide for the following:

Resource Aid Payments: This fund non-lapsing fund was established in 1989. These funds are authorized by s. 23.09 (18), Wisconsin Statutes, and provides for annual payments by the DNR to counties having more than 40,000 acres of enrolled Forest Crop and Managed Forest Law Lands. By county policy, under direction of the Committee, the funds are placed in the Forestry and Recreation Department's Forest Preservation Fund, to be used for forestry and recreation purposes. In the past, these monies have been used to purchase land, make larger capital purchases and make purchases for items that exceed the normal Forestry and Recreation budget. This fund shall be non-lapsing and will be retained for future investments in Forestry, Parks and Recreation expenditures as budgeted and approved by the County Board.

(4) GENERAL FUND

Collection and Disposition of Income streams from the Forestry, Parks and Recreation Department to the General Fund shall be dictated by resolution of the County Board. Currently Standing Resolutions provide for the following:

a. TIMBER, FORESTRY PERMIT FEES, SALE OF MATERIALS: All monies received from the sale of timber stumpage, cut forest products, fees, access permits, user fees, sale of building materials, sale of surplus materials and equipment, fire or other damage collections or miscellaneous revenues received by the Forestry and Recreation Committee will be deposited in the General Fund at the end of the year unless otherwise specified under Sec. 16.05(1) or Sec. 16.05(2) of the Chapter.

b. FORFEITURES: All forfeitures collected by the Forestry and Recreation Committee under the Chapter will be deposited in the General Fund at the end of the year unless otherwise specified.

c. LAND SALES: 20% of the net proceeds from each land sale shall be assigned to the Undesignated General Fund (Resolution #2-2021) at the end of the year unless otherwise specified.

d. EXCESS LAND FUND REVENUE: Amounts designated to the Land Purchase Fund when the fund balance accrued exceeds $500,000 shall be assigned to the Undesignated General Fund (RS #2-2021) at the end of the year unless otherwise specified.

e. EXCESS PARKS AND RECREATION FUND REVENUE: Amounts designated to the Land Purchase Fund when the fund balance accrued exceeds $300,000 shall be assigned to the Undesignated General Fund (RS #2-2021) at the end of the year unless otherwise specified.

f. SEVERANCE ACCOUNTS: All monies received from the sale of timber stumpage and cut forest products as provided under §28.11(9), Wis. Stats., and amendment thereof shall be distributed from the General Fund as required.

(5) STATE FUNDS: All allotments from state funds under §28.11(8)(b) State Forest Aid Fund,§86.315 Road Aids, §92.14 Land Conservation Fund, §23.09(17m) Habitat Development Grant, §23.09(12) County Fish and Game Fund, §23.09(26) Snowmobile Aids, §23.33 (9) ATV/UTV Administration-Enforcement-Aids and §23.09(25) Motorcycle Aid Program, of the Wisconsin Statutes, shall be deposited in their respective funds and shall be non-lapsing, except that the County Forest Administrator's Grant shall be deposited into the State Forest Aid Account, and withdrawals shall be made quarterly or semi-annually by the County Clerk for the salary of the Forest Administrator.

16.06 FOREST, PARKS, RECREATION AND LAND USE REGULATIONS

Unless otherwise approved by Committee Action all users of County lands shall be subject to the following regulations. Violations of these regulation may result in citation and costs to the violator including forfeitures, mandatory assessments, surcharges, court costs and possible damage recovery by court action.

1) DESIGNATION OF FOREST LANDS: All lands and facilities owned, leased, controlled, or operated by the Committee and not designated under Chapter 27, Wis. Stats., shall be considered forest lands and regulated by this chapter.

2) USE OF COUNTY OWNED LANDS AND FACILITIES IN PROMOTIONS OR ADVERTISING:

No person or legal entity shall utilize County owned lands or facilities in promotions or advertising including but not limited to signage, printed distributions, photos, public announcements or other advertising unless such promotions or advertising includes reference to ownership and operation of lands and facilities by the Langlade County Forestry, Parks and Recreation Department and are reviewed and approved by the Department prior to use. The Department prior to approval, may require donations, payments or modification of promotions or advertising to benefit land management, facility development or promotion of County facilities. Committee may require identification of Langlade County as a sponsor of programs and events as part of use of County lands or facilities.

3) FOREST PRODUCTS HARVEST (COMMERCIAL)

a) Timber Cutting: No person shall complete commercial cutting, salvage cuttings, and cultural cuttings or harvest of any merchantable timber product on lands designated in this chapter without a written permit, or contract approved by the Committee and signed by the Department.

b) Firewood and Special Products: No person shall complete commercial harvesting of firewood or specialty products without a contract or written permit approved by the Committee and issued by the Department.

c) Product Theft: No person shall remove any plant, tree, parts of a tree, or other forest products from any County lands designated in this chapter except as authorized by the Committee or its agents by written permit, contract, or policy. Picking fruit, berries, nuts and mushrooms is permitted**.** Collection of restricted special use products shall be considered product theft.

4) MISCELLANEOUS FOREST PRODUCTS (NON-COMMERCIAL)

a) PERMIT REQUIRED: No person shall gather firewood, Christmas trees, boughs and other miscellaneous forest products except edible plants, mushrooms, fruits, seeds, or berries for personal use without a written permit approved by the Committee and issued by the Department. Non-Commercial product shall be limited to the SPECIAL FOREST PRODUCTS NON-COMMERCIAL USE THRESHOLD as follows:

i) Christmas Trees-1 in total possession for each permit, no commercial permits available.
ii) Boughs-100 lbs. for each permit, amounts in possession above 100 lbs. require a commercial permit.
iii) Mushrooms-1 pound in total, amounts above 1 pound in possession require a commercial permit.
iv) Wild Leeks-1 pound in total, amounts above 1 pound in possession require a commercial permit.
v) Chaga-1 pound in total, amounts above 1 pound in possession require a commercial permit
vi) Craft or furniture sticks-5 in total, amounts above 5 in possession require a commercial permit.

b) TREATY RIGHTS: Any treaty rights participant as covered in decision dated 19 March 1991, in case number 74-C-313-C, the Honorable Barbara B. Crabb, District Judge for the Federal District Court for the Western District of Wisconsin, interested in gathering firewood, tree bark, maple sap, lodge poles, bows, marsh hay, or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in County Ordinances), from County-owned land shall obtain a County Gathering Permit from the County Forestry Department prior to the exercise of said gathering rights. Any treaty rights participant gathering miscellaneous forest products without first obtaining a gathering permit shall be subject to all existing penalties provided for in County Ordinances, including trespass and timber theft charges.

i) Application and Processing: The County Forest Administrator shall prepare an appropriate application requesting pertinent information from all treaty rights participants who seek to gather miscellaneous forest products on County Forest Lands. Said application shall be available upon request. Those treaty rights participants who seek to gather miscellaneous forest products shall provide proper identification and present a valid tribal membership card upon submission of an application with the County. Upon receipt of an application, the County shall respond to the gathering permit request no later than fourteen (14) days after receipt of said application. Said response shall either grant or deny the request. Should the request be denied, the reasons for said denial shall be set

forth in the response of the County, including the basis for said denial with specific reference to the limitations set forth in 16.07(4)b) iii.) below. Any application which is incomplete or incorrectly prepared shall be returned within said fourteen (14) days to the applicant with specific directions as to which portion or portions of said applications are defective.

ii) Rights Granted by Said Permit: The gathering permit shall indicate the location of the material to be gathered, the volume of the material to be gathered, and any additional conditions on the gathering of the material necessary for conservation of timber or miscellaneous forest products on County land, or for public health and safety.

iii) Denial of Gathering Permit: The County may not deny a request to gather miscellaneous forest products under Treaty Rights on County property under the terms of this Ordinance unless:

(1) The gathering is inconsistent with the forest management plan for said property;

(2) The gathering will conflict with pre-existing rights of a permittee or other person possessing an approval to conduct an activity on the property, including a contractor of the County; or otherwise inconsistent with conservation or public health or safety.

5) DAMAGE TO COUNTY PROPERTY

a) Destruction: No person shall disturb, vandalize, damage, deface, remove or destroy any trees, shrubs, plants, other natural growth, sand or gravel; carve on any rocks, archaeological or geological features, signs, walls, tables or structures; drive nails into trees; or remove, injure, or deface in any manner any structures including buildings, signs, gates, fences, tables, or other County property. The picking of fruits, berries, nuts, and mushrooms is permitted. Damage to trees and cutting of shooting lanes resulting from hunting activity shall be part of this subsection. Placement of signs authorized by the Department shall be excluded from this section.

b) Entry: No person shall enter or access any building, installation, area, or trail that is locked or closed to public use or contrary to public or posted notice without a written permit or permission from the Department.

c) Tampering: No person shall tamper with any sign, gate, lock, equipment, building, installation, water control structure, device, dam or culvert, a swimming boundary buoy or marker on any lands or waters adjacent to lands under control of the Committee.

d) Damage by Vehicles or Non-vehicular Traffic: No person shall operate a vehicle or utilize other modes of transportation for recreational use or other purpose in or on any property administered by the Committee in such a manner as to cause soil erosion, excessive road damage, pollution or other damage.

6) SPECIAL USE PERMITS AND LICENSES: Special use of specific areas of County lands and facilities shall be authorized only by a written permit or license issued by the Department. No individual, organization or business may utilize County property as the base or sole property for events or as any part of any operations without first obtaining a special use permit or license as approved by the Committee.

a) Non-Profit or Municipal Use: Recreational use of specific areas of County-owned lands as the base or sole property for events by non-profit incorporated organizations or municipal entities, including but not limited to ski clubs, snowmobile clubs, ATV/UTV clubs, Off-Highway Motorcycle clubs, Bicycle clubs, Equestrian clubs, Towns and other organizations require a written permit issued and approved by the Committee and issued by the Department. Permits and/or license may require fees, insurance binders and maintenance agreements as determined appropriate by the Committee.

b) Reserved Areas: Private individuals, businesses and non-profit organizations may receive special use permits and/or licenses as part of fee reservation systems for pavilions, park areas and facilities as approved by the Committee and issued by the Department.

c) Commercial Use: Use of County facilities or property for monetary gain by businesses require a special use permit or licenses. Permits and/or licenses may require fees, insurance binders and maintenance agreements as determined appropriate by the Committee.

d) Organized Camps: Hunting Camps, Fishing Camps and Remote camps with more than 6 people require a special use permit or license issued by the Department.

7) PRIVATE LAND ACCESS PERMITS: Crossing of County lands for access to private property shall be

authorized only by written permit issued by the Department. No individual, organization or business may cross County property as the access to private property without first obtaining a private land access permit. Private Land Access Permits may require fees, insurance binders and maintenance agreements as determined appropriate by the Committee.

8) APPROVED LAND USE PERMITS: Use and development of facilities and trails on specific areas of County lands shall be authorized only by completion of a request for additional services and upon approval written permit issued by the Department. No individual, organization or partner group may develop facilities or trails without first obtaining an approved land use permit through the Department. Approved Land Use Permits may require fees, insurance binders and maintenance agreements as determined appropriate by the Committee. Trail clubs with established operations and maintenance agreements shall be exempt from this section when trail use is a protected class under the Wisconsin Recreational Immunity Law, when trails within operations and maintenance agreements include insurance requirements for Langlade County, and when trail locations have prior approval of the Department.

9) REFUSE

a) No person shall leave or dump any litter, rubbish, debris, dirt, stone, stumps, yard waste or other materials on any County-owned lands.

b) Waste receptacles at all facilities are for waste deposition by the department or those utilizing the facility under a permit or license, no person shall utilize waste receptacles on County owned property for deposition of personal waste.

c) Charcoal or fire pit residue shall not be discarded onto any grounds or into any containers other than those designated for such purposes.

10) FIRES

a) Unauthorized Fire: No person shall start, tend, or maintain any fire on the ground, or burn any refuse, trash, slash or litter except burning of clean dry firewood or charcoal in fire rings or grills established in developed recreational areas or fires utilized for warming or food preparation in general forest areas or as part of dispersed camping.

b) Unattended Fire: No person shall leave any fire unattended, or throw away any matches, cigarettes, cigars, or pipe ashes or any embers without first extinguishing them. No person shall start, tend, or use in any manner any fire contrary to posted notice on any lands or property under the management, supervision, and control of the Committee.

c) Fire on Restricted Day: No person shall start or possess any fires in or on any property administered by the Committee or on any County owned land during a DNR designated red flag day including, but not limited to, campfires, use of cooking grills, smoking of cigarettes or pipes in the open.

d) Prescribed fire may be authorized by the Committee or its agent for meeting purposes of the Department.

11) METAL DETECTING, MINING, EXPLORING OR PROSPECTING: Metal detecting for small trinkets is allowable without permit only within developed recreational areas, excluding developed shooting ranges. Metal detecting for small trinkets outside of developed recreational areas requires a permit as approved by the Department. No person shall explore, prospect or mine any metallic or non-metallic minerals or materials on County-owned lands without a written permit from the Committee and approved by the County Board.

12) HUNTING STANDS AND BLINDS: No person shall erect, occupy, or use other than a commercially available, factory manufactured portable tree stand, ground blind or elevated platform for hunting purposes and only during the period from September 1st through no later than one week following the close of the late archery season. Climbing devices to access the portable stand or elevated platform shall be of the ladder type or steps that are attached to the tree with binding straps or chains. Climbing stands that do not damage the tree will be permissible. Penetration of any part of the tree by the combination of stand, platform or climbing device is strictly prohibited. Portable tree stands, ground blinds, and elevated platforms must have the owner's name, address and telephone number permanently attached to the climbing device, or ground blind at four (4) feet above ground level. Such labeling shall be legible at all times. Commercially available portable ground blinds may be utilized with the same restrictions as above. Ground blinds may also be constructed only of

natural materials (e.g., no manufactured or processed materials, including sawn lumber). Cutting of shooting lanes is not allowed. No nails, screws or metal objects may be placed into any tree. No damage may occur to trees. Damage to trees and cutting of shooting lanes shall be a violation of 16.07 5(a) of the Chapter. Portable tree stands, ground blinds, and elevated platforms found in violation of this Section will be removed by the County. Blinds removed by the County shall become property of the County and will be sold at auction with all proceeds retained by the County. Persons found in violation of this ordinance shall be subject to citation and a forfeiture.

13) FOREST ACCESS: No person shall block or restrict access to any trail, road, parking area, or recreational facility, or intentionally interfere with lands and facilities under the management and regulatory control of the Committee. This restriction is also enforceable on private roadways authorized through an access permit. Access closure by the Department is exempt from this sub-section.

14) PETS.

a) Within Developed Recreational Areas

i.) Collection and Disposal of Animal Waste: Animal waste shall be immediately collected and properly disposed of. No person shall allow animal waste to remain on recreational areas without immediately collecting and disposing of such waste.

ii.) Pet Restricted Areas: No person shall allow his/her dog, cat or other pet to be in any building or upon any swimming beach, picnic area, or playground. These restricted areas shall include:

a. Veteran's Memorial Park
b. Summit Lake Park
c. Charles De Langlade Memorial Park

b) Leash Required Areas: Within all developed recreational areas, campgrounds and established trails that are not restricted, no person shall possess dogs, cats, and other pets unless the pet is on a leash not more than 8 feet long and under the control of the owner at all times. No person shall fail to prevent his/her dog, cat or other pet from interfering in any manner with the enjoyment of the area by others. Nothing in this section shall prohibit the use of service animals. Pet owner shall immediately retrieve and dispose of all animal waste to maintain sanitary conditions.

c) Within Extensive Use Forest Areas: Dogs, Cats and other pets may run without a leash while still under the control of the owner at all times. No person shall fail to prevent his/her dog, cat or other pet from interfering in any manner with the enjoyment of the area by others. Under this section portions of the Langlade County Public Bow and Gun Range property outside of the range fence shall be considered extensive use forest area.

d) Exemption for Service Animals: Nothing in this section shall prohibit the use of service animals.

15) SIGNAGE, PEDDLING AND SOLICITING: No person shall peddle or solicit business of any nature whatsoever or distribute handbills or other advertising matter, post unauthorized signs or decorative matter on any lands, structure, or property under the management, supervision, or control of the Committee. No person shall use such lands, structures, or property as a base of commercial operations for soliciting or conducting business, peddling, or providing services within or outside of such lands, structures, or property unless in possession of a special use permit or license issued by the Department that provides for such uses. Signage may be allowed for 'Guide Signs', 'Informational Signs', and 'You are Here Signs' as defined in this chapter and in conformance with §350.13 Wis. Stats., and §23.33, Wis. Stats., Wisconsin Department of Natural Resource Administrative Code Chapters NR 50 and Chapter NR64, and the WDNR 'Trail Signing Handbook' [PUB-CF- 023 2012] may be placed on County Forest Lands with written approval. Design and location of said signs must be approved by the Department prior to placement on County Lands. Informational signs approved by the Department may be required to include the county logo with identification of the "Forestry, Parks and Recreation Department" in some location.

16) VEHICLES AND VEHICULAR TRAFFIC.

a) Damage by Vehicle: No person shall operate a vehicle for recreational use or other purpose in

or on any property administered by the Committee in such a manner as to cause intentional soil displacement, soil erosion, soil or water pollution or other environmental damage as determined by the Department

b) Abandoned Vehicles: As used in this section, vehicle means any motor vehicle, boat, ATV, UTV, motorcycle snowmobile, trailer, semi-trailer, mobile home, or any other vehicle as determined abandoned. No person shall leave any vehicle unattended without prior Department authority for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance and may be removed from County property by the Department. Cost of recovery of the abandoned vehicle shall be the responsibility of the owner.

c) Speed

i) No person shall operate any vehicle at a speed in excess of 15 miles per hour in any developed recreational facility or contrary to official traffic signs on any road or recreational trail.

ii) No person shall operate any vehicle on County forest roads without posted speed limits at speeds exceeding 35 miles per hour.

iii) No person shall operate any vehicle on any trail or road at unreasonable speeds or speeds which create questionable safety for the operator, passengers or other users of the County lands.

d) Parking: No person shall park, stop or leave standing, whether attended or unattended, any vehicle or watercraft, in any manner as to block, obstruct, or limit the use of any road, trail, waterway, facility, or contrary to posted notice.

e) Motorized Access for Mobility Impaired People: Individuals with a State-issued, disability-parking placard or card, or other State-issued proof of disability, a valid, State-issued, disability-parking placard or card, or a Class A, B, or C Disability Permit issued by WI DNR or other State-issued proof of disability may apply for a Power-Driven Mobility Device (PDMD) from the Department. Under an approved PDMD permit use of other power-driven mobility devices (OPDM's) including defined motorized will be provided on specific areas of the forest lands that applicants wish. to access. Other Power-driven mobility device means any mobility devise powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities - that is used by individuals with mobility disabilities for the purpose of locomotion, or any mobility device designed to operate in areas without defined pedestrian routes. Permits will be reviewed, approved or denied based upon site specific indicators which provide for save operations of OPDM's within the application area. PDMD permitted access will be approved only on existing roads and trails and cross-country travel will not be approved.

f) Licensed Motor Vehicles: Use of licensed motor vehicles on County land is only authorized on roadways and trails **not designated as closed** by signs, gates (open or closed) or physical barriers. Cross country or use of motor vehicles or on closed roads is a violation with exception of individuals with an approved special use permit, land use permit, private land access permit or with a valid Power-Driven Mobility Device permit as issued by the Department.

m) Bicycles: No person shall operate a bicycle in any area that is signed as restricted for bicycle use. Bicycle use is restricted on designated motorized trails on County property. Cross country use of bicycles or use on unapproved trails is a violation of the Chapter.

n) Electric Bicycles(E-Bikes): The State of Wisconsin defines electric bikes as a bicycle with a motor attached. E-bikes are classified as "motor bicycles," and are regulated like bicycles, so long as the bicycle's motor has a maximum power output of 750w, has pedals that propel the bike with human power and the bike doesn't exceed 20 mph.

i) No person shall operate an E-Bike in any area that is signed as restricted for bicycle use.

ii) No person shall operate an E-Bike within any recreational area in excess of 10 mph or faster than the posted speed limit, whichever is lowest.

o) Animal Propelled Wheeled Wagons or Carts: No person shall operate an animal propelled wheeled wagon in any area that is closed to vehicles as defined by barriers or signs, unless part of a permitted special use.

p) Damage by Vehicles or Non-vehicular Traffic: No person shall operate a vehicle or utilize other modes of transportation for recreational use or other purpose in or on any property administered by the Committee in such a manner as to cause soil erosion, excessive road damage, pollution or other damage.

q) Official Use Exempt: This subsection, in its entirety does not apply for emergency response, patrol watercraft or departmental watercraft.

17) CAMPING.

a) Permits Required: No person shall camp at any developed recreational site without a permit and the payment of the prescribed fees. No person shall obtain a camping permit for use by a camping party of which that person is not a member. Recreational sites requiring a camping permit and fees shall include campgrounds and campsites at Jack Lake, High Lake, Game Lake, Charles De Langlade Memorial Park, Langlade County Fairgrounds and other sites as designated by the Committee.

b) Fees Required: No person shall camp at developed recreational sites prior to the payment of the required permit fees. Camping fees must be paid and a permit obtained before setting up camp.

c) Occupancy of Reserved Sites*:* Reservations are available in advance to stay at Jack Lake Campground and all other areas as designated by the Committee. People that do not register must be aware that sites that have been reserved through the on-line system, will be required to vacated to allow timely occupancy by parties that have reserved the sites. No person shall occupy a campsite that has been properly reserved by another party.

d) Length of Stay and Campsite Occupancy

i) Developed Campgrounds: Camping at developed campgrounds as defined by the Committee shall not exceed 14 consecutive days. All camping permits expire at time as determined by policy for the Campground and on the last day of the permit period. Stays may be extended at a campsite which is not reserved by obtaining a new reservation and paying additional permit fees. Any tent, equipment or motor vehicle remaining on a campsite following termination of the permit period may be removed by the Department at the owner's expense. With the exception of defined group campsites, no more than one recreational trailer, motor home, or one enclosed tent may occupy an individual campsite. A maximum of 6 people may occupy a campsite within the one camping unit, with the exception of an entire family including parents and children may exceed the 6-person capacity limit. An additional tent may be allowed for occupancy of children as part of a family. No more than two licensed vehicles are allowed at any individual campsite. Parking of excess vehicles is not allowed on camping access roads or grass areas.

ii) Dispersed Camping at Undeveloped Sites: Camping in undeveloped areas of the County forest is authorized. Dispersed camping within ¼ mile of any developed recreational facility or park is a violation. Use of campground facilities or amenities as identified in 16.07 (18) is not authorized for any person utilizing dispersed camping. Occupancy and dispersed camping on County lands by any person shall not exceed 14 consecutive days, regardless of location. Upon termination of the 3 consecutive days, people utilizing dispersed camping shall vacate County property or relocated to developed camping areas for a minimum of 3 consecutive days prior to returning to County lands. Dispersed Camping may be limited or restricted in specific areas by posting of "no camping" signage or other restrictions as provided in this Chapter. Dispersed camping may also be restricted due to excessive drought, high wildfire danger, forestry activity, incompatible uses, conflicts with the Chapter or other limitations as determined by appropriate public notification by the Department. People utilizing dispersed camping retain the responsibility of sanitation, cleaning and use of all County lands, including liability related to wildfires. Any dispersed camping utilized by more than 6 people as shall be defined as a hunting camp, fishing camp or remote camp and shall require a special use permit for such use. Such camps shall be required to meet specifications as identified in the special use permit.

e) Camping Violations: Any camper who has violated the terms of this chapter or the Wisconsin Statutes that are part of this chapter shall be subject to immediate ejection from the County-owned lands and may be subject to forfeiture, mandatory assessments, surcharges and court costs and possible damage recovery by court action.

18) USE OF CAMPGROUND FACILITIES AND AMENITIES

a) Use of shower and toilet facilities: Use of developed campground showers or toilets are reserved for registered campers of the particular campground site, their direct visitors during registered stays, stays and those that have purchased a use permit from the Department. No person shall utilize shower or toilet facilities of a campground without registration or permit. Department employees are exempt during working hours.

b) Use of campground water and electrical systems: Use of developed campground water and electrical systems are reserved for registered campers of the particular campground site, their direct visitors during registered stays and those that have purchased a use permit from the Department. No person shall utilize water and electrical systems of a campground without registration or permit. Department employees are exempt during working hours. Users of water and electrical systems retain the responsibility for use limitations of those systems including only utilizing appliances that have maximum amperage within the limits of the electrical system. No person shall utilize any appliance or combination of appliances resulting in electrical use above the maximum amperage as posted on the site electrical box. Violations of this section may result in forfeiture and/or the cost of employee response to address issues created.

c) Use of campground dump stations or sewage systems: Use of developed campground dump stations and sewage systems are reserved for registered campers of the particular campground site during registered stays and those that have purchased a use permit from the Department. No person shall utilize dump stations or sewage systems of a campground without registration, permit or prior to payment at the payment tube.

d) Use of campground roadways and parking: Use of developed campground roadways and parking are reserved for registered campers of the particular campground site, their direct visitors during registered stays and those that have purchased a use permit and from the department. No person shall utilize roadways or parking areas of a campground without registration or permit. Department employees are exempt during working hours.

e) Use of campground amenities: Use of developed campground amenities including, but not limited to, internet service, playgrounds, grills, fire pits and picnic tables are reserved for registered campers of the particular campground site, their direct visitors during registered stays and those that have purchased a use permit from the department. No person shall utilize amenities of a campground without registration or permit. Department employees are exempt during working hours. It should be noted that Veteran's Memorial Park and Charles De Langlade Memorial Park are directly adjacent to established campgrounds and use of amenities within these parks are open to the public. Specific uses within these parks may require permits or fees.

19) FIREWORKS

a) Sale of Fireworks: No person, business or entity except duly authorized licensees of the County may sell fireworks to another on County property. Licensees authorized for sale of fireworks and shall be subject to all Local, State and Federal regulations regarding sale and transfer of fireworks and including but not limited to documentation of age and performance of necessary background checks of purchaser or transferee. Licensee shall retain any and all liability resulting from such fireworks sales or transfers.

b) Use on County Property: No person shall possess, fire, discharge, explode or set off fireworks on any land or within a recreation site under the management, supervision and control of the Committee or contrary to posted notice. Licensees may be exempt from this article to allow authorized fireworks display when licensees meet all Local, State and Federal regulations regarding fireworks or pyrotechnic devices and such licensee provides required documentation of compliance with Local, State and Federal regulations and extended liability coverage for such fireworks display.

c) Fireworks Terminating on County Property: Discharge and firing of fireworks from neighboring lands which terminate on land under control of the Committee shall be considered a violation of the Chapter. Licensees may be exempt from this article to allow authorized fireworks display when licensees meet all Local, State and Federal regulations regarding fireworks or pyrotechnic devices and such licensee provides required documentation of compliance with Local, State and Federal regulations and extended liability coverage for such fireworks display.

20) FIREARMS.

a) Sale of Firearms: No person, business or entity except duly authorized licensees of the County may sell firearms to another on County property. Licensees authorized for sale of firearms and shall be subject to all Local, State and Federal regulations regarding sale and transfer of firearms and including but not limited to documentation of age and performance of necessary background checks of purchaser or transferee. Licensee shall retain any and all liability resulting from such firearms sales or transfers.

b) Within Designated Recreational Facilities: No person shall have in his possession or under his control any firearm or air-gun as defined in §939.22, Wis. Stats., or slingshot or spring-loaded device designed for shooting a projectile, unless the same is unloaded and enclosed in a carrying case, or any bow unless same is unstrung or enclosed in a case at any established recreational facility with the exception of established shooting ranges or as otherwise allowed by Wis. Stat. §941.23, §23.33 & §167.31.

c) Within Extensive Use Forest Areas: Firearm or bow possession and use is authorized for hunting and personal protection in all areas not designated as a recreational facility. Target shooting is prohibited on County lands except at an established County shooting range, within defined gravel pits or other areas as designated as open by the Committee.

d) Within Defined Shooting Ranges: No person shall discharge any firearm, air gun, or bow in any shooting range under management, supervision, and control of the Committee and Department contrary to posted regulations. The following are the general rules at shooting ranges:

i) Handle a weapon in a negligent or reckless manner.
ii) Discharge any weapon on the range while any part of a person is downrange for the firing line.
iii) Point any weapon in use at the designated firing line in any direction other than downrange.
iv) Fail to comply with a cease-fire order called by the range officer or any other person.
v) Fail to make reasonable efforts to ensure discharged projectiles impact the backstop.
vi) Leave any loaded weapon un attended at any time.
vii) Shoot or attempt to shoot structures or objects that are not designated targets, or that are outside of firing lanes.
viii) Shoot at archery targets with anything other than a bow or crossbow.
ix) Use any weapons or projectiles that discharge paint.
x) DO NOT draw from a holster and fire.
xi) Whenever a person is visible down range for any reason, all individuals in the range shall cease firing and unload and break open the actions of their firearms. Firearms are not permitted down range from the shooting benches in the target access area. Loaded firearms are permitted only at the designated firing benches. Actions of firearms are to be in the open position until the shooter is ready to fire. All firearms are to be shot or fired only into the backstops. No targets are to be placed on the ground. Targets are to be placed only on target holders. No targets are to be placed on or on top of the backstops. All rifle and pistol shooting must impact the target holders and backstops targets.
xii) Only paper or cardboard targets may be used in the rifle and pistol shooting range. In the shotgun area only, clay-birds may be used for targets. It is unlawful to shoot at glass, plastic or metal targets, unless such metal targets are provided by the Department as part of a shooting range infrastructure. The use of explosive and incendiary targets or devices are strictly prohibited.
xiii) Users of the range must remove or dispose of all spent shell casings and cartridges, live ammunition, targets, arrows, bolts and materials brought to the range at their own cost.

xiv) Alcoholic beverages and containers are absolutely prohibited at the shooting range site and shall not be consumed on or brought to the premises. It shall be unlawful to discharge any firearm in the range while under the influence of alcohol or illegal drugs or be present at the range while under the influence of alcohol or illegal drugs as determined by a law enforcement officer. Under the influence of alcohol or illegal drugs means that the actor's ability to handle a firearm is materially impacted because of his or her consumption of an alcoholic beverage, of a controlled substance or controlled substance analog under Chapter 961 of the Wisconsin Statutes, of any combination of an alcoholic beverage, controlled substance and controlled substance analog, or of any other drug or of an alcoholic beverage and any other drug.

xv) Range Hours- When the range gates are closed for any reason the range is closed to public use. Range hours shall be posted at the gate, no person shall be inside of the range gates when the range is posted as closed.

xvi) Fully automatic weapons are prohibited on the Range. The use of armor piercing, tracer, or incendiary ammunition is prohibited. Any centerfire cartridge with a projectile larger than .50 cal. is prohibited, except shotgun shells containing a slug may be utilized at the rifle ranges. Rapid-fire, bump stock or slide firing devices are prohibited.

xvii) No person shall discharge any firearm in any area within the Range not specifically designated for such use.

xviii) No activity is permitted on the berms or the backstops, including the mining of lead or copper.

xix) Dogs shall be allowed at shooting ranges for training purposes. No person shall possess a dog unless the dog is on a leash not more than 8 feet long and under the control of the owner at all times. Nothing in this section shall prohibit the use of service animals.

xx) Shooters under the age of 14 years must be accompanied by a parent, guardian, or an adult designated by the parent or guardian.

21) WILDLIFE TAKE- HUNTING, TRAPPING AND FISHING: Any wildlife take must follow state and federal regulations and rules, licensing, in addition to limitations placed in the Chapter. Outdoor recreation including hunting, fishing and trapping are uses required under §28.11, however the County can restrict hunting fishing and trapping in areas where these uses create safety issues for other public uses.

a) AREAS WITH RESTRICTED HUNTING AND TRAPPING: No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any wild animals, bird or any other wildlife contrary to posted notice or in the following time frames and areas:

i) Hunting and Trapping are restricted Year-round in all areas within the following areas:

- Veteran's Memorial Park
- Jack Lake Campground
- Langlade County Fairgrounds
- Langlade County Race Track Facility
- Post Lake Dam Park
- Summit Lake Park
- Perch Lake Campground
- Charles De Langlade Memorial Park
- All area within the fence defining the Langlade County Public Bow and Gun Range

ii) Hunting and Trapping are restricted Year-round in all area within 500 feet of any building or facility with the following areas:

- Camp Susan Youth Camp Area
- Kettlebowl Ski Area

iii) Hunting utilizing firearm which have a single projectile (slugs or bullets) is restricted within the defined areas:

- Langlade County Bow and Gun Range Property outside of the defined shooting range

fence and encompassing the entire 120 acres more or less. Note that hunting utilizing archery equipment, crossbow and shot shells for areas outside of the range fence and within the range property is allowable.

iv) Areas as approved and posted:

Other areas under the management, supervision and control of the Committee and restricted by Committee action and appropriately posted by the Department.

b) BAITING AND FEEDING OF WILDLIFE

i) No person shall utilize baiting or feeding of wildlife on County lands when state regulations do not allow such use or in periods from January 25th to August 31st of any year. Baiting of bear shall be exempt from this section when such baiting meets all requirements of Wisconsin State Law.

ii) No person shall plant forage, grasses, shrubbery, or trees on County property to lure wildlife for any purpose.

c) FISHING: No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any fish contrary to posted notice or water areas marked by buoys or other approved regulatory devices as a swimming area. Restricted Swimming areas shall include:

- Veteran's Memorial Park
- Charles De Langlade Memorial Park
- Summit Lake Park
- Other areas as marked with Swim buoys by the Department.

d) GUIDED HUNTING AND FISHING: Guided hunting and fishing utilizing officially licensed guides is authorized on County properties when such commercial activity does not negatively affect the public use of County property. Guides shall ensure that all regulations including State regulations on hunting rights are followed. No areas shall be maintained exclusively for guided hunts and no rentals may be charged for blind locations on County property. Any such rentals of blind locations shall constitute a commercial use of County property and shall be subject to special use permits, required license agreements and associated fees from the Department.

22) EQUINE USE AND EQUINE TRANSPORTATION: Equine users shall retain all responsibility and liability for the safety of the public in relation to use or possession of equine animals on County property. No person shall ride a horse or other equine animals in any recreation facility, with the Fairgrounds or Racetrack during a duly licensed event, the Crocker Hills Trailhead, the Moccasin Lake Trailhead or boat landings and river accesses points for animal watering. Use of wagons, carts or attachments to animals is limited to roadways open to motor vehicles. Equine use is allowed on all lands outside of posted facilities unless posted closed to equine use. Equine users shall retain all responsibility for potential of equine disturbance from other authorized users of County lands including but not limited to motorized vehicles, controlled pets, and loud noises.

23) SLED DOG USE AND SLED DOG TRANSPORTATION: Sled dog users shall retain all responsibility and liability for the safety of the public in relation to use or possession of sled dogs on County property. No person shall utilize sled dog transportation on established snowmobile trail or within any recreation facility, with the exception of the Fairgrounds or Racetrack during a duly licensed event, the Crocker Hills Trailhead, the Highway 52 Trailhead or other areas under an approved special use event. Sled dog use is allowed on all lands outside of posted facilities unless posted closed to sled dog use. Sled dog users shall retain all responsibility for potential of sled dog disturbance from other authorized users of County lands including but not limited to motorized vehicles, controlled pets, and loud noises.

24) PERSONAL CONDUCT: No person shall engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct tending to create a breach of the peace or to disturb or annoy others on any lands or recreation areas under the management, supervision and control of the Committee. The Department may expel any person from lands for any violation of any state law, county ordinance or contrary to posted rules or regulations and violations may result in forfeiture under the Chapter.

25) UNDUE OR UNNECESSARY NOISES: No person shall operate soundtracks, loud speakers, motors, motorboats, motor vehicles or any other mechanical devices that produce undue or unnecessary noises within

hearing of occupants of any recreational facility. Exceptions to this regulation exists for licensed use of facilities.

26) USE AND TRANSFER OF ALCOHOL: Any use of alcohol on County property shall be the responsibility of the user and subject to State and Federal Regulations regarding such use. Any liability resulting from the use of alcohol on County property shall be assumed and retained by the user. Illegal transfer of alcohol for use of underaged individuals and liability resulting from any illegal transfer shall be retained by the original legal holder of such alcohol.

27) SALE OF ALCOHOL: No person, business or entity except duly authorized licensees of the County may sell alcohol to another on County property. Licensees authorized for sale of alcohol shall be subject to all Local, State and Federal regulations regarding sale and transfer of alcohol including but not limited to documentation of age of purchaser or transferee. Licensee shall retain any and all liability resulting from such alcohol sales or transfers.

28) UNAUTHORIZED USE OF PUBLIC LICENSED USE AREAS: No person may enter any licensed use area without permission of the County or at such times that such areas are closed to the public except managing agencies under a land use agreement, licensees under a license agreement or members of the public during time when public use is authorized for a licensed use.

29) HOURS OF OPERATION FOR DEVELOPED RECREATIONAL FACILITIES: No person except registered campers in or in route to designated campsites shall park or enter any developed recreational facility or day use site between 10:00 p.m. and 7:00 a.m. of the following day unless launching or removing a watercraft from a public waterway. Exceptions to this limitation are provided to licensees under a license agreement, members of the public during time when public use is authorized for a licensed event or areas where use is otherwise posted.

30) AREAS CLOSED TO THE PUBLIC: The Department may close, by posted notice, any land area, recreational facility, unfunded road, or trail, for purpose, with approval of the Committee. The Department may provide temporary closure of areas with proper posting as determined appropriate by the Forest Administrator, until such closure can be reviewed and approved by the Committee.

31) UNAUTHORIZED USE OF WATERBODIES: No person shall wash cars, persons, pets, cooking utensils, or clothing in any waters adjacent to lands under the management, supervision, and control of the Committee.

32) SWIMMING

a) No person shall swim more than 50 yards from shoreline, swim outside of swimming area boundaries.

b) No person may swim in water depths beyond swimming capabilities, or swim in any area marked "no swimming" on any land or water access under the management, supervision, and control of the Committee.

c) No person shall swim, wade or bathe in the water fronting upon any designated swimming site during electrical storms or in any other life-threatening weather.

33) BEACH AREAS. A designated site shall be maintained at Veteran's Memorial Park, Charles De Langlade Memorial Park and Summit Lake Park for public swimming.

a) Glass Containers: No person shall use or possess any glass containers on designated beach sites

b) Marker Buoys: No person shall disturb, vandalize, molest or damage a bathing beach boundary buoy or other markers or buoys in any swimming area or in any other such marked area in any park or wayside.

c) Beach Athletics: Except in locations designated for such purposes by the Department, no person shall engage in any athletic game or sport or in any activity, such as tossing Frisbees, upon any beach or in the water when, in the opinion of the authorized agent in charge, injury or inconvenience to others shall result therefrom.

d) Bathing Attire: No swimmer or bather shall enter the water or any bathing beach, unless clothed in suitable bathing attire. No person shall change clothes, except in beach houses or other enclosed place.

34) ATHLETICS: No person shall play or practice baseball, golf, tennis, archery or other games or sports

upon or within any recreation area, except upon ball fields, tennis courts, basketball courts, or volleyball courts established by the Committee, unless such activity, in the opinion of the authorized agent, does not create any problems for other users utilizing the area for purposes for which the area is provided.

35) PROPERTY OF OTHERS: No person shall disturb, destroy, vandalize, damage or remove the property or personal effects of others on any property administered by the Committee.

36) FEES AND CHARGES: No person shall use any facility, land or area for which a fee or charge has been established by the Committee without prior payment of such fee or charge.

37) ADDITIONAL RULES: Rules and regulations may be made from time to time by the Committee governing the further use and enjoyment of property administered by the Committee. Any person who shall violate such rules or regulation or who refuses to subject himself thereto may be excluded from the use of such facility and be subject to the penalties provided in this chapter.

38) EXCEPTIONS-Nothing in this chapter shall prohibit or hinder the Committee, its administrator, foresters, park managers, other authorized agents or any peace officers from performing their official duties.

39) EMERGENCY RULE MAKING AUTHORITY: In the event of a natural or man-made disaster or emergency which necessitates, in the public interest that all or a part of any land subject to this chapter be restricted from public access, the Committee shall have the power to close such lands, restrict their use or provide for emergency timber sales. Any actions under this section shall be subject to Board review and approval at its next scheduled meeting.

16.07 SURVEY REGULATIONS

1) SURVEY MONUMENTS: No person shall remove, cover, bury, destroy, or deface any survey monument, corner post, monument accessory, witness tree, bearing tree, or survey accessory on any lands within Langlade County, without following §59.74, Wis. Stats.

2) FILING OF SURVEYS: A correct and true copy of all surveys for individuals or corporations performed by any land surveyor of land in Langlade County must be filed in the Office of the Langlade County Surveyor within 60 days after completion of the survey.

16.08 ENFORCEMENT AND PENALTY ASSESSMENTS

1) REQUEST FOR INFORMATION: Any person upon land or waters under the management, supervision, and control of the Committee shall present identification to Department employees or law enforcement upon request. Persons may request identification from employees prior to verify official status prior to providing information. Employee information may include business card with County logo or official employee identification cards.

2) ENFORCEMENT: Any law enforcement officer, Conservation wardens under Memorandums of Understanding, the County Forest Administrator or assigned Forestry, Parks and Recreation Department staff or others as designated by the Committee may enforce the provisions of this chapter. Citations by assigned enforcement officials may be based upon personal observations or based upon information and documentation provided by Department employees. Assigned enforcement officials shall have at all times the right to enter the premise of any County building, structure or enclosure in any park, wayside or special recreation area, including such grounds, buildings, structures, campsites or enclosures which may be leased or set aside for private or exclusive use of any individual group of individuals for the purpose of determining that there is compliance with this chapter and the rules and regulations made by the Committee and may use all necessary means to attain that end.

3) SEIZURE: Whenever forest products, commercial or non-commercial, are found known to have been unlawfully severed from County lands, the Sheriff shall, on satisfactory evidence, seize such materials pursuant to §26.06, Wis. Stats., for use by the County or sales as the Committee may determine.

4) PENALTY ASSESSMENTS: Any person, firm, or corporation, including those doing work for others who shall violate any of the provisions of the Ordinance shall:

a) Upon conviction thereof, forfeit to Langlade County the sum of not less than $50.00 nor more

than $20,000.00 plus court assessments, surcharges and other court cost that may be imposed. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly.

b) In addition to the penalties above, any person damaging the property of the County or another person shall remain liable in a civil action for the amount of that damage.

c) Every subsequent offense within twelve (12) months of the first offense shall be considered a subsequent offense. Multiple offenses by the same person or entity within a 3-year timeframe shall be considered subsequent offenses.

5) DAMAGES: In addition to the penalties specified in 16.08(4), any person violating any of the provisions of this chapter shall be liable for any damages. Whenever evidence of unlawful cutting on County lands shall be lodged with the District Attorney, he shall, on recommendation of the Committee, bring suit to recover damages as provided by §26.09, Wis. Stats. Similarly, civil suit shall be brought against parties responsible for forest fire damage under §26.21, Wis. Stats.

6) INJUNCTION: Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.

7) RESPONSIBILITY FOR COMPLIANCE: Any person, firm, or corporation causing a violation or refusing to comply with any provisions of this Ordinance shall be issued a citation at time of violation or will be notified in writing of such violation by the County Forest Administrator or his designated representative, giving the person responsible a time period not to exceed 30 days from the date on the letter of notification to have the violation brought into compliance with the provisions of this Ordinance. Each day a violation exists thereafter shall constitute a distinct and separate violation of this Ordinance, and as such forfeitures shall apply accordingly.

16.09 SEVERABILITY AND CONFLICTS

Any portion of this Chapter to the contrary or in derogation of established Federal or State regulations or laws, are hereby repealed only insofar as conflict exists. Any and all Ordinances or Resolutions of Langlade County, or any portion of said Ordinances or Resolutions to the contrary or in derogation of the above sections, are hereby repealed only insofar as conflict exists.

16.10 PUBLICATION

This Ordinance will take effect and be in force upon passage and publication as provided by law.

16.11 SCHEDULE OF CHAPTER FORFEITURES

(1) COUNTY FOREST, PARKS AND RECREATION FORFEITURE SCHEDULE.

(See Addendum A).

Adopted March 28, 2022 (ORD #1-2022)

ADDENDUM A- SCHEDULE OF FORFEITURES- PAGE 1

Addendum A- CHAPTER 16- Forest, Parks and Recreation Ordinance Uniform Schedule of Forefeitures		All violations may require restitution	
		Violation Forefeiture	Violation Forefeiture
Ordinance	Violation Description	1st Offense	Subsequent Offense
16.06 (2)	Promotional use of County lands without consent	$ 200.00	$ 300.00
16.06 (3)(a)	Failure to obtain permit or contract (commercial timber)	$ 200.00	$ 300.00
16.06 (3)(b)	Failure to obtain permit or contract (commercial special products)	$ 200.00	$ 300.00
16.06 (3)(c)	Theft of Product	$ 200.00	$ 300.00
16.06 (3)(c)	Theft of Product (restricted special use)	$ 200.00	$ 300.00
16.06 (4)(a)	Failure to obtain permit (non-commercial)	$ 100.00	$ 200.00
16.06 (4)(a)	Collection above non-commercail threshold	$ 100.00	$ 200.00
16.06 (4)(b)	Failure to obtain permit (treaty rights)	$ 100.00	$ 200.00
16.06 (5)(a)	Destruction of County Property	$ 200.00	$ 300.00
16.06 (5)(a)	Cutting of Shooting Lanes	$ 100.00	$ 200.00
16.06 (5)(a)	Damage to trees	$ 100.00	$ 200.00
16.06 (5)(b)	Unauthorized Entry	$ 100.00	$ 200.00
16.06 (5)(c)	Unauthorized Tampering	$ 100.00	$ 200.00
16.06 (5)(d)	Soil Damage by Recreational Use	$ 200.00	$ 400.00
16.06 (5)(d)	Pollution Caused by Recreational Use	$ 300.00	$ 600.00
16.06 (6)	Special use without permit	$ 100.00	$ 200.00
16.06 (7)	Access across County Property without permit	$ 500.00	$ 1,000.00
16.06 (8)	Development without Approved Land Use Permit	$ 500.00	$ 1,000.00
16.06 (9)(a)	Unauthorized deposition of refuse on land (natural materials)	$ 100.00	$ 300.00
16.06 (9)(a)	Unauthorized deposition of refuse on land (metal, plastic, hazardous materials)	$ 250.00	$ 300.00
16.06 (9)(b)	Unauthorized deposition of personal waste in receptacles	$ 100.00	$ 200.00
16.06 (9)(c)	Unauthorized deposition of charcoal or fire waste	$ 150.00	$ 300.00
16.06 (10)(a)	Unauthorized or Use of Fire	$ 100.00	$ 200.00
16.06 (10)(b)	Unattended Fire	$ 150.00	$ 300.00
16.06 (10)(c)	Unauthorized Fire on a "Restricted" Day	$ 250.00	$ 500.00
16.06 (11)	Unauthorized Metal Detecting	$ 50.00	$ 100.00
16.06 (11)	Unauthorized Mininig, Exploration or Prospecting (non-metallic)	$ 1,000.00	$ 2,000.00
16.06 (11)	Unauthorized Mininig, Exploration or Prospecting (metallic)	$ 10,000.00	$ 20,000.00
16.06 (12)	Unauthorized Hunting Stand or Blind Type	$ 200.00	$ 400.00
16.06 (12)	Unauthorized Hunting Stand or Blind Outside of Season	$ 100.00	$ 200.00
16.06 (12)	Failure to Identify Stand Owner	$ 50.00	$ 100.00
16.06 (13)	Unauthorized Restriction of Access	$ 100.00	$ 200.00
16.06 (14)(a) (i)	Failure to Dispose of Animal Waste	$ 75.00	$ 150.00
16.06 (14)(a)(ii)	Pets in an unauthorized area	$ 50.00	$ 100.00
16.06 (14)(a)(iii)	Uncontrolled or unleashed Pets	$ 75.00	$ 150.00
16.06 (14)(b)	Uncontrolled Pet	$ 75.00	$ 150.00

ADDENDUM A- SCHEDULE OF FORFEITURES- PAGE 2

Addendum A- CHAPTER 16- Forest, Parks and Recreation Ordinance Uniform Schedule of Forefeitures		All violations may require restitution	
		Violation Forefeiture	Violation Forefeiture
Ordinance	Violation Description	1st Offense	Subsequent Offense
16.06 (15)	Unauthorized Peddling	$ 100.00	$ 200.00
16.06 (15)	Unauthorized Business Solicitation	$ 100.00	$ 200.00
16.06 (15)	Unauthorized Signage	$ 50.00	$ 100.00
16.06 (16)(a)	Damage by Vehicle	$ 200.00	$ 300.00
16.06 (16)(b)	Abandoned Vehicles	$ 200.00	$ 300.00
16.06 (16)(c) (i.)	Speeding in Recreational Facility	$ 100.00	$ 200.00
16.06 (16)(c) (ii)	Speed in Contrary to Posted or Designated	$ 100.00	$ 200.00
16.06 (16)(c) (ii)	Unsafe Speed and Operation	$ 100.00	$ 200.00
16.06 (16)(d)	Unauthorized Parking	$ 50.00	$ 100.00
16.06 (16) (e)	Failure to obtain PDMD Permit	$ 50.00	$ 100.00
16.06 (16) (e)	Use of PDMD in Unpermitted Area	$ 100.00	$ 200.00
16.06 (16) (f)	Unauthorized Use of Licensed Motor Vehicle (closed area)	$ 150.00	$ 300.00
16.06 (16) (g)	Unauthorized Use fo Motor Vehicle on Snowmobile Trail	$ 100.00	$ 200.00
16.06 (16) (h)	Unauthorized Use of Off Highway Motor Cycle	$ 100.00	$ 200.00
16.06 (16) (h)(i.)	Unauthorized Use of ATV/UTV- Public Land	$ 100.00	$ 200.00
16.06 (16) (i)(ii.)	Unauthorized Use of ATV/UTV- Public Closed Area	$ 150.00	$ 300.00
16.06 (16) (i)(iii.)	Unauthorized Use of ATV/UTV- Public Cross Country	$ 200.00	$ 400.00
16.06 (16) (i)(iv.)	Unauthorized Use of ATV/UTV- Private Land	$ 200.00	$ 400.00
16.06 (16) (i)(v.)	Unauthorized Use of ATV/UTV- Private Land- Off Trail Surface	$ 300.00	$ 600.00
16.06 (16) (i)(vi.)	Unauthorized Use of ATV/UTV- Closed Trails	$ 150.00	$ 300.00
16.06 (16) (j)(i.)	Unauthorized Use of Snowmobile- Public Land	$ 100.00	$ 200.00
16.06 (16) (j)(ii.)	Unauthorized Use of Snowmobile- Public Closed Area	$ 150.00	$ 300.00
16.06 (16) (j)(iii.)	Unauthorized Use of Snowmobile- Public Cross Country	$ 200.00	$ 400.00
16.06 (16) (j)(iv.)	Unauthorized Use of Snowmobile- Private Land	$ 200.00	$ 400.00
16.06 (16) (j)(v.)	Unauthorized Use of Snowmobile- Private Land- Off trail surface	$ 300.00	$ 600.00
16.06 (16) (j)(vi.)	Unauthorized Use of Snowmobile- Closed Trails	$ 150.00	$ 300.00
16.06 (16) (k)	Unauthorized Use of Undefined Motor Vehicle	$ 100.00	$ 200.00
16.06 (16) (l)(i)	Unattended Watercraft	$ 50.00	$ 100.00
16.06 (16) (l)(ii)	Overnight Stay in Watercraft	$ 50.00	$ 100.00
16.06 (16) (l)(iii)	Watercraft in a Restricted Area	$ 100.00	$ 200.00
16.06 (16) (l)(iv)	Power Launch/Power Load Watercraft	$ 100.00	$ 200.00
16.06 (16) (m)	Unauthorized Use of Bicycles	$ 50.00	$ 100.00
16.06 (16) (n)(i.)	Unauthorized Use of E-Bicycle	$ 100.00	$ 200.00
16.06 (16) (n)(ii.)	E-Bicycle Excessive Speed	$ 100.00	$ 200.00
16.06 (16) (o)	Unauthorized Use of Animal Propelled Wagons	$ 50.00	$ 100.00
16.06 (17) (a)	Failure to obtain camping permit	$ 50.00	$ 100.00

ADDENDUM A- SCHEDULE OF FORFEITURES- PAGE 3

Addendum A- CHAPTER 16- Forest, Parks and Recreation Ordinance Uniform Schedule of Forefeitures		All violations may require restitution	
		Violation Forefeiture	Violation Forefeiture
Ordinance	Violation Description	1st Offense	Subsequent Offense
16.06 (17) (b)	Failure to pay fees	$ 50.00	$ 100.00
16.06 (17) (c)	Unauthorized Occupancy of Reserved Sites	$ 50.00	$ 100.00
16.06 (17) (d)	Unauthorized Length of Stay	$ 100.00	$ 200.00
16.06 (17) (f)	Dispersed Camping within 1/4 mile of developed facility	$ 100.00	$ 200.00
16.06 (18) (a)	Unauthorized use of showers and toilet facilities	$ 50.00	$ 100.00
16.06 (18) (b)	Unauthorized use of water and electrical systems	$ 50.00	$ 100.00
16.06 (18) (b)	Unauthorized overload of electrical system	$ 50.00	$ 100.00
16.06 (18) (c)	Unauthorized use of dump station or sewage systems	$ 50.00	$ 100.00
16.06 (18) (d)	Unauthorized use of roads and parking	$ 50.00	$ 100.00
16.06 (18) (d)	Unauthorized use of internet, playgrounds, grills, or fire pits	$ 50.00	$ 100.00
16.06 (19) (a)	Unauthorized sale of fireworks without a license or permit	$ 200.00	$ 400.00
16.06 (19) (b)	Unauthorized use of Fireworks on County Land (public use legal)	$ 50.00	$ 100.00
16.06 (19) (b)	Discharge Fireworks on County Land without license	$ 100.00	$ 200.00
16.06 (19) ©	Fireworks Terminating on County Land	$ 100.00	$ 200.00
16.06 (20) (a)	Unauthorized sale of firearms without a license or permit	$ 200.00	$ 300.00
16.06 (20) (b)	Firearm Uncased in unapproved recreational facility	$ 50.00	$ 100.00
16.06 (20) (c)	Target shooting outside of desingated area	$ 50.00	$ 100.00
16.06 (20) d (i)	Shooting when individual downrange	$ 50.00	$ 100.00
16.06 (20) d (ii)	Targets not in backstop	$ 50.00	$ 100.00
16.06 (20) d (iii)	Unauthorized Firearm Targets	$ 50.00	$ 100.00
16.06 (20) d (iv)	Failure to remove refuse from Range	$ 100.00	$ 200.00
16.06 (20) d (v)	Alcoholic Beverages at Range	$ 100.00	$ 200.00
16.06 (20) d (vi)	Range Use during closed hours or season	$ 50.00	$ 100.00
16.06 (20) d(vii)	Unauthorized weapons or ammunition at Range	$ 50.00	$ 100.00
16.06 (20) d (viii)	Firearms Discharge in unauthorized area	$ 100.00	$ 200.00
16.06 (20) d (ix)	Unleashed Pets on Range	$ 50.00	$ 100.00
16.06 (20) d (x)	Unaccompanied person under 14 years of age shooting at range	$ 50.00	$ 100.00
16.06 (21) (a) (i)	Wildlife Take, kill or pursuit in area closed year round	$ 200.00	$ 400.00
16.06 (21) (a) (ii)	Wildlife Take, kill or pursuit within 500' of building	$ 200.00	$ 400.00
16.06 (21) (a) (ii)	Unauthorized Wildlife Take, kill or pursuit utilizing single projectile	$ 100.00	$ 200.00
16.06 (21) (a) (iii)	Wildlife Take, kill or pursuit contrary to posting	$ 100.00	$ 200.00
16.06 (21) (b) (i)	Unauthorized wildlife baiting	$ 50.00	$ 100.00
16.06 (21) (b) (i)	Wildlife baiting during restricted time	$ 50.00	$ 100.00
16.06 (21) (b) (ii)	Unauthorized plantings or vegetation management for wildlife	$ 100.00	$ 200.00
16.06 (21) (c)	Fishing within a swimming area	$ 100.00	$ 200.00
16.06 (21) (d)	Guide Fees on County Land without Permit	$ 200.00	$ 400.00

ADDENDUM A- SCHEDULE OF FORFEITURES- PAGE 4

Addendum A- CHAPTER 16- Forest, Parks and Recreation Ordinance Uniform Schedule of Forefeitures		All violations may require restitution	
		Violation Forefeiture	Violation Forefeiture
Ordinance	Violation Description	1st Offense	Subsequent Offense
16.06 (22)	Equine riding in an unauthorized recreational area	$ 50.00	$ 100.00
16.06 (22)	Equine riding contrary to posting	$ 100.00	$ 200.00
16.06 (23)	Sled dog riding in an unauthorized recreational area	$ 50.00	$ 100.00
16.06 (23)	Sled dog riding contrary to posting	$ 100.00	$ 200.00
16.06 (23)	Sled dog riding on Snowmobile Trail	$ 100.00	$ 200.00
16.06 (24)	Improper personal conduct	$ 100.00	$ 200.00
16.06 (25)	Improper music levels	$ 50.00	$ 100.00
16.06 (25)	Improper vehicle noise	$ 50.00	$ 100.00
16.06 (25)	Improper noise level disturbing other users	$ 50.00	$ 100.00
16.06 (26)	Illegal Use of Alcohol on County Property	$ 100.00	$ 200.00
16.06 (27)	Sale or transfer of Alcohol without permit or license	$ 200.00	$ 400.00
16.06 (28)	Unauthorized Use of Licensed Use Areas	$ 50.00	$ 100.00
16.06 (29)	Unauthorized Use During Closed Times	$ 50.00	$ 100.00
16.06 (30)	Unauthorized Use of Area Closed to the Public	$ 100.00	$ 200.00
16.06 (31)	Unclean uses of waterbodies	$ 50.00	$ 100.00
16.06 (32)(a)	Swimming beyond safe limits	$ 100.00	$ 200.00
16.06 (32)(b)	Swimming beyond abilities	$ 100.00	$ 200.00
16.06 (32)(c)	Swimming in Life Threatening Weather	$ 100.00	$ 200.00
16.06 (33)(a)	Glass Container on in Beach Area	$ 50.00	$ 100.00
16.06 (33)(b)	Disturbing Marker Buoy	$ 50.00	$ 100.00
16.06 (33)(c)	Unauthorized Beach Athletics Disturbing Beach Users	$ 50.00	$ 100.00
16.06 (33)(d)	Inappropriate Bathing Attire	$ 50.00	$ 100.00
16.06 (33)(d)	Inappropriate Change of Clothing	$ 50.00	$ 100.00
16.06 (34)	Unauthorized Athletics Disturbing Park Users	$ 50.00	$ 100.00
16.06 (35)	Disturbance of Personal Property of Others	$ 100.00	$ 200.00
16.06 (35)	Removal or Destruction of Personal Property of Others	$ 150.00	$ 300.00
16.06 (36)	Failure to pay fees or charges	$ 100.00	$ 200.00
16.07 (1)	Damage or Destruction to Survey Monuments	$ 200.00	$ 300.00
16.07 (2)	Failure to file surveys	$ 100.00	$ 200.00
16.08 (1)	Refusal to Provide Identification	$ 100.00	$ 200.00

CHAPTER 17

ZONING CODE

SUBCHAPTER I: INTRODUCTION 156

17.01 TITLE AND AUTHORIZATION 156

17.02 INTENT AND PURPOSE 156

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS 157

SUBCHAPTER II: GENERAL PROVISIONS 168

17.05 APPLICATION 169

17.06 APPLICATION TO GOVERNMENT USES 169

17.07 APPLICATION OF OVERLAPPING REGULATIONS 169

17.08 GREATER RESTRICTIONS 169

17.09 SEPARABILITY 169

17.10 COMPLIANCE 169

17.11 OPERATIONAL STANDARDS 169

17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS 170

17.13 TEMPORARY USES 172

17.14 UNCLASSIFIED USES 172

17.15 HEIGHT REGULATIONS 173

17.16 PERMANENT FOUNDATION 173

17.17 ACCESSORY AND APPURTENANT STRUCTURES 173

17.18 SETBACKS, YARD SPACES AND VISION CLEARANCE TRIANGLE 174

17.19 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS OR SETBACK AREAS 175

17.20 FENCES 175

17.21 SIGNS 175

17.22 EXCAVATING. FILLING, GRADING, RECONTOURING, PONDS 176

17.23 COMMUNITY LIVING ARRANGEMENTS 177

17.24 HOME OCCUPATION AND PROFESSIONAL OFFICES IN HOMES 178

17.25 RECREATIONAL VEHICLES 179

17.26 AREA REGULATIONS 179

17.27 LOT DIMENSIONS 179

17.28 PARCEL SIZE AND DIMENSION WHERE NOT SPECIFICALLY IDENTIFIED 179

17.29 PARKING AND LOADING SPACE REQUIREMENTS 180

17.30 PLANNED RESIDENTIAL DEVELOPMENT 182

17.31 UTILITIES 184
17.32 MOBILE TOWER SITING 185
17.33 AIRPORT-RELATED REGULATIONS 187
SUBCHAPTER III: SHORELAND PROVISIONS 187
17.36 SHORELAND ZONING ORDINANCE 187
SUBCHAPTER IV: FLOODPLAIN PROVISIONS 208
SUBCHAPTER V: RESERVED 244
SUBCHAPTER VI: ZONING DISTRICTS 244
17.39 INTRODUCTION 244
17.40 DISTRICTS 245
17.41 PRINCIPLES FOR LOCATION OF DISTRICTS: LAND FOR TRANSITION FROM ONE DISTRICT TO ANOTHER 245
17.42 CONSERVANCY OVERLAY DISTRICT (C-1) 246
17.43 CONSERVANCY BUFFER OVERLAY DISTRICT (C-2) 250
17.44 FOREST DISTRICT (F) 250
17.45 PARK AND RECREATION DISTRICT (PR) 252
17.46 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP) 253
17.47 EXCLUSIVE AGRICULTURAL DISTRICT (A-1) 268
17.48 GENERAL AGRICULTURAL DISTRICT (A-2) 271
17.49 FARM PRESERVATION OVERLAY DISTRICT 273
17.50 AGRICULTURAL/FOREST/RESIDENTIAL DISTRICT (AFR) 274
17.51 RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1) 275
17.52 RESIDENTIAL, MULTIPLE FAMILY AND CONDOMINIUM DISTRICT (R-2) .. 276
17.53 MOBILE HOME PARK DISTRICT (R-3) 277
17.54 MOBILE HOME SUBDIVISION DISTRICT (R-4) 279
17.55 RESIDENTIAL, LARGE LOT (R-5) 280
17.56 GENERAL COMMERCIAL DISTRICT (C) 280
17.57 INDUSTRIAL DISTRICT (I) 282
17.58 QUARRYING OVERLAY DISTRICT (Q) 285
17.59 METALLIC MINING EXPLORATION OVERLAY DISTRICT (MME) 287
17.60 MINING DISTRICT (M) 290
17.61 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH 294
SUBCHAPTER VII: ADMINISTRATION AND ENFORCEMENT 294
17.65 PURPOSE 294
17.66 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES 294

17.67 DUTIES OF THE ZONING ADMINISTRATOR; RECORDS; INSPECTIONS; DETERMINATIONS; PERMITS; FEES 295
17.68 FEES 299
17.69 BOARD OF ADJUSTMENT 299
17.70 VIOLATIONS 306
17.71 AMENDMENT PROCEDURES 307
17.72 RECONSIDERATION 314

SUBCHAPTER I: INTRODUCTION

17.01 TITLE AND AUTHORIZATION

(1) TITLE

This chapter shall be known and cited as the Langlade County Zoning Ordinance. It is comprised of several independent ordinances, namely a general zoning ordinance, a shoreland ordinance, floodplain ordinance, and a farmland preservation ordinance. The ordinances are combined in this chapter in order to share certain language, principally that dealing with administration.

(2) AUTHORIZATION

The regulations contained within this chapter represent the exercise of the County Board's "Police Power" authority to protect the public health, safety, morals and general well-being. For all regulations contained herein represent the County Board's general or comprehensive zoning authority, as well as the Board's special purpose zoning authority (i.e. to address specialized concerns or special geographic areas such as shorelands and floodplains). This chapter is adopted under the authority granted to the County Board under 59.10, 59.11, 59.11(1), (5), 59.42(1), 59.48, 59.51 to 59.58, 59.62, 59.696 to 59.70, 59.80, 59.82, 59.56(14), 59.692, 59.694, 59.696, 59.697, 59.698, 59.53(16), 59.692, 87.30 and 144.26 and Chapters 45 and 236, Wis. Stats.

17.02 INTENT AND PURPOSE

It is the intent and purpose of this chapter to:

(1) Further the orderly use of land and the conservation of natural resources.

(2) Conserve the value of land and buildings in the County.

(3) Provide for the enhancement and protection of the surface and groundwaters of the County.

(4) Fix standards to which buildings and structures shall conform.

(5) Regulate and restrict lot coverage and population density.

(6) Provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.

(7) Protect agriculture, residential, business and manufacturing uses from harmful or detrimental encroachment by incompatible uses and to ensure that land allocated to a zoning district shall not be usurped by other inappropriate uses.

(8) Control the location of unavoidable nuisance producing uses.

(9) Provide for adequate light, air, sanitation and drainage.

(10) Promote the safety and efficiency of streets and highways.

(11) To recognize the needs of agriculture, forestry, industry and business in future growth.

(12) Facilitate the powers and duties of the administrative bodies as provided hereinafter.

(13) Define the powers and duties of the administrative bodies as provided hereinafter.

(14) Prescribe penalties for the violation of provisions of this chapter or any amendments thereto.

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

(1) CONSTRUCTION OF LANGUAGE

The following rules of construction apply to this chapter:

(a) In their interpretation and application, the provisions of this chapter shall be considered as a minimum requirement to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare and shall be liberally construed in favor of the County. Where a provision of this chapter is unclear, that provision shall be interpreted in light of any applicable statutory or administrative code standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter. The provisions of this chapter shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(b) A particular shall control the general.

(c) The word "shall" is always mandatory; the word "may" is permissive.

(d) Words used in the present tense shall include the future; and the words used in the singular shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.

(e) A "building" or "structure" includes any part thereof.

(f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(g) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions or events connected by the conjunctions "and," "or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions or events shall apply.

2. "Or" indicates that all the connected items, conditions, provisions or events may apply singly or in any combination.

3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(h) All measured distances shall be to the nearest integral foot. If a fraction is 1/2' or more, the integral foot next above shall be taken.

(i) He shall also mean she.

(2) ADOPTION OF STANDARD INDUSTRIAL CLASSIFICATION MANUAL

(a) In listing uses for zoning districts, this chapter employs a terminology found in the Standard Industrial Classification Manual (1987 edition and subsequent revisions). The manual is available for review in the office of the Zoning Administrator or may be purchased from the U.S. Government Printing Office, Washington, D.C., 20402, or from the Government Printing Office Bookstore, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

(b) Reference shall be made to the SIC manual as a source of definitions of these terms.

(3) DEFINITIONS**:** The following words, phrases and terms wherever they occur in this chapter shall be interpreted as herein provided:

(a) Includes all definitions listed in 91.01, Wis. Stats., for defining and clarification in the Agricultural zoning districts.

(b) Section 17.36 has separate definitions found in that section and limited to that to the section

A Zones: Those areas shown on a municipality's official floodplain zoning map, as defined herein, which would be inundated by the base flood or regional flood as defined herein. These areas may be numbered as A0, A1, A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory Structure: A facility, structure, or building which is accessory or incidental to the principal use of a property, structure or building and including all uses listed in 91.01(1), Wis. Stats.

Agricultural Production: Includes all activities in Major Groups 01of the SIC manual and all uses listed in 91.01(2)(a), Wis. Stats., and specifically includes production of ginseng, except in the A-1 District which is limited to the following activities conducted for the purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping, nursery, sod or Christmas tree production, floriculture, aquaculture, fur farming, forest management, enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program, or any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use

Agricultural Use: See Agricultural Production.

Animal Equivalent Units: For the purpose of this chapter, the total number of animal types that are equivalent to one animal, termed as an animal unit. A part of an animal unit shall be rounded to the nearest full animal unit.

Description	One Animal Unit Equivalent/Acre
BEEF CATTLE:	
Steers, cows or buffalo (1,000 lbs. to mkt.)	1.0
Steers, cows or buffalo (600 to 1,000 lbs.)	1.2
Calves (under 600 lbs.)	2.0

Bulls	0.7
DAIRY CATTLE:	
Milking and dry cows	0.7
Heifers (800 lbs. to 1,200 lbs.)	0.9
Heifers (400 to 800 lbs.)	1.6
Calves (under 400 lbs.)	5.0
SWINE:	
Pigs (55 lbs. to mkt.)	2.5
Pigs (up to 55 lbs.)	10.0
Sows	2.5
Boars	2.0
SHEEP:	
Per animal	10.0
HORSES:	
Per animal	0.5
DUCKS:	
Bird (wet lot)	50.0
Bird (dry lot)	100.0
CHICKENS:	
Layers	100.0
Broilers	200.0
TURKEYS	
Bird	55.0
RABBITS:	
Per animal	100.0
FUR BEARING ANIMALS:	
Per animal	0.5
DEER/LLAMAS/OSTRICH & EMU	5.0
ELK	1.6

Base Flood: A flood having a 1% chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Base Flood Elevation: An elevation equal to that which reflects the height of the base flood.

Basement: The base or foundation of a building, partly or wholly below ground level.

Bioengineered Shoreline Protection: Includes practices that encourage the deposition and revegetation of littoral sediment.

Board of Adjustment: The body established under 59.694, Wis. Stats.

Boathouse: Any structure used exclusively for protecting or storing of boats used for noncommercial purposes in conjunction with a residence and not for human habitation or occupancy (i.e., decks, bunkhouses, recreation rooms). No design features are allowed that would be inconsistent with the exclusive use for the storage of watercraft.

Boat Shelter: A structure in navigable waters with a roof but no walls or sides and that is intended to provide a berth for a single watercraft.

Building: Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

Building, Accessory: A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building.

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

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high watermark, except where such filling is prohibited by the floodway provisions of this ordinance.

Campground: A parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsite(s) offered with or without charge, for temporary overnight sleeping accommodations.

Certificate of Compliance: A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Certified Farmland Preservation Plan: A farmland preservation plan that is certified as determined under 91.12, Wis. Stats.

Channel: A natural or artificial watercourse with definite beds and banks to confine and conduct the normal flow of water.

Churches: Places of religious worship which includes synagogues and temples.

Civic and Fraternal Associations: Includes the meeting halls of such organizations.

Community Buildings: Includes local government meetings and office buildings, libraries, information booths, fire stations, police stations and community storage garages and related places of assembly.

Crawlways or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Development: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Drainage System: One or more artificial ditches, tile drains or similar devices which will collect surface runoff or groundwater and convey it to a point of discharge.

Dry Land Access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling: Any building, occupied for human habitation of which the initial construction is commenced on or after the effective date of this code, and contains one or two dwelling units.

Dwelling Unit: A structure or part of a structure, which is used as a home, or intended to be used as a home, residence or common sleeping place by one or more people maintaining a common household, to the exclusion of all others.

Encroachment: Any fill, structure, equipment, building, use or development in the floodway.

Erosion Control: Practices used to prevent the process by which the surface of the earth is worn away by the action of wind or water in the form of rain drops, surface runoff and waves including but not limited to silt fencing and mulching. (Cr. #3-96)

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

Family: One or more persons related by blood, marriage or adoption or a group of not more than 5 persons not so related, maintaining a common household in a dwelling unit.

Farm: All land under common ownership that is primarily devoted to agricultural use.

Federal Emergency Management Agency (FEMA): The federal agency that administrates the National Flood Insurance Program.

Fishing: Includes noncommercial and recreational fishing as an activity conducted incidental to a legal principal use, such as residential, commercial, recreational, forestry or agricultural.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

The overflow or rise of inland waters,

The rapid accumulation or runoff of surface waters from any source, or

The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood Fringe: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood Hazard Boundary Map: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Rate Map (FIRM): A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain Island: A natural geological land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management: Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodplain Zoning Violation: The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Flood Profile: A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.

Floodproofing: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation: The flood protection elevation shall correspond to a point 2' of freeboard above the water surface profile associated with the regional flood and the official floodway lines.

Flood Protection Freeboard: Freeboard is a factor of safety usually expressed in terms of a certain amount of feet above calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. The unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggravation of the river or streambed.

Flood Storage: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Footings: A structural system designed to transmit and safely distribute loads to the soil.

Forestry: Includes timber tracts, forest nurseries, tree seed gathering and extraction, gathering of forest products, such as maple syrup, and temporary sawmills.

Foundation: That part of a building that is under the ground. Foundations shall be designed and constructed to support the vertical loads of the dwelling, lateral soil pressure and other loads without exceeding the allowable stresses of materials of which the foundations are constructed.

Golf Courses: Includes country clubs, does not include miniature golf.

Height, Building: The vertical distance measured from the lowest exposed foundation to the highest point of the roof.

High Flood Damage Potential: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

Impervious surface: Any man made or constructed surface which does, not allow runoff waters to infiltrate into the ground. Examples include but are not limited to roofs, paved areas, decks and driveways.

Increase in Regional Flood Height: A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Landfill, Sanitary: A waste disposal operation which consists of dumping and related disposal of garbage, rubbish and other debris into earth trenches or excavations.

Land Use: Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

Legal Pre-existing Use or Structure: Any structure, land or water, lawfully used, occupied or erected prior to the effective date of this chapter or amendments to it, which does not conform to such regulations or amendments.

Livestock: Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

Lot: A parcel of land, legally described or subdivided as one lot and which is occupied or intended for occupancy by one principal building and such open spaces as are required by this chapter and having access to a public street or road. (Note: See 17.36(15) for shoreland references.)

Lot Line: A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Manufactured Home:

1. Manufactured Dwelling ("Modular"). A dwelling structure or component thereof in the Wisconsin Uniform Dwelling Code (SPS 320.07(53f), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Sub-Chapter V of said Uniform Dwelling Code.

2. Manufactured Home. A single-family dwelling structure or component thereof as is defined in the Wis. Stats. 101.91(2), fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. Wis. Stats. 5401 to 5426.

Mining or Mining Operation: All or part of the process in the mining of metallic minerals other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden, and the production of refuse, and the disposal of mining waste.

Mining Waste: Any refuse, sludge, or other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from or used for metallic mineral prospecting or mining, or from the cleaning or preparation of minerals during prospecting or mining operations. Typical mining wastes include, but are not limited to, tailings, waste rock, mine overburden, and waste treatment sludges. Mining waste does not include topsoil and mine overburden not disposed of in a waste site, but placed in a facility

permitted under Ch. NR 131 or 132, to be returned to the mine site or used in the reclamation process, and does not include merchantable by-products.

Mobile Home: A transportable factory-built structure as is defined in the Wis. Stats. 101.91, designed for long term occupancy build prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

Mobile Home Park: Any premises on which are parked 2 or more mobile homes for temporary or permanent habitation.

Mulching: Providing any loose covering for exposed soils, such as grass, straw, bark or wood fibers, to help control erosion and protect exposed soil. (Cr. #3-96)

NAVD or North American Vertical Datum: Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum: Elevations referenced to mean sea level datum 1929, adjustment.

New Construction: For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming Use or Structure: Any structure, land or water, lawfully used, occupied or erected at the effective date of this chapter or amendments to it, which does not conform to such regulations or amendments.

Obstruction to Flow: Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map: That map adopted and made part of this chapter which has been approved by the Department of Natural Resources and the Federal Insurance Administration of FEMA, and which delineates those areas which would be inundated by the base or regional flood including, but not limited to, numbered and unnumbered zones. This map may be a flood hazard boundary map, flood insurance map or County floodplain map.

Official Letter of Map Amendment: Official notification from the Federal Insurance Administration of FEMA that a flood hazard boundary map or flood insurance study map has been amended for flood insurance waiver only. To remove floodplain regulations, the property must be formally amended out of the district.

Open Space Use: Those uses having a relatively low flood damage potential and not involving structures.

Ordinary High Watermark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

Ordinary Maintenance & Repair: Includes: replacement of windows, doors, roofing and siding; upgrading of insulation; internal remodeling and improvements (Note: Consult with zoning office about permits required for some of these activities.)

Parking Lot: A cleared area with a constructed surface that is maintained, intended, or used primarily for the storage of vehicles, equipment, or materials.

Parks: Public or private areas devoted to outdoor recreation, limited to picnic areas, playgrounds, playfields, ball diamonds and public beaches.

Permanent: A use, construction, or arrangement without a specified date on which it will no longer exist or occur.

Person: Any institution, public or private corporation, individual, partnership, private organization or other legal entity.

Preplanning: (Rev. 1/18/05) Designating on a survey map, the shape and location of two areas (determined by a soil and site evaluation) for the future installation of privately-owned wastewater treatment systems (POWTS) to serve a 3-bedroom home, areas for buildings, driveways, and other improvements as deemed necessary by the Administrator.

Prospecting: Engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps, tunnels, pits and the production of refuse and other associated activities.

Reasonably Safe from Flooding: Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational, Religious or Youth Camps: Includes facilities and operations established for accommodation of groups of guests who engage as a group in educational, recreational or religious activities.

Recreational Vehicle: A vehicle having an overall length of 45' or less and a body width of 8' or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

Regional Flood: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Residence: An abode, home or dwelling for occasional to regular human occupancy, including season recreational purposes such as hunting and fishing cabins, etc. A structure may be declared as a residence by the Zoning Administrator applying the policy approved by the Water and Land Use Planning Committee. (See Appendix or Department or Departmental website)

Resort: An area containing one or more permanent buildings utilized for the accommodation of the public for recreational purposes, providing temporary lodging, meals or facilities for preparation of meals and recreational facilities on the site or on adjacent waters.

Roadside Stand: A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for sale of farm products.

Satellite Dish: An antenna designed to receive radio or television waves from satellite stations.

Sawmills, Portable: Includes temporary sawmill operations that are movable.

School: Places devoted to education range from pre-school nurseries to colleges.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline or prospective line to the nearest vertical wall or other element of a building or structure.

Shooting Range: An area designed and constructed for the discharge of firearms or archery equipment that is open for club members or public use. Individually owned and used targets and archery ranges are not included.

Shorelands: Lands within the following distances from the ordinary high watermark of navigable waters: 1,000' from a lake, pond or flowage and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreline Restoration Area: On shoreline lots, land within 35 feet of the ordinary high-water mark which has been altered from its natural state, has not adequately regenerated native plants, and which may require native plant restoration, non-native plant eradication, erosion control measures, bioengineering, or other stabilization.

Shoreline Setback: The distance between all points along the ordinary high-water mark and the closest water ward projection of a structure. For purposes of shoreline setback measurement, measurements to the principal structure shall include any portions which are fully or partially enclosed.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Silt Fence: A temporary barrier used to intercept sediment laden runoff from small areas. (Cr. #3-96)

Storage Capacity of a Floodplain: The volume of space above an area of floodplain land that can be occupied by floodwater or a given storage at a given time, regardless of whether the water is moving.

Structure: Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts. (Note: See State definition is different for shoreland areas see Sec. 17.36).

Substantial Damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Sulfide Ore Body: "Orebody" is a continuous, well-defined mass of material containing enough ore to make extraction economically feasible. "Sulfide" is a mineral compound characterized by the linkage of sulfur with a metal such as galena, PbS, or pyrite, FeS2.

Temporary: A use, construction, or arrangement with a specified date on which it will no longer exist or occur.

Unnecessary Hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter. Unnecessary hardship is present where, in the absence of a variance, no reasonable use can be made of the property.

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

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

Use, Conditional: A use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.

Use, Principal: A use which may be lawfully established in a particular zone or district, provided it conforms with all requirements, regulations and performance standards of this chapter when the use is the dominant activity on the premises.

Variance: An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter.

Viewing Corridor: In the vegetation protection area, a maximum 35’ wide area within which vegetation may be selectively pruned allowing a filtered view of the water body. The viewing corridor provides partial vegetative screening between the principal structure and the water body.

Watershed: The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Wetland: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Zoning Administrator: The Langlade County Director of Land Records and Regulations Department or his or her designee.

Zoning Permit: A document issued by the Zoning Administrator or authorized deputy authorizing buildings, structures or uses consistent with the terms of this chapter for the purpose of carrying out and enforcing its provisions.

SUBCHAPTER II: GENERAL PROVISIONS

17.05 APPLICATION

The general zoning provisions in this chapter apply in:

(1) All unincorporated areas of the County in which the Town has adopted county zoning and

(2) Areas subject to county shoreland zoning regulations, and the Town has not adopted and implemented the Town's general zoning.

17.06 APPLICATION TO GOVERNMENT USES

(1) Except as provided under 17.24(2), this chapter applies to lands or buildings owned by, leased by or licensed by governmental entities and land uses undertaken by governmental entities are to be fully subject to the terms of this chapter in the same manner as are private properties.

(2) It is recognized that State and federal law affords some government operations an exemption from local zoning. Governmental entities claiming such exemption shall submit a written statement to the Zoning Administrator identifying the specific legal basis for their claimed exemption and describing the development they plan to undertake. The Zoning Administrator shall then determine whether to issue a letter verifying the exemption.

(3) Government work on road rights-of-way or bridges shall be subject to approval and permits under this chapter only when new roads are being established.

17.07 APPLICATION OF OVERLAPPING REGULATIONS

This chapter shall not abrogate any easement, covenant or other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher requirements than such easement, covenant or private agreement, the requirements of this chapter shall prevail.

17.08 GREATER RESTRICTIONS

Where a city or village zoning ordinance or other County ordinance is more restrictive than the provisions contained in this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

17.09 SEPARABILITY

If any of the provisions of or amendments to this chapter or their application to any lot, building or other structure or tract of land are declared by a court to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision which is expressly stated in the decision to be invalid or ineffective, or to the lot, building, other structure or tract of land immediately involved in the controversy. Such judgment shall not affect the application of the provisions of this chapter to any other property, building or structure not specifically included in such judgment.

17.10 COMPLIANCE

The use, size, height or location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provision of open space and the use of land or premises shall be in compliance with the regulations established herein.

17.11 OPERATIONAL STANDARDS

No land use or aspect of land use, whether newly established or preexisting, whether permanent or temporary, shall be conducted in a manner that results in pollution or contamination of waters (groundwater or surface water) or of air; emission or release of radioactivity or electrical disturbances; noise; glare or heat; fire or explosive hazards or in conditions of crowding or congestion or in assemblies

of persons or livestock without adequate provision for safety, health and sanitation to the extent of constituting either a violation of applicable laws or regulations or a condition of public or private nuisance which threaten the public health, safety, comfort or welfare or the right of users of other properties to reasonable enjoyment of their property. Any violations of the standards may be enforced as a zoning violation, either prospectively or after the violation occurs, regardless of the legality of the basic land use.

17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS

(1) GENERAL PROVISIONS

The lawful use of a building, structure or property which legally existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including ordinary maintenance and repair of such a building or structure, may be continued, subject to the following conditions:

If the alteration, addition or repair of a building or structure with a pre-existing use or a legal pre-existing building or structure is prohibited because it is in excess of 50 percent of the structure's area, the property owner may still make the proposed alteration, addition or repair if:

(a) A legal pre-existing use is permanently changed to a use that is in conformity with the provisions of this ordinance and the structure that houses the use is conforming, or is a legal pre-existing structure and the proposed alteration, addition, or repair complies with the requirements of the section;

(b) The property owner appeals the determination of the zoning administrator and either the county board of adjustment or the circuit court find in the property owner's favor under ss. 59.694(4) or 59.694(10), Stats.

(c) The property owner successfully petitions to have the property rezoned by amendment to this ordinance in accordance with Section 17.71 of this ordinance and s. 59.69(5)(e), Stats.

(2) LEGAL PRE-EXISTING USES

(a) Burden of Proof: A property owner claiming a legal pre-existing use and exemption from applicable regulations shall prove by clear and convincing evidence that:

1. The use was legally established;

2. The use predated zoning provisions with which it does not comply;

3. The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired.

(b) No Expansion: A legal pre-existing use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became nonconforming, was only partially devoted to such use.

(c) Discontinuance: If a legal pre-existing use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

(d) Temporary Structures: If the legal pre-existing use of a temporary structure is discontinued, such use may not be recommenced.

(e) Nuisances: Uses which are nuisances shall not be permitted to continue as legal pre-existing uses.

(3) LEGAL PRE-EXISTING STRUCTURES

(a) Burden of Proof: A property owner claiming a legal pre-existing structure and exemption from applicable regulations shall prove by clear and convincing evidence that:

1. The structure was legally established;

2. The structure predated zoning provisions with which it does not comply;

3. The structure was established prior to adoption of such provisions.

(b) Purpose: It is the intent of these provisions to balance the public objectives of this ordinance with the interests of owners of legal pre-existing structures by:

1. Treating structures which are most contrary to the standards and objectives of this ordinance more restrictively than structures which are more nearly in compliance with ordinance provisions; and by

2. Allowing for the improvement or expansion of principal structures essential to the reasonable use of a property provided the adverse effects of such improvement or expansion are adequately mitigated.

(c) General Provisions. (See 17.36 for Shoreland Provisions)

1. Except as provided in Section 17.12(3)(c)4 regarding structures which are damaged or destroyed, legal pre-existing **accessory** structures are limited to ordinary maintenance and repair and shall not be expanded. (Rev. ORD #2-2007)

2. Legal pre-existing **principal** structures may be internally improved, maintained, repaired, or expanded provided that:

   a. The lifetime total of all expansions is limited by 50% of the structure's area which existed on the date the structure became nonconforming (Note: on shoreland lots, see Sec. 17.36(11).

   b. Ordinary maintenance and repair shall include only those things specified in definitions, 17.03(3); and

   c. Shoreline setback nonconformities comply with the provisions of Sec. 17.36.

3. A structure not meeting structural or dimensional standards of this ordinance may not be expanded or enlarged so as to increase its dimensional nonconformity. Where practicable, additions to legal pre-existing structures shall conform to all applicable provisions of this ordinance.

4. Nonconforming structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 1, 2006, may be reconstructed if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided: (Rev. Ord. #3-2009)

   a. Damage which is due to an intentional act of the owner may only be repaired in conformity with the ordinance;

   b. The owner must establish the specific extent of damage to a structure and its improvements;

c. Repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed;

d. Repair and reconstruction are in compliance with all other provisions of applicable ordinances; if necessary for the structure to comply with applicable state or federal requirements, the structure may be larger than the size it was immediately before the damage or destruction, and

(4) BOATHOUSES
The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of s. 30.121, Stats.

(5) NONCONFORMING DECKS
Existing nonconforming decks attached to the principal structure, regardless of size or height, may be replaced with a similar deck of the same size and height or less, except for decks on boathouses and decks that were constructed in violation of this chapter. A property owner shall submit written documentation and photographs illustrating the size and height of the existing deck prior to the construction of the new deck.

(6) NONCONFORMING LOTS
(a) Nonconforming as to Lot Dimension or Area
A lot which is nonconforming as to lot dimension or area may be used for any use permitted in the district in which it is located provided (Note: See Sec. 17.36(5) for non-conforming Shoreland lots)

17.13 TEMPORARY USES (Rev. ORD #2-2008)

(1) Uses such as real estate field offices or shelter for materials and equipment being used in construction of a permanent structure may be granted a temporary permit by the Zoning Administrator for reasonable periods under specified conditions.

(2) Establishment of a temporary festival, concert, carnival, races, and assemblage of campers or similar activity on any site shall be a conditional use regardless of the zoning of the property and shall be made to comply with all applicable public assembly and sanitary standards as well as with conditional use standards addressing noise, traffic, health and public safety. Assemblies of 3,000 people or more as defined in Chapter 12.04 are exempt from conditional use permit requirements and shall meet the requirements of Chapter 12.04 Large Assemblies.

(3) Temporary use requirements and standards are stipulated in Department guidance approved by the Water and Land Use Planning Committee.

17.14 UNCLASSIFIED USES

Uses of land or premises that are not identified in this chapter may be placed within a district by action of the Water and Land Use Planning Committee based on a finding that the use is substantially similar to uses allowable in the selected district and a finding that the unclassified use will be compatible with uses in that district. The Committee shall classify the use as permitted or conditional. Annually, the Committee

shall initiate a zoning text amendment adding previously unclassified uses to the formal text of this chapter.

17.15 HEIGHT REGULATIONS (Rev. ORD #3-2009)

(1) A basic height limit of 35' is hereby established for all regulated objects, structures and equipment in all zoning districts except agricultural structures, such as barns, silos, mixing structures, non-power generating windmills, mobile towers and other agriculturally related structures shall not exceed in height the actual distance from the nearest lot line.

(2) This basic limit may be waived and a height limit exceeding 35' may be established by the Langlade County Board of Adjustment as a variance, in accordance with the following standards:

(a) Communication and power generating structures, such as radio and television transmission and relay towers, windmills, aerials and receiving antennas, shall not exceed in height the actual distance from the nearest lot line unless proof is provided that the structure is designed to collapse within the property lines. (See section 17.32)

(b) Architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.

(3) Cooling towers, stacks, lookout towers, windmills, water towers and mechanical appurtenances may be approved to a height above the basic height limit provided that the Zoning Administrator and Board of Adjustment shall consult with the local fire department and other public safety agencies prior to establishing a higher limit to determine whether the height to the proposed structure or object would present a problem of public safety. If problems appear to be present, the request shall be denied.

(c) The height standard of Ch. 21 of this Code of Ordinances applies to objects of extraordinary height within the affected area.

17.16 PERMANENT FOUNDATION

(1) Footings and foundations which meet the requirements of Chapter 14, (UDC, Wis. Adm. Code, are required for single and 2 family residences, manufactured homes and mobile homes. The foundations may be a continuous foundation, a column or pier foundation or a floating slab.

(2) Skirting and tie downs shall be required as specified in 17.46(4)(a) of this chapter for all mobile homes and manufactured homes.

17.17 ACCESSORY AND APPURTENANT STRUCTURES

A lot that has a legal principal use housed within a single principal structure shall be entitled to accessory and appurtenant structures, objects and uses as described below:

(1) Landscape vegetation, gardens, flag poles, ornamental light standards, lawn furniture, open play equipment, sidewalks, sundials, bird baths and similar objects and equipment may be located anywhere within a lot, subject only to the limitations that any such object or structure which constitutes a solid view obstruction may not exist above a height of 2 1/2', above road elevation, unless the object constitutes cultivated agricultural crops or tree trunks, where they are unbranched to a height of 10' and located a minimum of 30' apart.

(2) Accessory structures, such as sheds, storage buildings, greenhouses, related facilities, pools and associated equipment, garages, well houses, pump houses, parking lots and decks, except as provided in Section 17.36 and 17.18(4), shall not be located within the front (road) setback, shall not be closer than 10' to the principal structure unless attached thereto or constructed to meet fire codes and shall not be closer than 7.5' to the rear or side lot lines or closer than required ordinary high watermark setbacks as specified in Section 17.36 and must comply with required maximum lot coverage standards.

(3) An accessory structure may be placed on a lot only if it is constructed concurrent with or after construction of a principal structure, however, a garage may be constructed prior to construction of a residence if:

(a) The lot is zoned for residential use;

(b) Plans for a residence have been submitted to the Land Records and Regulation Department or written documentation has been submitted stating there are no current plans to establish a residence on the property; and

(c) A valid soil test has been approved for the lot and the tested area is reserved for a future private sewage system.

(4) A garage may be constructed as accessory structure on an out lot. Soil testing requirements may be waived by the Zoning Administrator.

17.18 SETBACKS, YARD SPACES AND VISION CLEARANCE TRIANGLE (Rev. ORD #3-2008)

(1) Each lot shall have a setback area paralleling the road on which the lot fronts. The depth of the front (road) setback shall be determined as follows:

(a) All State and federal highways in the County are hereby designated Class A highways. The Class A highway setback shall be 50' from the right-of-way line.

(b) All County trunk highways not designated Class A are hereby designated Class B highways. Class B highway setback shall be 42' from the right-of-way line.

(c) All other roads in the County are hereby designated Class C highways. Class C highway setback shall be 30' from the right-of-way line.

(d) Alley setback shall be 15’ from the alley right-of-way line.

(2) There should be a vision clearance triangle setback line established in each quadrant of all intersections of state and federal roads or streets with other roads and streets as required by the Wisconsin Department of Transportation.

(3) There shall be a setback established along the ordinary high watermark of all navigable water bodies as described in 17.36 (6).

(4) REDUCED ROADWAY SETBACK

A roadway setback may be reduced to the average of roadway setbacks for existing structures on adjacent properties where structures on adjacent properties are within 100 feet of the proposed building site provided:

(5) MINIMUM SIDE YARDS

All structures except for fences, common access roadways and public utility structures for service to a lot, shall be set back from side lot lines to provide a side yard as specified for each zoning district. The side yard requirement shall include a minimum side yard for either side and a total side yard which is the sum of the side yards required for both sides. Total side yard setback shall not apply to legal pre-existing structures so long as 15' remains on one side. IE: If the existing structure is less than 15' on one side the proposed addition shall not be less than 15' on the opposite side with emphasis on trying to maintain the 15' on both. (Rev. Ord. #2-2007)
Note: For principal structures a minimum side yard of 10 feet and total side yard of 30 feet are maintained and all other applicable ordinance requirements are met.

(6) MINIMUM REAR YARDS
There shall be a rear yard of at least 15 ft. unless noted elsewhere for each lot unless a greater shoreline or roadway setback is required.

17.19 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS OR SETBACK AREAS
Marquees, awnings, overhanging roof eaves with a maximum overhang of 4', chimneys and similar architectural elements of principal buildings or accessory buildings may extend into required yards or setback areas

17.20 FENCES
Parcels which abut lands on which livestock are kept shall be fenced with a fence satisfying the standards of Ch. 90, Wis. Stats. Such fence shall be maintained, repaired or rebuilt as conditions warrant during such time period as the lands adjoining such fences are in farm use or in a use which involves the feeding or grazing of livestock.

17.21 SIGNS

(1) The size, type and location of signs shall be as provided by this section, except when State regulations are more prohibitive and except that this section shall not prohibit "no hunting", "no trespassing", "for sale", "for rent", temporary political signs, home occupation signs, farm identification signs, temporary real estate signs, church bulletin signs or similar signs not larger than 6 sq. ft. in gross area.

(2) Within the Conservancy District and the Residential Districts, no sign shall be permitted except for the signs listed under sub. (1) and reasonable signage on nonconforming establishments.

(3) In other districts, the following signs shall be prohibited:
   (a) Any sign, especially illuminated signs, which interfere with the vision of motor vehicle operators or faces or shines directly upon any residential property.

   (b) Rotating, moving or flashing signs.

   (c) Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as traffic control devices, or which hide from view any traffic or street sign or signal or which obstruct the view in any direction to a street or road intersection.

   (d) Advertising signs, posters, placards and circulars on any public right-of-way or public property, except those placed or approved by a unit of government.

(4) Off premise signs are prohibited in all zoning districts except the Commercial and Industrial zoning districts where a principal use has been established. Nonconforming off premise signs that are destroyed or removed cannot be replaced unless they are in compliance with this section.

(5) No permits shall be required for signs as a requirement of this section.

(6) The Zoning Administrator may order that signs be in conformance with this section or be removed.

(7) Signs located within Shoreland areas shall comply with the requirements of Section 17.36(16)(e).

Signs not meeting any of the above stated standards may be allowed to apply for a conditional use permit.

17.22 EXCAVATING. FILLING, GRADING, RECONTOURING, PONDS (Rev. ORD #3-2009, Res. Ord #3-2025)

(1) Filling, grading, or excavating within 300' of a navigable water body shall be governed by this section and by Section 17.36 8, and the more restrictive provisions shall apply.

(2) Filling, grading, or excavating activities shall be governed by the following:

(a) A fill and grade permit shall be required under any of the following circumstances:

1. Prior to any filling, grading, or excavating, or recontouring of the surface of the land when the activity affects an area in excess of 2,000 sq. ft., not including any areas for driveways or the area within 25 feet of an existing or proposed structure for the purposes of constructing a basement or foundation.

2. Prior to excavating, filling, grading, or recontouring activities affecting an area in excess of 100 sq. ft. on any lot or parcel that is covered to the extent of more than 50% thereof with building or paving.

3. Prior to excavating or altering a farm irrigation pond one acre or less in size, provided the following standards are met: (Rev. ORD #6-2006)

a. The pond may not be located in or connected to a floodplain or wetland unless the project is accepted or permitted by WIDNR and/or the Army Corps of Engineers. (Rev. ORD #6-2006).
b. The pond must be a minimum of 75’ from the ordinary high watermark of a navigable water body.
c. The pond must be located greater than 50’ from the right-of-way of any public road.
d. The pond must be located greater than 50’ from a property line.
e. The side slopes of the pond must be graded to no more than a 3:1 slope.
f. The spoils from the excavation must be leveled, seeded or sodded, and stabilized by revegetating or removed from the site within one year of the first date of excavation.
g. Berms must be constructed around the pond to prevent surface water runoff from entering the pond.

4. One-time quarry operations less than one acre in size and with less than six months' duration require a fill and grade permit, but are exempt from rezoning (see 17.58 (8)). A conditional use permit shall be required if the total material removed exceeds 100 cu. yds.

(b) A conditional use permit shall be required under any of the following circumstances:

1. Prior to any filling, grading, excavating, or re-contouring of the surface of the land when the activity affects slopes of 20% or more and the exposed area is in excess of 2,000 sq. ft., not

including any areas for driveways or the area within 25 feet of an existing or proposed structure for the purposes of constructing a basement or foundation. (Rev. ORD #6-2006)

2. Prior to any filling, grading, excavating or re-contouring of the surface of the land when the activity affects an area in excess of 2,000 sq. ft. not including any areas for driveways or the area within 25 feet of an existing or proposed structure for the purposes of constructing a basement or foundation and any altered area is within 50' of a property line.

3. A conditional use permit shall be required to build or alter an artificially constructed pond except as provided in Section 17.22(2)(a)3.

4. Filing and grading on public lands for the construction of hiking, hunting, walking, skiing, and snowmobile trails are exempt from 17.22(2)(b), provided the following standards are met:

a. The trails are not in a wetland.
b. Care is taken during and after construction to prevent erosion and to locate trails where there is the least impact on the environment, following Wisconsin's Forestry "Best Management Practices for Water Quality" manual.
c. The trails are properly marked for safety.

5. The Board of Adjustment shall provide for the following objectives in judging conditional use permit applications and in imposing necessary conditions:

a. Safety and stability of the pond and associated berms.
b. Treatment of spoils.
c. Surface drainage patterns affect persons, property, and activities on the parcel and on other parcels.
d. Flooding potentials.
e. Protection of sanitary systems.
f. Erosion control, temporary and final.
g. Achievement of on-site surface water retention or detention.
h. Safe-percolation and physical appearances.
i. Enhancement or protection of fish-wildlife habitat.

6. One-time demolition disposal facilities are conditional uses in all districts except the R-1, C-1, and Floodplain, in which they are prohibited. When reviewing conditional use applications, the Board of Adjustment shall apply the standards listed in 17.69(3) and conditioned on any necessary DNR approvals.

17.23 COMMUNITY LIVING ARRANGEMENTS

Community living arrangements (group homes) as defined in 46.03(22), Wis. Stats., shall be governed by the provisions and standards of 59.69(15), Wis. Stats., which generally provide as follows:

(1) Community living arrangements accommodating one to 8 persons and foster homes accommodating 4 or fewer children may locate as permitted uses in zoning districts where residences, single family residences, mobile homes, are allowed as permitted uses.

(2) Community living arrangements accommodating 9-15 persons may locate as permitted uses in any zoning district where residences, multiple-family, are permitted uses and as conditional uses in any other residential district.

(3) Community living arrangements accommodating 16 or more persons may locate as conditional uses in any residential district.

(4) Conditional use reviews of community living arrangements examine the likely effect upon the health, safety or welfare of the residents of the town.

(5) Section 59.69(15)(i), Wis. Stats., shall govern periodic reviews of such arrangements once permitted to locate.

(6) The standards and provisions of 59.69(15), Wis. Stats., apply fully and supplement this section.

17.24 HOME OCCUPATION AND PROFESSIONAL OFFICES IN HOMES

(1) GENERAL DEFINITIONS

(a) Home Occupation. A gainful occupation conducted by a member of a family within his home, where the activity and space used is incidental to residential use, subject to the restrictions set forth in Sec. 91.01(1)(d), Wis. Stats., if property is located in the A-1 district.

(b) Professional Office. The conduct of professional activity from office space located within a residence, subject to the restrictions set forth in Sec. 91.01 (1)(d), Wis. Stats., if property is located in A-1 district.

(2) PERMITTED ACCESSORY USE

The use of space within a residential structure or dwelling unit, except for a mobile home within a mobile home park, for home occupation or professional office activities is allowable as a permitted accessory use as long as the following rules are complied with:

(a) A home occupation must be clearly incidental to the principal residential use of the premises; it may not exceed 20% of the area of one floor; may not employ more than one nonresident employee; shall not generate automobile or pedestrian traffic disturbing to a nearby residence; and no stock-in-trade shall be kept or sold except that made on the premises.

(b) A professional office shall not occupy more than 20% of the area of any one floor of the residence and not more than one nonresident person shall be employed and the use shall not generate automobile or pedestrian traffic disturbing a nearby residence.

(c) These provisions shall not apply to stock or products kept for the purpose of off-premises demonstration, sales or service.

(3) CONDITIONAL USE

The use of space within mobile homes located within mobile home parks for home occupation or professional offices shall be allowable only as a conditional use.

(4) CONDITIONAL USE PERMIT

A conditional use permit shall be required to establish or maintain a home occupation or professional office within an accessory structure on a parcel that has a principal use of residential or agricultural. Home occupations and professional offices in accessory structures must be clearly incidental to the residential use, may not employ more than one nonresident employee, shall not generate automobile or pedestrian traffic disturbing to a nearby residence and no stock-in-trade shall be kept or sold, except that made on the premises.

(5) REVIEW

Conditional use reviews under subs. (3) and (4) shall examine whether the use meets all of the requirements and conditions specified in the ordinance, including but not limited to Section 17.69 (3) or those imposed

by the Board of Adjustment. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support or a conclusion.

17.25 RECREATIONAL VEHICLES

(1) Recreational vehicles may be parked or stored on the owner's home premises as an accessory use, provided no living quarters or business use is conducted therein.

(2) Recreational vehicles may be allowed for their recreational uses in all districts, except Conservancy and Floodplain and except that they shall not be used for the purpose of permanent habitation and that they shall not occupy a site for longer than 30 consecutive days. (Rev. ORD #6-2006)

(3) The wheels or any similar transporting devices of any recreational vehicle shall not be removed, except for repairs, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.

17.26 AREA REGULATIONS

(1) No lot shall hereafter be divided or otherwise reduced in size so that the dimensional standards of this chapter cannot be met for at least one use permitted in the applicable zoning district.

(2) Lots hereinafter created shall comply with Ch. 18 of this Code of Ordinances.

(3) All required setback areas and yard spaces shall be located on the same lot (that is the legal parcel of record) as the principal structure or use.

17.27 LOT DIMENSIONS (Rev. ORD #3-2009)

(1) For determining whether lots satisfy specified requirements, the lot width can be satisfied at the front (road) lot line, the front (toward road) setback line or by an average width, unless more restrictive provisions apply, except shoreland lots shall comply with 17.36(12).

(2) In determining whether lots have the required minimum lot area, no part of a lot that is less than 30' in width shall be considered and lands that have public roads built upon them or part of another legal lot of record are not to be considered.

(3) Lot depth shall comply with 18.23(5).

(4) All measurements are made on a horizontal plane.

(5) Minimum Buildable Area. In every district, except those designated exclusively for open space uses, each lot created after April 21, 1998 shall contain at least 6,650 contiguous square feet of buildable area. Portions of a lot designated for privately owned wastewater treatment systems or where construction of buildings and related infrastructure is precluded by the provisions of federal, state or county regulations shall not be included in computing buildable area.

17.28 PARCEL SIZE AND DIMENSION WHERE NOT SPECIFICALLY IDENTIFIED

(1) Generally, the text for each zoning district identifies specific lot size and dimensional standards for principal uses in the district. However, in many districts there are uses, permitted and conditional, that have no specified lot size dimensional standards within the text for that district. Such uses shall be governed by the standards of sub. (2).

(2) The applicant shall submit a site plan indicating lot dimensions and area, existing structures, intended new structures, on-site waste disposal areas (primary and replacement), traffic, parking, circulation areas, setbacks and yard spaces and other permanent features. The site plan shall be reviewed by the appropriate reviewing officer or unit (by the Zoning Administrator in the case of a permitted use; by the Board of Adjustment in the case of a conditional use). The reviewer must be satisfied that the lot is of a size and dimensional character to allow the intended land uses to function effectively and comfortably with no measurable burdens of a direct or indirect nature being cast upon neighboring or nearby property or public lands or facilities.

17.29 PARKING AND LOADING SPACE REQUIREMENTS

(1) PURPOSE

It is the intent of these requirements to assure that all land uses provide adequate vehicle parking spaces on their premises and to prevent imposition of burdens on public roads or neighboring properties due to hazardous driveway or parking arrangements or other causes of traffic blockage.

(2) REQUIRED SPACES

The number of spaces listed below shall be provided for each listed land use:

USES	NUMBER OF SPACES REQUIRED
Dwellings, including mobile homes	2 for each dwelling unit
Hotels, motels or resorts	1 for each guest room or unit
Hospitals, boardinghouses	1 for each 2 beds and 1 for each 3 employees
Sanitariums, nursing homes, rest homes	1 for each 5 beds and 1 for each 3 employees
Medical and dental offices	6 for each doctor
Churches, theaters, auditoriums, town halls, funeral parlors, community centers, vocational schools and other places of public assembly	1 for each 4 seats or 1 for 28 sq. ft. of floor area if no permanent seats are provided in the main auditorium or seating area
Elementary schools	1 for each employee
High Schools	1 for each 500 sq. ft. of floor area
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 for each 150 sq. ft. of floor area
Manufacturing and processing plants and warehouses	1 for each 3 employees
Banks, business, governmental and professional offices	1 for each 3 employees
Bowling alleys	5 for each alley
Automotive services, drive-in retail establishments	1 for each 2 employees, plus adequate space for customer

(3) USES NOT LISTED
When a particular use is not listed, the parking requirement for a similar use shall apply.

(4) COMBINATION OF USES
When 2 or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each individual use.

(5) PARKING SPACE SPECIFICATIONS

(a) All required parking spaces shall contain a rectangular area with a minimum width of 10' and a minimum length of 18'. Usable garage spaces can serve to satisfy parking requirements.

(b) Except for one and 2 family residences, all parking spaces shall be permanently marked by painted lines, parking blocks, posts or other suitable markers.

(c) Each required parking space shall be arranged with respect to driveways in such a way as to allow safe and easy entrance and exiting of a standard size passenger car without moving any other properly parked vehicle.

(d) The parking area shall be arranged with an internal driveway which permits access to all parking spaces and the public streets. No parking space shall have direct access to a public street except via the internal driveway, and no parking space shall be arranged to require or encourage the vehicle to back onto a public street. Sufficient waiting area shall be provided so that at peak periods of use, vehicles waiting to enter the premises to park or use drive-up facilities shall not line up on a public right-of-way, block a required parking space or block an entrance or exit to a required parking area.

(6) DRIVEWAYS SERVING REQUIRED PARKING SPACES

(a) Driveways at point of contact with a public road shall have a minimum width of 10' and a maximum width of 30'.

(b) No direct access by private driveways shall be permitted to any State or federal highway without written permission of the County Highway Department.

(c) When connected driveways provide access to more than one street, driveways and parking areas shall be designed in a way which does not encourage vehicles to cross the property in order to take shortcuts or evade stop signs or other traffic control devices.

(d) Driveways shall be located and designed to be as safe as practical and to cause the minimum interference with the orderly flow of traffic on public streets. This includes, but is not limited to, consideration of the following:

1. Clear visibility for at least 100' in each direction on streets with a speed limit of 30 mph or slower or visibility of 300' on all other public streets.

2. Driveways shall generally be placed directly in line with a driveway on the opposite side of the street.

3. Location of driveways with respect to intersections, turning lanes and other driveways.

4. Effect on traffic flow on public streets.

(7) OFF STREET LOADING REQUIREMENTS
All commercial and industrial buildings shall be provided with sufficient off-street loading spaces so that no public street, road or alley need be blocked by such activities.

17.30 PLANNED RESIDENTIAL DEVELOPMENT

(1) PURPOSE
A Planned Residential Development is intended to permit smaller lots where the physical layout of the lots is so arranged as to better control pollution, preserve ground cover and promote the objectives of this ordinance than would be possible if normal development standards were applied. This may be accomplished by increasing shoreline setbacks and by clustering structures on one portion of the parcel. A condition of all Planned Residential Development is the preservation of open space, preferably along the shoreline, in perpetuity.

(2) REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT
The Water and Land Use Planning Committee may at its discretion, upon its own motive or upon petition, authorize a Planned Residential Development by approving a plat under Chapter 18 of the County Code of Ordinances for a specific project upon finding, after a public hearing, that all of the following facts exist:

(a) Location and Area. The area proposed for homesites is located in the R-1, R-2, or AFR Districts and the gross project area is at least 35 contiguous acres. Gross project area shall include the total project area less mapped wetlands, floodways and areas below the ordinary highwater mark of navigable waters and may include lands in other zoning districts.

(b) Pollution Control. The location and nature of the privately owned wastewater treatment systems which will serve the homesites individually or collectively is in compliance with the County Sanitary Code.

(c) Open Space. At least 50% of the gross project area shall be dedicated as permanent open space. Open space may be:

1. Dedicated to the public;

2. Retained by the former owner;

3. Held in common by the residents of the Planned Residential Development; or

4. Held as individual out lots by owners of the Planned Residential Development.

Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the open space is to be held in common by owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain it. Any restriction placed on use of lands which is required by this ordinance or which was placed as a condition of approval of a Planned Residential Development shall vest in the County the right to enforce the restriction against anyone who has or acquires an interest in the land subject to the restriction.

Open space shall be deed and plat restricted to nonstructural agricultural, forestry, recreational or environmental protection uses except that minor structures essential to open space recreational uses may be approved. A privately-owned wastewater treatment system may be located in such an

area provided no suitable site is available on the lot served by the system. Open space shall be contiguous.

(d) Density. The number of platted homesites shall not exceed 150% of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, widths and water frontage provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the gross project area, excluding streets, by the minimum lot sizes otherwise required by applicable provisions of this ordinance.

(e) Lot Sizes. Widths, Setbacks, and Vegetation Protection. The minimum lot size for such development shall be 20,000 square feet with a 100-foot minimum lot width and 10-foot side yard. Shoreline setback and vegetation protection area provisions in Sections 17.36 shall apply except that the maximum width of a lake viewing corridor may be up to 100 feet if it is located on lands which are commonly held.

(f) Design Standards. Roadways, lots and building envelopes shall be located in areas where they will have the least effect on forests, environmentally sensitive areas, cropland, pasture, meadow, farm buildings and historic structures, and where they will retain or enhance the visual character of the rural landscape. However, in resolving conflicts between these interests, priority shall be given to protection of waterways and their buffers, steep slopes regulated floodplains and avoidance of a fragmented landscape.

(g) Building Sites. Building sites shall include at least 6,650 square feet of contiguous, buildable area excluding sites designated for privately owned wastewater treatment systems and all areas where construction of buildings and related infrastructure is precluded by the provisions of County Ordinances. (Rev. ORD #2-2007).

1. Buildings and roads shall be located as to minimize conflicts with uses of adjacent lands.

2. Building sites which make structures as visually inconspicuous as practicable from public roadways and waters shall be selected.

3. Building sites shall not include wetlands or floodways and shall comply with the land disturbance provisions of Section 17.36(8).

(h) Roads and Infrastructures. (Rev. ORD #2-2007).

1. Roads and, where practicable, infrastructures shall not be located in open fields but shall be sites along forest edges and shall be designed to maximize the amount of forest in the Planned Residential Development which is contiguous with adjacent forested lands.

2. Roads shall follow existing contours to minimize the extent of cuts and fills.

3. Where sites include linear features such as existing access roads, tree lines and fence rows, roadways shall, where practicable, follow these features to minimize their visual impact.

4. All driveways shall serve a minimum of two units.

5. The maximum number of units served by a common driveway shall be four unless the applicant demonstrates that a greater number will promote the objectives of this ordinance.

6. Maximum length of common driveways shall be 1,320 feet.

7. All lots using common driveways shall require a driveway maintenance agreement. The agreement shall require approval of the Water and Land Use Planning Committee and shall be recorded with the deeds to the affected lots.

(i) Site Development and Land Disturbing Activities.

1. Existing natural drainageways shall be retained.

2. Existing natural vegetation shall be preserved in areas where disturbance outside the building envelope is not essential.

3. Where building sites are located in woodlands, a wooded buffer of at least 30 feet shall be retained between the building site and the common drive or roadway.

(3) PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL DEVELOPMENT
The procedure for establishing a Planned Residential Development shall be as follows:

(a) Petition. A petition setting forth all of the facts required in Section 17.30(2) shall be submitted to the Land Records and Regulations Department along with the required fee. (Rev. ORD #2-2007).

(b) Review and Hearing. Upon determining that the petition is complete, the Department shall forward the petition to the Water and Land Use Planning Committee which shall give notice and hold a public hearing consistent with the provisions of Section 17.71(5). The Committee shall consider the recommendations of any federal, state or local agency which provides information relating to the standards for establishment of a Planned Residential Development.

(c) Findings and Conditions of Approval. The Water and Land Use Planning Committee shall make written findings as to the compliance or noncompliance of the proposed Planned Residential Development with each of the requirements set forth in Section 17.30(2). If the plat is granted in whole or in part, the Committee shall attach such written conditions to the plat approval as are necessary to assure compliance with the provisions of Section 17.30(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, location of privately-owned wastewater treatment systems and preservation of ground cover and open space. The Committee shall specifically approve or reject the plat and deed restrictions relating to the location, ownership and use of dedicated open space and shall require proof of the recording of such restrictions with the county register of deeds prior to the issuance of any building permits for the project

(d) Planning Studies. A petitioner may, at his own expense, develop the facts required to establish compliance with the provisions of Section 17.30(2) or may be required to contribute funds to the county to defray all or part of the cost of such studies undertaken by the county or any agency or person with whom the county contracts for such work.

17.31 UTILITIES (Rev. ORD #3-2008)

(1) This section applies to:

(a) Electrical power generation facilities serving more than merely the site on which they are located.

(b) Electrical transmission facilities.

(c) Natural gas storage and transmission facilities.

(d) Telephone lines and related facilities.

(e) Telegraph lines and related facilities.

(f) Cable TV lines and related facilities.

(g) Communication towers and relay facilities.

(2) Utility distribution systems (lines, transmission facilities and the like) serving residences, businesses, institutions and manufacturing facilities and neighborhoods wherein such uses are located are permitted uses in all zoning districts and are exempt from permit requirements. No general standards apply, but the systems may be subject to district regulations or subdivision standards.

(3) Distribution systems that connect geographically diverse areas, rather than serving immediate neighborhoods, require a zoning permit to be established. Applications shall be made to the Zoning Administrator who shall determine whether the proposed facility presents any significant problems for existing land uses or allowed by zoning. If a finding of potential problems is made, the applicant shall be referred to the Board of Adjustment as a conditional use applicant. The Board shall apply a standard and set conditions to assure minimal interference with allowable land uses as a result of the proposed utility installation.

(4) Power generating and communication towers are conditional uses in all districts. Applicants shall submit written documentation on the availability of space on existing towers and demonstrate that there are no alternative locations available. The Board shall apply the standards in 17.69(3) and set conditions to assure minimal interference with allowable land uses as a result of the proposed tower. A condition of approval for new towers shall be that the applicant shall allow other companies to co-locate on the tower that is structurally capable, at market rates, and shall allow local emergency services to utilize the tower provided there is capacity.

(5) Utility uses authorized by the Wisconsin Public Service Commission under 196.491(3), Wis. Stats., are exempt from County zoning to the extent provided by law.

Liquid propane refueler tanks are conditional uses in all districts except the R-1, single-family residential district, conservancy district and floodplain district, where refueler tanks are prohibited. When reviewing conditional use applications, the Board of Adjustment shall apply the standards listed in 17.69(3). (Rev. ORD #3-2009)

17.32 MOBILE TOWER SITING

(1) Application- New Tower

a. A county Conditional Use Permit (CUP) is required for the siting and construction of any new mobile service support structure and facilities in a zoned town or within shoreland jurisdiction.

b. A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:

(1) The name and business address of, and the contact individual for, the applicant.

(2) The location of the proposed or affected support structure.

(3) The location of the proposed mobile service facility.

(4) Copy of easement or agreement with landowner if the land is not owned by the company.

(5) Must be located outside of the airport height district (three-mile radius from the County Airport) or obtain an airport height zoning permit.
(6) A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
(7) An explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location, with a two (2) mile radius would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

c. If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If the county does not believe that the application is complete the county shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

d. With ninety (90) days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the ninety (90) day period:
(1) Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
(2) Make a final decision whether to approve or disapprove the application.
(3) Notify the applicant, in writing, of its final decision
(4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

e. The county may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring of one half (1/2) mile and provide the sworn statement described under 17.32(b)(7).

(2) Application Process for Co-location of antennas without increasing height of the tower.
a. A written and signed affidavit from an engineer submitted to the department stating the following;
(1) Number of antennas to be added and the total number of antennas.
(2) That the structure can support the amount of antennas and equipment.
(3) That the frequencies will not interfere with existing antennas on the tower.

(3) Application Process for Co-location of antennas increasing height of tower.
a. A written and signed affidavit from an engineer submitted to the department stating the following;
(1) Number of antennas to be added and the total number of antennas.
(2) Total height of the structure.
(3) That the structure can support the amount of antennas and equipment.
(4) That the frequencies will not interfere with existing antennas on the tower.

b. Tower is to be located outside of the airport height district (3 miles radius form County Airport), or verify that the structure's height meets the terms of the Langlade County Airport Height Zoning Ordinance Chapter 21, or obtain an airport height zoning permit.

(4) Height, Yard, Area and Other Requirements:

a. Height: Must meet the terms of the Langlade County Airport Zoning Ordinance Chapter 21
b. Horizontal Setback: Any new tower shall have a minimal setback of 15' from the guy wires or tower whichever is closer to the lot line.
c. Any new mobile support structures shall be setback form the nearest property line and any other structure a distance of not less than 100% of the total height, unless an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required that shall be used, unless the county provides the applicant with substantial evidence that the engineering certification is flawed.
d. Road Setbacks.

	Class A Highway (State & Federal Highway)	Class B Highway (County Highway)	Class C (Town Road, Public Right of Way)
From Right of Way	50 feet	42 feet	30 feet

1. Private easement roads and railroads serving more than one residence or parcel, or from a railroad right-of-way, shall be 30 feet from the described easement or right-of-way. In the case of an easement that does not have a legal description the setback shall be 30 feet from the nearest point on the edge of the traveled way.

e. Vision Clearance Triangle must comply with Section 17.18
f. Waterline Setbacks must comply with Section 17.36

(5) Incorporation of the "Mobile tower siting regulations" set forth in Sec. 66.0404, Wis. Stats., And any subsequent amendments thereto, are incorporated by reference herein. The regulations contained within Section 66.0404 shall control in the event of any conflict with the provisions of 17.32 of this Chapter.

17.33 AIRPORT-RELATED REGULATIONS

(1) All airports or other aircraft landing facilities shall be located so that flight paths of aircraft landing or taking off from the facility clear the parcel boundary and all existing or future objects by a minimum distance of 10 vertical feet. This rule shall apply to all areas below the approach surface represented by an imaginary trapezoid 100' wide at both ends of a runway or at a permanently marked threshold marker on such runway and 250' wide at the outer boundary and 1,250' in length, assuming elevation of such trapezoid is 10.1 ratio.

(2) The standards of Ch. 21 of this Code of Ordinances shall apply to all airports or airport landing facilities in the County.

SUBCHAPTER III: SHORELAND PROVISIONS

17.36 SHORELAND ZONING ORDINANCE

1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE
   a. STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in ss. 59.692, Wis. Stats., to implement 59.692 and 281.31.
   b. FINDING OF FACT: Uncontrolled use of the shorelands and pollution of the navigable waters of Langlade County will adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and

land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Langlade County, Wisconsin.

c. PURPOSE AND INTENT: NR115.01 For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:
    1. FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:
        a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
        b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
        c) Controlling filling and grading to prevent soil erosion problems.
        d) Limiting impervious surfaces to control runoff which carries pollutants.
    2. PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:
        a) Preserving wetlands and other fish and aquatic habitat.
        b) Regulating pollution sources.
        c) Controlling shoreline alterations, dredging and lagooning.
    3. CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:
        a) Restricting the removal of natural shoreland cover.
        b) Preventing shoreline encroachment by structures.
        c) Controlling shoreland excavation and other earth moving activities
        d) Regulating the use and placement of boathouses and other structures.
    4. TITLE. Shoreland Protection Ordinance for Langlade County, Wisconsin.

2. GENERAL PROVISIONS
    a. AREAS TO BE REGULATED: Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Langlade County which are:
        1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8))
        2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.08(8)).
           Lakes, ponds or flowages in Langlade County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: http://dnr.wi.gov/org/water/fhp/lakes/lakemap/ or are shown on United States Geographical Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
        3. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48(13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Wis. Stats., applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s.61.353 and s. 62.233, Wis. Stats.
        4. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator may contact the appropriate office of the Department for a final determination of navigability

or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

5. Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
    a) Lands adjacent to farm drainage ditches if:
        i. Such lands are not adjacent to a natural navigable stream or river;
        ii. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
    b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

b. SHORELAND-WETLAND MAPS: The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at: http://drnmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland

c. COMPLIANCE: (NR 115.04) The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

d. MUNICIPALITIES AND STATE AGENCIES REGULATED: Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with the ordinance and obtain all necessary permits. State agencies are required to comply when s.13.48(13), Wis. Stats., applies. This construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s 30.2022(1), Wis. Stats., applies.

e. ABROGATION AND GREATER RESTRICTIONS: (s. 59.692(5), Wis. Stats.) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.
    1. This ordinance shall not require approval or be subject to disapproval by any town or town board. (s. 59.692(2)(a), Wis. Stats.).
    2. If an existing town ordinance related to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise. (s. 59.692(2)(b), Wis. Stats.).
    3. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
    4. The following provisions of the Langlade County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

5. This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in Section 17.36(1)(c) of this ordinance. (s. 59.692(1d) (b), Wis. Stats.).
6. Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following (s. 59.692(1k) (a)1., Wis. Stats.):
    a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

    b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
7. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if (s. 59.692(7), Wis. Stats.):
    a) The department has issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281 or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01(5), or a cooperative association organized under Ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

f. INTERPRETATION: In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent test amendment to this ordinance. (s. 59.69(13), Wis. Stats.).

g. SEVERABILITY: If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

3. SHORELAND-WETLAND DISTRICT (NR 115.04, Wis. Admin. Code)
    a. DESIGNATION. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Date Viewer.
        1. LOCATING SHORELAND-WETLAND BOUNDARIES: (NR 115.04 9b 2. note). Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping in errors on the official zoning map, an official zoning map amendment must be initiated within reasonable period of time.

    b. PURPOSE: This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When

development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

c. PERMITTED USES: (NR 115.04(3)). The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chapters 30, 31 and 281.36, Wis. Stats., and the provisions of other applicable local, state and federal laws:

1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 17.36(3)(c)1 or 17.36(3)(c)2.
    a) Hiking, fishing, trapping, hunting, swimming and boating;
    b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
    c) The pasturing of livestock
    d) The cultivation of agricultural crops;
    e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
    f) The construction or maintenance of duck blinds.

2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
    a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
    b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
    c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
    d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
    e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
    f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limiting excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
    a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
        i. The road cannot as a practical matter be located outside the wetland;
        ii. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 17.36(3)(e)2;

iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
iv. Road construction activities are carried out in the immediate area of the roadbed only.

b) The construction or maintenance of nonresidential buildings, provided that:
i. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
ii. The building cannot, as a practical matter, be located outside the wetland;
iii. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
iv. Only limited filling or excavating necessary to provide structural support for the building is authorized.

c) The establishment of public or private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
i. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable;
ii. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 17.36(3)(c)3a(i-iv) and;
iii. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
i. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
ii. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 17.36(3)(c)2.

d. PROHIBITED USES: NR 115.04(4). Any use not listed in Section 17.36(3)(c)1, 17.36(3)(c)2 or 17.36(3)(c)3 is prohibited, unless the wetland or portion of the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 17.36(3)(e) of this ordinance and s. 59.69(5)(e), Wis. Stats.

e. REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT (NR 115.04(2))
1. For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

2. A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
   a) Storm or flood water storage capacity
   b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
   c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
   d) Shoreline protection against soil erosion;
   e) Fish spawning, breeding, nursery or feeding grounds;
   f) Wildlife habitat; or
   g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site or any other approved links: http://www.legis.state.wi.us/rsb/code/nr/nr103/pdf
3. If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 17.36(3)(e)2 of this ordinance, that amendment, if approved by the county board, shall contain the following provision "This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does not notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

4. LAND DIVISION REVIEW AND SANITARY REGULATIONS (NR 115.05(2))
   a. LAND DIVISION REVIEW: (NR 115.05(2)) The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:
      1. Hazards to the health, safety or welfare of future residents
      2. Proper relationship to adjoining areas.
      3. Public access to navigable water, as required by law.
      4. Adequate storm water drainage facilities.
      5. Conformity to state law and administrative code provisions.

b. PLANNED UNIT DEVELOPMENT (PUD) (NR 115.05(1)(A)4)
    1. PURPOSE. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
    2. REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT: The county Planning and Zoning Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
        a) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
        b) Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Sections 17.36(5)(b) and 17.36(5)(c) shall be a non-riparian lot.
        c) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 17.36(7)(b) shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

c. SANITARY REGULATIONS: (NR 115.05(3)) Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.
    1. Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 812, Wis. Adm. Code.
    2. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Ch. SPS 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

5. MINIMUM LOT SIZE (NR 115.05(1))
    a. PURPOSE (NR 115.05(1)(a)): Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.
    b. SEWERED LOTS (NR 115.05(1)(a)1.) MINIMUM AREA AND WIDTH FOR EACH LOT: The minimum lot area shall be 10, 000 sq. ft. and the minimum average lot width shall be 65 feet.
        1. The width shall be calculated by averaging measurements at the following 3 locations:
            a) The ordinary high-water mark.
            b) The building setback line.
            c) One other location on the lot within 300 feet of the ordinary high-water mark.
    c. UNSEWERED LOT. (NR 115.05(1)(a)2.): MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.
        1. The width shall be calculated by averaging measurements at the following 3 locations:

a) The ordinary high-water mark
b) The building setback line.
c) One other location on the lot within 300 feet of the ordinary high-water mark

d. SUBSTANDARD LOTS (NR 115.05(1)(a)3.): A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
   1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
   2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
   3. The substandard lot or parcel is developed to comply with all other ordinance requirements.

Da. OTHER SUBSTANDARDS LOTS: Except for lots which meet the requirements of Section 17.36(5)(d) a building permit for the improvement of a lot having lesser dimensions than those stated in Section 17.36(5)(b) and 17.36(5)(c) shall be issued only if a variance is granted by the board of adjustment.

Db. SETBACK REDUCTION FOR LEGAL PRE-EXISTING LOTS.
   1. The roadway setbacks for a legal per-existing waterfront lot may be reduced until a 30-foot building site is established provided the following standards are met:
      a. The resulting roadway setback is not less than one half (1/2) the required roadway setback. If a roadway does not exist, a rear yard setback may be reduced to no less than 7.5'.

e. BACKLOT ACCESS TO WATERS: The use of waterfront lots to provide deeded access to backlots is specifically prohibited in all districts which allow single family residential use. No land division shall be recorded and no zoning permit shall be issued for a waterfront parcel unless the minimum lot area, width and water frontage are provided for each dwelling unit which is or proposed to be located on the waterfront property or located on a backlot where the owner has a deeded interest in the waterfront property.

6. BUILDING SETBACKS (NR115.05(1)(b))
Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

a. SHORELAND SETBACKS (NR 115.05(1)(b)1.) Unless exempt under 17.36(6)(a)1, or reduced under 17.36(6)(a)3, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.
   1. EXEMPT STRUCTURES (NR 115.05(1)(b)1m.) All of the following structures are exempt from the shoreland setback standards in 17.36(6)(a):
      a) Boathouses located entirely above the ordinary high-water mark and entirely within access and viewing corridor that do not contain plumbing and are not used for human habitation.
         i. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
         ii. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
         iii. One boathouse is permitted on a lot as an accessory structure.
         iv. Boathouses shall be constructed in conformity with local floodplain zoning standards.
         v. Boathouses shall not exceed 300 square feet in floor area. A1-foot-wide soffit may extend beyond the exterior walls.
         vi. Boathouses roofs shall not be designed or used as decks, observation platforms or for other similar uses, unless:

1. The existing boathouses has a flat roof.
2. The flat roof has no side walls or screens.
3. The roof may have a railing that meets the Department of Safety and Professional Services standards.

vii. Earth tones color shall be required for all exterior surfaces of a boathouse.

viii. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

ix. The dimension more or less parallel to the shore shall not exceed 14 feet.

x. Sidewalls may not exceed 8' in height.

xi. Roof slope may not be less than 4:12 (rise to run) not steeper than 6:12.

xii. The waterward side of a boathouse shall be set back at least 3 feet and no more than 35 feet from the ordinary high-water mark unless an alternative location is authorized by the zoning administrator pursuant to department guidance approved by the Water & Land Use Planning Committee. (Rev. Ord. #6-2006).

xiii. Boathouse construction shall comply with the standards of Section 17.36(8) regarding land disturbing activities.

b) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats.

i. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.

ii. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.

iii. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

iv. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

v. The structure must be free standing and more than five-feet from a principal structure.

vi. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

c) Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Stats.

d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width. Refer to Section 17.36(7)(b) for additional requirements on walkways.

g) Devices or systems used to treat runoff from impervious surfaces.

2. EXISTING EXEMPT STRUCTURES: (s59.692(1k) (a)2, Stats) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
3. REDUCED PRINCIPAL STRUCTURE SETBACK: (s59.692(1n), Stats) A setback less than the 75' required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:
    a) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met:
        i. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
        ii. Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
        iii. Both of the existing principal structures are located less than 75' from the ordinary high-water mark.
        iv. The average setback shall not be reduced to less than 35' from the ordinary high-water mark of any navigable water.
    b) Where there is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high-water mark and the required setback of 75' from the ordinary high-water mark provided all of the following are met:
        i. The existing principal structure is located on adjacent lot to the proposed principal structure.
        ii. The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
        iii. The existing principal structure is located less than 75' from the ordinary high-water mark.
        iv. The average setback shall not be reduced to less than 35' from the ordinary high-water mark of any navigable water.
4. WETLAND SETBACKS
    a) All buildings and structures shall be set back at least 15 feet from non-navigable streams and drainageways. Roadways, recreational trails and pedestrian walkways shall be permitted to cross non-navigable streams and drainageways provided such construction allows for the free passage of waters that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters. The high-water mark is that point up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetative, dominance of aquatic vegetation, or other easily recognized characteristics.
    b) All buildings and structures except for those permitted to be located within shoreland wetlands (see Section 17.42) shall be setback at least 15 feet landward from the actual boundary of mapped wetlands.

7. VEGETATION (NR 115.05(1)(c))
    a. PURPOSE: (NR 115.05(1)(c)1.) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil

conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

b. VEGETATIVE BUFFER ZONES: (NR 115.05(1)(c)2) To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:
    1. The county may allow routine maintenance of vegetation.
    2. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59392(1f) (b), Stats., the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned 59.692(1f) (b) reads… A county shoreland zoning ordinance may require a person to maintain a vegetative buffer zone that exists on July 14, 2015 if the ordinance does all of the following:
        a) Allows the buffer zone to contain a viewing corridor that is at least 35’ wide for every 100’ of shoreline.
        b) Allows a viewing corridor to run contiguously for the entire maximum width established under sub. 1.
    3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25(2)(b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
    4. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damages vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
    5. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this sub. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
    6. Walkway
        a) One pedestrian access pathways to the shoreline provided:
            i. It is located within the viewing corridor described in Section 17.36(7)(b)2 unless such location is not feasible due to steep slopes, wet soils or similar limited conditions.
            ii. It is located and constructed so as to avoid erosion:
            iii. It is located and constructed so as to maintain some screening of development from view from the water;
            iv. It is the minimum construction necessary to provide access and includes no additional construction other than railing essential for safety;
            v. It is no more than 5 feet wide; and
            vi. It is constructed of materials with colors which blend with natural ground cover in the vicinity of the pathway.
        b) An elevated walkway or powered lift may be substituted for a pedestrian access pathway if:

i. It is essential to access the shore because of steep slopes, wet soils or similar limiting conditions;
ii. It complies with the standards for location and construction of pathways described in Section 17.36(7)(b)6a; and
iii. Construction plans are approved by the Land Records and Regulations Department.

c) Shoreline protection activities authorized by a state permit and erosion control measures approved by the Land Records and Regulation Department which are designed to remedy significant, existing erosion problems.

7. Boathouses see 17.36(6)(a)1a for standards

c. CUTTING MORE THAN 35 FEET INLAND: From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

8. FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR 115.05(1)(d))

Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of Ch. 30, Stats. and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

a. LAND DISTURBING ACTIVITIES

1. Filling, grading or excavating within 300' of a navigable water body shall be governed by the following existing and proposed features:

a) Applicants shall submit a fill and grade permit to the zoning administrator showing the following:
i. Proposed and existing principal and accessory structures.
ii. Fencing.
iii. Paving.
iv. Landscaping.
v. Screening.
vi. Private sewage system location.
vii. Driveways.
viii. Plans for management of surface waters and storm water.
ix. North arrow.
x. Measurement of setbacks of buildings and lot lines.
xi. Slopes and areas to be excavated, filled, or graded.
xii. Signature of person responsible for the work.

b) The site plan must demonstrate that the site has sufficient and usable space for all these identified features will not cause unreasonable erosion or be contrary to Section 17.02. A permit shall be denied if the activity threatens to cause unreasonable erosion, sedimentation or disruption of fish or wildlife habitat and any permits granted shall be conditioned with the standards outlined in paragraph (b) below which may be modified at the discretion of the zoning administrator.

2. Standards

a) Filling, grading, and excavating activities shall be performed using appropriate best management practices specified in the DNR construction site erosion control manual.
b) The area of soil exposed and duration of exposure shall be minimized.
c) Fill shall not be deposited in any floodplain or wetland without proper written authorization.

d) Erosion control practices shall be instituted on all projects within 150' of the ordinary high-water mark of a lake or stream on slopes greater than 5% and on all projects within 25' of a property line. These practices shall remain until vegetation has stabilized the area and sufficiently to deter erosion.
e) No heavy equipment may be used closer than 50' to the ordinary high-water mark of a lake or stream or the reduced shoreland setback area and no spoils shall be placed in this area.
f) Areas to be altered contiguous to ordinary high-water mark shall not exceed 200 square feet.
g) Total area to be approved shall not exceed 10,000 square feet not including the identified septic system area.
h) Post construction runoff shall be considered and appropriately controlled to prevent erosion and sediment transport.
i) Upland slopes and drainageways shall be stabilized according to accepted engineering practices.
j) Permits are valid for 60 days unless an extension is granted.

3. A conditional use permit shall be required prior to any filling, grading, excavating or similar alteration of the existing surface contours if the area to be altered exceeds 10,000 square feet or if the activity does not meet the requirements as stipulated in 17.36(8)(a)
4. Prohibited Land Disturbing Activities. On slopes in excess of 45% land disturbing activities are prohibited on shorelands that drain to surface waters.

9. IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e)).
   a. PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
   b. CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1.) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 17.36(9)(e) shall be excluded from the calculation of impervious surface on the lot or parcel. If an out lot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the out lot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

      For properties that have been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.
   c. GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2.) Except as allowed in sections 17.36(9)(d) through 17.36(9)(e) allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
   d. MAXIMUM IMPERVIOUS SURFACE. (NR 115.05(1)(e)3.) A property may exceed the impervious surface standard under 17.36(9)(c) provided the following standards are met:
      1. For properties where the general impervious surface standard applies under Section 17.36(9)(c) a property owner may have more than 15% impervious surface but not more

than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

2. For properties that exceed the standard under 17.36(9)(c) but do not exceed the maximum standard under 17.36(9)(d)1 a permit can be issued for development with a mitigation plan that meets the standards found in Section 17.36(13)

e. TREATED IMPERVIOUS SURFACES (NR 115.05(1)(e)3m and s. 59.692(1k) (a) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under Section 17.36(9)(b).

1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

** To qualify for the statutory exemption, property owners shall submit a complete permit application, which is reviewed and approved by the county. The application shall include the following:

a) Calculations showing how much runoff is coming from the impervious surface area.
b) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
c) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
    i. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

f. EXISTING IMPERVIOUS SURFACES. (NR 11.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 17.36(9)(d) or the maximum impervious surface standard in Section 17.36(9)(d), the property owner may do any of the following:

1. Maintain and repair the existing impervious surface;
2. Replace existing impervious surfaces with surfaces within the existing building envelope;
3. Relocated or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05(1)(b).

10. HEIGHT (NR 11.05(1)(f)

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark or any navigable waters. As measured from the lowest exposed foundation to the highest point of the roof.

11. NONCONFORMING USES AND STRUCTURES. (NR 115.05(1)(g))

a. DISCOUNTINUED NONCONFORMING USE. (NR 115.05(1)9g)3). If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

b. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES (s. 59.692(1k) (a)1b and d). An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was

lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more the 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

c. LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK (NR 115.05(1)(g)5). An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 17.36(6)(a) may be expanded laterally, provided that all of the following requirements are met:
    1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
    2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
    3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
    4. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 17.36(13).
    5. All provisions of the shoreland ordinance shall be met.
d. EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. (NR 115.05(1)(g)5m.). An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 17.36(6)(a) may be replaced or relocated on the property provided all of the following requirements are met:
    1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
    2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
    3. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
    4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structed proposed for replacement or relocation that will result in compliance with the shoreland setback requirements per Section 17.36(6)(a). Note: Refer to Department Guidance
    5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 17.36(13) include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amounts and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
    6. All other provisions of the shoreland ordinance shall be met.

12. MAINTENANCE., REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE (s. 59.562(1k) (a)2 and (a)4.
    A structure of which any part has been authorized to be located within the standard setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more the 35 feet above grade level.

Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

13. MITIGATION (s. 59.692(av), Stats., NR 115.05(1)(e)3, (g)5, (g)6)

When the county issues a permit requiring mitigation under Sections 17.36(6)(a)1b, 17.36(9)(d), 17.36(11)(c), 17.36(11)(e), the property owner must submit a complete permit application, which is reviewed and approved by the county. The application shall include the following:

a. A site plan that describes the proposed mitigation measures.
    1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
    2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
b. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
    1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

Mitigation requirements are stipulated in Department Guidance approved by the Water and Land Use Planning Committee (See Appendix A).

14. ADMINISTRATIVE PROVISIONS

a. The appointment of an administrator and such additional staff as the workload may require.
b. The creation of a zoning agency as authorized by s. 59.69, Stats., a board of adjustment as authorized by s. 59.694, Stats., and county planning agency as defined in s. 236.02, Stats., and required by s. 59.692(3), Stats.
c. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator, unless prohibited by s. 59.692(1k), Stats.
d. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
e. A variance procedure which authorizes the board of adjustment to grant such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
f. A special exception (conditional use) procedure for uses presenting special problems.
g. The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
h. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under Section 17.36(4).
i. Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
j. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.

k. The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69(11), Stats.
l. The prosecution of violations of the shoreland ordinance.
m. Shoreland wetland map amendments. (NR 115.04). Every petition for a shoreland wetland map amendment filed with the County Clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

15. DEFINITIONS: See additional definitions in Section 17.03(3)
    a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
    b. The following terms used in this ordinance mean:
        1. "Access and viewing corridor" (NR 115.063(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
        2. "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associate materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts and not for human habitation or occupancy (i.e. decks, bunkhouses, recreation rooms). No design features are allowed that would be inconsistent with the exclusive use for the storage of watercraft.
        3. "Building envelope" (NR 115.03(1p)) means the three-dimensional space within which a structure is built.
        4. "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.
        5. "Department" (NR 115.03(3)) means the Department of Natural Resources.
        6. "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
        7. "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 16, Wis. Admin. Code.
        8. "Footprint" The land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports)- a single horizontal plane bounded by the furthest portion of the structure projected to natural grade.
        9. "Generally accepted forestry management practices" (NR 1.25(2)(b)) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
        10. "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically

designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code., or sidewalks defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

11. "Lot" A continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.
12. "Lot area" The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters.
13. "Lot of Record" Any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.
14. "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
15. "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all-natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm, Code, do not apply to lands adjacent to:
    a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
    b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
16. "Ordinary high-water mark" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
17. "Regional Flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
18. "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
19. "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
20. "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1) (bn) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.
21. "Shoreland-wetland district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as a wetland on the Wisconsin wetland inventory maps prepared by the department.
22. "Special exception (conditional use)" (NR 115.03(10)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that

a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

23. "Structure" (s.59.692(1)(e), Stats.) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.
24. "Unnecessary hardship" (NR 115.03(11)) means that circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
25. "Wetlands" (NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

16. OTHER SHORELAND PROVISIONS
    a. No landfill, junk or salvage yard may be established within the shoreland jurisdiction. Pre-existing facilities may not be extended or enlarged.
    b. Buildings, pens and structures used for housing, sheltering or feeding of livestock shall be located, designed and constructed so as to prevent animal wastes from entering waters and located not less than 75' form the ordinary high-water mark.
    c. The installation or alteration of on-site waste disposal facilities within the shoreland area shall be governed by the rules and regulations of Ch. 15 of this Code of Ordinances and the State regulations promulgated under Ch. 145, Wis. Stats.
    d. The dumping or disposal of any materials that are toxic or that would in any manner create a health hazard or nuisance or would harm public rights in navigable waters, including surface irrigation, lagooning or burial of sewage or similar waste materials, is prohibited within the shoreland jurisdiction. This provision does not apply to spreading of fertilizer, manure or farm chemicals to the land, provided careful practices are employed.
    e. Commercial signs which are visible from public waters and which are not located on the premises which they serve are prohibited. Temporary real estate signs may be placed on properties offered for sale.

17. SPECIAL REGULATIONS FOR BUILDINGS AND STRUCTURES REQUIRED TO BE AT THE WATER'S EDGE

    Certain structures require a location at or near the water's edge. A County zoning permit shall be required prior to the establishment of any marina, boat livery or similar structure. The following standards shall apply to such structures:
    a. All structures and uses shall comply with the standards of Ch. 30, Wis. Stats., and of other State and federal laws or regulations, where applicable.
    b. No structure shall be allowed to impede the free movement of water or to cause formation of land upon the bed of a water body.
    c. Erosion, sedimentation or impairment of fish or wildlife habitat shall be prevented.
    d. All structures and activities shall be designed, constructed and located so as to preserve natural beauty of the shoreland area.
    e. Marinas and boat liveries shall be located a distance greater than 500' from public bathing beaches, parks or boat access points. They shall be designed and constructed so as not to interfere with the adjacent riparian owners uses of the water for swimming, fishing or boating; nor interfere or obstruct the public's free navigation. Fueling pumps and tanks shall be located a minimum of 2' above the ordinary high-water mark and no fuel hose shall extend beyond a point necessary to fuel boats at the closest proximity to land. Marinas shall be equipped with facilities for the disposition of domestic waste from boats. Holding tanks shall be located above the ordinary high-water mark

and in accordance with the sanitary code. Adequate parking areas shall be provided. No building or structure shall be located closer than 50' from the lot line of an adjoining residential parcel. Minimum lot width at the water's edge shall be 125'.

18. SHORELAND APPENDICES

APPENDIX A: MITIGATION POLICIES

Property owners must obtain a minimum of 35 points to satisfy mitigation requirements from the following options:

Category	*Option*	*Points*
POWTS/Septic		
	Replacement of existing system	15
	POWTS less than 10 yrs. old w/ maintenance OK	10
	POWTS greater than 10 yrs. old w/ evaluation	5
Native Vegetation		
	Plant 35' buffer per policy guidelines (all 3 layers)	30
	Plant 35' buffer with trees and shrubs	20
	Plant minimum 15' buffer/reducing width of view corridor	10
Maintaining Natural Shoreline (35' Buffer from OHWM)		
	Existing >35' Natural/native buffer w/no viewing corridor	25
	Existing >35' Natural/native buffer w/ viewing corridor	15
	Existing >35' Natural/native buffer missing layer (understory)	10
Non-Conforming Accessory Structures		
	Removal of all Non-conforming Structures	20
	Change all Exterior Building Colors to blend w/ Natural Cover	15
	Removal of some but not all Non-conforming Structures	10
	Existing structures that have earth-tone colors that blend in	10
Erosion Control		
	Installing a rain garden/ dry wells which reduce runoff	15
	Reducing impervious surface areas > 600 sq. ft.	10
	Installing other department approved erosion control	5

- Any other approved practice which benefits shoreline health 10

APPENDIX B: ENACTING LEGISLATION, NOTICE & PREFACE

Enacting Legislation

Drafted October 1, 2014
Revised January 12, 2015
Revised September 16, 2015 (2015 Wisconsin Act 55)
Revised March 2, 2016 (2015 Wisconsin Act 167)
Revised March 23, 2016
Revised April 27, 2016 (2015 Wisconsin Act 391)

SUBCHAPTER IV: FLOODPLAIN ZONING ORDINANCE FOR LANGLADE COUNTY, WISCONSIN

17.371 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

17.3711 STATUTORY AUTHORIZATION

This subchapter is adopted pursuant to the authorization in s. 59.69, s. 59.692, and s. 59.694; and the requirements in s. 87.30, Wis. Stats.

17.3712 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base. This district is applied as an overlay district, and these provisions shall be in addition to the base district requirements.

17.3713 STATEMENT OF PURPOSE

This subchapter is intended to regulate floodplain development to:

(1) Protect life, health, and property;

(2) Minimize expenditures of public funds for flood control projects;

(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(4) Minimize business interruptions and other economic disruptions;

(5) Minimize damage to public facilities in the floodplain;

(6) Minimize the occurrence of future flood blight areas in the floodplain;

(7) Discourage the victimization of unwary land and home buyers;

(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

17.3714 TITLE

This subchapter shall be known as the Floodplain Zoning Ordinance for Langlade County, Wisconsin.

17.3715 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This section regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and the local community may also be regulated under the provisions of this ordinance, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file with **Langlade County Land Records & Regulations Department in the office of the Zoning Administrator, Langlade County, WI**.

(a) OFFICIAL MAPS: Based on the FIS:

1. Flood Insurance Rate Map (FIRM) panel numbers 55067C0010C, 55067C0020C, 55067C0030C, 55067C0035C, 55067C0040C, 55067C0045C, 55067C0055C, 55067C0060C, 55067C0065C, 55067C0070C, 55067C0080C, 55067C0085C, 55067C0090C, 55067C0095C, 55067C0105C, 55067C0110C, 55067C0115C, 55067C0120C, 55067C0140C, 55067C0145C, 55067C0185C, 55067C0195C, 55067C0205C, 55067C0210C, 55067C0215C, 55067C0220C, 5067C0230C, 55067C0235C, 55067C0240C, 55067C0245C, 55067C0255C, 55067C0260C, 55067C0265C, 55067C0280C, 55067C0285C, 55067C0290C, 55067C0295C, 55067C0305C, 55067C0310C, 55067C0315C, 55067C0320C, 55067C0330C, 55067C0335C, 55067C0340C, 55067C0345C, 55067C0360C, 55067C0370C, 55067C0380C, 55067C0385C, 55067C0390C, 55067C0395C, 55067C0405C, 55067C0410C, 55067C0415C, 55067C0416C, 55067C0417C, 55067C0418C, 55067C0419C, 55067C0428C, 55067C0430C, 55067C0435C, 55067C0436C, 55067C0440C, 55067C0465C, 55067C0470C, 55067C0480C, 55067C0485C, 55067C0490C, 55067C0495C, 55067C0505C, 55067C0510C, 55067C0515C, 55067C0520C, 55067C0535C, 55067C0555C, 55067C0580C, 55067C0581C, 55067C0585C, 55067C0590C, 55067C0595C, 55067C0605C, 55067C0610C, 55067C0615C, 55067C0620C, 55067C0630C, 55067C0635C, 55067C0640C, 55067C0655C, 55067C0660C, and 55067C0685C dated March 17, 2026.

2. Flood Insurance Study (FIS) for Langlade County dated March 17, 2026;

Approved by: DNR and FEMA.

(b) OFFICIAL MAPS: Based on other studies:

1. Skinner Dam Failure analysis approved by the Department of Natural Resources on November 18, 1991, including:
   i. Map dated March 14, 1991, and titled "100 Year Dam Failure Flood Inundation Maps – Skinner Dam / Spring Brook" from North Avenue to Cross-Section 20 at the dam crest.
   ii. Floodway data table dated March 14, 1991, and titled "Table 2 – Langlade County Profiles".
   iii. Flood profiles dated March 14, 1991, and titled "Dam Failure Analysis – Skinner Dam" from North Avenue to Cross-Section 20 at the dam crest.

2. Phlox Dam Failure analysis approved by the Department of Natural Resources on September 1, 1991, including:
   i. Map and Floodway Data Table dated March 11, 1991, and titled "Phlox Dam 100-Year Flood Inundation Map".
   ii. Flood profiles dated March 11, 1991, and titled "Phlox Dam: Red River – 100-Year Flood Profiles".

3. Upper Post Lake Dam Failure analysis approved by the Department of Natural Resources on January 6, 2016, including:
   i. Map dated November 23, 2015, and titled "Hydraulic Shadow – Post Lake Dam Failure").
   ii. Floodway data table dated November 23, 2015, and titled "Wolf River – Dam Failure").
   iii. Flood profiles dated November 23, 2015, and titled "Post Lake Dam Failure Analysis".

4. Pot Flowage Dam Failure analysis approved by the Department of Natural Resources on June 1, 2013, including:
   i. Map and Floodway Data Table dated June 6, 2013, and titled "Langlade County Pots Dam Failure Analysis".
   ii. Flood profiles dated June 6, 2013, and titled "Langlade County Pots Dam Failure Analysis".
5. Floodplain study for the South Ditch at Langlade County Airport completed by Becher Hoppe Associates Inc. and approved by the Department of Natural Resources on July 16, 2018.
   i. Map dated July 2018 and titled "Exhibit 8 – Proposed Conditions".
   ii. Floodway data table dated July 2018 and titled "HEC-RAS River: Drainage Ditch".
   iii. Flood profiles dated July 10, 2018, and titled "Drainage Ditch - Existing".

6. Floodplain study for the STH 55 Bridge Over the Wolf River completed by AECOM and approved by the Department of Natural Resources on March 10, 2023.
   i. Map dated March 2022 and titled "Proposed Bridge B-34-59 – Contour Map".
   ii. Floodway data table dated March 3, 2023, and titled "Proposed Condition Standard Table 1".
   iii. Flood profiles dated February 24, 2023, and titled "Proposed Condition Profile Plot".

(3) ESTABLISHMENT OF DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to 17.3751(5).

(b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to 17.3751(5), within A Zones shown on the FIRM.

(c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood, in which a floodway boundary has not been delineated on the FIRM, and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to 17.378 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to 17.3773(3) and the criteria in (a) and (b) below**.** Where the flood profiles are based on established

base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to 17.378 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

(a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to 17.378 *Amendments.*

(b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;

2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain a floodplain development permit before applying for a LOMR or LOMR-F;

(c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat., if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

(a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.

(c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with 17.379

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 59.69, 59.692 or 59.694; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear; the provision shall be interpreted in light of the 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.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damage. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Langlade County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the

municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

17.372 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

(1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

(a) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) be constructed with flood-resistant materials;

(c) be constructed by methods and practices that minimize flood damages; and

(d) Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

(a) Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;

(b) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in 17.3771(2).

17.3721 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined that the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of 17.378 *Amendments* are met.

17.3722 WATERCOURSE ALTERATIONS

No zoning permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department, and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of 17.3721 must be met, and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to 17.378 *Amendments,* the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

17.3723 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to 17.378 *Amendments*.

17.3724 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds are prohibited in the floodplain.

17.373 FLOODWAY DISTRICT (FW)

17.3731 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to 17.3751(5).

17.3732 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in 17.3733 and 17.3734; and
- all permits or certificates have been issued according to 17.3771.

(1) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of 17.3733(4).

(4) Uses or structures accessory to open space uses or classified as historic structures that comply with 17.3733 and 17.3734.

(5) Extraction of sand, gravel, or other materials that comply with 17.3733(4).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.

(7) Public utilities, streets, and bridges that comply with 17.3733(3).

(8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and recreational camping that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.

(9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

(10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.

(11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

17.3733 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

(1) GENERAL

(a) Any development in the floodway shall comply with 17.372 and have a low flood damage potential.

(b) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to 17.3721 and 17.3771(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

(c) Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 17.3733(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in 17.3715(5).

(2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location, may be allowed by permit if the structures comply with the following criteria:

(a) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;

(b) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

2. Have structural components capable of meeting all provisions of Section 17.3733(2)(g) and;

3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 17.3733(2)(g).

(c) Must be anchored to resist flotation, collapse, and lateral movement;

(d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and

(e) Must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets 17.3733(2)(a) through 17.3733(2)(e) and meets or exceeds the following standards:

1. The lowest floor must be elevated to or above the regional flood elevation;

2. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

3. The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.

4. The use must be limited to parking, building access, or limited storage.

(g) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the regional flood:

1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

2. Construction of wells, water supply systems, and waste treatment systems so as to prevent the entrance of flood waters in such systems, and must be in accordance with provisions in Sections 17.3734(4) and 17.3734(5);

3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

5. Placement of utilities to or above the flood protection elevation.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets, and bridges may be allowed by permit if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of 17.3721.

(4) FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:

(a) The requirements of 17.3721 are met;

(b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

17.3734 PROHIBITED USES
All uses not listed as permitted uses in 17.3732 are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, which comply with the regulations for the floodplain area occupied.

17.374 FLOODFRINGE DISTRICT (FF)

17.3741 APPLICABILITY
This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to 17.3751(5).

17.3742 PERMITTED USES
Any structure, land use, or development is allowed in the Floodfringe District if the standards in 17.3743 are met, the use is not prohibited by this, or any other ordinance or regulation, and all permits or certificates specified in 17.3771 have been issued.

17.3743 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE
Section 17.372 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of 17.376 *Nonconforming Uses*;

(1) RESIDENTIAL USES
Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards;

(a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation, extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet 17.3715(5).

(b) Notwithstanding 17.3743 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).

(d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) ACCESSORY STRUCTURES OR USES

In addition to 17.372, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

In addition to 17.372, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of 17.3743(1). Subject to the requirements of 17.3743(5), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to 17.372, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 17.3775. Subject to the requirements of 17.3743(5), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with 17.3775. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with 17.3775.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to 17.3775(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 17.3775(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and

2. be anchored so they do not float, collapse, or move laterally during a flood;

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in 17.3743(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 30 consecutive days and be either:

(a) fully licensed and ready for highway use; or

(b) shall meet the elevation and anchoring requirements in 17.3743 (11)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

17.375 OTHER FLOODPLAIN DISTRICTS

17.3751 GENERAL FLOODPLAIN DISTRICT (GFP)

(1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones, within which a floodway is not delineated on the Flood Insurance Rate Maps identified in 17.3715(2)(a).

(2) FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE, within which a floodway is not delineated on the Flood Insurance Rate Map identified in 17.3715(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to 17.3751(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of 17.374.

(3) PERMITTED USES

Pursuant to 17.3751(5), it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (17.3732) and Floodfringe (17.3742) Districts are allowed within the General Floodplain District, according to the standards of 17.3751(4) provided that all permits or certificates required under 17.3771 have been issued.

(4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT
Section 17.373 applies to floodway areas, determined pursuant to 17.3751(5); Section 17.374 applies to floodfringe areas, determined pursuant to 17.3751(5).

(a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or

2. If the depth is not specified on the FIRM, two feet (2) above the highest adjacent natural grade or higher.

(b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

(c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

(d) All development in zones AO and zone AH shall meet the requirements of 17.374 applicable to flood fringe areas.

(5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS
Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

(a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.

(b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries.

1. A Hydrologic and Hydraulic Study as specified in 17.3771(2)(c).

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.

17.376 NONCONFORMING USES

17.3761 GENERAL

(1) Applicability

(a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting the existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

(b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.

(2) The existing lawful use of a structure or its accessory use, which is not in conformity with the provisions of this ordinance, may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling, and other nonstructural components, and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 17.3743(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

(e) No maintenance on a per-event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 17.3743(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per-event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

(f) If on a per-event basis, the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 17.3743(1).

(g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of 17.3775(2).

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review, and utilize any flood data available from a federal, state, or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, shall meet the standards in 17.3751(4).

f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of 17.3761(2)(h)1a-f.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in 17.3775 (1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, shall meet the standards in 17.3751(4).

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, and the alteration will comply with 17.3733 (1), flood-resistant materials are used, and construction practices and floodproofing methods that comply with 17.3775 is used. Repair or rehabilitation of historic structures shall be exempt from the development standards of 17.3761 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

17.3762 FLOODWAY DISTRICT

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of 17.3761;

(c) Shall not increase the obstruction to flood flows or regional flood height;

(d) Any addition to the existing structure shall be floodproofed, pursuant to 17.3775, by means other than the use of fill, to the flood protection elevation; and,

(e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, 17.3775(3) and Ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, 17.3775(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

17.3763 FLOODFRINGE DISTRICT

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of 17.3743 except where 17.3763(2) is applicable.

(2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in 17.3773, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted if:

(a) No floor is allowed below the regional flood elevation for residential or commercial structures;

(b) Human lives are not endangered;

(c) Public facilities, such as water or sewer, shall not be installed;

(d) Flood depths shall not exceed two feet;

(e) Flood velocities shall not exceed two feet per second; and

(f) The structure shall not be used for the storage of materials as described in 17.3743(5).

(3) All new private sewage disposal systems, or additions to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 17.3775 (3) and ch. SPS 383, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, 17.3775 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

17.377 ADMINISTRATION

Where a zoning administrator, planning agency, or a Board of Adjustment has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

17.3771 ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

(a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate

(c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(d) Keep records of all official actions, such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances, and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses.

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of case-by-case analyses and other required information.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department's Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) ZONING (LAND USE) PERMIT

A zoning (land use) permit shall be obtained before any development, repair, modification, or addition to an existing structure; or a change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner, and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area, and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting navigable waterways;

3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;

5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of 17.373 or 17.374 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to 17.3721. This may include any of the information noted in 17.3733(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:
    a. Hydrology
        i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

    b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

ii. Channel sections must be surveyed.

iii. Minimum four-foot contour data in the overbanks shall be used for the development of cross-section overbank and floodplain mapping.

iv. A maximum distance of 500 feet between cross sections is allowed in developed areas, with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.

v. The most current version of HEC-RAS shall be used.

vi. A survey of bridge and culvert openings and the top of the road is required at each structure.

vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

viii. Standard accepted engineering practices shall be used when assigning parameters for the base model, such as flow, Manning's N values, expansion and contraction coefficients, or effective flow limits. The base model shall be calibrated to past flooding data, such as high-water marks, to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development, and whether the proposed development is located in the floodway.

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect the proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths

computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review, which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, and bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission, along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map, and a cross-section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model, shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such a certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of 17.3775 are met.

(e) Where applicable pursuant to 17.3751(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

(f) Where applicable pursuant to 17.3751(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by 17.3751(4).

(4) OTHER PERMITS
Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

17.3772 ZONING AGENCY

(1) The **Water & Land Use Planning Committee of the Langlade County Board of Supervisors** shall:

(a) Oversee the functions of the office of the Zoning Administrator; and

(b) Review and advise the governing body on all proposed amendments to this ordinance, maps, and text.

(c) Publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.

(2) The **Water & Land Use Planning Committee of the Langlade County Board of Supervisors** shall not:

(a) Grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or

(b) Amend the text or zoning maps in place of official action by the governing body.

17.3773 BOARD OF ADJUSTMENT

The Board of Adjustment, created under s. 59.694, Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment shall:

(a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance;

(b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

(c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice: The board shall:

   a. Fix a reasonable time for the hearing;
   b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
   c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing: Any party may appear in person or by agent. The board shall:
   a. Resolve boundary disputes according to 17.3773(3);
   b. Decide variance applications according to 17.3773(4); and
   c. Decide appeals of permit denials according to 17.3774.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;

2. Be sent to the Department Regional office within 10 days of the decision;

3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.

(b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to 17.378 *Amendments*.

(4) VARIANCE

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance will cause unnecessary hardship.

2. The hardship is due to the adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such a case, the ordinance or map must be amended;

3. The variance is not contrary to the public interest; and

4. The variance is consistent with the purpose of this ordinance in s. 1.3.

(b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:

1. The variance shall not cause any increase in the regional flood elevation;

2. The applicant has shown good and sufficient cause for issuance of the variance;

3. Failure to grant the variance would result in exceptional hardship;

4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;

2. Be granted for a hardship based solely on an economic gain or loss;

3. Be granted for a hardship which is self-created.

4. Damage the rights or property values of other persons in the area;

5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and

6. Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

(d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property, and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

17.3774 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (17.3772) or Board shall review all data related to the appeal. This may include:

(a) Permit application data listed in 17.3771(2);

(b) Floodway/floodfringe determination data in 17.3751(5);

(c) Data listed in 17.3733(1)(b) where the applicant has not submitted this information to the zoning administrator; and

(d) Other data submitted with the application or submitted to the Board with the appeal.

(2) For appeals of all denied permits, the Board shall:

(a) Follow the procedures of 17.3773;

(b) Consider zoning agency recommendations; and

(c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation, the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map, and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of 17.378 *Amendments*; and

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided no other reasons for denial exist.

17.3775 FLOODPROOFING STANDARDS

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in s17.372, 17.373, 17.374, 17.3751.

(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(a) certified by a registered professional engineer or architect; or

(b) meeting or exceeding the following standards:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, to:

(a) Withstand flood pressures, depths, velocities, uplift, and impact forces and other regional flood factors;

(b) Protect structures to the flood protection elevation;

(c) Anchor structures to foundations to resist flotation and lateral movement;

(d) Minimize or eliminate infiltration of flood waters;

(e) Minimize or eliminate discharges into flood waters;

(f) Placement of essential utilities to or above the flood protection elevation; and

(g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access, or limited storage.

17.3776 PUBLIC INFORMATION

(1) Place marks on structures to show the depth of inundation during the regional flood.

(2) All maps, engineering data, and regulations shall be available and widely distributed.

(3) Real estate transfers should show which floodplain district any real property is in.

17.378 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles, in accordance with 17.3781.

(1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles, in accordance with 17.3781. Any such alterations must be reviewed and approved by FEMA and the DNR.

(2) In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with 17.3781.

17.3781 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in 17.3782 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(1) Any fill or floodway encroachment that obstructs flow, causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps listed in 17.3715 (2)(b);

(4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

(7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

17.3782 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of 59.69, Stats. The petitions shall include all data required by 17.3751(5) and 17.3771(2). The Zoning (Land Use) Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of 59.69, Stats.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

17.379 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than $50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

17.3710 DEFINITIONS

Unless specifically defined in this Section or Section 17.03 of the Langlade County Code of Ordinances, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Definitions in this Section shall all apply only to the Langlade County Floodplain Ordinance and shall supersede conflicting definitions found elsewhere. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory, and is not discretionary.

(1) A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(2) AH ZONE – See “AREA OF SHALLOW FLOODING”.

(3) AO ZONE – See “AREA OF SHALLOW FLOODING”.

(4) ACCESSORY STRUCTURE OR USE – A facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building. An accessory structure shall not be used for human habitation.

(5) ALTERATION – An enhancement, upgrade, or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a structure.

(6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(7) BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

(8) BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.

(9) BUILDING – See STRUCTURE.

(10) BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

(11) CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

(12) CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

(13) CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

(14) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

(15) CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

(16) DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor that allows the infiltration of precipitation.

(17) DEPARTMENT – The Wisconsin Department of Natural Resources.

(18) DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

(19) DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(20) ENCROACHMENT – Any fill, structure, equipment, use, or development in the floodway.

(21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

(22) FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(23) FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(24) FLOOD FREQUENCY – The probability of a flood occurrence, which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

(25) FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

(26) FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

(27) FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations, and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

(28) FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

(29) FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(30) FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(31) FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

(32) FLOODPROOFING – Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

(33) FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)

(34) FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(35) FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(36) FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(37) HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.

(38) HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(39) HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(40) HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(41) HISTORIC STRUCTURE – Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

(42) INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 feet, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

(43) LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(44) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

(45) LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).

(46) MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems, or equipment with equivalent fixtures, systems, or structures.

(47) MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

(48) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

(49) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(50) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

(51) MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

(52) MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective

Model, or incorporates more detailed topographic information than that used in the current effective model.

(53) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(54) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

(55) MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(56) MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model, or Corrected Effective Model to reflect revised or post-project conditions.

(57) MUNICIPALITY or MUNICIPAL – The county, city, or village governmental units enacting, administering, and enforcing this zoning ordinance.

(58) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

(59) NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

(60) NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community, and includes any subsequent improvements to such structures.

(61) NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

(62) NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

(63) NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(64) OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

(65) OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in 17.3715(2), which has been approved by the Department and FEMA.

(66) OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

(67) ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(68) PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

(69) PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

(70) PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines, such as electric, telephone, and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

(71) REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(72) REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

(73) START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(74) STRUCTURE – Any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

(75) SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.

(76) SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

(77) SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(78) UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(79) VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

(80) VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(81) WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

(82) WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(83) WELL – means an excavation opening in the ground made by digging, boring, drilling, driving, or other methods, to obtain groundwater regardless of its intended use.

EFFECTIVE DATE: This Ordinance shall be in force and effect from and after its passage and publication or posting.

SUBCHAPTER V: RESERVED

(RESERVED FOR FUTURE USE) (INTENDED FOR INCORPORATION OF AIRPORT ZONING CHAPTER 21)

SUBCHAPTER VI: ZONING DISTRICTS

17.39 INTRODUCTION

This chapter creates several zoning districts each addressing unique purposes. Each district shall be governed by the use of rules and dimensional rules stated for the district and by standards contained in 17.01(1) and 17.41 of this chapter.

17.40 DISTRICTS

The zoning districts created by this chapter are specified in 17.38 through 17.54 & 17.25.

(1) BOUNDARIES OF DISTRICTS

When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning maps, the following rules shall apply.

(a) When width or length of boundaries are not clear, the scale of the map shall determine the approximate dimensions.

(b) District boundaries are normally plat boundaries, lot lines, section and quarter section lines, centerlines of streets, highways, railroads or alleys and shorelines of lakes, streams, rivers and flowages.

(c) Where uncertainty exists as to the precise location of the Floodplain District line, the zoning maps shall govern in general and the zoning text shall govern specifically.

(2) BOARD OF ADJUSTMENT

The Board of Adjustment in accordance with the provisions of this chapter shall hear and decide the precise location of the district boundary line when such line cannot otherwise be determined.

(3) ZONING MAPS

The official County zoning maps on file in the Land, Records and Regulation Department, including all amendments thereto, are hereby adopted by reference as if fully set forth herein.

17.41 PRINCIPLES FOR LOCATION OF DISTRICTS: LAND FOR TRANSITION FROM ONE DISTRICT TO ANOTHER

(1) The location of districts accounts for the existing uses of the land that have developed within the County. These districts have been classified primarily because of the present uses being made of the lands but may include certain existing uses that would not normally be classified within a given district.

(2) Districts may be mapped to include areas that may be developed to meet their future needs.

(3) The principles for transition from one district to another shall apply to zoning amendments submitted in accordance with 17.71 of this chapter. The Water and Land Use Planning Committee shall consider these principles:

(a) The intent and purpose of the use district from which petitioned.

(b) The proposed uses of the lands and its compatibility to the use district and the surrounding area.

(c) Protection of natural and man-made resources.

(d) Protection of the public against hazardous conditions (floodplain and airport height regulations).

(e) Protection of the public by applying exclusive zoning concepts to districts for purposes, such as exclusive agriculture, single and multiple family housing, mobile home parks, commercial and manufacturing operations, and to allow more inclusive zoning concepts in districts such as the Agriculture/Forestry/Residential District.

(f) Insure proper land use by applying proper environmental planning by considering the following objectives:

1. The preservation of adequate open spaces for present and future use and recreational use.

2. The maintenance of natural or undeveloped lands and buffer zones between developed areas.

3. The protection of scenic and historically valuable sites.

4. The protection of forests, wilderness and wildlife and maintenance of other factors that insure balance of ecological systems by not developing forests, wetlands, beaches, estuaries and shorelands.

5. The prevention of buildings in hazardous areas such as steep slopes, floodplains or wetlands.

6. The maintenance of highly productive farmland.

7. The prevention of erosion and unnecessary destruction of groundcover.

8. The minimizing of pollution of the water, land and air by proper location of industries and waste disposal sites.

9. The minimizing of the demand for energy and use of the automobile by planning of existing community development.

10. The building and expansion of developments of sufficiently high density to be served economically by transit and shipping facilities

17.42 CONSERVANCY OVERLAY DISTRICT (C-1)

(1) DISTRICT BOUNDARIES

This district shall include all wetlands within the shoreland jurisdiction of this chapter which are 5 acres or more (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory maps, stamped "Final" and dated August 9, 1984, that are hereby adopted and made a part of this chapter. A portion of a wetland which is less than 5 acres in size and which is located in the unincorporated shoreland area within the County shall be included in the shoreland jurisdiction where the wetland as a whole is 5 acres or larger, but extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County. (Rev. ORD #3-2007).

(2) PURPOSE

This district provides for the conservation and protection of natural resources. This district includes swamps, marshlands, wetlands, river and lake shores which have particularly sensitive natural resource features and other lands of natural resource value. The purpose of this district is to maintain safe and healthful conditions to prevent water pollution, protect fish spawning grounds and aquatic life and preserve shore cover and natural beauty. Development in this district should be limited and when development is permitted, it should occur in a manner that minimizes its adverse impacts. This district is applied as an overlay district and these provisions shall be in addition to any underlying zoning district requirements. This district is seldom suitable as building sites for the following reasons:

(a) Septic systems will not function because of high groundwater.

(b) Water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil.

(c) Foundations and roads crack due to poor support capabilities and frost action.

(d) Flooding is common in spring and other times of high water.

(e) Wetlands provide fish spawning and wildlife habitat, and the natural plant and animal communities found in wetlands provide ecological balance to a watercourse. Wetlands help to prevent water pollution and flooding problems.

(3) PERMITTED USES

The following uses shall be allowed subject to the general shoreland zoning regulations in 17.36, the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other State and federal laws, if applicable:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

1. Hiking, fishing, trapping, hunting, swimming and boating.

2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

3. The practice of silviculture, including the planting, thinning and harvesting of timber.

4. The pasturing of livestock and the construction and maintenance of fences.

5. The cultivation of agricultural crops.

6. The construction and maintenance of duck blinds.

7. The construction and maintenance of piers, docks and walkways including those built on pilings.

8. The maintenance, repair, replacement and reconstruction of existing town and County highways and bridges.

(b) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, tiling or excavation to the extent specifically provided below.

1. Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.

2. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.

3. Ditching, tiling, dredging, excavating or filling done to maintain existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(4) CONDITIONAL USES

(a) The construction and maintenance of roads which are necessary to conduct silviculture activities or are necessary for agricultural cultivation, provided that:

1. The road cannot, as a practical matter, be located outside the wetlands.

2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

a. The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural and silvicultural activities.

b. Road construction activities are carried out in the immediate area of the roadbed only.

c. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done is necessary for the construction or maintenance of the road.

(b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or uses solely for some use permitted in the Conservancy District, if such building cannot, as a practical matter be located outside the wetland provided that:

1. Any such building does not exceed 500 sq. ft. in floor area.

2. No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.

(c) The establishment and development of public and private parks and recreational areas, public boat access sites, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas provided that:

1. Any private recreational or wildlife habitat areas is used exclusively for that purpose.

2. No filling is done.

3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitats or to otherwise enhance wetland values.

(d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, dry hydrants and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:

1. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland.

2. Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(e) The construction and maintenance of railroad lines, provided that:

1. The railroad lines cannot, as a practical matter, be located outside the wetland.

2. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to maintain flooding and other adverse impacts upon the natural functions of the wetland.

(5) PROHIBITED USES

Any use not listed in subs. (3) and (4) is prohibited, unless that portion is rezoned by an amendment of this chapter in accordance with the requirements of 59. 69(5)(e), Wis. Stats., Ch. NR 115, Wis. Adm. Code, and 17.71(6) of this chapter.

(6) REZONING LANDS IN THE CONSERVANCY DISTRICT

(a) For all proposed text and map amendments to the Conservancy District within the shoreland jurisdiction as defined in 17.36(1) and sub. (1), the appropriate district office of the Department of Natural Resources shall be provided with the following:

1. A copy of every petition for a text or map amendment within 5 days of the filing of such petition with the County Clerk.

2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing.

3. A copy of the County zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board.

4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

(b) Wetland portions of the Conservancy District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and floodwater storage capacity.

2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.

3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.

4. Shoreline protection against soil erosion.

5. Fish spawning, breeding, nursery or feeding grounds.

6. Wildlife habitat.

7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) If the Department of Natural Resources has notified the County zoning agency that a proposed amendment to the wetland portion of the district may have a significant adverse impact upon any of the criteria listed, that amendment, if approved by the County Board, shall contain the following provision:

1. This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources.

2. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under 59.692(6), Wis. Stats.

3. If the Department does not notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under 59.692(6) is completed or otherwise terminated.

(7) WETLANDS BEYOND THE SHORELAND ZONING JURISDICTION
No permits, as required by this ordinance, shall be issued for a proposed project that is located in any wetland beyond the shoreland zoning jurisdiction which is 5 acres or more (excluding point symbols) and which is shown on the Wisconsin Wetland Inventory maps until the property owner has provided written documentation from the DNR and the U.S. Army Corp of Engineers that it has been determined that the land for the project is not a wetland, or does not require approvals, or that the project has been approved and permits have been issued. (Rev. Ord. #3-2007).

17.43 CONSERVANCY BUFFER OVERLAY DISTRICT (C-2)

(1) PURPOSE
This district provides for the conservation and protection of natural resources as well as sets a distance buffer for any structures from incompatible land uses. This district is applied as an overlay in addition to the underlying district requirements.

(2) PERMITTED USES
(a) Agricultural Use.

(b) Forestry, forestry services, logging operations, sawmills (portable only), and planing mills (portable only).

17.44 FOREST DISTRICT (F) Subject to s.17.49 Farm Preservation Overlay District Requirements, where applicable.

(1) PURPOSE
This district provides for commercial production of trees, the conduct of forestry practices and related uses on large tracts of land that are well suited to these activities. The intent is to encourage forestry and also to recognize the value of forested areas as a recreational resource.

(2) PERMITTED USES
(a) Agricultural production; crops, livestock or both, and includes activities listed under 91.01(2), Wis. Stats.

(b) Canoe, raft or boat rental.

(c) Fishing.

(d) Forestry, forestry services, logging operations, sawmills (portable only) and planing mills (portable only).

(e) Hunting, trapping and game protection.

(f) Residences, single family, manufactured homes and hunting cabins on parcels of 35 acres or larger.

(g) Residences, single family, manufactured homes and hunting cabins on certified survey lots approved by the Water and Land Use Planning Committee.

(h) Residences, single family, manufactured homes and hunting cabins on parcels less than 35 acres when the proposed residential structure is replacing a legal pre-existing residence. (Rev. ORD #6-2006).

(i) Permitted uses as authorized in A-1 District.

(3) CONDITIONAL USES

(a) Community buildings.
(b) Community garages and storage facilities.
(c) Concession stands.
(d) Golf courses.
(e) Landfills.
(f) Parks.
(g) Residence, single family, on parcels less than 35 acres.
(h) Residence, manufactured home, on parcels less than 35 acres.
(i) Residence, mobile home. (Rev. Order. #6-2006).
(j) Sawmills (permanent).
(k) Shooting ranges.
(l) Conditional uses as authorized in the A-1 District.

(4) DIMENSIONAL STANDARDS

(a) No residences may be established within areas included within the Wisconsin Forest Crop Program, Managed Forest Program, County, State or National forest lands.

(b) The minimum parcel size to establish a residence or other use allowed within this district is two acres, except as provided in Section 18.23(2)(c) and except on navigable water bodies, the minimum lot standards of Section 17.30(12) shall apply. (Rev. Ord. #3-2009)

(c) All residential structures shall meet the R-1 setback requirement as specified in 17.51(4) (e).

(5) STANDARDS FOR CONDITIONAL USE PERMITS

(a) Proposed use will have minimal impact on adjacent forest crop, managed forest, County forest, State forest and national forest lands.

(b) Land is suitable for development and requires little or no site alteration (i.e., filling, grading, excavating, surface vegetation removal) so as to preserve the natural aesthetics of the site.

(c) Adequate public facilities and services exist to serve the development or will be provided prior to sale of the lots and such facilities and services will not be an unreasonable burden to local governments.

(d) Proposed use is compatible with adjacent uses and will not be harmful to the health, safety, or general welfare of the public.

17.45 PARK AND RECREATION DISTRICT (PR)

(1) PURPOSE

This district provides for recreational oriented establishments, as well as encouraging the maintenance of natural resources.

(2) PERMITTED USES

(a) Agricultural production and forestry as part of a recreational complex.

(b) Boat launching facilities.

(c) Community buildings.

(d) Golf courses.

(e) Park, playground or playfield.

(f) Parking lot.

(g) Residence, single family residence, manufactured home or multiple family homes, only for staff personnel, provided that the dwelling units are located on the recreational parcel and not on separate lots.

(h) Wildlife preserves.

(3) CONDITIONAL USES

(a) Amusement and recreational services.

(b) Commercial facilities accessory to the permitted uses.

(c) Campgrounds (private, recreational and religious).

(d) Fish hatchery.

(e) Marina and boat livery.

(f) Mobile home.

(g) Resort.

(h) Shooting ranges.

(i) Stables.

(j) Winter sports area (commercial).

(4) STANDARDS

(a) The minimum size of a parcel containing one or a combination of the permitted uses in this district shall be 5 acres.

(b) No principal or accessory structure shall be located within 50' of the lot line of an adjoining residential property.

(c) The perimeter of the site shall be screened to effectively block views from adjoining residential property.

(d) Marinas and boat liveries shall be governed by the standards of 17.36(17)(e).

(e) In addition, the Board of Adjustment shall review applications and determine that the proposed use will not conflict with other neighboring uses or with the public's rights in navigable waters. The basic character of the use and the projected intensity of the use shall not exceed the carrying capacity of the site or the roads, waters or natural resources or service systems that serve the site.

(5) STANDARDS FOR CONDITIONAL USE PERMITS

(a) Proposed use will have minimal impact on adjacent forest crop, managed forest, County forest, State forest and national forest lands.

(b) Land is suitable for development and requires little or no site alteration (i.e., filling, grading, excavating, surface vegetation removal) so as to preserve the natural aesthetics of the site.

(c) Adequate public facilities and services exist to serve the development or will be provided prior to sale of the lots and such facilities and services will not be an unreasonable burden to local governments.

(d) Proposed use is compatible with adjacent uses.

17.46 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP)

(1) STATUTORY AUTHORIZATION

This section is adopted pursuant to the authorization in 59.69, 59.692 and 59.694; and the requirements in s. 87.30, Wis. Stats.

(2) FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience and general welfare and tax base. This district is applied as an overlay district in the Exclusive Agricultural District, A-1, and these provisions shall be in addition to the A-1 District requirements.

(3) STATEMENT OF PURPOSE

This section is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and home buyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) GENERAL PROVISIONS

(a) AREAS TO BE REGULATED

This section regulates all areas that would be covered by the regional flood or base flood. **Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(b) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revision in the Langlade County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Langlade County Land Records & Regulations Department. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS: Based on the FIS

1. Flood Insurance Rate Map (FIRM) panel number's 550576 0025 through 0250 dated September 28, 1990, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated September 28, 1990; Approved by: DNR and FEMA.

OFFICIAL MAPS: Based on other studies:

1. Maps (3) titled "Inundation Map for Failure of Skinner Dam" for the Skinner Dam located on the Spring Brook, dated March 14, 1991, as amended March 27, 1991, prepared by SHE. Approved by Wisconsin DNR on November 18, 1991.
2. Maps and data tables (2) titled "100 Year Dam Failure Flood Inundation Maps" for the Phlox Dam located on the Red River, dated March 11, 1991, as amended May 30, 1991, prepared by Barr Engineering. Approved by Wisconsin DNR on September 9, 1991.
3. Map titled "Ormsby Dam Site Map" and data table titled "Dam Failure Analysis Ormsby Dam-Antigo, Wisconsin" for the Ormsby Dam located on the West Branch of the Eau Claire River, dated December 2002, prepared by Vierbicher Associates, Inc. Approved by the Wisconsin DNR on March 6, 2003.
4. Maps (2) titled "Hydraulic Shadow – Post Lake Dam Failure", profiles (3) titled "Post Lake Dam Failure Analysis", and floodway data tables (2) titled "Wolf River – Dam Failure" for the Upper Post Lake Dam located on the Wolf River, completed by Uriah P. Monday, dated November 23, 2015, prepared by MSA Professional Services, Inc. Approved by Wisconsin DNR on January 6, 2016.
5. Map and data table dated June 6, 2013 and titled "Langlade County Pots Dam Failure Analyses-Dam Failure" and flood profiles dated June 6, 2013 and titled "Langlade County

Pots Dam Failure Analyses" for the Trappe River. The map and associated data are included in a report, dated June 1, 2013 and titled "Dam Safety Program-Dam Failure Analysis Report for Pots Dam", completed by Robert Mach, P.E., of Mach IV Engineering and Surveying and derived from hydraulic modeling approved by Wisconsin DNR on June 27, 2013.

6. Floodplain Study Appendix: All DNR and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional and base flood elevations and other information as an appendix to this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

(c) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

2. The Flood fringe (FF) is that portion of the floodplain between the regional flood limits and the floodway.

3. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(d) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to Section 17.71. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Section 17.69(5) and the criteria in 1. and 2. below.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

2. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

   Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Section 17.71.

(e) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 17.71.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(f) COMPLIANCE

Any development or use within the areas regulated by this section shall be in compliance with the terms of this section, and other applicable local, state, and federal regulations.

(g) MUNICIPALITIES AND STATE AGENCIES REGULATED
Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(h) ABROGATION AND GREATER RESTRICTIONS

(1) This section supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; or s. 87.30, Stats., which relate to floodplains. If another section is more restrictive than this section, that section shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.

(i) WARNING AND DISCLAIMER OF LIABILITY
The flood protection standards in this section are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(j) ANNEXED AREAS FOR CITIES AND VILLAGES
The Langlade County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(k) GENERAL DEVELOPMENT STANDARDS
The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include

regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

(5) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

(a) HYDRAULIC AND HYDROLOGIC ANALYSES

1. Except as allowed in par. 3. below, no floodplain development shall:
   a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
   b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of par. 3. are met.
3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 17.71.

   Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(b) WATERCOURSE ALTERATIONS

No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(c) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Section 17.71.

(d) PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds are prohibited in the floodplain.

(6) FLOODWAY DISTRICT (FW)

(a) APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to (8)(d).

(b) PERMITTED USES

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- They are not prohibited by any other ordinance;
- They meet the standards in par. (6)(c) and (6)(d); and
- All permits or certificates have been issued according to par. (10)(a).

1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

2. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

3. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of par. (6)(c)4.

4. Uses or structures accessory to open space uses, or classified as historic structures that comply with par. (6)(c) and (6)(d);

5. Extraction of sand, gravel or other materials that comply with par. (6)(c)4.

6. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Stats.

7. Public utilities, streets and bridges that comply with par. (6)(c)3.

(c) STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

1. GENERAL

a. Any development in floodway areas shall comply with par. (5) and have a low flood damage potential.

b. Applicants shall provide the following data to determine the effects of the proposal according to par. (5)(a):
   1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
   2. An analysis calculating the effects of this proposal on regional flood height.

c. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. b above.

2. STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

a. The structure is not designed for human habitation and does not have a high flood damage potential.

b. It must be anchored to resist flotation, collapse, and lateral movement;

c. Mechanical and utility equipment must be elevated or flood-proofed to or above the flood protection elevation; and

d. It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

3. PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets, and bridges may be allowed by permit, if:

a. Adequate floodproofing measures are provided to the flood protection elevation; and

b. Construction meets the development standards of par. (5)(a).

4. FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:

a. The requirements of par. (5)(a) are met;

b. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

c. Fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

d. Fill is not classified as a solid or hazardous material.

(d) PROHIBITED USES
All uses not listed as permitted uses in par. (6)(b) are prohibited, including the following uses:
1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;

5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code;

6. Any solid or hazardous waste disposal sites;

7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;

8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(7) FLOODFRINGE DISTRICT (FF)

(a) APPLICABILITY

This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to par. (8)(d).

(b) PERMITTED USES

Any structure, land use, or development is allowed in the flood fringe district if the standards in par. (7)(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in par. (10)(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS

Par. (5)(a) shall apply in addition to the following requirements according to the use requested.

1. RESIDENTIAL USES

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shall meet or exceed the following standards;

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;

1. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

2. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. 4.

3. In developments where existing street or sewer line elevations make compliance with par. 3. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the

structure(s) by wheeled vehicles during a regional flood event; or

b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(d) ACCESSORY STRUCTURES OR USES

1. Except as provided in par. 2., an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

2. An accessory structure which is not connected to the principal structure and which is less than 300 square feet in size may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Section (6)(c) and (7)(g).

(e) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the flood fringe area shall meet the requirements of par. (7)(c)1. Subject to the requirements of par. (7)(g), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(f) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in par. (14). Subject to the requirements of par. (7)(g), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(g) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with par. (14). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(h) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

1. When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with par. (14) to the flood protection elevation;
2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(i) PRIVATE ONSITE WASTE TREATMENT SYSTEMS (POWTS)

All POWTS shall be floodproofed, pursuant to par. (14), to the flood protection elevation and shall meet the provisions of Chapter 15, Langlade County Private Sewage System Ordinance and Chapter 383, Wis. Adm. Code.

(j) WELLS

All wells shall be floodproofed, pursuant to par. (14), to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wis. Adm. Code.

(k) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in flood fringe areas.

(l) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this section.

(m) MANUFACTURED HOMES

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation; and be anchored so they do not float, collapse or move laterally during a flood.

3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in par. (7)(c)1.

(n) RECREATIONAL VEHICLES

All recreational vehicles shall meet the requirements of Section 17.25.

(8) GENERAL FLOODPLAIN DISTRICT (GFP)

(a) APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data is available.

(b) PERMITTED USES

Pursuant to par. (8)(d), it shall be determined whether the proposed use is located within a floodway or flood fringe area.

Those uses permitted in floodway par. (6)(b) and flood fringe areas par. (7)(b) are allowed within the general floodplain district, according to the standards of par. (8)(c), provided that all permits or certificates required under par. (10)(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Par. (6) applies to floodway areas, par. (7) applies to flood fringe areas. The rest of this section applies to either district.

(d) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
    a. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information;

    b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

    c. Profile showing the slope of the bottom of the channel or flow line of the stream;

    d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

3. Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of section 17.67(5) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(9) LEGAL PRE-EXISTING USES/STRUCTURES

(a) GENERAL

1. APPLICABILITY

If these standards conform with s. 59.69(10), Stats., they shall apply to all modifications or additions to any legal pre-existing use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

    a. No modifications or additions to a legal pre-existing use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs in this section are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing

private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

3. If a legal pre-existing use or the use of a legal pre-existing structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

4. The county shall keep a record which lists all legal pre-existing uses and legal pre-existing structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

5. No modification or addition to any legal pre-existing structure or any structure with a legal pre-existing use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with par. (7)(a)1. The costs of elevating a legal pre-existing building or a building with a legal pre-existing use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

6. a. Except as provided in par. b., if any legal pre-existing structure or any structure with a legal pre-existing use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50% of the structure's present equalized assessed value.

   b. For legal pre-existing buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such legal pre-existing building may be permitted in order to restore it after the non-flood disaster, provided that the legal pre-existing building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

7. A legal pre-existing historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure; the alteration will comply with par. (6)(c)1., flood resistant materials are used, and construction practices and floodproofing methods that comply with par. (14) are used.

(b) FLOODWAY AREAS

1. No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use in a floodway area, unless such modification or addition:

a. Has been granted a permit or variance which meets all ordinance requirements;

b. Meets the requirements of par. (9)(a);

c. Will not increase the obstruction to flood flows or regional flood height;

d. Any addition to the existing structure shall be floodproofed, pursuant to par. (14), by means other than the use of fill, to the flood protection elevation;

e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking or limited storage.

2. No new POWTS or addition to an existing POWTS, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of Chapter 15, Langlade County Private Sewage System Ordinance and Chapters 383, Wis. Adm. Code.

3. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code.

(c) FLOODFRINGE AREAS

1. No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use unless such modification or addition has been granted a permit or variance by the county, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in par. (7)(c), except where par. (9)(c)2. is applicable.

2. Where compliance with the provisions of par. 1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in par. (12), may grant a variance from those provisions of par. 1. for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;

c. Public facilities, such as water or sewer, will not be installed;

d. Flood depths will not exceed two feet;

e. Flood velocities will not exceed two feet per second; and

f. The structure will not be used for storage of materials as described in par. (7)(g).

3. If neither of the provisions of par. 1. or 2. above can be met, one addition to an existing room in a legal pre-existing building or a building with a legal pre-existing use may be allowed in the flood fringe, if the addition:
   a. Meets all other regulations and will be granted by permit or variance;

   b. Does not exceed 60 square feet in area; and

   c. In combination with other previous modifications or additions to the building does not exceed 50% of the present equalized assessed value of the building.

4. All new POWTS, or addition to, replacement, repair or maintenance of a POWTS shall meet all the applicable provisions of Chapter 15, Langlade County Private Sewage System Ordinance and Ch. SPS 383, Wis. Adm. Code.

5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.

(10) ADMINISTRATION

Where the zoning administrator, Water & Land Use Planning Committee or Board of Adjustment has already been appointed to administer a zoning ordinance adopted under ss. 59.69, and 59.692, Stats., these officials shall also administer this section.

(a) ZONING ADMINISTRATOR

The zoning administrator is authorized to administer this section as specified in Sections 17.65 through 17.68.

(b) ZONING PERMIT

A zoning permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated according to section 17.67(5).

(c) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

2. Application for such certificate shall be concurrent with the application for a permit;

3. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of par. (14).

(d) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(11) ZONING AGENCY

1. The Water & Land Use Planning Committee of the Langlade County Board of Supervisors shall be the zoning agency for purposes of this section as provided for in section 17.66(2).

(12) BOARD OF ADJUSTMENT

The Board of Adjustment, created under s. 59.694, Stats., is hereby authorized or shall be appointed to act for the purposes of this section.

(13) TO REVIEW APPEALS OF PERMIT DENIALS

1. The Board of Adjustment shall review all data related to the appeal of this section.

2. For appeals of all denied permits the Board shall:
   (a) Follow the procedures of par. (12);

   (b) Consider Water & Land Use Planning Committee's recommendations; and

   (c) Either uphold the denial or grant the appeal.

3. For appeals concerning increases in regional flood elevation the Board shall:
   (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

   (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(14) FLOODPROOFING

1. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

2. Floodproofing measures shall be designed to:
   (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

   (b) Protect structures to the flood protection elevation;

   (c) Anchor structures to foundations to resist flotation and lateral movement; and

   (d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

3. Floodproofing measures could include:
   (a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or

   (b) Adding mass or weight to prevent flotation.

   (c) Placing essential utilities above the flood protection elevation.

   (d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

   (e) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.

   (f) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(15) PUBLIC INFORMATION
All records are public, available, and distributed upon request in accordance with the public records law and Langlade County policy.

17.47 EXCLUSIVE AGRICULTURAL DISTRICT (A-1)

(1) PURPOSE
This district is designed for large scale agricultural uses of land devoted to the growing of crops and the raising of livestock.

(2) PERMITTED USES
   (a) Agricultural production including activities listed under 91.01(2), Wis. Stats.

   (b) Parking of travel trailers for noncommercial purposes only. Unoccupied trailers may be parked indefinitely. Those occupied may only park on a temporary basis, not exceeding 30 days.

   (c) Accessory Uses, as follows:
      1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
      2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

3. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in 1. Or 3., that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
4. Any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an accessory use.

(d) Auctions, temporary, that meet the provisions of section 17.47(2)(c).

(e) Christmas tree sales and roadside stands limited to one stand or sales site per farm use solely for the sale of products on the premises or nearby premises.

(f) Residences; single family, manufactured homes, 2 family and mobile homes, provided that the dwelling unit is occupied by a person who or a family at least one member of which earns a substantial part of his livelihood from farm operations (at least 50% of his/her gross income) on the parcel and/or is a parent, child or spouse of the farm operator and includes migrant labor camps that are certified under s.103.92. Preexisting residences located, prior to January 1, 2014, in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use and exempted from any limitations imposed or authorized under 59.69(10), Wis. Stats., and 17.12 of this chapter.

(g) Maple syrup processing facilities which produce not more than 2,000 gals. per season.

(h) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law the preempts the requirement or a conditional use permit for that use.

(i) Other uses identified by the Wisconsin Department of Agriculture, Trade and Consumer Protection by rule.

(3) CONDITIONAL USES

(a) Institutional Uses subject to standards listed under Sec. 91.46(5) (a-e):

1. Communication Facilities (see Sec. 17.31 & 17.32)

2. Correctional facilities.

3. Fire protection facilities.

4. Hospitals and clinics.

5. Nursing homes and personal care facilities.

6. Schools.

(b) Governmental Uses:

1. Airports.

2. Community buildings, garage and storage facilities.

3. Parks.

(c) Religious uses:

1. Churches.

2. Religious schools.

(d) Agriculturally Related Business and Service Establishments defined as the following:

1. Agricultural services. A facility, whether or not located on a farm, that has a primary purpose of providing services directly to farms including but not limited to farm management, agricultural consultation, crop consulting, inspection, testing, and/or grading.

2. Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area and is consistent with 91.01(3), Wis. Stats. And ATCP 49.01(2).

3. Maple syrup processing facilities which produce in excess of 2,000 gals. per season.

4. Mixing and manufacturing of feeds and feed ingredients.

5. Sales, rental and servicing of farm supplies and equipment.

6. Sawmills, portable and permanent.

(e) Farm Dwellings and Related Structures. Farm dwellings and related farm structures may be separated from the farm plot, provided that the parcel created conforms with all regulations in the Agricultural/Forest/Residential District and less than 10 acres, and meets the requirements of Chapter 18, Land Division. (Rev. Ord. #2-2007). If a separated farm dwelling is not maintained under common ownership, then a rezone is required.

(f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under 91.46(4), Wis. Stats. if the use does not qualify as permitted under section 17.47(2)(h).

(g) Other agricultural-related, religious, utility, institutional or governmental uses similar to those listed in s. 17.47(3) which meet an applicable provision of Ch. 91 Wis. Stats., and which are compatible with the purposes of this district, and which do not conflict with agricultural uses and found necessary in light of alternative locations available for such uses.

(4) STANDARDS

(a) Permitted Uses. A parcel is not contiguous if separated by land owned by other persons, unless the intervening land is a river or stream, a transportation corridor or a utility corridor. Lands in rivers and streams, within utility corridors or rights-of-way are not subtracted from the required acreage of the parcel. Lands within transportation corridors or rights-of-way are not subtracted from the required acreage of the parcel. Lands within transportation corridors or rights-of-way are subtracted from the required acreage only if the fee title to such corridor or right-of-way is vested in a governmental entity and only if the adjoining farmland is not liable for property taxes on such corridor or rights-of-way. Those dwelling units that are permitted uses in the district must have lots of at least two acres and be at least 150' in width except as provided in Section 18.23(2)(c) and except on navigable water bodies, the minimum lot standards of Section 17.36(12) shall apply.

Adding land to a pre-existing parcel when the acreage of the additional land is less than one acre is permitted and does not require a rezoning. (Rev. ORD #2-2007 & #3-2009)

(b) Conditional Uses. Conditional uses may be approved only if the Board of Adjustment finds that the use will not conflict with agricultural uses on surrounding lands and that the location is necessary after consideration of possible alternative locations.

(c) Standards for Rezoning of Lands Out of the A-l District. The County shall by March 1 of each year provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report on the number of acres that it has rezoned out of the A-1 District during the previous year including a map that shows the location of those acres. The County Board may approve petitions for rezoning lands out of the Exclusive Agricultural District only upon a finding of the following factors 10, 11, 12 and 13 after a public hearing and that such a rezoning is in the public interest after consideration of the following factors:

1. Adequate public facilities exist to serve the development or will be provided.

2. Provisions of these facilities and services will not be an unreasonable burden to local governments.

3. Land is suitable for development.

4. The development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

5. Potential conflict with remaining agricultural land and uses in the area.

6. Need for the proposed development in the location specified.

7. Availability of alternative locations.

8. Productivity of the agricultural lands that are involved or affected.

9. Whether the development as proposed is located to minimize the amount of agricultural land converted.

10. The land is better suited for a use not allowed in the Exclusive Agricultural district.

11. The rezoning is consistent with any applicable comprehensive plan.

12. The rezoning is substantially consistent with the county certified farmland preservation plan.

13. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

17.48 GENERAL AGRICULTURAL DISTRICT (A-2) (Adopted 11-17-09 ORD #5-2009)

Subject to s.17.49 Farm Preservation Overlay District Requirements where applicable.

(1) PURPOSE

This district is designed for small scale agricultural uses of land devoted to the growing of crops and the raising of livestock and limited residential use in those rural areas not suited to large scale, exclusive agriculture uses.

(2) PERMITTED USES

(a) Agricultural production crops, livestock, forestry (see SIC manual) and includes activities listed under 91.01(2), Wis. Stats.

(b) Structures for uses associated with an accessory to permitted or approved conditional uses.

(c) Auctions, temporary.

(d) Christmas tree sales and roadside stands limited to one stand or sales site per farm use solely for the sale of products on the premises or nearby premises.

(e) Residences; single family, and manufactured homes on parcels 20 acres or larger. Preexisting residences located in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use and exempted from any limitations imposed or authorized under 59.69(10), Wis. Stats., and 17.12 of this chapter.

(f) Maple syrup processing facilities which produce not more than 2,000 gals. per season.

(g) Utilities.

(h) Existing dwellings and related structures may be separated from the parcel, provided that the parcel created conforms with all regulations set forth in the Agricultural/Forest/Residential District, but not to exceed 5 acres, and meets the requirements of Chapter 18, Land Division.

(i) Structures, animal shelters, barns and sheds. Raising or maintaining livestock will be allowed except on lots less than 5 acres, the total population of such livestock shall not exceed one animal unit equivalent per acre.

(j) Permitted uses as authorized in the A-1 District.

(3) CONDITIONAL USES

(a) Governmental Uses.

1. Fire protection facilities.

2. Community buildings, garage and storage facilities.

3. Parks.

(b) Religious uses.

1. Churches.

2. Religious schools.

(c) Conditional Uses as authorized in the A-1 District.

(4) STANDARDS

(a) Permitted Uses. The minimum parcel size to establish a residence is 20 acres. Lands in rivers and streams, within utility corridors or rights-of-way are not subtracted from the required acreage of the parcel. Lands within transportation corridors or rights-of-way are subtracted from the required acreage only if the fee title to such corridor or right-of-way is vested in a governmental entity and only if the adjoining farmland is not liable for property taxes on such corridor or rights-of-way.

(b) Conditional Uses. Conditional uses may be approved only if the Board of Adjustment finds that the use will not conflict with uses on surrounding lands and that the location is necessary after consideration of possible alternative locations.

(c) Standards for Rezoning of Lands Out of the A-2 District. The County Board may approve petitions for rezoning lands out of the General Agricultural District only upon a finding that such a rezoning is in the public interest after consideration of the following factors:

1. Adequate public facilities exist to serve the development or will be provided.

2. Provisions of these facilities and services will not be an unreasonable burden to local governments.

3. Land is suitable for development.

4. The development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

5. Need for the proposed development in the location specified.

(d) Standards for Residences:

1. New residential parcels and structures shall conform to the dimensional standards for single family residences in the R-1 District.

2. Residences on preexisting parcels shall satisfy the standards of 17.12.

(e) Other Permitted and Conditional Uses. The appropriate provisions of 17.05-17.30 shall apply.

17.49 FARM PRESERVATION OVERLAY DISTRICT

(1) **PURPOSE.** This district provides for the conservation and protection of lands planned for farmland preservation in the Langlade County Farmland Preservation Plan. This district is an overlay district applying the provisions of the A-1 district in addition to the underlying district requirements. This overlay will only be applied within areas planned for farmland preservation in the Langlade County Farmland Preservation Plan and zoned Forestry (F) or General Agriculture (A-2).

(a) This overlay will only be mapped over an underlying base Agricultural (A-2) and Forestry (F) zoning districts.

(b) Note: all properties that receive a rezone will be automatically taken out of the certified Farm Preservation zoning district and will be tracked to provide DATCP an annual audit by March 1 of every year pursuant to Wis. Stats. 91.48(2).

(2) PERMITTED USES.

(a) Any permitted use authorized in the Exclusive Agricultural District (A-1). See 17.47(2).

(3) CONDITIONAL USES.

(a) Any conditional use authorized in the Exclusive Agricultural District (A-1) See 17.47(3).

(4) STANDARDS.

(a) Permitted and Conditional Uses: As authorized and regulated in the Exclusive Agricultural District (A-1). See 17.47(4) (a-b).
(b) Standards for Rezoning Lands out of the Farm Preservation Overlay: As authorized and regulated in the Exclusive Agricultural District (A-1). See 17.47(4)(c)

17.50 AGRICULTURAL/FOREST/RESIDENTIAL DISTRICT (AFR)

(1) PURPOSE

This district provides for a mixture of farming, forestry and non-farm residential uses in those rural areas that are not suited to exclusive agricultural use or large-scale forestry practices.

(2) PERMITTED USES

(a) Agricultural production, crops, livestock and forestry.

(b) Auctions, temporary.

(c) Parking of recreational vehicles for noncommercial purposes only.

(d) Residences, manufactured homes.

(e) Residences, single family.

(f) Structures, animal shelters, barns and sheds. Raising or maintaining animals will be allowed on lots of 1.5 acres or larger. The total population of such animals shall not exceed one animal equivalent unit per acre. These structures shall be located not less than 50' from any lot line.

(g) Structures for uses associated with an accessory to permitted or approved conditional uses.

(h) Utilities.

(3) CONDITIONAL USES

(a) Additions to, expansions of or continued operations of preexisting uses.

(b) Conditional uses in the A-1 District.

(c) Conditional uses in the F District.

(d) Residences, mobile home.

(e) Residences, 2 family.

(4) STANDARDS

(a) Minimum Parcel Size. Minimum parcel size for agricultural production: none, except that no livestock shall be kept on a parcel of less than 1.5 acres.

(b) Standards for Residences.

1. New residential parcels shall conform to the dimensional standards for single family residences in the R-1 District.

2. Residences on preexisting parcels shall satisfy the standards of 17.12.

(c) Other Permitted and Conditional Uses. The appropriate provisions of 17.05-17.30 shall apply.

17.51 RESIDENTIAL SINGLE-FAMILY DISTRICT (R-1)

(1) PURPOSE

This district provides attractive areas for development of single-family residences and protection of such residences from incompatible land uses.

(2) PERMITTED USES

(a) Cemeteries.

(b) Churches.

(c) Community buildings.

(d) Parks.

(e) Manufactured home residences.

(f) Single family residences.

(g) Schools.

(3) CONDITIONAL USES

Home occupation.

(4) STANDARDS

(a) Building heights. see 17.15.

(b) The minimum parcel size and width for preexisting lots to accommodate residences shall meet the minimum width and area standards as specified in SPS 383, Wis. Adm. Code.

(c) The minimum parcel size and width for new lots shall be two acres and 100' in width, except as provided in Section 18.23(2)(c) and except lots abutting navigable water bodies, the minimum lot standards of Section 17.36(5) shall apply. Lots served by public sanitary sewers shall have a minimum area of 20,000 sq. ft. and a minimum average width of 100'. (Rev. ORD #3-2009)

(d) All lots must meet the standards of Ch. 17.12(6) and Ch. 18 of this Code of Ordinances, unless otherwise stated.

(e) Setback requirements:

1. Required front (road) setback shall be as specified in 17.18 of this chapter.

2. Required side yard setback area for principle structures. 10' one side/30' total side or as provided in Sec. 17.36(5) 17.30(12) or 17.18(5) or 17.12(6)(a)4. (Rev. Ord. #2-2007).

3. Required rear yard setback area. 15' or as provided in 17.36(5). (Rev. ORD #2-2007).

(f) Minimum Lot Area.

1. Lots will meet the requirements as defined in SPS 385, Wis. Adm. Code.

2. Lots shall meet the standards and other requirements of Ch. 18 of this Code of Ordinances.

17.52 RESIDENTIAL, MULTIPLE FAMILY AND CONDOMINIUM DISTRICT (R-2)

(1) PURPOSE

The purpose of this district is to accommodate residential development at higher densities than single family densities and to provide necessary supporting services and facilities. This district should be mapped as demand warrants at locations that have the size and physical capacity to handle multiple story or multiple unit buildings, greater area of paving and parking and higher intensity activity. The sites should be attractive for human occupancy and should be buffered from high intensity commercial, industrial or transportation activity. Buffer areas or open space should be provided between this district and other residential districts, agriculture and forest areas.

(2) PERMITTED USES

(a) Community buildings.

(b) Churches.

(c) Golf courses.

(d) Parks.

(e) Manufactured home residences.

(f) Single family residences.

(g) Residence/condominium, up to 4 family units.

(h) Schools.

(3) CONDITIONAL USES

(a) Clinics.

(b) Hospitals.

(c) Nursing homes.

(d) Residence/condominium, over 4 family units.

(4) STANDARDS

(a) The standards of 17.51(4) apply to permitted uses in this district.

(b) The standards for conditional uses:

1. Site Characteristics and Design, General. The Board of Adjustment shall carefully study the site and its environs in relation to the proposed development. In order to grant approval, the Board must conclude that the site and site design satisfies the purpose of this district and is capable of affording reasonable comfort and amenity to the proposed residents and that the development will fit compatibly within the neighborhood.

2. Lot Area and Dimensions. a. Sewered lots. Sewered lots shall have a minimum street frontage of 150'. Lot size shall be capable of accommodating the principal and accessory structures; the required parking and associated walkways; the front, side and waterfront setback areas; the rear yard area; necessary utility easements; and shall provide at least 500 sq. ft. of usable open space per dwelling unit, not including areas occupied by structures, parking or circulation. Additionally, lot size and dimension shall generally conform to lot sizes within the community.

3. Unsewered lots. Unsewered lots shall satisfy the standards of 17.51(4) and shall, additionally, provide adequate primary and replacement private sewage system areas, no more than 50% of which area shall be counted toward the required usable open space area.

17.53 MOBILE HOME PARK DISTRICT (R-3)

(1) PURPOSE

This district is intended to regulate the design and arrangement of mobile home parks and the residential use of mobile homes therein.

(2) PERMITTED USES

(a) Churches.

(b) Community buildings.

(c) Golf courses.

(d) Parks.

(e) Residence, mobile home or manufactured home, located within the mobile home park.

(f) Single family residence for the owner or operator.

(3) CONDITIONAL USES

(a) Mobile home sales involving storage and display of units for sale on a sales lot separate for the portion of property devoted to the mobile home park use.

(b) Home occupation.

(4) STANDARDS

(a) For individual mobile homes located within the mobile home park, the dimensional standards shall be as contained in the County approved plot plan for the park. In addition, these standards shall apply:

1. All mobile homes and manufactured homes must have permanent foundations which meet the requirements in SPS 321, Wis. Adm. Code.

2. Each mobile home shall be equipped with skirting that conceals from view the frame, support columns or piers, crawl space storage area and utility connections of the mobile home. Skirting shall be of durable all-weather construction manufactured for the purpose of covering the undercarriage area. Skirting shall be fashioned in accordance with manufacturer's instructions and provided with adequate ventilation.

(b) For mobile home parks:

1. Minimum parcel size for the park shall be 6 acres.

2. Maximum number of mobile home stands, 3 per gross acre.

3. The distance from any mobile home stand to the boundary line of the mobile home park shall be not less than 40' and this buffer area shall contain earth mounds, walls, solid or louvered fencing, open fencing with appropriate planting, or a 70% visually solid year-round buffer 6' in height.

4. The distance from any mobile home stand to any internal street right-of-way, walkway, common parking area or other common area shall be 10' minimum.

5. All drives, parking areas and walkways shall be hard surfaced.

6. The distance between mobile home stands shall be not less than 20'.

7. One acre of the gross mobile home park site shall be devoted to recreational facilities.

8. Each individual mobile home shall be located only on an individual permanent foundation, which meets the requirements SPS 321, Wis. Adm. Code. A mobile home permanent foundation coverage shall be defined as the outline of the actual mobile home and the associated indoor living and service area. The permanent foundation shall provide for practical placement on and removal from the lot of mobile homes and retention of the home in a stable condition and in satisfactory relationship to its surroundings. Each permanent foundation shall be constructed of appropriate materials, graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons. Mobile home permanent foundations shall include provisions for supports and anchors.

9. The minimum width of each mobile home stand lot area shall be 40'. The minimum depth shall be 100'. The minimum area of the outdoor living area shall not be less than 400 sq. ft. with a least dimension of 20'.

10. Automobile parking spaces shall be provided within the mobile home park in sufficient numbers to provide 2 spaces for each mobile home stand plus an additional car space for 4 stands to provide for guests, parking and delivery and service vehicles. At least one car space shall be located on each lot.

11. Accessory structures owned by and servicing the uses of a mobile home stand shall comply with the standards on maximum lot coverage. Such structures shall not be used as independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be designed and maintained in a manner that will enhance the appearance of the mobile home development.

12. Mobile home stands shall not occupy an area in excess of 1/3 of their respective lot area. The sum of the stand area and the area occupied by on-lot parking and accessory structures shall not exceed 1/2 of the lot area.

(c) For permitted uses other than mobile homes, the provisions of 17.28 apply.

(d) For mobile home sales, the provisions of 17.56(4) apply.

17.54 MOBILE HOME SUBDIVISION DISTRICT (R-4)

(1) PURPOSE

This district is intended to regulate the design and arrangement of individual mobile homes on large lot subdivisions designed for that purpose.

(2) PERMITTED USES

(a) Park, playfield or playground.

(b) Residence, manufactured home, one per lot.

(c) Residence, mobile home, one per lot.

(d) Residence, mobile home addition, one per lot.

(e) Residence, single family, one per lot.

(f) Structures, accessory.

(g) Structures, animal shelters, barns and sheds. Raising or maintaining animals will be allowed on lots of 1.5 acres or larger. The total population of such animals shall not exceed one animal equivalent unit per acre. These structures shall be located not less than 50' from any lot line.

(3) CONDITIONAL USES

(a) Club or lodge.

(b) Community buildings.

(c) Home occupation.

(4) STANDARDS

(a) Maximum height, 25'.

(b) Lot size shall be 1 1/2 acres or greater.

(c) One mobile home per lot.

(d) Each mobile home shall be connected to a public or private water supply before occupancy.

(e) Each mobile home shall be connected to a public sewage disposal system or approved on-site sewage disposal system before occupancy.

(f) Each mobile home shall be placed on a permanent foundation meeting the requirements of SPS 321, Wis. Adm. Code.

(g) Each mobile home shall be provided with tie-downs and skirting installed in compliance with 17.46(4).

17.55 RESIDENTIAL, LARGE LOT (R-5)

(1) PURPOSE

This district provides areas for the development of single-family residences on large tracts of land, five acres or more in size.

(2) PERMITTED USES

(a) Permitted uses in the AFR, Agriculture/Forestry/Residential District.

(3) CONDITIONAL USES

(a) Conditional uses in the AFR District.

(4) STANDARDS

(a) Minimum Parcel Size. The minimum parcel size for new lots shall be 5 acres.

(b) All other standards in the AFR District.

17.56 GENERAL COMMERCIAL DISTRICT (C)

(1) PURPOSE

This district provides locations for primarily retail and wholesale trade establishments engaged in sales of merchandise or service or both. The intent is to allow firms and operations whose primary function is selling to retail customers or clients. Processing of materials may be conducted as subordinate to retail or wholesale sales. It is the policy of the County to promote economic development and a strong local economy. It is recognized, however, that most commercial uses should be located in urban communities where the full range of needed services can be afforded to such uses. Since this chapter applies solely to unincorporated lands, the bulk of which are rural in character, the General Commercial District provides for only a small number of commercial uses to be permitted. Other commercial uses are conditional uses.

(2) PERMITTED USES

Retail or wholesale businesses engaged in the sale of the following goods or services:

(a) Auto service stations.

(b) Banks and similar services.

(c) Business and professional offices and studios.

(d) Community buildings, such as town halls, fire stations, police stations, etc.

(e) Dental and medical clinics.

(f) Hotels/motels.

(g) Laundromats/cleaners.

(h) Restaurants/taverns.

(i) Retail/wholesale stores and shops offering convenience goods and services.

(3) CONDITIONAL USES

The difference between permitted uses and conditional uses within this district is made on the following:

(a) The showing of a need for a rural location for the proposed use.

(b) Those operations of large size or high traffic generation.

(c) Those operations where the display of goods or sales are conducted primarily in an open yard and not primarily within a building or structure.

(d) Uses:

1. Retail or wholesale business involving sales of goods and/or services.

2. Drive-in restaurants and theaters.

3. Institutional (penal, correctional, religious, mental, orphanage, or of a similar nature).

4. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.).

5. Dwelling, multiple family.

6. Arcades.

7. Residence, single-family, or manufactured home, but only as an accessory to a principle use.

(4) STANDARDS FOR PERMITTED USES

(a) Minimum Parcel Size. Applicants shall submit a plot plan showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking and plans for the management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

(b) PARKING. Off-site parking and loading. See Section 17.29.

(c) FRONT YARD (ROAD) SETBACK. See Section 17.18.

(d) SIDE YARD SETBACK. None, except 15' where the parcel abuts land zoned agricultural, residential or conservancy.

(e) REAR YARD SETBACK. No structure and no object other than fencing shall be located closer than 5' to a rear lot line.

(f) STATE PLAN APPROVAL. All state plan approvals are obtained for public buildings and made part of the zoning permit.

(5) STANDARDS FOR CONDITIONAL USES

(a) Subsection (4) shall be applied by the Board of Adjustment.

(b) In addition, careful examination shall be made of potential problems of:

1. Attractiveness or physical appearance.

2. Egress.

3. Ingress

4. Maintenance.

5. Safety on nearby roads.

6. Traffic.

7. Waste management.

(c) The Board of Adjustment shall attach conditions as necessary to assure safety, compatibility and attractiveness.

(6) STANDARDS FOR REZONING OF LANDS INTO THE COMMERCIAL DISTRICT

(a) The showing of a need for a rural location for the proposed use.

(b) The relationship of the proposed use to other adjacent commercial uses.

(c) The suitability of the land for the installation of a sanitary system to serve the proposed use.

(d) Adequate public facilities, including roads, exist to serve the proposed development.

(e) Conflicts will not be created with adjacent land uses.

(f) Availability of alternative locations already zoned commercial which are more closely related to other commercial uses.

(g) Proposed site has sufficient space for structures, parking, vehicular and pedestrian circulation, storage areas, landscaping, signing, etc.

17.57 INDUSTRIAL DISTRICT (I)

(1) PURPOSE

The Industrial District is established to accommodate manufacturing and related processing activities.

(2) PERMITTED USES

(a) Electrical and electronic machinery, equipment and supplies.

(b) Fabricated metal products.

(c) Food and kindred products, not including meat products.

(d) Furniture and fixtures.

(e) General manufacturing.

(f) Instrument manufacturing.

(g) Leather and related products.

(h) Lumber and wood products.

(i) Machinery.

(j) Printing, publishing and allied industries.

(k) Rubber and plastic products.

(l) Textile products, apparel.

(m) Stone, clay and glass products.

(n) Transportation equipment.

(o) Transportation services.

(3) CONDITIONAL USES

(a) Chemicals and allied products.

(b) Concrete products.

(c) Landfills.

(d) Generation of electrical power.

(e) Manufacturing and distribution of gas.

(f) Meat products.

(g) Ordnance and accessories.

(h) Paper mills.

(i) Petroleum refinery and related industries.

(j) Primary metal industries.

(k) Storage or processing of industrial wastes.

(l) Recycling centers.

(m) Solid waste transfer stations.

(4) STANDARDS

(a) Minimum Parcel Size. Applicants shall submit plot plans showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site

and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.

(b) Parking. Off-site parking and loading. See Section 17.29.

(c) Front Yard (road) Setback. See Section 17.18.

(d) Side Yard Setback. 10' where abutting property that is also zoned Industrial, 50' where abutting property is in any other zone or district provided by this ordinance.

(e) Rear Yard Setback. 15' where abutting property that is also zoned Industrial, 50' where abutting property in any other zone or district provided by this chapter.

(f) State Plan Approval. All State plan approvals are obtained for industrial buildings and facilities and made a part of the zoning permit.

(g) Operational Standards.

1. Air pollution. All activities that emit any fly ash, dust, fumes, vapors, mists, gases, liquids or solid particles shall meet all State and federal EPA standards and requirements.

2. Fire and Explosive Hazards. All activities involving the manufacturing, utilization, process or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have noncombustible exterior walls and automatic fire extinguishing systems.

3. Glare and Heat. All operations producing intense glare and heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

4. Odors. No activity with the exception of agricultural activity shall emit any odorous matter of such nature of quantity as to be unhealthful outside its premises.

5. Radioactivity and Electrical Disturbances. No activity shall emit or release radioactivity or electrical disturbances outside its premises that are dangerous or would adversely affect the use of neighboring premises.

6. Vibration. No activity shall emit vibrations that are discernible without instruments outside its premises.

7. Water Quality Protection. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials that may be harmful to human, animal, plant or aquatic life. All discharges from any activity shall meet all State and federal EPA standards and requirements.

8. Noise. All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

17.58 QUARRYING OVERLAY DISTRICT (Q) (Rev. ORD #2-2007). (Rev. ORD #3-2008)

(1) PURPOSE

The Quarrying District provides for the conduct of extraction of sand, gravel, rock, marl, clay and similar materials. This district shall be employed as an overlay district to describe an area where quarrying may occur for a specified period of time. The overlay district shall be removed after reclamation has been completed and/or one year from the expiration date of the last permit granted by the Board of Adjustment.

(2) PERMITTED USES

Any uses permitted in the underlying district during any time which quarrying has been approved as a conditional use.

(3) CONDITIONAL USES

(a) Quarrying.

(b) Building, temporary.

(c) Material processing equipment.

(4) APPLICATION REQUIREMENTS

(a) WRITTEN DESCRIPTION. An application for conditional use shall contain the following:

1. A description of the scope of the proposed operation including but not limited to:
    a. Type of materials to be extracted.
    b. Total estimated volume of materials to be extracted.
    c. Total acreage to be disturbed by excavation and other activities (stockpiles, roads, staging/processing areas)
    d. Duration of the operation.
    e. Daily hours of operation.
2. A description of all significant physical and biological features of the proposed site and the potential impacts to those features. Physical features would include types of soil and underlying material, minimum depth to groundwater, location and distance to surface waters, wetlands, drainageways, and agricultural ditches within 300’ of the perimeter of the proposed excavated area. Biological features would include the types of vegetation and the approximate acreage of each.
3. A description of all possible health, safety, and nuisance impacts to the surrounding area.
4. A written description of operations, including:
    a. Timetable and estimated annual extraction volumes.
    b. Equipment and methods to be used for excavating, processing and transporting.
    c. Use and handling of any chemicals.
    d. Measures to be taken to protect groundwater and surface water.

e. Methods to be used for temporary stabilization of slopes or stockpiles.

f. Description of proposed final land use.

g. Any other information required to explain features of the operations diagram.

(b) OPERATIONS DIAGRAM. The operator shall also submit a plan view diagram which includes:

1. An illustration of the sequential stages of the operation.

2. Horizontal and vertical measurements of the site, including location and elevation of a benchmark.

3. Locations of:
   a. Equipment.

   b. Fuel or chemical storage.

   c. Stockpiling or other material storage areas.

   d. Ingress and egress.

   e. Scales.

   f. Surface water, wetlands, drainageways on the site or within 300' of the perimeter of the site.

   g. Erosion control measures.

   h. Landscaping or revegetation area.

   i. Screening from adjacent properties and roads.

4. Setbacks from property lines and road rights-of-way.

5. Any other information from the written description that is appropriate for the diagram, including location and distances to residences, wells, etc.

(c) Other information required:

1. Proof of ownership.

2. A copy of the United States Geological Survey topographical map of the site and the area extending beyond the site for a minimum distance of 300' in all directions.

(5) STANDARDS

The Board of Adjustment shall consider the following standards, but are not limited to these standards in determining conditions for approval:

(a) SETBACK AND OTHER DIMENSIONAL REQUIREMENTS. The Board of Adjustment may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on the surrounding properties.

(b) HOURS OF OPERATION: The Board of Adjustment may set forth conditions regarding hours of operation in order to avoid possible noise disturbances with surrounding properties.

(c) MANAGEMENT OF SURFACE WATERS AND GROUNDWATER. The Board of Adjustment may set forth conditions to address the proper management of surface water runoff and groundwater in order to prevent erosion and contamination from occurring on the site and adjacent properties.

(d) PROTECTION OF UNIQUE NATURAL FEATURES. The Board of Adjustment may consider impacts on natural features and may set forth conditions to protect such features.

(e) LENGTH OF OPERATION. The Board of Adjustment may establish an expiration date for the operation of a quarry in those instances when the quarry is proposed for a specific project duration (i.e., highway reconstruction). In those instances when no expiration date is established, the quarry can be operated indefinitely provided that the quarry is operated in compliance with the operation plan and all conditions established by the Board. If the quarry is not operated in compliance with the plan and conditions, the Board may consider revoking the permit as provided for in Section 17.70(5).

(6) RECLAMATION
A quarry shall meet the requirements as set forth in Chapter 20 of this Code of Ordinances.

(7) QUARRY EXEMPTIONS FROM CHAPTER 20
Any quarry operation which would have been required prior to June 1, 2001 to submit a reclamation plan as a part of the conditional use permit application, but is listed as exempt from reclamation plan submittal by Chapter 20 (i.e., pits less than 1 acres in size or exempt due to local transportation project), shall still be required to submit a reclamation plan that meets the requirements in Chapter 20.

(8) EXEMPTIONS FROM REZONING TO QUARRYING DISTRICT
One-time quarry operations, adjacent to or in close proximity to a local transportation project, greater than one acre in size, with less than a six-month duration, which are funded through CHIP or STP Rural or similar programs are exempt from the rezoning process. A conditional use permit would still be required. A condition of approval for these short term, single purpose quarries shall be that the quarry is for the specified project and for the specified duration of the contract. One-time quarry operations less than one acre in size with less than six-month duration would also be exempt from rezoning and a fill and grade permit would be required.

17.59 METALLIC MINING EXPLORATION OVERLAY DISTRICT (MME)

(1) PURPOSE
The purpose of this district is to provide for the conduct of exploration for metallic materials. This district shall be employed as an overlay district to describe an area where exploration may occur for a specified period of time. When the exploration is finished, the overlay district shall be removed and the uses permitted by the underlying district allowed to continue. In the event metallic minerals are found, a petition for zoning amendment to a mining district shall be required for the specified site on which the mining is to take place.

(2) PROHIBITED AREAS

Metallic mineral exploration activities are prohibited within any of the following described areas. The areas include both the aboveground portion and the underground portion extending vertically from the site boundaries within the specified setback areas:

(a) Within 1,000' of any residence, seasonal or year-round.

(b) Within 1,000' of any navigable lake, pond, or flowage,

(c) Within 300' of any navigable river or stream or to the landward side of the floodplain, whichever distance is greater.

(d) In any area that would not be suitable for a mining district zone as specified in 17.60(2) with the exception of the areas size.

(e) Within 5,000 feet of any Outstanding Resource Water (ORW) in the County.

(f) Within 2,000 feet of any Exceptional Resource Water (ERW) in the County.

(g) Within 2,500 feet of all state natural areas and the endangered resource areas identified in the County Forest Plan and the following formal county recreation areas:

1. Veteran's Memorial Park
2. Summit Lake Park
3. Moose Lake Park
4. Bow and Gun Range
5. Camp Susan 4-H
6. Kettlebowl Ski Hill
7. Gartzke Flowage
8. Post Lake Dam Park
9. Charles De Langlade Memorial Park

(3) PERMITTED USES

(a) Any uses permitted in the underlying district during any time in which the exploration is being conducted.

(b) Exploration.

(4) STANDARDS FOR PERMITTED USES

(a) The minimum area needed to establish an exploration district shall be 160 acres and there shall be a 750' buffer between exploration activities and the exploration district boundary. The buffer is an area left in its natural state and will remain undisturbed.

(b) Standards as outlined for permitted uses in the underlying district.

(c) The applicant shall obtain a zoning permit and provide a plan which describes and illustrates the following:
    1. Type of exploration.
    2. Use of equipment or machinery.
    3. Ingress and egress.
    4. Location of drilling in relation to property lines.
    5. Location of drilling in relation to lakes, streams, floodplains, and wetlands.
    6. Ownership of mineral rights.
    7. Method and timeframe for drill hole abandonment and reclamation plan.
    8. Timeline for exploration.

(d) As part of the zoning permit application, the applicant shall submit an approved exploration license from the DNR.

(5) CONDITIONAL USES
(a) Prospecting.

(6) STANDARDS FOR CONDITIONAL USES
(a) An application for conditional use shall contain a description for all significant aspects of the prospecting, a description of all significant conditions within the prospecting area and an analysis of all significant impacts on the surrounding areas. The application shall contain:
    1. Easements to surface rights or use of the lands.
    2. A legal description of the lands and minerals being searched for.
    3. A topographic map, outlining the lands to be explored. Contour interval is to be specified by the County.
    4. A prospecting permit, issued by the DNR under CH. NR 131.06, Wis. Adm. Code.

(b) The applicant shall provide a prospecting plan, which shall describe the phases of the prospecting as follows:
    1. Use of equipment.
    2. Storage and/or stockpiling of materials.
    3. Ingress and egress (road, temporary).
    4. Protection of water, surface and subsurface.
    5. Construction and use of temporary buildings.
    6. Cutting of trees and/or removal of other vegetation.

(c) The applicant shall provide a reclamation plan which shall describe as a minimum:

1. Reclamation plan under the Wisconsin Administrative Code.

2. Uses of land after full reclamation.

(d) The applicant shall provide financial guarantee by bonding, conditioned upon faithful performance of the requirements of the conditional use permit, Wisconsin Administrative Code and the Wisconsin Statutes. The Board of Adjustment shall set the amount of the bonding, sufficiently to insure full reclamation from the prospecting activities.

(e) The initial grant to carry on exploration activities shall not be effective for more than 5 years. The Board of Adjustment may extend a conditional use permit for 3 additional years at one time, provided all conditions have been met. Conditions may be modified as part of an extension application. Fees for an extension shall be the same as for the initial application. If an applicant desires to transfer the permit to another party, the Board of Adjustment shall review and approve the transfer as it relates to compliance with the code standards and permit conditions.

(7) An application for a zoning permit or a conditional use permit under this section shall be denied if the Zoning Administrator or Board determines the application does not satisfy Section 17.02 and the following standards:

(a) Provide protection of adjacent properties from noise, dust, fumes, and other nuisances in the interest of the public's health, safety, comfort, and general welfare.

(b) Provide for the protection of the County's natural resources including surface water and groundwater, wetlands, and air, and valued natural areas.

17.60 MINING DISTRICT (M)

(1) PURPOSE

The purpose of this district is to provide for the conduct of mining for metallic minerals. This district as it applies to actual mining and processing is intended to be a basic use district and should include enough land area to accommodate the principal (mining) use and to afford adequate buffering and land for accessory use.

(2) PROHIBITED AREAS

Metallic mining shall not be conducted within any of the following areas:

(a) Within areas specified in Section 17.59(2).

(b) No sulfide mining and related activities (e.g., tailing management, beneficiation) within the Wolf River watershed.

(c) Within the County, there shall be no disposal of mining wastes from a mine outside of Langlade County.

(3) PERMITTED USES

Any uses permitted in the districts petitioned from during the time in which the uses are being converted to mining. Agriculture and forestry uses are encouraged to continue during the mining phase.

(4) STANDARDS FOR PERMITTED USES

(a) Standards as outlined for permitted uses in the underlying district.

(5) CONDITIONAL USES

(a) Manufacturing or processing operations.

(b) Mining of metallic minerals.

(c) Shipping operations.

(6) STANDARDS FOR CONDITIONAL USES

(a) The minimum area needed to establish a mining district shall be 320 acres and there shall be a 1,000' buffer between mining activities and the mining district boundary. The buffer is an area left in its natural state and will remain undisturbed except for roads.

(b) An application for a conditional use shall contain a description for all significant aspects of the mining, a description of all significant conditions within the mining area and an analysis of all significant impacts on the surrounding area, and:

1. Proof of ownership and mineral rights.

2. A legal description of the lands.

3. A topographic map, outlining the lands to be used for the mining activities Contour interval to be specified by the County.

4. The Final Environmental Impact Statement as required by NR 150, NR131, and NR132.

(c) The applicant shall provide a mining plan, which shall describe the phases of mining, which shall include:

1. A mining plan, submitted in accordance with SNR 132.07, Wis. Adm. Code.

2. Construction and uses of buildings.

3. Construction and uses of shipping facilities.

4. A list of chemicals and reagents to be used, how shipped and stored.

(d) The applicant shall provide a reclamation plan which shall describe as a minimum:

1. Requirements of NR 132.08, Wis. Adm. Code.

2. Uses of land after full reclamation.

(e) Wetlands affected by mining or reclamation activities shall be replaced or mitigated. At a minimum, the wetlands shall be mitigated at a one lost one added ratio with the Board of Adjustment determining if additional wetlands shall be created and their location. Any mitigation shall be within the borders of the County.

(f) An application for a conditional use permit under this section shall be denied if the Board of Adjustment determines the application does not satisfy Section 17.02 and 17.59(7) and the following standards:

1. The mining activity (including and not limited to operations, waste management, and reclamation) shall not be allowed to degrade the quality and quantity of groundwater in the County.

2. The mining activity (including and not limited to operations, waste management and reclamation) shall not be allowed to impact any lake or stream's size, water quality or level.

(g) FINANCIAL ASSURANCE.

1. **General.** The applicant shall provide financial assurance by bonding, conditioned upon faithful performance of the requirements of the conditional use permit, Wisconsin Administrative Code and the Wisconsin Statutes. After consulting with the applicant and considering all relevant information including, but not limited to, information gathered at public hearings and provided by the town board, the County Board may require the applicant to post a bond in an amount the County Board shall determine, the amount of which shall be sufficient to cover all reasonably foreseeable damages and negative impacts stemming from mining operations, including but not limited to, reclamation costs, potential groundwater contamination costs, long term care costs which are not already adequately bonded for under other local, State and federal requirements. The County Board may accept the bond required by the DNR under NR 132.09, Wis. Adm. Code, provided the County is assured that the amount of the bonding is sufficient to insure the full reclamation from the mining activities. If assurances are not made, the County Board shall set the amount of the bonding.
2. **General Liability Insurance.** Applicants for a mining permit shall be accompanied by a copy of a certificate of insurance, as required by the DNR, certifying that the applicant has in force general liability insurance policy issued by an insurance company authorized to do business in Wisconsin or evidence that the operator has satisfied state or federal self-insurance requirements. Insurance shall cover all mining activities of the applicant and afford personal injury and property damage protection.
3. **Groundwater Trust Fund.**
    a. The applicant shall deposit into an interest-bearing trust account $25,000.00 for each well potentially impacted, as identified by the hydrologic study. The original deposit, any additional deposits and other accumulated interest shall remain in the trust account for a period of 40 years after certificate of completion, issued by the WI DNR. If no outstanding claims are pending at the end of the 40-year period, any remaining balance shall be returned to the operator. The applicant agrees to establish the trust account at a bank or financial organization identified by Langlade County.
    b. The applicant shall pay the cost for the County to monitor all potentially impacted private or public wells as identified by the hydrologic study. The applicant shall also pay the cost of any licensed professional hired by the county to collect and interpret the results.
    c. The groundwater trust fund shall be used to pay for replacing any contaminated, damaged or depleted wells and/or for providing potable water to any well owner/claimant whose well has been contaminated, damaged or depleted. The mine operator may object to payment of these claims only if it can establish that the contamination, damage or depletion is not due in whole or in any part to the mining operation.
    d. Any person whose well is contaminated, damaged or depleted beyond the identified hydrologic study area may apply for funds for replacement well or alternate water supply if that person can demonstrate, by the preponderance

of the evidence, that the contamination, damage or depletion was due in whole or in any part to the mining operation.

e. The Langlade County Zoning Administrator or their designee is designated to supervise and administer the groundwater trust fund. It shall approve of the distribution of monies from said fund to claimants under the subsection. The County Zoning Administrator, shall be empowered to hold meetings and hire licensed professionals to assist him or her in the proceeds of ascertaining the entitlement of the claimant to compensation, to ascertain the amount of such damages and to authorize disbursements to the claimants or to purchase and provide water to the claimant. The groundwater trust fund shall also be monitored to determine if there are adequate funds to cover actual and/or pending claims. The County Zoning Administrator shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.

4. **Property Value Compensation Fund.**

   a. The applicant may enter a property value compensation agreement with any political subdivision where property values are, or are likely to be, impacted by the mining operation.

   b. Langlade County, at the cost of the applicant, will hire a licensed independent agent to create a distribution plan for a compensation fund which identifies property whose values have been determined to be impacted by the mine. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent. Prior to the commencement of any mining, the operator shall compensate those property owners identified in the distribution plan.

5. **Road Damage Compensation Trust Fund.**

   a. The applicant may enter into a roadway maintenance agreement with any political subdivision whose roads are, or are likely to be, affected by the mining operation.

   b. The applicant shall fund an irrevocable road damage compensation trust. The applicant shall initially deposit funds in an amount determined by the BOA to be the reasonably anticipated cost to construct, maintain, repair and reconstruct all affected public roadways to meet the traffic demands to be caused by the mining operation. The cost projection shall be based on a roadway improvement and maintenance engineering study required by the BOA, at the applicant's expense.

   c. The Langlade County Zoning Administrator or their designee shall supervise and administer the fund. The County Zoning Administrator shall approve the distribution of monies from said fund to claimants under this subsection. The County Administrator shall be empowered to hold meetings and hire licensed professionals to assist him or her in the process of ascertaining the entitlement of the claimant to compensation, the amount of damages, and authorized disbursements to the claimant. The County Zoning Administrator may seek the cooperation and assistance of the County Highway Committee and County Highway Commissioner, if any, in planning and undertaking all road studies, planning, construction, maintenance and repair pursuant to the road damage compensation trust. The trust fund shall also be monitored to determine if there are adequate funds to cover actual and/or pending claims.

The County Zoning Administrator shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.

6. **Local Impact Agreements.**
   a. The applicant may enter into a local impact agreement with any political subdivision which is, or is likely to be, impacted by the mining operation.
   b. Langlade County, at the cost of the applicant, may hire a licensed independent agent to create a distribution plan for compensation to political subdivisions impacted by the mine. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent. Prior to the commencement of any mining, the operator shall compensate those political subdivisions identified in the distribution plan.

(h) MONITORING AND INSPECTIONS. The initial grant to carry on mining activities shall be for a specified period as determined by the Board of Adjustment. The Zoning Administrator shall review the annual reports of review made by the DNR. If the reports indicate compliance to the provisions of the conditional use permit, the uses shall continue. If the DNR require modification of the applicant's metallic mining permit which in turn requires modification of the terms of the conditional use permit, the Board of Adjustment shall review the permit. The Zoning Administrator, in conjunction with the DNR under NR 132.13, Wis. Adm. Code, may enter and make the necessary inspections to insure compliance with the provisions of the conditional use permit. The Board of Adjustment may extend a conditional use permit for additional specified periods of time. Fees for an extension shall be the same as for the initial application. If an applicant desires to transfer the permit to another party, the Board of Adjustment shall review and approve the transfer as it relates to compliance with the code standards and permit conditions.

(i) Approval of a conditional use permit under this section is subject to and contingent on satisfaction of all other requirements of the DNR for a metallic mining permit.

(j) If a Committee is appointed to negotiate a local agreement with a mining company, the membership of that committee shall include members of the Water and Land Use Planning Committee. A local agreement shall not be approved until the Final Environmental Impact Statement is completed by the DNR.

17.61 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH)

This district is intended to regulate the height shown on the map dated 4/15/94 entitled "Height Limitation Zoning Map, Langlade County Airport, Antigo, Wisconsin". This district shall be regulated under Ch. 21 of this Code of Ordinances. This district shall be employed as an overlay district to describe the area in which heights are limited.

SUBCHAPTER VII: ADMINISTRATION AND ENFORCEMENT

17.65 PURPOSE

This subchapter contains provisions on the administration and enforcement of the requirements of this chapter. The provisions of this subchapter apply, as indicated, to all parts of this chapter.

17.66 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES

(1) COUNTY BOARD

The County Board is responsible for the enactment, amendment and repeal of this chapter. The County Board appropriates funds in support of the office of the Zoning Administrator, the Water and Land Use Planning Committee and the Board of Adjustment.

(2) THE WATER AND LAND USE PLANNING COMMITTEE
The Water and Land Use Planning Committee is a committee of the County Board, created pursuant to Sec. 59.69, Wis. Stats., and serves as the County planning agency pursuant to Sec**.** 236.02, Wis. Stats. This Committee is responsible for overseeing the office of the Zoning Administrator and for other functions assigned to it by this chapter or by State Statutes.

(3) THE COUNTY BOARD OF ADJUSTMENT
The Board of Adjustment is a board created by action of the County Board pursuant to Sec. 59.69, Wis. Stats. The Board of Adjustment is responsible for hearing and deciding administrative appeals, variance application and applications for conditional uses as provided in this chapter.

(4) OFFICE OF THE COUNTY ZONING ADMINISTRATOR
The office of the Zoning Administrator is an administrative department of the County government created by the County Board. The office is headed by a Zoning Administrator appointed by the County Board on the recommendation of the Water and Land Use Planning Committee. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this chapter, the Administrator shall be responsible for directing the work of the office, making periodic reports as required on the activities of the office and for training and educational activities to assure that persons connected with ordinance administration are able to keep abreast of developments in the field of County land use ordinances.

17.67 DUTIES OF THE ZONING ADMINISTRATOR; RECORDS; INSPECTIONS; DETERMINATIONS; PERMITS; FEES

(1) ADVISING APPLICANTS
The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this chapter and shall assist them in preparing activities, assure that the regional flood elevation for the proposed development is shown on all permit applications, and issue certificates of compliance where appropriate.

(2) KEEPING RECORDS
The Zoning Administrator shall keep records of applications received; committee, board or office actions on such applications; permits issued; inspections made; enforcement actions undertaken; and other similar activities. The Administrator shall also keep official records of all water surface profiles, floodplain zoning maps, nonconforming structures in the floodplain zoning and changes thereto and a list of all documentations of certified elevations, documentation of certified lowest floor and regional flood elevations for floodplain development, and all substantial damage assessment reports for floodplain structures.

(3) MAKING INSPECTIONS
The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities within the terms of this chapter, inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and/or occupant of the premises and with consent, unless it is made pursuant to Wisconsin Statutes. By applying for a permit or approval, an applicant consents to allow the Zoning Administrator to enter upon and inspect the property as needed.

(4) MAKING DETERMINATIONS

The Zoning Administrator shall make those administrative decisions and determinations as are specifically assigned to the Administrator by terms of this chapter.

(5) PERMITS, APPROVALS AND FEES

The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

(a) Zoning Permit

1. A zoning permit shall be issued before any of the following may occur:
    a. Before any building or structure not exempted below is erected, moved or structurally altered so as to increase its floor area.

    b. Before any building or structure or any parcel or tract of land is substantially changed as to use provided, however that:

    *Zoning permits shall not be required for structural alterations involving ordinary maintenance and repair, except existing foundation repair or replacement and/or replacement of roof trusses requires a zoning permit. (Rev. Ord. #2-2007)

    ** On farms, zoning permits shall be required only for structures for human habitation or for other structures permanently fixed to the ground and located within 25' of the front (road) setback area; or

    *** For new structures, improvements or alterations involving $1,000 or less in value, provided such work or structure conforms with all provisions of this chapter.

2. Zoning permits shall be issued only if the parcel is in compliance with this Code of Ordinances.

3. Application for zoning permits shall be made on forms furnished by the Zoning Administrator. Issuance of a sanitary permit is a precondition to issuance of a zoning permit whenever applicable. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed use will comply with all applicable regulations.

4. Information required on zoning permits issued for sites in or adjacent to the floodplain:
    a. The elevation of the lowest floor using National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD).

    b. A site development plan which accurately locates or describes the proposal with respect to the Floodway and Flood Fringe Districts showing the dimensions of the lot and locations of all existing and proposed structures from lot lines, centerlines of all abutting highways and the ordinary high watermark of any abutting or nearby watercourses, the location and elevation of existing or future access roads, and the location of floodplain and floodway limits as determined from the official floodplain zoning maps.

    c. Information concerning all private water supply systems and on-site sewage disposal systems to be installed, the location of all existing wells, structures and

on-site sewage disposal systems and the ordinary high watermark of all streams and lakes within 100' of a proposed sewage disposal site.

d. Data sufficient to determine the regional flood elevation of the location of the development.

e. Data requirements to analyze developments:

1). The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds $125,000. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

The applicant shall provide:

a). An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.

b). A map showing location and details of vehicular access to lands outside the floodplain; and

c). A surface drainage plan showing how flood damage will be minimized.

5. A fee pursuant to Sec. 17.68 shall be submitted to the Zoning Administrator when application is made for a zoning permit.

6. At the discretion of the Zoning Administrator the location of all proposed structures shall be staked out by the applicant or owner and the Zoning Administrator shall be contacted at least 3 working days prior to beginning construction so the Administrator may verify setbacks and other requirements.

(b) Applications for Administrative Appeals, Conditional Use Permits, and Variances

1. When Required:

a. Administrative appeals. Appeals to the Board of Adjustment may be taken by persons aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days of the decision or determination by filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof.

b. Conditional use permits. Upon application for a use specifically listed as a conditional use under the terms of this chapter.

c. Variances. Upon application for permitted uses, where deviation of the standards of this chapter must apply in order for a permit to be issued for such use.

2. Application and Referral: Applications for administrative appeals, conditional use permits and variances shall be made to the Zoning Administrator on forms provided by him. Upon

completion, the applications shall be referred to the Board of Adjustment for processing and disposition.

3. Fee. A fee set pursuant to Sec. 17.68 shall be submitted to the Zoning Administrator when applications are made.

4. Sanitary and Zoning Permits for Conditional Use and Variance. Issuance by the Board of Adjustment of a conditional use permit or variance shall not relieve the applicant of the obligation to obtain sanitary and zoning permits. The fee normally charged for zoning permits shall not be imposed when the use has been approved as a conditional use or variance.

(c) **Relaxation of standards for persons with disabilities.** The Land Records & Regulations Department may issue a permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish:

1) That the facility or premises are routinely used by a disabled person;

2) The nature and extent of the disability; and

3) That the relaxation requested is the minimum necessary to provide reasonable use of the facility by the disabled person.

(6) PERMITS, POSTING
Permits shall be placed in a prominent location on the premises during construction, alteration or moving, per instructions contained thereon

(7) EFFECT OF POSTING PERMITS
Permits are issued on the basis of approved plans and applications and authorize only the use, arrangement and construction set forth in such approved plans and application, and no other use, arrangement or construction is authorized. Use, arrangement or construction of variance with that authorized shall be deemed a violation of this chapter.

(8) PERMITS, EXPIRATION
Permits shall lapse and become void if operations described in the permit are not commenced within two years of issuance of permit. No habitation shall be allowed in the basement of an incomplete dwelling.

(9) SUBMITTING INFORMATION TO THE DEPARTMENT OF NATURAL RESOURCES REGARDING ADMINISTRATION OF THE FLOODPLAIN REGULATIONS OF THIS CHAPTER.
The Zoning Administrator shall submit copies of any decisions granting or denying variances and appeals, all map and text amendments, and appeals for map or text interpretations to the Department of Natural Resources Regional Office within 10 days of the decision; copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken, violation reports, annual reports, copies of substantial damage assessments performed and all related correspondence concerning the assessments, and any other required information relating to floodplains to the Department Regional Office. The Zoning Administrator shall also submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

17.68 FEES

(1) FEE SCHEDULE
See Water & Land Use Planning Committee Approved Fee schedule. (Rev. ORD #2-2007).

(2) NONREFUNDABLE
All fees received by the Zoning Administrator are nonrefundable and shall be placed in the County treasury.

(3) PENALTY or AFTER THE FACT FEE
Any building or structure erected, constructed, placed, moved or structurally altered or for any development or use of land, premises, building or structure without obtaining all permits and approvals prior to commencing the above stated activities shall result in a triple fee.

17.69 BOARD OF ADJUSTMENT

(1) GENERAL OPERATING RULES

(a) Appointment and Term
The Board shall consist of 5 members and 2 alternate members (designated as Alternate #1 & #2) who shall be appointed by the County Board Chairman for staggered 3-year terms, commencing on July 1. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the County and outside the City of Antigo and the Village of White Lake and no 2 members shall reside in the same town. (Rev. ORD #2-2007)

(b) Operating Rules

1. The Board shall choose its own chair, vice-chair and secretary at the first meeting after July 1 of each year.

2. The Board shall meet at the call of the Chair or at such other times as the Board may determine.

3. The Board shall comply with all requirements of the Wisconsin open meeting law in the conduct of the business before it. The nature of the Board's proceeding is quasi-judicial. The Board may, therefore, deliberate in closed session after a hearing on the matter, provided legal requirements are complied with.

4. The Board may conduct site inspections of premises and the surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments and materials shall be received only at hearings before the Board.

5. The Board shall conduct a public hearing on all administrative appeals, conditional use and variance matters and resolve boundary disputes before it and shall cause a Class 2 notice under Ch. 985, Wis. Stats., to be published and shall give due notice of the hearing to all parties in interest, the town clerk and the town chairman and for floodplain matters, the Department of Natural Resources Regional Office at least 10 days in advance of the hearing. Any party may administer oaths to parties testifying and may compel attendance of witnesses.
    a. Due notice to parties in interest shall mean that the office of the Zoning Administrator will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record

as shown in the real estate file in the property lister's office of properties which are located within 300' of the parcel involved in the application, to the clerk and chairman of the town where the property is located, to the clerk of any city or village located within 1.5 miles of the property involved in the application and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices.

b. Failure of the office to accomplish such provisions of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented or to convey their views prior to the Board's decision.

6. All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comments on such entries.

7. If following the close of a hearing the Board finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing by properly posting an agenda, for the purpose of so doing. (Rev. ORD #2-2007)

8. The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any administrative appeal, conditional uses or variance before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

9. All decisions by the Board shall be made in accord with the standards of this chapter. The Board shall decide all matters before it within a reasonable time.

10. The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County zoning office and shall be a public record.

11. The Board may adopt procedural rules not in conflict with this chapter or State law.

(2) POWERS OF THE BOARD OF ADJUSTMENT, ADMINISTRATIVE APPEALS

(a) Appealable Matters.

1. Decisions by the Zoning Administrator which consists of interpretations of the terms of this chapter and which are made in the course of determining whether a permit of approval will be issued by such Administrator are appealable to the Board of Adjustment as administrative appeals.

2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other chapter enforcement activities, where the Administrator has determined that violation of this chapter exists, is appealable to the Board of Adjustment as an administrative appeal.

3. Decisions by the Water and Land Use Planning Committee which consists of interpretations of the terms of this chapter and which are made in the course of determining whether a permit or approval will be issued by the Zoning Administrator are appealable to the Board of Adjustment as administrative appeals.

(b) Procedures for Initiating an Administrative Appeal.

1. Eligible Appellants. Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed or by any officer, department, board or committee of the County government. An aggrieved appellant must have a legally recognizable interest which is or will be affected by the action of the zoning authority in question.

2. Time for Appeals. An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.

3. Initiating an Appeal. An appeal shall be commenced by filing with the office of the Zoning Administrator a notice of appeal specifying the decision appealed from, the grounds for appeal, the relief requested and payment of the fee specified by Ch. 17.68. Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment, the Corporation Counsel, the Water and Land Use Planning Committee and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.

4. Stays. An appeal of a decision to issue a permit or approval, to issue an enforcement demand or to commence other chapter enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator and/or Corporation Counsel shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

5. Decisions by the Board of Adjustment. Following a public hearing and other investigation, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of this chapter and evidence as to legislative intent.

(3) POWERS OF THE BOARD OF ADJUSTMENT, CONDITIONAL USES

(a) Nature of Conditional Uses

Certain uses are of such nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such cases as conditional uses. Conditional uses are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.

(b) Application for Approval of a Conditional Use

Any person holding an interest in lands within an area included within a zoning district may apply for a conditional use approval by filing an application and fee as specified in Ch. 17.68. Conditional use approval application can include single parcels or land or groupings of parcels, contiguous or noncontiguous. The application shall be transmitted by the Zoning Administrator to the Board.

(c) Board Review and Decision

Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards. The county's decision to approve or deny the permit must be supported by substantial evidence. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

1. Whether the use is listed as a conditional use in the zoning district where the lands are located or is a use which is not assigned by this chapter to any zoning district and which is similar in character to uses allowed in the district in which the site is located and which is compatible with the purpose and intent of such zoning district.

2. Where the regulations of the zoning district in which the lands are located contain specific standards for the class of the conditional use under consideration, those standards shall be applied by the Board.

3. In addition, or where the zoning district contains no standards unique to that district or use, the Board shall apply the following standards:
    a. No grant of a conditional use shall violate the spirit or intent of this chapter.

    b. No conditional use shall be allowed which would be contrary to public health, safety or general welfare or which would be substantially adverse to property values in the neighborhood affected.

    c. No use shall be permitted by conditional uses that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.

(d) Conditions

The Board of Adjustment may make the granting of an application for a conditional use contingent upon such expressed conditions as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.

2. Setback and yard dimensions.

3. Specified sewage disposal and water supply facilities.

4. Landscaping and planting screens.

5. Operational controls.

6. Sureties.

7. Deed restrictions.

8. Location of structures, docks, piers or signs.

9. Location and amount of parking facilities.

10. Type of construction.

11. Type of shore covering.

12. The obtaining of other permits required by the State, federal government agencies and other County requirements based upon other ordinances as conditions that must be met before issuance of such permit.

(4) POWERS OF THE BOARD OF ADJUSTMENT, VARIANCES

(a) Nature of Variances: Variances are waivers in the terms of this chapter. In a variance case, the terms of this chapter are not in dispute. An applicant for a variance acknowledges that this chapter forbids the development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to this chapter. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, building height, etc.), block or hinder the desired form of development. Where dimensional standards create a hardship, which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of this chapter, a variance is the appropriate means of granting the relief. The variance procedure allows the impact of general rules to be varied in response to unusual circumstances without involving the County Board in amendment procedures for each such localized situation. The Board of Adjustment may authorize in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions affecting a particular property, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance:

1. Shall be consistent with the spirit and purpose of this chapter.

2. Shall not permit a lower degree of flood protection in the floodplain area than the flood protection elevation.

3. Shall not be granted because of conditions that are common to a group of adjacent lots or premises.

4. Shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons or property values in the area.

5. Shall not be granted for actions which require an amendment to this chapter or the maps.

6. Shall not have the effect of granting or increasing a use of property which is prohibited in a particular zoning district.

7. Shall not be granted solely on the basis of economic gain or loss.

8. Shall not be granted for a self-created hardship.

9. Shall not allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

(b) Applications for Variances. Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in Ch. 17.68. The Administrator shall transmit the application to the Board.

(c) Board Review and Decisions. Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards:

1. No variance may be granted unless there is an unnecessary hardship present in that a literal enforcement of the terms of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or render conformity with such restrictions unnecessarily burdensome (the board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests). (Rev. ORD #2-2007).

2. No variance may be granted unless there is a hardship due to the unique physical limitations of the property such as steep slopes or wetlands rather than the circumstances of the appellant. (Rev. ORD #2-2007).

3. No variance may be granted that is contrary to the public interest as expressed by the objectives of the ordinance.

4. To qualify for a variance under FEMA regulations, the following criteria must be met:
    a. The variance may not cause any increase in the regional flood elevations;

    b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;

    c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(d) Conditions

1. Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with standards of this chapter.

2. Conditions may include, but are not limited to, specifications of par. (3)(d) of this section.

(e) Flood Insurance Premiums. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

(5) POWERS OF THE BOARD OF ADJUSTMENT, FLOODPLAIN MAPPING DISPUTES

(a) BOUNDARY DISPUTES. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

2. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

3. If the boundary is incorrectly mapped, the Board should inform the Water & Land Use Planning Committee or the person contesting the boundary location to petition the Langlade County Board of Supervisors for a map amendment according to 17.46(16).

(b) VARIANCE. The Board may, upon appeal, grant a variance from the standards of this section if the standards of section 17.69(4) are met.

(6) COURT REVIEW

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board or bureau of the County may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the Board of Adjustment.

(7) CERTIORARI

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board and shall prescribe therein the time within a return thereto must be made. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application on notice to the Board and on due cause shown, grant a restraining order.

(8) RETURN WRIT

The Board of Adjustment shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth other facts as may be pertinent and materials to show the grounds of the decision appealed from and shall be verified.

(9) COURT DECISION

If, upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings

upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(10) COSTS

Costs shall not be allowed against the Board unless it shall appear to the Board that it acted with gross negligence, in bad faith or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all civil action and proceedings.

17.70 VIOLATIONS

(1) DECLARATION OF UNLAWFUL CONDUCT, ACTIVITIES AND CONDITIONS

(a) No person shall erect, construct, place or structurally alter any building or structure or establish or change any use of land, premises, building or structure in violation of the provisions of this chapter.

(b) No person shall fail to comply with any standard of this chapter or with any condition or qualification placed upon the issuance of a permit or approval of variance granted, in due course, under this chapter.

(c) All violations of this Chapter are declared public nuisances.

(2) LIABILITY

(a) Owners of lands or properties, occupiers of land or premises and agents of owners or occupants including, without limitation because of enumeration, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, are responsible for compliance with all provisions of this chapter which bear upon their area of competency and responsibility.

(b) This chapter applies fully to all governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by State or federal law.

(3) INVESTIGATION OF COMPLIANCE, NOTICE OF VIOLATIONS

(a) The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities within the terms of this chapter.

(b) If, upon such investigation, the Zoning Administrator becomes aware of a condition which he concludes is unlawful as defined in sub. (1), the Administrator notifies the parties to the situation whom he deems to be responsible and potentially liable, pursuant to sub. (2) of the detected violation.

(c) In the event the property owner refuses the Zoning Department to enter upon the property for purposes of conducting an inspection, the Zoning Administrator may apply for a special inspection warrant.

1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or

2. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Corporation Counsel and/or to enforcement officials, State agencies or both.

3. In lieu of prosecution, the Zoning Administrator may enter into a written agreement with the responsible parties to resolve a violation of this Chapter.

(4) PROSECUTION, INJUNCTIONS AND PENALTIES IN COURT PROCEEDINGS

(a) The Corporation Counsel shall expeditiously prosecute all violations of this chapter reported by the Zoning Administrator in accordance with this chapter and chapter 25.04.

(b) Nothing in this section shall be deemed to prevent private prosecutions of violation pursuant to Ch. 59. 69(11), or other sections of the Wisconsin Statutes or common law.

(c) The following forfeitures and penalties are hereby established for violation of this chapter:

1. For violations specified in sub. (1), a forfeiture of not more than $1000 shall be imposed upon conviction or adjudication, plus the cost of prosecution for each violation.

2. Each day a violation exists or continues shall be a separate offense.

(d) As a substitute for or an addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this chapter by court actions seeking an injunction or restraining order or order for restoration of the site.

1. The Zoning Administrator may declare violations of the Zoning Ordinance public nuisances.

2. Upon the refusal of property owner to remedy the violation, as authorized by the Court, the Zoning Department may enter upon property to remedy a violation of this Chapter. The costs incurred by the County to remedy a violation of this Chapter may be assessed against the real estate as a special charge.

(5) OTHER ENFORCEMENT PROVISIONS

(a) Where a conditional use or a variance has been approved subject to specified conditions and where such conditions are not complied with, the Board of Adjustment may entertain and conduct a hearing upon a petition to revoke the conditional use approval or variance. Such hearing and action upon a petition shall follow procedures similar to those followed in considering the granting of such a use or variance. A finding of noncompliance with the conditions originally imposed shall be grounds for revocation.

(b) A permit issued under mistake of fact or in violation of this ordinance, Wisconsin Administrative Code, or Wisconsin Statutes gives the permittee no vested right and is revocable.

17.71 AMENDMENT PROCEDURES

(1) PURPOSE

To set forth the procedures for the adoption and amendment of the text of this chapter and the zoning maps adopted by this chapter.

(2) THIS CHAPTER IS ADOPTED BY THE COUNTY BOARD

(a) The Board may, by a single ordinance, repeal an existing County zoning ordinance and reenact a comprehensive revision thereto. A comprehensive revision as used herein means a complete rewriting of an existing zoning ordinance which changes numerous zoning provisions and alters or adds zoning districts.

(b) The County Board may amend the regulations of an ordinance or change the district boundaries.

(c) Amendments may be to the text of the ordinance and/or to the zoning maps adopted by this chapter.

(3) PETITION FOR ZONING AMENDMENT
A petition for amendment of this chapter may be made by:

(a) Any property owner in the area to be affected by the amendment.

(b) The town board of any towns wherein this chapter is in effect.

(c) By any member of the County Board.

(d) By the Water and Land Use Planning Committee.

(4) PETITION FOR ZONING AMENDMENT FILING
A petition for amendment shall be filed as follows:

(a) A petition for zoning amendment shall be completed within the office of the Zoning Administrator.

(b) A fee, according to section 17.68, shall be paid upon the filing of the petition.

(c) The completed petition shall be filed with the County Clerk or designee who shall:

1. Immediately refer it to the Water and Land Use Planning Committee for their consideration, report and recommendations.

2. Immediately send a copy of the petition or a notice of the public hearing to the County supervisors of any affected district.

3. Report all petitions referred under this section to the County Board at a subsequent meeting.

(5) ACTION BY THE WATER AND LAND USE PLANNING COMMITTEE
Upon receipt of such a petition, the Water and Land Use Planning Committee shall:

(a) Call a public hearing thereon.

(b) Provide notice of the time and place of such hearing by publication within the County of a Class 2 notice under Ch. 985, Wis. Stats.

(c) Provide notice by registered mail to the town clerk and town chairman of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. Proof of receipt of the notice can be substituted for registered mail.

(d) Provide notice by ordinary mail to the petitioner, parties of interest and landowners within 300' of the described parcel unless the Water & Land Use Planning Committee, in the case of mass rezonings, waives this requirement when other methods have been used to notify the public. (Rev. 12/15/09-Res. #6-2009).

(e) Provide notice by ordinary mail to State agencies, federal agencies, other County agencies and cities and villages where and when appropriate, i.e., floodplain zoning, shoreland zoning and extraterritorial zoning.

(6) ACTION BY AFFECTED TOWN BOARDS
If an affected town disapproves of the proposed amendment, the board shall:

(a) File a certified copy of the resolution adopted by the town board disapproving of the petition with the Water and Land Use Planning Committee.

(b) This resolution must be filed prior to, at or within 10 days after the public hearing in the office of the Zoning Administrator.

(c) Any town may extend its time for disapproving any proposed amendment under par. (b) by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the county clerk of the county in which the town is located. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the county clerk of the county in which the town is located.

(7) ACTION BY THE WATER AND LAND USE PLANNING COMMITTEE, APPROVAL, MODIFYING OR DISAPPROVAL

(a) If the town board affected in the case of an amendment relating to the location of boundaries of districts files a disapproving resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Water and Land Use Planning Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

(b) As soon as possible after the public hearing, the Water and Land Use Planning Committee shall act subject to par. (a) on such petition by either:

1. Approving the petition;

2. Modifying and approving the petition; or

3. Disapproving the petition.

(c) If the Committee approves, modifies and approves the petition, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the County Board with its recommendations.

(d) If the decision recommends denial of the petition, it shall report that recommendation directly to the County Board with the reason for such action.

(e) Proof of publication of the notice of the public hearing held by the Water and Land Use Planning Committee and proof of the giving of notice to the town clerk of such hearing shall be submitted at the public hearing, reported in the hearing minutes submitted to the Board and filed with the petition for zoning amendment in the office of the Zoning Administrator.

(f) Town board resolutions filed under sub. (6) shall be attached to either report.

(8) ACTION BY THE COUNTY BOARD

Upon receipt of the report by the Water and Land Use Planning Committee, the County Board may:

(a) Adopt the ordinance as drafted.

(b) Adopt the ordinance with amendments.

(c) Deny the petition for amendment.

(d) Refuse to deny the petition as recommended by the Committee, in which case, it shall refer the petition back to the Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board.

(e) Upon report required by par. (d), the Board may:

1. Adopt the ordinance.

2. Reject the ordinance.

(9) PROTEST PROVISIONS FOR ZONING MAP AMENDMENTS

In case protest petition against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the report of the Water and Land Use Planning Committee is to be considered, signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300' of the parcel or parcels to be rezoned, action on such ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area of frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

(10) ACTION BY THE COUNTY CLERK

If any such amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved at or within 10 days after the public hearing by the town board of the town affected in the case of an ordinance regulating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The County Clerk shall:

(a) Record in his office the date on which such ordinance becomes effective.

(b) Notify the town clerk of all towns affected by such ordinance of such effective date.

(c) Insert such effective date in the proceedings of the County Board.

(d) Any other such amendatory ordinance when so adopted, shall within 7 days thereafter, be submitted in duplicate by registered mail to the town clerk of each town in which lands affected by such ordinance are located.

(11) ACTION BY THE TOWN BOARDS, VETO

(a) Text Amendments

1. Within 40 days of adoption, the town board may file certified copies of resolutions disapproving such amendments with the County Clerk.

2. Within a shorter time, file certified copies of resolutions approving the amendments.

3. If a majority of towns file an approving resolution, a text amendment shall thereupon be in effect in all of the towns affected by the ordinance.

(b) Map Amendment

1. Within 40 days of adoption, town boards may file certified copies of resolution disapproving the amendment with the County Clerk.

2. Within a shorter time, file certified copies of a resolution approving the amendment.

3. If the town board does not submit a veto resolution, the amendment becomes effective 40 days from adoption.

(12) ACTION OF THE COUNTY CLERK, RECORDS AND PUBLICATION

(a) Record in the office receipt of all disapproving and approving resolutions.

(b) File in the office of the Zoning Administrator a copy of such resolutions and related correspondence, which shall become a part of the records of the Water and Land Use Planning Committee.

(c) Record in his office the dates on which such ordinances or amendments become effective.

(d) Report such activity to the County Board.

(e) Cause such ordinance amendment or report to be published in accordance with appropriate statutes.

(13) LIMITATION OF ACTIONS

A landowner, occupant or other person affected by this chapter or an amendment who claims that this chapter or amendment is invalid because procedures prescribed by the statutes or this chapter were not followed, shall commence an action within the time provided by Ch. 893.73(1), Wis. Stats., except this law does not apply unless there has been at least one publication of a notice of a zoning hearing in a local newspaper of general circulation and unless there has been held a public hearing on this chapter or amendment at the time and place specified in the notice.

(14) SHORELAND AND FLOODPLAIN ZONING

All provisions of Ch. 59.69, Wis. Stats., apply to this chapter and any amendment, but the provisions enumerated in Ch. 17.36, 17.42 and 17.46 of this chapter and their amendments shall not require approval or be subject to disapproval of a town board.

(15) STANDARDS FOR REZONING

(a) Decisions on petitions for rezoning of areas in the Exclusive Agriculture District and Farm Preservation Overlay to other districts shall consider the standards listed in Sec. 91.48(1) (a-d), Wis. Stats. and the following:

1. Availability of adequate public facilities exist to serve the proposed land use change.

2. Reasonableness of the burdens on local government for providing the needed services.

3. Suitability of the land for development.

4. Prospects that the development may cause unreasonable air or water pollution, soil erosion or adverse effects on valued natural areas.

5. Effect of loss of agricultural lands.

6. Relationship of the proposed uses to the use of agricultural lands adjacent hereto.

(b) Decisions on petitions for rezoning of areas in any zoning district to any other zoning district within the shoreland zoning jurisdiction of the County shall consider the following:

1. Availability of adequate public facilities to serve the proposed land use change.

2. Reasonableness of the burdens on local government for providing the needed services.

3. Suitability of the land for development.

4. Relationship of the proposed uses to the area, existing housing, business and existing adjacent zoning.

5. Need for the proposed uses.

6. Effect by the proposed uses on the adjacent waters.

(c) Decisions on petitions for rezoning of areas in the Floodplain District to another district shall consider the following:

1. The need for location within the floodplain.

2. The engineering data justifying removal of lands from the floodplain and conversion to other uses.

3. Alternative to the proposed location of other uses.

4. No amendment to the text of this chapter or to the zoning maps shall become effective until approved by the Department of Natural Resources, the Federal Insurance Administration and in the case of map amendments, until an official letter of map amendment has been issued by the Federal Insurance Administration, Federal Emergency Management Agency.

5. Actions which require an amendment include, but are not limited to, the following:
    a. Any change in water surface profile.

    b. Any change in the boundary of the floodplain area.

    c. Settlement of conflicts between the water surface profiles and the floodplain zoning maps.

    d. Any fill or encroachment that will cause a change equal to or greater than .01' in the water surface profile of the regional flood.

    e. Any upgrading of floodplain zoning ordinances required by State Administrative Code, State or federal law.

    f. Any fill in the floodplain which raises the elevation of the filled area to heights at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

6. All person petitioning for a map amendment which involves an increase in the height of the regional flood of .01' or more shall obtain flooding easements or other appropriate legal arrangements from all affected local units of government and property owners before the municipality may approve an amendment which would result in such an increase to the regional flood elevation.

7. When considering amendments to the official floodplain zoning map in areas where no water surface profiles exist, the zoning agency shall consider data submitted by the Department of Natural Resources administrator's visual on-site inspections and other available information.

(d) Decisions on petitions for rezoning of one zoning district to another zoning district allowed by this chapter shall consider the following:

1. Existing zoning and use of the lands.

2. Proposed zoning and uses of the lands.

3. Need for the proposed uses.

4. Availability of adequate public facilities to serve the proposed land use change.

5. Reasonableness of the burdens on local government to provide needed services.

6. Suitability of the proposed uses to the existing uses adjacent thereto.

7. Relationship of the proposed uses to the existing uses adjacent thereto.

8. Relationship of the zoning amendment to Ch. 15 of this Code of Ordinances.

9. Relationship of the zoning amendment to Ch. 18 of this Code of Ordinances.

a. Lands to be divided for residential purposes by minor subdivision in the Exclusive Agricultural District where creation of the lot is for the purpose of providing farm related housing, is exempt from the amendment procedures and shall remain a part of the zoning district, and shall not need an amendment.

b. Lands to be divided for residential purposes by minor subdivision where creation of 4 lots or less in the Agriculture/ Forestry/Residential District are exempt from the amendment procedures and shall remain a part of the existing zoned district.

(e) Conditions on rezoning:

1. The Water and Land Use Planning Committee may recommend and the County Board may adopt an ordinance affecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within 12 months of the date of the County Board approval of the amendment when the first on-site inspection for building location is made and approved for the project sought to be

established and, in the event such approved inspection has not occurred by the 12 month time period, the possibility of making effective the rezoning will then be terminated.

2. The Water and Land Use Planning Committee may recommend and the County Board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in map will take effect on such date occurring within 6 months of the date of County Board approval of the amendment when a restrictive covenant has been recorded binding the property to conditions specified in the amending ordinance, and in the event such covenant is not recorded by the end of the 6 month period, the possibility of making effective the rezoning will then be terminated.

3. Restrictive covenants shall be between the persons who petition for the zone change and the affected adjacent property owners. Conditions specified to be in such required covenants shall be related to the purpose of this chapter. They may include, as specified cases warrant, limits of permissible uses to less than the full range of uses otherwise allowable in the district into which the land is being placed. Enforcement rights over such covenant controls shall be afforded to the County, the town and owners of property within 300' of the site. The covenant controls shall be amendable or repealable upon petition of the owner of the lands subject to the controls and approval of the County Board after a hearing similar to a rezoning hearing. A rezoning of lands to a different zoning district shall also act to repeal the covenant controls. Except as provided above, the covenants shall run with the land.

(f) The County shall by March 1 of each year provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report on the number of acres that it has rezoned out of the A-1 District and Farm Preservation Overlay during the previous year including a map that shows the location of those acres.

17.72 RECONSIDERATION

No application, petition or appeal which has been dismissed or denied by the Board of Adjustment, Water & Land Use Planning Committee or County Board shall be considered again within one year of such denial, except upon a petition for reconsideration based upon a material alteration from the original application or petition and a motion to reconsider made by a member voting with the majority and passage by a 3/4 vote of the Committee or Board. No application, petition or appeal shall be reconsidered unless the Committee or Board determines that the petition for reconsideration contains a material alteration from the original application or petition. Any evidence which, in the opinion of the Committee or Board, could have reasonably been presented at the previous hearing does not qualify as a material alteration.

(1) PETITION FOR RECONSIDERATION

Any party requesting consideration of an application, petition or appeal shall file a petition for reconsideration along with the requisite filing fee. Petitions for reconsideration shall be in writing and shall state the reasons for the request and be accompanied by necessary data and diagrams. The filing fee for a petition for reconsideration will not be refunded in the event the Committee or Board decides not to reconsider the application or petition.

(2) REHEARING

A rehearing shall be held if the Committee or Board determines that the petition for reconsideration is based upon a material alteration from the original application or petition by a 3/4 vote. The rehearing shall be subjected to the same fee and notice and procedural requirements as the original hearing.

(3) VALIDITY, ADOPTION AND EFFECTIVE DATE

(a) Validity

1. All other ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

2. Invalidation by a court of any part of this chapter shall not invalidate the rest of the chapter.

(b) Force and Effect

1. Following passage and publication by the County Board, this chapter shall be in full force and effect within the shoreland/wetland portion of the Conservancy District and Floodplain Districts of the County.

2. This chapter shall be in full force and effect throughout each town upon adoption as provided in Ch. 59.69, Wis. Stats.

3. This chapter is not intended to repeal, abrogate or impair any existing easement, covenants or private deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(4) ADOPTION

(a) Upon passage by the County Board, this chapter becomes effective.

(b) This chapter provides that the previous Langlade County Zoning Ordinance of 1967 shall remain in effect in those towns which adopted it for a period of one year or until this chapter is adopted by the respective town board, whichever period is shorter.

(c) If a town board does not adopt this chapter within one year, neither the Langlade County Zoning Ordinance of 1967 nor this chapter shall be in effect in that town, except as related to the shoreland, wetland and floodplain provisions.

17.73 VALIDITY, ADOPTION, AND EFFECTIVE DATE

(1) VALIDITY

(a) All other ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

(b) Invalidation by a court of any part of this chapter shall not invalidate the rest of the chapter.

(2) FORCE AND EFFECT

(a) Following passage and publication by the County Board, this chapter shall be in full force and effect within the Shoreland areas & Shoreland-Wetland District and Floodplain Districts of the County.

(b) This chapter shall be in full force and effect throughout each town upon adoption as provided in Ch. 59.69, Wis. Stats.

(c) This chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or private deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(3) ADOPTION

(a) Upon passage by the County Board of an initial zoning code in 1967, this chapter became effective in all Towns that adopted the Zoning Code within one year and continued that adoption for at least one year.

(b) The general zoning provisions contained in this chapter are not in effect in any Town (except in areas subject to county shoreland zoning) that did not adopt the initial zoning code as set forth in subsection (a) or does not adopt any comprehensive revision of this chapter within the time prescribed by statute. A comprehensive revision means a complete rewriting of an existing zoning ordinance, which changes numerous zoning provisions and alters or adds zoning districts. The shoreland zoning provisions in this chapter apply in any Town to the extent that the County's regulations are more restrictive than a shoreland zoning standard adopted by the Town.

CHAPTER 18

SUBDIVISION AND PLATTING

AUTHORITY AND GENERAL PROVISIONS

- **18.01 Statutory Authority**
- **18.02 Title**
- **18.03 Purposes**
- **18.04 Definitions**
- **18.05 Geographic Jurisdiction**
- **18.06 Land Divisions Governed by this Chapter**
- **18.07 Classification of Land Divisions**

PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

- **18.10 Preapplication Consultation**
- **18.11 Application and Review of Minor Subdivisions**
- **18.12 Application and Review of Proposed County/State Subdivisions**
- **18.13 Procedure for Review of Proposed County/State Subdivisions**
- **18.14 Objecting Review**

SUITABILITY STANDARDS APPLICABLE TO BOTH MINOR SUBDIVISIONS AND STATE SUBDIVISIONS

- **18.15 General**
- **18.16 Zoning**
- **18.18 Limitations on Large Lot, Unsewered Developments in areas which have Potential for Sanitary Sewer Service**
- **18.19 Suitability of Lands for Large Rural Developments**

SUBDIVISION DESIGN STANDARDS

- **18.20 General**
- **18.21 Surface Drainage and Erosion Control**
- **18.22 Streets and Roads**
- **18.23 Lots and Blocks**
- **18.24 Lands Near Water's Edge**
- **18.25 Reservation of Land**
- **18.26 Parks, Playgrounds**

DEDICATIONS AND IMPROVEMENTS

- **18.30 Dedications**
- **18.31 Improvements**
- **18.32 Commencements of Improvements and Construction**

CONDOMINIUMS

- **18.35 Intent**

18.36 Zoning
18.37 Condominium Plats
18.38 Standards
18.39 Units
18.40 Approval

ADMINISTRATION AND ENFORCEMENT

18.45 Water and Land Use Planning Committee
18.46 Zoning Administrator
18.47 Fees, Enforcement, Variances and Appeals
18.48 Recording and Conveyance of Lot or Parcels Included Within Land Division Requiring County Approval
18.49 Abrogation and Greater Restrictions
18.50 Waiver of Liability
18.51 Severability

18.01 STATUTORY AUTHORITY

These regulations are adopted under the authority granted by sections 59.02, 59.69, 281.31, 236 and 703 of the Wisconsin Statutes.

18.02 TITLE

This ordinance shall be known as the "Langlade County Land Division Ordinance."

18.03 PURPOSES

The purpose of this ordinance is to manage the division of land, and to promote public health, safety and general welfare. The regulations are intended to encourage the most appropriate use of land, to provide the best possible environment for human habitation and to conserve the value of buildings placed upon the land by:

(1) Furthering the orderly layout and use of land.

(2) Securing safety from fire, flooding and other dangers.

(3) Providing adequate light and air.

(4) Preventing overcrowding of land.

(5) Facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds, other public requirements, and the utilization of alternative energy sources.

(6) Conserving valuable natural resources such as floodplain areas, wetlands and prime agricultural land and wooded land.

(7) Facilitating further re-subdivision of large tracts into smaller parcels of land.

(8) Providing uniform and accurate maps and boundary descriptions of parcels of land.

18.04 DEFINITIONS

Administrator: The County Zoning Administrator.

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

Arterial, Major: A major, high capacity street designed to carry large volumes of traffic between various areas of the County.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building Setback Line: A line within a lot or other parcel of land between which line and the adjacent boundary of the street or waterway upon which the lot abuts, the erection of a building is prohibited, as prescribed by the appropriate zoning or other regulations.

Committee: The County Planning Agency authorized by §59.69 Wisconsin Statutes.

Cul-de-sac: A local street with only one vehicular outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Cul-de-sac Temporary: A local street terminating in a turnaround, which will be extended as a through street within a time period approved by the Water & Land Use Planning Committee. The subdivider shall submit such assurances as required by the committee that the street will be extended as a through street within the time allowed.

Department: The Land Records and Regulations Department.

Divider: Any person, or corporation or authorized agent who undertakes a land division as defined in this section.

Easement: Is a grant by a property owner for the use of land for a specific purpose.

Final Plat: The map of record of a subdivision, and any accompanying material.

Frontage: The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway or public right-of-way, or navigable waterbody.

Grade: The slope of a road, street or other public way, specified in percent.

Improvement, Public: Any sanitary sewer, storm sewer, drainage ditch, water main, off-street parking area, or other facility for which the County, town or special use district may ultimately assume the responsibility for maintenance and operation.

Land Division: The division of a lot or parcel of land for the purpose of transfer of ownership or building development.

Large Scale Development: A proposed complete new, large neighborhood unit which due to its magnitude and comprehensiveness, warrants special consideration by the Committee.

Limited Access Expressway or Highway: A traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Lot: A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

Lot, Corner: A lot situated at the intersection of two streets.

Lot, Preplanned: A lot where the location of two areas for the future installation of privately owned wastewater treatment system (POWTS) to serve a 3 bedroom home or the location of a replacement area for an existing POWTS have been determined along with the location of areas for buildings, driveways, and other improvements as deemed necessary by the Administrator. (Ord #3-2009)

Lot, Through: Double frontage, is a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" or "double frontage lot" both street lines shall be deemed front lot lines.

Outlot: A parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An outlot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites. An outlot may be a private road or alley, a non-buildable parcel having poor soils or topographic conditions or a remnant parcel.

Owner: Any person, group of persons, firm, corporation or any other legal entity having legal title to the land sought to be divided under this title.

Parcel: A piece of land held in one ownership.

Preliminary Plat: A map showing the salient features of a proposed subdivision, submitted to the committee for purposes of preliminary consideration.

Right-of-way: Right-of-way is a strip of land occupied or intended to be occupied by a street, walkway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, walkway, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the divider of the plat on which such right-of-way is established.

Road: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but excepting driveways to buildings

Roadway: The surfaced portion of the street available for vehicular traffic.

Service Drive: A public street, generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating unregulated ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

Sewage Disposal System, Private a/k/a Private On-Site Waste Treatment System: An on-site septic, aerobic, experimental, holding, or other system approved for use by the Department of Commerce.

Sidewalk: That portion of a street or walkway, paved or otherwise surfaced, intended for pedestrian use only.

Street: Same as road.

Street, Collector: A street which carries traffic from minor streets to the system of major arterials and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

Street, Half: A street bordering one or more property lines of a tract of land in which the subdivider has allocated only part of the ultimate right-of-way width.

Street, Major: Same as collector street.

Street, Marginal Access a/k/a Frontage Road: A minor street which parallels and is adjacent to a major arterial or highway, and which provides access to abutting properties and protection from through traffic.

Street, Minor: A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

Street, Through: A street which begins and ends on another public street.

Subdivider: Any person, corporation or authorized agent who undertakes the subdivision of and as defined in this section.

Subdivison, County: A division of a lot, contiguous parcels or tract of land for the purpose of sale or of building development, where:

(a) The act of division creates five or more parcels, lots, out lots or building sites of more than one and one-half (1 ½) acres each and which are less than 10 acres in size.

(b) Five (5) or more parcels or building sites of more than one and one-half (1 ½) acres each and which are less than 10 acres in size are created by successive divisions within a period of five (5) years.

Subdivision, Minor: A division of a lot, contiguous parcels or tract of land for the purpose of sale or of building development, where:

(a) The act of division creates not more than 4 lots, parcels or building sites which are less than 10 acres in size.

(b) The act of division of an out lot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the original exteriors boundaries of such lot or out lot.

Subdivision, State: A division of a lot, contiguous parcels or tract of land for the purpose of sale or of building development, where:

(a) The act of division creates five or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or

(b) Five (5) or more parcels or building sites of one and one-half (1 ½) acres each or less in area are created by successive divisions within a period of five (5) years.

Subdivision Design Standards: The basic land planning standards established as guides for the preparation of preliminary plats and certified survey maps.

Thoroughfare: A street with a high degree of continuity, including collectors, major arterials, and limited access highways.

Walkway: A walkway or crosswalk is a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary.

Water Supply, Individual: A well and appurtenances usually supplying only one lot.

18.05 GEOGRAPHIC JURISDICTION

The provisions of this chapter apply to all lands within Langlade County, except within the corporate limits of the Village of White Lake and the City of Antigo, except for objecting review authority provided in 18.14. Where a duly adopted town subdivision ordinance is more restrictive than this chapter, the town is responsible to enforce its own more restrictive ordinance requirements. This chapter shall not repeal, impair or modify private covenants or other ordinances, except that it shall apply whenever it imposes stricter regulations.

18.06 LAND DIVISIONS GOVERNED BY THIS CHAPTER

(1) This chapter shall apply to:

(a) The act of division of a lot, parcel or tract which existed on the effective date of this chapter by the owner thereof or his agent for the purpose of transfer, building development, or recording where the act of division creates one or more new lots, parcels or tracts smaller in area than herein provided.

(b) The act of division of a lot, parcel or tract which creates parcels that are close in area to the minimum parcel sizes where the Administrator requires a survey for the purposes of verifying that additional lots are not thereby created and the lots resulting therefrom are not reduced below the minimum sizes as required by this ordinance.

(2) This ordinance shall not apply to [see §236.45(2)]:

(a) Transfers of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed ten (10) years, mortgages or easements.

(c) The 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 this Code or other applicable laws and ordinances. The sale or exchange of parcels of land, between owners of adjoining property, fronting on a public road and more than one acre in size would be considered creating an additional lot.

(d) Assessor's Plats made under Section 70.27, Wisconsin Statutes.

(e) Creation or transfers of parcels which are ten (10) acres or more in size.

(3) This ordinance may not have more restrictive time limits, deadlines, notice requirements or be more restrictive in other provisions of WI Stats Section 236 that provide protections for the subdivide. (Rev. ORD #1-2011).

(a) Single parcels located within the Exclusive Agricultural Zoning District, which are created subsequent to the effective date of this chapter, for the purposes of development of a farm related dwelling unit, shall not be required to comply with this chapter at the time of their

creation. Such parcels shall, however, be surveyed and approved under the procedures set forth herein, in the event its use changes to nonfarm related dwelling purposes.

18.07 CLASSIFICATION OF LAND DIVISIONS

Any contiguous parcel or tract which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract for the purpose of this ordinance unless it is bisected by an existing dedicated street, existing public road or by navigable water. The Zoning Administrator shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the Committee. Land divisions are classified under this chapter as either:

(1) MINOR SUBDIVISIONS

A minor subdivision shall include the creation of one (1) but not more than four (4) parcels or building sites which are less than ten (10) acres in size or the division of a lot or out lot within a recorded subdivision into not more than four (4) parcels or building sites without changing the original exterior boundaries of the lot or out lot within any five (5) year period.

(2) COUNTY SUBDIVISIONS

A county subdivision shall include the creation of five or more parcels or building sites which are greater than one and one-half (1-1/2) acres and less than ten (10) acres in size and may include no more than four parcels of one and one-half (1½) acres or less within any five (5) year period.

(3) STATE SUBDIVISIONS

Land divisions meeting the definition of state subdivisions are subject to mandatory State review under Ch. 236, Wisconsin Statutes, as well as County review under this chapter.

PROCEDURES FOR APPLICATION AND REVIEW OF LAND DIVISIONS

18.10 PRE-APPLICATION CONSULTATION

Prior to submitting an application for County approval of a land division, it is recommended that the applicant or agent meet with the Administrator. At this meeting, the applicant should inform the Administrator of the location and nature of the proposed project. Based upon this information, the Administrator shall explain to the applicant:

(1) Whether the proposal will require State and/or County reviews.

(2) Which standards of this chapter and if Ch. 236, Wisconsin Statutes, will apply to the land division.

(3) The procedure to follow to submit a land division for review.

18.11 APPLICATION AND REVIEW OF MINOR SUBDIVISIONS

(1) Minor subdivisions shall be created by use of a certified survey map (CSM). One copy of an application form provided by the Department and the original CSM shall be submitted to the Administrator.

(2) The CSM shall comply with the requirements of §236.34 statutes, Chapter A-E7 Wisconsin Administrative Code, the County Surveyor checklist, and the following requirements:

(a) Date of preparation.

(b) Name and address of the owner of the parcel to be divided.

(c) Location of existing buildings, adjoining streets, highways, parks, cemeteries and subdivisions.

(d) Location of the ordinary high watermark (OHWM) of navigable water and water elevation on the date of survey of any navigable water. Non-navigable streams, drainage ditches and easements,

ponds, lakes, flowages and other features. Any minor or county subdivision submitted for county approval shall show the ordinary high-water mark wherever the OHWM is within 75 feet of the subject parcel.

(e) Location of existing wells, drain field vents, septic, pump and holding tanks. The approximate outline of the base of any mound or above grade drainfield.

(f) Apparent easements or private rights-of-way which adjoin or cross the property.

(g) Adjoining property information (vol., pg., Doc. #, CSM #, Plat, etc.).

(h) The following statement shall be placed on the face of each CSM in a text size equal to or greater than the boundary dimension text:
"Lots on this CSM shall not be further divided unless authorized by the administrator. If allowed, further division of these lots may require that County or State subdivision procedures be followed."

(i) Contiguous square feet of buildable area as required by Chapter 17, Zoning Code, Section 17.27(5), Lot Dimensions, Minimum Buildable Area.

(j) A statement by the surveyor certifying that the requirements of this ordinance have been fully complied with**.**

(k) The area of the surveyed parcel shall be shown as square feet and acres**.**

(3) The standards of section 236.34 of the Wisconsin Statutes, shall be applied to minor subdivisions as defined by this ordinance.

(4) The administrator may send any minor subdivision to state agencies for advisory review and comments upon a determination that such a referral could yield information that might be useful in the review process.

(5) Where the administrator finds that the county requires additional information relative to a particular problem posed by the proposed subdivision, he shall have the authority to request such information in writing from the subdivider. Such additional information may include, but not be limited to the following:

(a) All lands reserved for future public acquisition.

(b) Soil and site evaluation report as required in 18.13(2)(b).

(c) Land slopes. Areas where land slopes exceed 20% shall be delineated on the plat and/or (2) foot contour intervals in the areas of the lots to be used for building sites and the installation of private water supplies and private sewage systems.

(d) Regional floodplain boundary(ies) and the vertical contour line which is two (2) feet above the regional flood (USGS Datum)

(e) Wetland boundaries from the Department of Natural Resources Wetland Inventory Maps.

(6) The application for any proposed minor subdivision with lots, parcels, or new streets requiring direct access onto a County, State, U.S. or Federal Highway shall be reviewed by the Highway Commissioner

or WI Department of Transportation (DOT) as appropriate. When access is being requested onto a County Highway a copy of the application shall be forwarded to the Highway Commissioner by the Zoning Administrator at the time of application. If, within five (5) work days, the application has not been approved or denied by the Highway Commissioner, the survey may be reviewed pursuant to §18.11(7). When access is being requested onto a State, U.S. or Federal Highway, the provisions of Admin. Code TRANS 233 shall be complied with. A copy of the decision of the DOT shall be submitted with the request for review of a survey map.

(7) The Zoning Administrator shall transmit a copy of the application and map to the County Surveyor, Real Property Lister, and the town chairman of the town where the property is located for review. Within 6 working days of the date a complete application is submitted, the Zoning Administrator or designees shall approve, conditionally approve or disapprove a minor subdivision. Where the Zoning Administrator finds a minor subdivision, application requires additional review in regard to County or town policy, the Zoning Administrator will notify the applicant and may place it on the agenda of the Water and Land Use Planning Committee for review.

(8) The approval or disapproval of a minor subdivision application may be appealed to the Water and Land Use Planning committee upon written request. The Zoning Administrator shall place the minor subdivision application on the Water and Land Use Planning Committee agenda and submit a copy of the agenda to any governments, agencies or utilities which are deemed to have an interest in the proposed division.

(9) The Committee shall, within 60 days of submission, review the application, map and reasons for denial against the applicable standards of this chapter, and approve, approve conditionally, or disapprove the application and map based upon a determination of conformity or nonconformity with the standards.

(10) The action of the Committee on the application shall be stated in writing in the minutes of the Committee meeting and those minutes or an extract thereof shall be mailed to the applicant. Failure of the Committee to act within 60 days of the date of submission or within a time as extended by agreement with the subdivider shall constitute an approval.

(11) Correction of errors on recorded CSM's shall be made by recording a correction CSM. A statement shall be clearly placed on the face of the correction CSM indicating the volume, page, and document number of the CSM it is correcting.

18.12 APPLICATION AND REVIEW OF PROPOSED COUNTY & STATE SUBDIVISIONS

(1) The items outlined for a minor subdivision in Ch. 18.11(2), (5), and (6) shall apply to County and State Subdivisions.

(2) County Subdivisions shall comply with the requirements and procedures outlined in Ch.18.13 of this Code except that no transmittals to or approvals from the State objecting agencies are needed unless required by the Zoning Administrator where he finds a State review to be necessary. State Subdivisions shall comply with the requirements and procedures outlined in Ch. 18.13 and shall be submitted to the State for review.

(3) Soil testing as required by §18.13(2)(b) of this Code may be waived upon written request to the Department by the developer. Where soil survey maps and department records indicate uniform conditions exist relative to the installation of private sewage systems, testing may be waived. Where the

County has waived soil testing requirements, the developer shall provide a statement on the face of the plat, that soil suitability for construction and operation of private sewage systems has not been verified.

(4) County or State subdivisions shall not be approved where private roads or easements are proposed to provide access. All lots in County subdivisions shall have direct access to public streets. [See also §18.22]

(5) County or State subdivisions shall not be approved where lots created result in the installation of a holding tank.

18.13 PROCEDURES FOR REVIEW OF PROPOSED COUNTY & STATE SUBDIVISIONS

(1) PRE-PRELIMINARY PLAT CONFERENCE
Where it is desired to create a county or state subdivision the subdivider shall meet with the administrator for a conference prior to preparation of the preliminary plat. It is also recommended the subdivider meet with the appropriate town board**.**

The following information shall be submitted at the conference:

(a) A sketch of reasonable scale and accuracy showing the boundaries of the property being considered for division.

(b) The proposed general layout.

(c) A description of all contiguous lands owned by the divider.

(d) Existing and proposed zoning for the subdivision.

(e) Required fee.

(2) PRELIMINARY PLAT SUBMITTAL REQUIREMENTS
After the pre-preliminary conference for all county and state subdivisions, a preliminary plat conforming to §236.11 Wisconsin Statutes, shall be prepared for review. Information to be submitted shall include the following:

(a) A preliminary plat map based upon a survey by a land surveyor registered in Wisconsin, an application prepared on a form provided by the department, and a cover letter. The plat shall show correctly on its face the following information:

1. The applicable information specified in 18.11(2) & (5) & (6).

2. A legal description of the proposed land division and total area in acres or square feet to be divided.

3. Any existing or proposed lake or stream access.

4. Any land reserved for public purposes, including parks, playgrounds, & open spaces.

(b) Soil & Site Evaluation Report. Soil & Site Evaluation Report as required by Wisconsin Administrative Code COMM 85 and/or the following information shall be submitted for all lots not served by public sewer:

1. Soil profiles accurate enough to show system types for proposed lots.

2. At least one soil boring per lot shall be made initially. Where initial soil borings indicate marked variations in depth to high groundwater or restrictive permeability, additional borings may be required at the discretion of the Administrator.

3. The Administrator may require preplanned lots where slopes and/or variable soil conditions make it difficult to site a system. Preplanning is designating the location of two areas for the future installation of privately-owned wastewater treatment system (POWTS) to serve a 3-bedroom home or designating the location of a replacement area for an existing POWTS. Preplanning may include designating areas for buildings, driveways, and other improvements as deemed necessary by the Administrator. The location of such preplanned areas shall be clearly shown on the plat or attached dimensioned detail no changes in preplanned areas shall be made unless approved by the Administrator. (Rev. ORD #2-2007).

4. The department shall be notified by the developer or soil tester at least two (2) work days prior to conducting soil tests for any proposed subdivision for the purpose of making a field appointment. Unless waived by the Administrator, a department representative shall be on site for soil testing.

(c) Where the Administrator finds that the County requires additional information relative to a particular problem presented by the proposed subdivision, he shall have the authority to request in writing that additional information including but not limited to the following be included on the preliminary plat or the accompanying documents.

1. Identification of surface drainage patterns, showing direction of flow, grading plan and indicating the manner and extent to which the drainage patterns will be altered by the subdivision and its development and an erosion control plan.

2. Proposed or existing deed and/or plat restrictions.

3. Identification of owners of record of abutting non-platted lands and a plan for future use and development of adjoining land owned by the subdivider.

(d) The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the features and that he has fully complied with this ordinance.

(3) PRELIMINARY PLAT APPROVAL PROCESS

(a) For all preliminary plats not served by a public sewerage system, the department shall act as the agent for distribution of copies to all objecting and approving agencies and other agencies such as utility companies. The number of copies of each plat shall be determined by the "Zoning Administrator's Checklist for Distribution of Plats."

(b) The Committee, within ninety (90) days of the date of filing of a complete preliminary plat and application with the Administrator shall conduct an inspection of the subdivision and approve, approve conditionally or reject such plat unless the time is extended by mutual agreement with the divider. A letter setting forth the conditions of approval or the reasons for rejection shall be sent to the divider. One (1) copy each of the plat and letter shall be placed in the committee's permanent file.

(c) Failure of the Committee to act within ninety (90) days or the time as extended by agreement with

the subdivider, shall constitute an approval. The ninety (90) day time period shall commence with the filing of the complete plat and application and not the pre-preliminary conference.

(d) The Committee or approving authority shall not approve any preliminary plat which is subject of an objection of an objecting agency.

(e) The Administrator shall not place the Preliminary Plat on the Committee agenda for review unless there has been a complete submittal at least five (5) work days prior to the meeting.

(4) FINAL PLAT

Upon approval of the preliminary plat, the subdivider or agent, shall prepare a final plat for review and submit it to the county within 36 months following preliminary plat approval. The Water and Land Use Planning Committee may extend the time for submission of the final plat. (Rev. 1-18-11) The application and review shall include the following:

(a) A final plat prepared by a land surveyor registered in Wisconsin. The plat shall comply with all applicable requirements of Chapter 236 of the Wisconsin Statutes.

(b) In addition to the requirements of Chapter 236, the final plat shall correctly show on its face:

1. Lands reserved for future public acquisition or for the common use of the property owners within the subdivision. Such lands shall be described and established as out-lots.

2. Special restrictions required by the reviewing authorities.

3. Final plats shall provide all certificates required by section 236.21 of the Wisconsin Statutes, and in addition, the surveyor shall certify specifically that all provisions of this ordinance have been fully complied with.

(c) The Administrator shall not place a final plat on the Committee agenda for review unless the plat or a true copy is submitted at least five (5) work days prior to the meeting.

(d) The Committee within sixty (60) days of the date of filing of a complete final plat with the administrator, shall approve, approve conditionally or reject such plat, unless the time is extended by mutual agreement with the sub-divider. If approved, the certifications on the plat shall be completed. If approved conditionally, the certifications shall not be completed until the conditions are met. If rejected, a letter or copy of the committee minutes setting forth the reasons for rejection shall accompany the plat.

(e) Failure of the Committee to act within the sixty (60) days or the time as extended by agreement with the sub-divider, shall constitute an approval.

(f) The Committee may or may not choose to approve any final plat which is the subject of an objection of any objecting agency.

(g) Relationship between preliminary and final plat:

1. Approval of a preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the final plat which will be subject to further consideration by the committee at the time of its submission.

2. The Zoning Administrator shall determine if a final plat substantially conforms to the preliminary plat and submit this determination to the Water and Land Use Planning

Committee along with a recommendation for approval/denial of the final plat. The conclusion and recommendation shall be made part of the public record of the meeting which the final plat is being considered. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of the preliminary approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the final plat is not submitted within thirty-six (36) months of the last required approval of the preliminary plat, any approving authority shall refuse to approve the final plat. (Rev. 1-18-11).

(h) Partial platting. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. Approval of a final plat for only a portion of the preliminary plat shall extend approval for the remaining portion of the preliminary plat for thirty-six (36) months from the date of such final plat approval unless extended by the Committee. (Rev. 1-18-11).

(i) Deed restrictions. The committee reserves the right to add further deed restrictions and covenants as provided in section 236.293 of the Wisconsin Statutes.

18.14 OBJECTING REVIEW

(a) Objecting review by the County over preliminary plats in cities and villages. The Water and Land Use Planning Committee shall receive and review preliminary plats of State defined subdivisions located within the City of Antigo and the Village of White Lake, on an objecting basis as specified in 236.12 (2) (b) and 236.12 (6), Wis. Stats., and shall file an objection to such plats upon a determination that conflict exists between the proposed subdivision and any existing or planned parks, highway or road, airport, drainage channels, floodplains, schools or other public facilities. The Committee shall issue a response to the plat as provided in 236.12 (3) or 236.12 (6), Wis. Stats.

SUITABILITY STANDARDS

18.15 GENERAL

(1) Section 236.45 of the Wisconsin Statutes authorizes the County to prohibit the division of lands where such prohibition will carry out the purposes set forth in this ordinance. The county may also regulate the manner of land division in areas where divisions are permitted.

(2) The suitability standards of this section are in addition to standards set forth in other regulatory ordinances.

(3) These suitability standards shall be applied to all proposed land divisions under the authority stated herein.

(4) No land shall be divided which is determined by the administrator or Committee to be unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage capabilities, or any other features or circumstances likely to result in the imposition of unreasonable costs or to be harmful to the health, safety or general welfare of the future residents of the land division or of the community.

18.16 ZONING

(1) Divisions of lands under this ordinance, shall be made in conformance with the provisions of Chapter 17, Langlade County Zoning Code if applicable in the town in which the division is located.

(3) No permanent easement wider than twenty (20) feet shall be recorded which reduces the lot size below the minimum required by the Zoning District in which the lot is located.

18.17 DIVISION OF LANDS OF HIGH AGRICULTURAL VALUE

a. It is declared to be the policy of the County according to the Langlade County Farmland Preservation Plan to preserve the agricultural use of land which, because of soil characteristics, aggregate acreage, proximity to other farms or other pertinent characteristics, has high value for continued farm uses to meet the food and fiber needs of the County, the region, the State and nation. In the interest of furthering the orderly use of land, preserving the character of these portions of the County and encouraging the use of land most appropriate to the essential nature of the land itself, land divisions under this chapter shall be limited from intruding on areas of high agricultural value.

b. Areas zoned and mapped "Exclusive Agriculture" on the County zoning maps shall be considered and a determination made as to the agricultural value of each parcel being proposed for division.

c. The Committee, in determining the agricultural value, may seek the advice of the County Land Conservation Committee, Natural Resource Conservation Service, assessors, and any other County or State agency which would be of assistance in making such a determination.

18.18 LIMITATIONS ON LARGE LOT, UNSEWERED DEVELOPMENTS IN AREAS WHICH HAVE POTENTIAL FOR SANITARY SEWER SERVICE

It is declared to be the policy of the County to encourage sanitary sewer service for subdivided developments. In the interest of promoting the orderly use and development of lands and facilitating adequate provisions for sewerage services, the following standards shall apply to all land divisions.

a. Developments which can be connected to sanitary sewage collection and treatment facilities within the land division at the time of development shall have all laterals and services to the property line installed in the course of development and shall be connected to the available treatment system prior to occupancy.

b. The Committee shall determine for each land division which comes before the County for approval whether the proposed development is located in an area where sanitary sewage treatment service can reasonably be expected to be available within a 5-year period from the date of project completion. In making such determination, the Committee shall make diligent inquiry into municipal, State and federal policies which bear upon the likelihood that service will, in fact, be provided on schedule. Land divisions may be occupied prior to connection to sewerage service, provided that each parcel proposed for occupancy meets all standards that are applicable to the interim, on-site waste disposal systems. Interim occupancy may be on the basis of use of 2 or more lots with provisions for redivision after sewerage service connection is made.

18.19 SUITABILITY OF LANDS FOR LARGE RURAL DEVELOPMENTS

It is declared to be the policy of the County to reasonably seek to accommodate the demand for purchase and occupancy of large lots for residential purposes in scenic rural locations. In the interest of preserving the green and scenic character of such areas, lessening highway congestion and allowing for adequate on-site waste disposal, such developments shall be permitted in areas of the County which are:

a. Zoned for such use.

b. Not included within the agricultural preservation area in the Langlade County Farmland Preservation Plan.

c. Compatible with the general suitability standards.

d. To ensure that such developments retain their character, they may be subject to the covenant provisions of this chapter.

e. If the Committee determines that the development is likely to result in the raising of floral, garden or agricultural crops on a larger scale than normally associated with home gardens or in the raising, care, use or husbandry of animals on a scale beyond that normally associated with full scale farming, the subdivider may be required to provide larger lot or parcel sizes than are otherwise established under Ch. 17 of this Code of Ordinances, and as are deemed necessary to assure space for the intended uses to be carried out without unreasonable interference with the use and enjoyment of present or potential users on nearby properties.

SUBDIVISION DESIGN STANDARDS

18.20 GENERAL

Subdivision design standards shall apply to all divisions of land regulated by this ordinance. Land division layouts shall be planned in proper relation to existing and proposed land divisions and streets, topography, surface water, vegetative cover and other natural features. Land divisions shall conform to any county development plan, local master plan or element thereof applicable to the lands included.

18.21 SURFACE DRAINAGE AND EROSION CONTROL

(1) Land divisions shall be designed so as to minimize soil erosion and to provide reasonable management of surface water drainage. The Committee may require engineering studies of erosion potentials and may impose preventive design requirements. The Committee may require documentation of surface water drainage patterns and may impose design requirements to assure that flows are transported and disposed of without causing undue erosion and siltation of surface waters, undue runoff onto adjoining lands or streets or other rights-of-way or excessive infiltration into locations of on-site waste water disposal facilities. Dividers may request assistance and consultation from the department and Land Conservation Department in meeting the above requirements.

(2) Storm Water Easement and Drainage Right-of-Way. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course, and of such width or construction or both as will be adequate for drainage purposes. Wherever possible, it is desirable that the drainage be maintained by an open channel with natural or landscaped banks and adequate width for maximum potential volume of flow.

18.22 STREETS AND ROADS (Rev. ORD #3-2009)

(1) PUBLIC STREETS AND ROADS – GENERAL CONSIDERATIONS

Streets and roads shall be designed and located in relation to existing and planned streets and future subdivisions, to topographic conditions and natural terrain, to promote convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

These provisions shall apply to all public roads and streets within the jurisdiction of the Ordinance except when the Water & Land Use Planning Committee has approved the public streets and roads as part of a Planned Residential Development. (Rev. ORD #2-2007)

a) All roads in state and county subdivisions shall be public roads. All lots in state and county subdivisions shall front on public roads.

1) Right-of-way shall be at least 66 feet.

2) Before the final plat is approved by the Committee, the subdivider shall build the road to town specifications or shall provide financial assurance to the Town Clerk ensuring that the road will be built within 3 years from the date of final approval or before more than 50% of the lots are sold, whichever comes first. The amount of the financial assurance shall be determined by the Town. A copy of the financial assurance and a letter from the Town stating the financial assurance has been properly filed and meets their requirements shall be submitted to the administrator. The town and the subdivider may enter into an agreement to allow additional time for road construction along with an extension of the financial assurance and a copy of said agreement shall be submitted to the administrator. If the plat is developed in phases as approved by the Water & Land Use Planning Committee, the amount of the financial assurance shall be limited to the phase currently being constructed and will not be required to be provided sooner than is reasonably necessary before the construction of the road begins. (Rev. ORD #1-2011)

3) The specifications for roads shall be approved by the Town. Prior to either acceptance of the road by the town or release of the financial assurance, all improvements shall be inspected by the Town and found to have been installed according to specifications.

b) Owner's certificates of dedication shall be used on certified survey maps of minor subdivisions when public roads are created.

c) Town road names are subject to approval by the Town Board and the Committee to ensure unique naming. Before any Minor Subdivision, County Subdivision, or State Subdivision can be approved for recording, new town roads shall be named and these names as approved shall appear on the document to be recorded.

(2) PRIVATE ROADS – GENERAL

These provisions shall apply to all private roads (easements) intended to provide access to newly created parcels except when the Water & Land Use Planning Committee has approved the private roads as part of a Planned Residential Development. (Rev. ORD #2-2007). (Rev. ORD #1-2011).

(a) Private roads (easements) are only allowed in minor subdivisions and shall meet the following requirements: (Rev. ORD #1-2011).

1) A minimum of a 33' wide private road shall provide access from a public road to one (1) lot.

2) A minimum of a 66' wide private road shall provide access from a public road to not more than two (2) lots.

3) A restriction shall be placed on the face of the survey that there shall be no further division of lots created under paragraphs 1) & 2).

4) A private road shall not exceed 1,320' in length.

(b) A road shall be built to town specifications according to the procedure under 18.22(1) and properly dedicated for public use when said road is to provide access to more than two (2) lots.

(c) All private roads may be named and properly signed. Private road names are subject to approval by the Town Board and the Committee to ensure unique naming. These names as approved shall appear on the document to be recorded. (Rev. ORD #1-2011).

(d) Private roads serving County and State subdivisions are not allowed.

(e) All private dead-end roads shall have sufficient side and overhead clearances to allow access and an adequate turnaround for emergency, police, fire, utility and school bus usage.

(f) Private roads that are existing at the time of the effective date of this ordinance that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section (2).

(g) Private roads from an existing public road to the newly created lot(s) shall be clearly labeled and dimensioned and monumented right-of-way lines shall be shown on the CSM. (Rev. ORD #3-2009).

(3) ARRANGEMENT

(a) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way and future subdivisions.

(b) All streets shall be properly designed to accommodate special traffic generators, such as industries, business districts, schools, churches, and shopping centers.

(c) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.

(d) The use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use may result in a more desirable layout.

(4) ACCESS TO MAJOR STREETS

The number of residential streets entering a major street shall be kept to a minimum. Where a subdivision borders on or contains an existing or proposed major street, the Committee may require that access to such streets be limited by one (1) of the following means:

(a) A parallel street supplying frontage for lots backing onto the major street. Such lots to be provided with a screen planting contained in a non-access reservation along the major street;

(b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street;

(c) A marginal access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.

(5) WIDTH OF ROADWAYS

Paving widths of all roadways shall be determined by the Town Board but shall not be less than that specified in §86.26 statutes.

(6) CUL-DE-SACS OR DEAD-END STREETS

(a) The use of cul-de-sacs in street layouts shall be limited to portions of developments which, due to unusual shape, size, location, or topography, floodplain, wetland or other condition may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-

sacs or courts will not be acceptable.

(b) A cul-de-sac shall not be longer than 1,320 feet, measured on its centerline unless, by reason of topography or other circumstances beyond the control of the developer, the Committee, upon the recommendation of the administrator, find a greater length to be justifiable.

(c) The diameter of a permanent cul-de-sac shall be not less than one hundred twenty (120) feet. The roadway within the turn-around shall have the largest diameter practical. The roadway shall generally be within 10 feet of the right of way.

(d) Temporary cul-de-sacs or "T" turnarounds may be required where a roadway will not be immediately completed as a through street. The Committee may approve turnarounds of smaller diameter or different design on a case by case basis.

(7) HALF STREETS

Half streets in new subdivisions shall not be permitted without Committee approval. Where a half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated and the subdivider to meet the requirements of this chapter.

(8) STREET INTERSECTIONS

(a) Streets shall be laid out so as to intersect as nearly as possible at right angles but deflections of up to twenty (20) degrees from right angles will be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Committee.

(b) Proposed new intersections along one side of an existing street shall coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred, twenty-five (125) feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous.

(c) The Town Board or Committee may require the developer to dedicate or reserve land at intersections to the extent deemed necessary to provide adequate sight distances.

(9) ALLEYS

(a) Alleys may be required by the Committee where deemed necessary.

(b) The width of alleys shall be not less than twenty-four (24) feet.

(c) Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

(10) UTILITY EASEMENTS

The Committee may require easements for electric power and communication facilities, storm and sanitary sewer, streets, trees, gas, water or other utility lines. Where such easements are specifically located within the area being divided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat followed by reference to intended use; such easements shall be at least ten (10) feet wide.

(11) DRIVEWAY ACCESS

Driveway access points shall be located and shown on the plat where the Committee deems necessary due to visibility, safety, and topography concerns.

18.23 LOTS AND BLOCKS

(1) Unless specifically waived by the Committee, or approved by the Committee for a condominium pursuant to 18.37. a separate lot shall be provided for each structure intended for residential use. (Rev. ORD #1-2011).

(2) MINIMUM LOT SIZE

The minimum lot size for newly created lots shall be two (2) acres with the following exceptions:

(a) Waterfront lots shall meet the minimum lot size requirements in Chapter 17, Zoning Code, Section 17.36 Shoreland Zoning.

(b) Lots in a sanitary district to be served by public sewer shall meet the minimum lot size requirements in Chapter 17, Zoning Code, Section 17.51(4).

(c) If a soil and site evaluation report indicates a conventional, in-ground pressure, at-grade or mound system could be installed and is approved by the department and the system area is shown on the survey, the minimum lot size may be reduced to one (1) acre.

(d) When Chapter 17, Zoning Code requires larger minimum lot sizes for particular zoning districts, the larger size shall apply.

(e) When the Water & Land Use Planning Committee has approved the minimum lot size as part of a Planned Residential Development. (Rev. ORD #2-2007).

(3) RESIDENTIAL BLOCKS

(a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

(b) The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not, where practical, exceed one thousand, eight hundred (1,800) feet nor be less than four hundred (400) feet in depth. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand, three hundred and twenty (1,320) feet in length.

(c) Pedestrian walkways, not less than ten (10) feet wide, may be required by the Committee through the center of blocks more than nine hundred (900) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(4) NONRESIDENTIAL BLOCKS

Blocks designed for business, commercial, or industrial uses shall be of such length and width as may be determined suitable by the Committee for the prospective use.

(5) LOTS

In general, the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements

of applicable zoning regulations. No lot depth shall be more than five (5) times its width at the building line. Private access strips that are narrower than the minimum lot width required by zoning shall not be used in calculating this ratio.

(6) RESIDENTIAL LOTS
Residential lots to be served by private sewage systems shall comply with the rules of the Department of Commerce and the Langlade County Private Sewage System Ordinance.

(7) BUSINESS, COMMERCIAL AND INDUSTRIAL PROPERTIES
Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the appropriate zoning regulations.

(8) CORNER LOTS
Corner lots for residential use shall have extra width to permit full building setback as required in the appropriate zoning regulations.

(9) LOT FRONTAGE
Every lot shall have a minimum of 33 feet of frontage directly on a public road except as provided in 18.22(2)(a)1.) & 2.).

(10) DRAINAGE REQUIREMENTS
Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(11) HOLDING TANKS
The creation of a lot(s) under this ordinance that results in the use of a holding tank is prohibited. In order to determine the suitability of the soils for the proposed lot(s), a determination shall be made by the administrator based on the Langlade County Soil Survey and knowledge of the existing soil conditions in the area. If there is conflicting information, a complete soil & site evaluation report shall be submitted prior to approval of the division. If the determination is made that the lot(s) is only unsuitable for a holding tank, then the division shall not be approved.

18.24 LANDS NEAR WATER'S EDGE
The lands lying between the meander line, established in accordance with section §236.20(2)(g) statute and the waters edge and any otherwise unplattable lands, such as floodways, which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any map or plat abutting a lake or stream. This requirement applies not only to lands proposed to be divided, but also to all lands under option to the subdivider or in which he holds an interest and which abut a lake or stream as provided in section 236.16(4) of the Wisconsin Statutes. Lands located below the ordinary high water mark of any navigable water shall not be included in the total area of any lot or parcel created under the terms of this ordinance. See OAG-88-78.

18.25 RESERVATION OF LAND
Reservation of land shall be required which are in conformance with the county development plan or parts thereof.

18.26 PARKS, PLAYGROUNDS

In the design of the land division, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. Consideration shall also be given in the design of the land division to the preservation of scenic and historic sites, stands of fine trees, wetlands, lakes and ponds, watercourses, watersheds and ravines.

18.30 DEDICATION

(1) ROADS
The subdivider shall be required to offer for dedication to the County or Town whichever is applicable all streets, roads and other public ways which are proposed to be established within the subdivision.

(2) DISCLOSURE
No person shall sell any parcel of land if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or the County.

(3) PUBLIC ACCESS TO NAVIGABLE WATERS
State and County subdivisions abutting on a navigable lake or stream shall, according to the provisions of section 236.16(3) of the Wisconsin Statutes and this section, provide access at least one hundred (100) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Department of Natural Resources and the Department of Administration, Plat Review, and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. For minor subdivisions, the requirement for public access may be waived by the Committee. The Committee shall be substituted for the state agencies in deciding applications for access points at greater intervals and additional wider distances for county subdivisions.

(4) OTHER DEDICATIONS
The Committee may require that suitable sites not to exceed 5% of the total area of the land division be offered for dedication or reservation for future public use, such as parks, playgrounds, public access, drainageways, school sites and open spaces as needed by the subdivision.

(5) TERMS OF RESERVATION
Reservation of land for public acquisition shall be for a period specified by the Committee not to exceed ten (10) years. Land so reserved shall be shown on the final plat.

(5) Method of offering dedications. Dedications shall be affected as provided in section 236.29 of the Wisconsin Statutes. Dedications to the county shall require approval of the County Board.

18.31 IMPROVEMENTS

(1) Survey monuments. The surveyor shall install all survey monuments in accordance with the requirements of section 236.15 of the Wisconsin Statutes for county subdivisions or Section 236.34 for minor subdivisions. The Town Board may waive the placing of monuments for a reasonable time on condition that the subdivider executes a security bond to ensure that the monuments will be placed within the time required.

(2) Ties to the County Coordinate System. Any State or County Plat or CSM recorded in the Register of Deeds office or any plat of survey filed in the County Surveyor's office shall be tied by lengths and bearings to a monumented boundary line of a quarter section in which the subdivision lies. A description of the monuments at ends of the line and the bearing and distance between those monuments shall be

shown. Boundary bearing references shall be to bearings established by the County in its county coordinate system. If no bearings have been established on any of the boundaries of the section being worked in, a reference to a magnetic or true direction shall be used. When re-dividing an existing CSM or subdivision plat which is already connected to county bearings the re-division shall be referenced to those bearings.

18.32 COMMENCEMENT OF IMPROVEMENTS AND CONSTRUCTION

Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved by all reviewing authorities; provided, however, that construction or installation of improvements may commence following approval of a preliminary plat if the committee's approval of the preliminary plat included explicit approval of such commencement. The setting of survey monuments does not require explicit approval of the committee.

CONDOMINIUMS

18.35 INTENT

It is the intent of this section to regulate condominiums as they relate to zoning and for the division of land for the purpose of establishing a condominium plat.

18.36 ZONING

Land divided for the establishment of a condominium plat shall meet the requirements of the Langlade County Zoning Ordinance.

18.37 CONDOMINIUM PLATS

A condominium plat shall be submitted to the Committee for review and approval pursuant to WI Stats. 703.115. (Rev. ORD #2-2007)

18.38 STANDARDS

Condominium plats shall meet the requirements of section 703.11 of the Wisconsin Statutes. (Rev. ORD #2-2007)

18.39 UNITS

(1) Unlike subdivision of lots and blocks, units are applied to condominium plats. Units shall be fully described as provided by section 703.12 of the Wisconsin Statutes.

(2) Units within multi-unit or multi-story structures shall be shown and described on the plat.

18.40 APPROVAL

As a condition of approval of condominium plats, the Committee may consider all provisions outlined in Chapter 703 of the Wisconsin Statutes prior to granting approval for the recording of the instruments specified.

ADMINISTRATION AND ENFORCEMENT

18.45 WATER & LAND USE PLANNING COMMITTEE

The Committee as appointed by the Langlade County Board, shall be empowered to insure proper administration and compliance with the provisions of this chapter, conduct such hearings and meetings as necessary in accordance with this code and to approve, conditionally approve or reject applications under the terms as set forth herein and set fees and adjust them from time to time as is deemed necessary.

18.46 ZONING ADMINISTRATOR

The administrator shall be responsible for the administration and enforcement of this ordinance and may delegate duties to designees within the department.

18.47 FEES, ENFORCEMENT, VARIANCES AND APPEALS

(1) FEES (Rev. 2/07).

(a) Application fees. **See Water & Land Use Planning Approved Fee Schedule.** The subdivider shall pay the fees specified below at the time of formal submission of application. (Rev. 4/06).

(b) Legal and engineering fees. Upon mutual agreement, the subdivider shall pay the County at times specified by the committee, a fee equal to the actual cost to the County of any engineering or legal work incurred by the County in conjunction with the plat review. Engineering work shall include preparation of construction plans and specifications and inspections. Legal work shall include the drafting of contracts between the county and the subdivider and a review of covenants, easements and documents involved in dedications.

(c) Permit fees shall be set and amended from time to time by the Committee.

(d) A double permit fee will be charged for all after-the-fact permit applications to partially recover the cost of obtaining compliance.

(e) Resubmittal fees equal to the application fees may be charged if:

1. Closure is not met in a county plat.

2. Major revisions to the revised map are required.

(2) MODIFICATIONS AND APPEALS

(a) Modifications. Where, because of unique topographic or other conditions of the land involved, or because of other conditions predating adoption of this ordinance, or to achieve consistency with a city or village extraterritorial ordinance, it is inappropriate to apply literally the provisions of this ordinance and where such literal applications would impose undue hardship, the Committee may vary the requirements of this code. The Committee may attach conditions to the granting of such modifications to assure that the purpose and intent of the ordinance are observed and that compliance with state law is achieved. The Committee shall not waive or modify the requirements of this code for the creation of a lot that is intended to provide collateral for security purposes (as for payment of a debt or performance of a contract). (Rev. ORD #-2009).

(b) Appeals

1. The County Board of Adjustment shall hear and decide appeals where it is alleged that the administrator erred in applying the provisions of this ordinance.

2. Any person aggrieved by a failure to approve any land division or condominium plat, may appeal therefrom to the courts as provided in the Wisconsin Statutes.

(3) REPLATS, VACATIONS OR ALTERATIONS IN RECORDED PLATS

(a) Replats of all or part of a recorded land division shall occur pursuant to section 236.36 through 236.455 of the Wisconsin Statutes.

(b) Upon submission to the county of a preliminary plat for an area for which a plat was vacated or

altered by action pursuant to section 236.40 through 236.44, the Committee shall hold a public hearing. While the proposed new plat is pending before the committee, notices of the hearing shall be mailed to the owners of all properties within the area of the subdivision and to all landowners within two hundred (200) feet of the proposed replat.

(4) ENFORCEMENT

(a) Any division of land which results in a state subdivision, county subdivision, minor subdivision or condominium plat as defined in this ordinance, shall be surveyed, mapped or platted, and the map or plat shall be approved as provided herein, and the approved map or plat shall be recorded with the Langlade County Register of Deeds prior to conveying any lot, parcel or tract included within the proposed division, provided, however, that in the case of a subdivision which has been the subject of a preliminary plat approved by the Committee, offers or contracts to convey parcels, lots, or tracts within the proposed land division may be entered into pending approval of the final plat if the contract or offer to convey stated on its face that it is contingent upon recording of the final plat and shall be void if such plat is not recorded within a specified time.

(b) Lots may be further divided, providing they meet all land division standards of this and other applicable ordinances. It shall be unlawful for any person to build upon, divide, convey, record or monument any land in violation of this code or the Wisconsin Statutes. No person shall be issued a permit by the county authorizing the building upon or improvement of any land division or condominium plat until the requirements of this chapter have been fully met.

(c) The administrator or designee may issue a compliance order, field directive, suspension order or termination order to assure compliance with the provisions of this code.

(d) The county may institute appropriate action or proceedings to enjoin violation of the ordinance or of state law pursuant to section 236.31 of the Wisconsin Statutes.

(e) Penalties

1. A person, firm or corporation who fails to comply with this code shall be subject to the penalty provisions contained in section 25.04 of the Langlade County General Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

2. Improperly recording or conveyance of lot in unrecorded plat and monuments disturbed or not placed has penalties provided in §236.31 and 236.32 statutes.

3. Assessor's plats made pursuant to section 70.27 of the Wisconsin Statutes may be ordered by the County at the expense of the divider or the owners of record when a land division is created by successive divisions, not in compliance with this code.

(f) The Zoning Department shall withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner, or licensed contractor is in violation of this or any ordinance administered by the Zoning Department, and for any parcel(s) of land which has an outstanding violation(s) until the violation(s) has been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Zoning Committee.

18.48 RECORDING AND CONVEYANCE OF LOTS OR PARCELS INCLUDED WITHIN LAND

DIVISION REQUIRING COUNTY APPROVAL

(1) RECORDING

Pursuant to WI Stats. section 236.25(2) the Register of Deeds is directed to accept for recording all plats and certified survey maps and accompanying documents which are required to be prepared and approved by this code, and to keep and record same. Pursuant to WI Stats. Section 236.25(2)(b) plats shall be recorded within 12 months after the last approval and 36 months from the first approval. No person shall attempt to record a plat or document purporting to create parcels of land for sale or development that is not in conformance with this ordinance. (Rev. 1-18-11)

(2) CONVEYANCE

Lands described in plats and maps recorded pursuant to sub. (1) may be described by reference to the recorded plat or map and recording document number for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in section 706.01(3), Wisconsin Statutes.

18.49 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of Langlade County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

18.50 WAIVER OF LIABILITY

(1) In carrying out any of the provisions of this chapter or in exercising any power or authority granted to the department, its agents or employees, thereby, there shall be no personal liability upon them.

(2) In such matters, it is understood that the department, its agents or employees act as agents and representatives of the County.

(3) Since there can be considerable variation in the ability of soil to absorb sewage effluent on the individual lots approved pursuant to this code, attention is directed to the necessity of conducting individual lot soil tests by a certified soil tester as specified in Wis. Admin. Code COMM 83. There shall be no personal liability upon the department, its agents and employees where, as the result of individual lot soil tests, a state approved private sewage system other than the type expected, must be used.

18.51 SEVERABILITY

Should any section clause, provision or portion of this chapter be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

CHAPTER 19

RESERVED FOR FUTURE USE FOR SOIL AND WATER CONSERVATION ORDINANCE

CHAPTER 20

NONMETALLIC MINING RECLAMATION

PART I GENERAL
- **20.01 Title**
- **20.02 Purpose**
- **20.03 Statutory Authority**
- **20.04 Restrictions Adopted Under Other Authority**
- **20.05 Interpretation**
- **20.06 Severability**
- **20.07 Applicability**
- **20.07(1) Overall Applicability**
- **20.07(2) Exemptions**
- **20.08 Administration**
- **20.09 Effective Date**
- **20.10 Definitions**

PART II STANDARDS
- **20.11 Standards**

PART III PERMITTING
- **20.12 Nonmetallic Mining Reclamation Permit Application**
- **20.12(1) Required Submittal**
- **20.12(3) Reclamation Permit Application Contents**
- **20.13 Reclamation Plan**
- **20.13(1) Reclamation Plan Required**
- **20.13(4) Existing Plans and Approval**
- **20.13(5) Approval of Reclamation Plan**
- **20.14 Financial Assurance**
- **20.14(1) Financial Assurance Requirements**
- **20.14(3) Private Nonmetallic Mines**
- **20.14(4) Public Nonmetallic Mining**
- **20.15 Public Notice and Right of Hearing**
- **20.15(1) Reclamation Plan Hearing**
- **20.15(3) Local Transportation – Related Mines**
- **20.16 Issuance of a Nonmetallic Mining Reclamation Permit**
- **20.16(1) Permit Required**
- **20.16(4) Permit Issuance**
- **20.16(5) Automatic Permit for Local Transportation – Related Mines**
- **20.16(6) Expedited Review**
- **20.16(7) Permit Conditions**
- **20.17 Permit Denial**
- **20.18 Alternative Requirements**
- **20.18(1) Scope of Alternative Requirements Approvable**
- **20.18(2) Procedures**
- **20.18(3) Transmittal of Decision on Request for Alternative Requirement**
- **20.18(4) Notice to Wisconsin Department of Natural Resources**

20.19 Permit Duration
20.20 Permit Transfer
20.21 Previously Permitted Sites
20.22 Review

PART IV ADMINISTRATION
20.23 Permit Modification
20.23(1) By Langlade County
20.23(2) At the Operator's Option
20.23(3) Required by the Operator
20.23(4) Review
20.24 Permit Suspension and Revocation
20.24(1) Grounds
20.24(2) Procedures
20.24(3) Consequences
20.25 Annual Operator Reporting
20.25(1) Contents and Deadline
20.25(2) Inspection in Lieu of Report
20.25(3) Retention of Annual Reports
20.26 Plan Review Fees
20.26(1) Amount and Applicability
20.26(2) Expedited Plan Review Fee
20.26(3) Relation to Annual Fee
20.27 Annual Fees
20.27(1) Areas Subject to Fees, Procedures and Deadline
20.27(2) Wisconsin Department of Natural Resources Share of Fee
20.27(3) Langlade County's Share of Fee
20.28 Regulatory Reporting and Documentation
20.28(1) Reporting
20.28(2) Documentation
20.29 Completed Reclamation - Reporting, Certification and Effect
20.29(1) Reporting
20.29(2) Reporting of Interim Reclamation
20.29(3) Certification of Completed Reclamation
20.29(4) Effect of Completed Reclamation
20.29(5) Effect of Inaction Following Report of Completed Reclamation
20.30 Permit Termination

PART V ENFORCEMENT
20.31 Right of Entry and Inspection
20.32 Orders and Citations
20.32(1) Enforcement Orders
20.32(2) Special Orders
20.32(3) Review of Orders
20.32(4) Citations
20.32(5) Enforcement
20.33 Penalties

PART I - GENERAL

20.01 TITLE

Nonmetallic mining reclamation ordinance for the County of Langlade.

20.02 PURPOSE

The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Langlade County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.

20.03 STATUTORY AUTHORITY

This chapter is adopted under authority of Section 295.13(1), and Section 59.51, Wisconsin Statutes.

20.04 RESTRICTIONS ADOPTED UNDER AUTHORITY

The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining reclamation required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

20.05 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal 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. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. 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.

20.06 SEVERABILITY

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

20.07 APPLICABILITY

20.07(1) OVERALL APPLICABILITY

The requirements of this chapter apply to all operators of nonmetallic mining sites within Langlade County except as exempted in sub. (2) and except for nonmetallic mining sites located in a city, village or town within Langlade County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of a county, a municipality, or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in sub. 20.14(4).

20.07(2) EXEMPTIONS

This chapter does not apply to the following activities:

(a) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under secs. 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.

(b) Excavations subject to the permit and reclamation requirements of secs. 30.30 or 30.31, Stats.

(c) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.

(d) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.

(e) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.

(f) Excavations for building construction purposes conducted on the building site.

(g) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affective acreage occurs over the life of the mine.

(h) Any mining operation, the reclamation of which is required in a permit obtained under Ch. 293, Stats.

(i) Any activities required to prepare, operate or close a solid waste disposal facility under Ch. 289, Stats., or a hazardous waste disposal facility under Ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

(j) 1. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.

2. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.

3. If a nonmetallic mining site covered under pars. 1. and 2. is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

(k) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

20.08 ADMINISTRATION

The provisions of this chapter shall be administered by Langlade County Land Records and Regulations Department, Resource Center, 837 Clermont St., P.O. Box 505, Antigo, WI 54409-0505.

20.09 EFFECTIVE DATE

The provisions of this chapter shall take effect upon adoption by the Langlade County Board of Supervisors and publication.

20.10 DEFINITIONS

In this chapter:

(1) "Alternative requirement" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by the Langlade County Land Records and Regulations Department pursuant to s. 20.18.

(2) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of Ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (21) (c). If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

(3) "Borrow site" means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

(4) "Contemporaneous reclamation" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

(5) "Department" means the Wisconsin Department of Natural Resources.

(6) “Environmental pollution” has the meaning in s. 295.11(2), Stats.

(7) “Existing mine” definition deleted (March, 2007).

(8) "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in s. 20.14 and is sufficient to pay for reclamation activities required by this chapter.

(8m) “Highwall” means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds 3:1.

(9) "Interim Reclamation" includes those measures which are implemented at the earliest possible opportunity for the purpose of minimizing disturbed areas but which do not satisfy standards or descriptions of the final reclamation. Interim reclamation may also be implemented in cases where land will be re-disturbed before final reclamation. Interim reclamation measures shall be completely described in the reclamation plan required under section 20.13. Interim reclamation measures shall be implemented for a maximum of three years. Interim reclamation may also be required as a condition of the permit pursuant to 20.16(7).

(9m) “Licensed professional geologist” means a person who is licensed as a professional geologist pursuant to Ch. 470, Stats.

(10) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

(11) "Langlade County" or "county" means the Langlade County Land Records and Regulations Department.

(12) "Municipality" means any city, town, village or county.

(13) "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

(14) "Nonmetallic mining" or "mining" means all of following:

(a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(15) "Nonmetallic mining reclamation" or "reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of

vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

(16) "Nonmetallic mining refuse" means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(17) "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in par. (a), subject to the qualifications in par. (b).

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.

2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.

3. Areas where nonmetallic mining refuse is deposited.

4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.

5. Areas where grading or regrading is necessary.

6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(b) "Nonmetallic mine site" does not include any of the following areas:

1. Those portions of sites listed in par. (a) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.

2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.

3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

(18) "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(18m) “Person” means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

(19) “Registered geologist” definition deleted & replaced with “licensed professional geologist” (March, 2007)

(20) "Registered professional engineer" means a person who is registered as a professional engineer pursuant to ss. 443.04, Stats.

(21) "Regulatory authority" means one of the following:

(a) The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under s. 295.13, Stats., except where a municipality has adopted an applicable reclamation ordinance pursuant to par. (b).

(b) The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under s. 295.14, Stats.

(c) The department, in cases where a county mining reclamation program is no longer in effect under s. 295.14, Stats., but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.

(22) "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(23) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31 (1), Stats.

(24) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(25) "Topsoil substitute material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(26) (a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sub. 20.29(3). However, the term does not include any areas described in par. (b).

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under sub. 20.29(3).

2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

3. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.

4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

5. For purposes of fees under s. 20.27, those areas within a nonmetallic mining site which Langlade County has determined to have been successfully reclaimed on an interim basis in accordance with sub. 20.29(3).

PART II – STANDARDS

20.11 STANDARDS

All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(1) GENERAL STANDARDS

(a) REFUSE AND OTHER SOLID WASTES

Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to Chapters 289 and 291, Stats.

(b) AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION

Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(c) PUBLIC HEALTH, SAFETY AND WELFARE

All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(d) HABITAT RESTORATION

When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(e) COMPLIANCE WITH ENVIRONMENTAL REGULATIONS

Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

Note: Other applicable environmental, zoning or land use regulations may include Chapters NR 103, 115, 116, 117, 205, 216, 269, 105, 106, 140, 150, 151, 340, 500-590, and 812, Wisconsin Administrative Code, Chapters 30 and 91, Stats., and Section 404 of the Clean Water Act (33 USC s. 1344), which may be applicable to all or part of either an existing or proposed nonmetallic mining project, so long as they do not require or directly regulate the reclamation of nonmetallic mining sites as addressed under Subchapter I of Chapter 295, Stats.

(2) SURFACE WATER AND WETLANDS PROTECTION

Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) GROUNDWATER PROTECTION

(a) GROUNDWATER QUANTITY

A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(b) GROUNDWATER QUALITY

Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) TOPSOIL MANAGEMENT

(a) REMOVAL

Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Removal of onsite topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall commence prior to any mining activity associated with any specific phase of the mining operation.

(b) VOLUME

The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

Note: Existing resources that may be used to identify the soil present on a site include the County Soil Surveys and information obtained from a soil scientist or the U.W. Soil Science Extension Agent or other available resources. Topsoil or topsoil substitute material shall be removed from areas to be affected by mining operations to the depth indicated in the reclamation plan or as determined in the field by a soil scientist, project engineer or other qualified professional.

(c) STORAGE

Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) FINAL GRADING AND SLOPES

(a) All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to s. 20.13 to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved under s. 20.18; steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(c) When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created to allow for a safe exit.

(6) TOPSOIL REDISTRIBUTION FOR RECLAMATION

Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) REVEGETATION AND SITE STABILIZATION

Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) ASSESSING COMPLETION OF SUCCESSFUL RECLAMATION

(a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by the Langlade County Land Records and Regulations Department or its agent;

2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or

3. A combination of inspections and reports.

(c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(d) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;

2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or

3. Comparison to an approved alternate technical standard.

(e) Revegetation using a variety of plants indigenous to the area is favored.

(9) INTERMITTENT MINING

Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to s. 20.14 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(10) MAINTENANCE

During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

PART III - PERMITTING

20.12 NONMETALLIC MINING RECLAMATION PERMIT APPLICATION

Required. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in 20.07(1) or 20.07(2) or 20.10(17)(b).

20.12(1) REQUIRED SUBMITTAL

All operators of nonmetallic mining sites shall apply for a reclamation permit from Langlade County. All applications for reclamation permits under this section shall be accompanied by the following information:

(a) A brief description of the general location and nature of the nonmetallic mine.

(b) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.

(c) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.

(d) The name, address and telephone number of the person or organization who is the operator.

(e) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Part II.

20.12(2) RESERVED FOR FUTURE USE

20.12(3) RECLAMATION PERMIT APPLICATION CONTENTS

The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to Langlade County prior to beginning operations.

(a) The information required by sub. 20.12(1).

(b) The plan review and annual fees required by secs. 20.26 and 20.27.

(c) A reclamation plan conforming to s. 20.13.

(d) A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by s. 20.14 upon granting of the reclamation permit and before mining begins.

(e) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

20.13 RECLAMATION PLAN

20.13(1) RECLAMATION PLAN REQUIRED

(a) All operators who conduct or plan to conduct nonmetallic mining shall submit to Langlade County a reclamation plan that meets all the following requirements and complies with the reclamation standards of Part II.

(b) SITE INFORMATION

The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

1. Maps of the nonmetallic mining site including the general location, property boundaries, the areal extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, as determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic

information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

2. Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

3. Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine site.

4. Existing topography as shown on contour maps of the site. If the site is disturbed, the contour map shall be at 5' contour intervals. A copy of the United States Geological Survey topographical map of the nonmetallic mine site may be submitted to fulfill this requirement if site is undisturbed.

5. Location of manmade features on or near the site.

6. For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

Note: Some of or all of the information required above may be shown on the same submittal, i.e. the site map required by par. 1. may also show topography required by par. 4.

(c) POST-MINING LAND USE.

1. The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.

Note: A proposed post-mining land use is necessary to determine the type and degree of reclamation needed to correspond with that land use. The post mining land use will be key in determining the reclamation plan. Final slopes, drainage patterns, site hydrology, seed mixes and the degree of removal of mining-related structures, drainage structures, and sediment control structures will be dictated by the approved post-mining land use.

2. Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to s. 91.75, Stats., shall be restored to agricultural use.

Note: Section 91.75(9), Stats., contains this requirement. Section 91.01(1), Stats., defines the term "agricultural use".

(d) RECLAMATION MEASURES

The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of

reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

1. A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer as provided by 20.11(5)(a) or (b).

2. The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.

3. A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

4. A plan or map which shows surface structures, roads and related facilities after the cessation of mining.

5. The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

6. A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

7. Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

8. A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

9. A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to subs. 20.29(2) and 20.29(4) and reduction of financial assurance pursuant to sub. 20.29(4)(c), and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Part II and timing of interim and final reclamation.

   Note: Some of the information required by this subsection may be combined to avoid duplication, e.g. a single map may show anticipated post-mining topography required by par. 3.as well as structures and roads as required by par. 4.

10. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

Note: Safety measures include: visual warnings, physical barriers, slope modifications such as reclamation blasting, scaling of the rock face, creation of benches. Other measures may be employed if found to be equivalent by a registered professional engineer.

(e) The reclamation plan shall contain criteria for assuring successful reclamation in accordance s. 20.11 (8).

(f) CERTIFICATION OF RECLAMATION PLAN

1. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.

20.13 (2) & (3) RESERVED FOR FUTURE USE

20.13(4) EXISTING PLANS AND APPROVALS

To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

20.13(5) APPROVAL OF RECLAMATION PLAN

Langlade County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sub. 20.16(4) for mines that apply for a reclamation permit in conformance with sub. 20.12(3). Conditional approvals of reclamation plans shall be made according to sub. 20.16(7) and denials of reclamation plans shall be made pursuant to s. 20.17. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

20.14 FINANCIAL ASSURANCE

20.14(1) FINANCIAL ASSURANCE REQUIREMENTS

All operators of nonmetallic mining sites in Langlade County shall prepare and submit a proof of financial assurance that meets the following requirements:

(a) NOTIFICATION

The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. (c).

(b) FILING

Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Langlade County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Langlade County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Langlade County only if it currently has primary regulatory responsibility.

(c) AMOUNT AND DURATION OF FINANCIAL ASSURANCE

The amount of financial assurance shall equal as closely as possible the cost to Langlade County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed

periodically by the county to assure it equals outstanding reclamation costs. Any financial assurance filed with the county shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Langlade County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(d) FORM AND MANAGEMENT

Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Langlade County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of the county, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(e) MULTIPLE PROJECTS

Any operator who obtains a permit from Langlade County for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by the county.

(f) MULTIPLE JURISDICTIONS

In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(g) CERTIFICATION OF COMPLETION AND RELEASE

1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Langlade County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Langlade County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Langlade County shall issue a certificate of completion and

shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

2. Langlade County shall make a determination of whether or not the certification in par. 1. can be made within 60 days that the request is received.

3. Langlade County may make a determination under this subsection that:
   a. Reclamation is not yet complete;

   b. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;

   c. Reclamation is complete in a part of the mine; or

   d. Reclamation is fully complete.

(h) FORFEITURE
Financial assurance shall be forfeited if any of the following occur:
1. A permit is revoked under s. 20.24 and the appeals process has been completed.

2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(i) CANCELLATION
Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90-day notice to Langlade County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Langlade County, a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(j) CHANGING METHODS OF FINANCIAL ASSURANCE
The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sub. (l). The operator shall give Langlade County at least 60-day notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the county.

(k) BANKRUPTCY NOTIFICATION
The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(l) ADJUSTMENT OF FINANCIAL ASSURANCE
Financial assurance may be adjusted when required by Langlade County. The county may notify the operator in writing that adjustment is necessary and the reasons for it. The county may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(m) NET WORTH TEST

1. Only an operator that meets the definition of "company" in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.

2. The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in secs. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.

3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.

4. Determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.

5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

20.14(2) RESERVED FOR FUTURE USE

20.14(3) PRIVATE NONMETALLIC MINES

The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with s. 20.12(3) shall submit the proof of financial assurance required by sub. 20.14(1) as specified in the reclamation permit issued to it under this chapter.

20.14(4) PUBLIC NONMETALLIC MINING

The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

20.15 PUBLIC NOTICE AND RIGHT OF HEARING

20.15(1) RECLAMATION PLAN HEARING

Langlade County shall provide public notice and the opportunity for a public informational hearing as set forth below:

(a) PUBLIC NOTICE.

1. When Langlade County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sub. 20.12(3).

2. The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to s. 985.07(1), Stats., in the official newspaper of Langlade County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the location at which the public may review the application and all supporting materials including the reclamation plan.

3. Copies of the notice shall be forwarded by Langlade County to the Langlade County Board of Adjustment, the Water and Land Use Planning Committee, the Langlade County Land Conservationist, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

(b) HEARING

Langlade County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request in writing, a public informational hearing. Langlade County shall hold a public hearing, if requested by any of these persons within 30 days of the actual date of public notice under sub. (a). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. The hearing shall be conducted by the Land Records & Regulations Department and shall be posted as an informational hearing. The person(s) requesting the hearing will be notified of the time, date, and location of the hearing. Minutes of the hearing shall be prepared and filed with the nonmetallic mining reclamation permit.

c. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

20.15(2) RESERVED FOR FUTURE USE

20.15(3) LOCAL TRANSPORATION- RELATED MINES

No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sub. 20.16(5).

20.16 ISSUANCE OF A NONMETALLIC MINING RECLAMATION PERMIT

20.16(1) PERMIT REQUIRED

No person may engage in nonmetallic mining or nonmetallic mining reclamation in Langlade County without first obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under sub. 20.07(1) & (2) & 20.10(17)(b).

20.16(2) & (3) RESERVED FOR FUTURE USE

20.16(4) PERMIT ISSUANCE

Applications for reclamation permits for nonmetallic mining sites that satisfy s. 20.12(3) shall be issued a reclamation permit or otherwise acted on as provided below.

(a) Unless denied pursuant to s. 20.17, Langlade County shall approve in writing a request that satisfies the requirements of sub. 20.12(3) to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.

(b) Langlade County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of s. 20.13. The regulatory authority may issue a reclamation permit subject to conditions in sub. 20.16(7) if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements of s. 20.12(3) and reclamation plan that meets the requirements in s. 20.13, unless a public hearing is held pursuant to s. 20.15. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to

conditions pursuant to sub. 20.16(7) if appropriate, or shall deny the permit as provided in s. 20.17, no later than 60 days after completing the public hearing.

(c) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of s. 20.13 and provision by the applicant of financial assurance required under s. 20.14 and payable to Langlade County prior to beginning mining.

20.16(5) AUTOMATIC PERMIT FOR LOCAL TRANSPORTATION-RELATED MINES

(a) Langlade County shall automatically issue an expedited permit under this subsection to any borrow site that:

1. Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

2. Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;

4. Is not a commercial source;

5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

6. Is not otherwise exempt from the requirements of this chapter under sub. 20.07(2)(j).

(b) In this subsection, "municipality" has the meaning defined in s. 299.01(8), Stats.

(c) Automatic permits shall be issued under this subsection in accordance with the following provisions:

1. The applicant shall notify Langlade County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.

2. The applicant shall provide evidence to Langlade County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.

3. Langlade County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under s. 20.13.

4. Langlade County shall accept the contractual provisions in lieu of the financial assurance requirements in s. 20.14.

5. The public notice and hearing provisions of s. 20.15 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

Note: Local public notice and hearing requirements, if any, regarding zoning decisions still apply.

6. Mines permitted under this subsection shall pay an annual fee to Langlade County as provided in s. 20.27, but shall not be subject to the plan review fee provided in s. 20.26. The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 3 of s. 20.27.

   Note: Fees may not be assessed for local transportation-related mines permitted under this subsection under s. 20.27 that is greater than allowed by s. NR 135.23(1)(g), Wis. Adm. Code. See sub. 20.27(3) for details of this fee limitation.

7. Langlade County shall issue the automatic permit within 7 days of the receipt of a complete application.

8. If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

9. Notwithstanding s. 20.25, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

   Note: A reclamation permit is not required under this chapter for nonmetallic mining sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by s. 295.16(1)(c), Stats.

20.16(6) EXPEDITED REVIEW

Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under sub. (a) or sub. (b) as follows:

(a) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in s. 20.26(2). This request shall state the need for such expedited review and the date by which such expedited review is requested.

(b) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(c) Following receipt of a request under this subsection, Langlade County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under sub. (a) shall be returned.

(d) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to s. 20.15. This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

20.16(7) PERMIT CONDITIONS

Any decision under this section may include conditions as provided below:

(a) Langlade County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.

Note: It is not appropriate for the regulatory authority to impose conditions on a reclamation permit, or the approval of a reclamation plan that address matters not directly related to nonmetallic mining reclamation. These matters may include but are not limited to: traffic, setbacks, blasting, dewatering, hours of operation, noise or dust control or the question of whether to use the land for mining.

(b) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to s. 20.14 prior to beginning mining.

20.17 PERMIT DENIAL

An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(1) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in s. 20.16, if Langlade County finds any of the following:

(a) The applicant has, after being given an opportunity to make corrections, failed to provide to Langlade County an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

(b) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained this chapter, Chapter NR 135, Wisconsin Administrative Code or Sub-Chapter I of Ch. 295, Stats.

(c) 1. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

2. The following may be considered in making this determination of a pattern of serious violations:

a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.

c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(2) A decision to deny an application to issue a reclamation permit may be reviewed under s. 20.22.

20.18 ALTERNATIVE REQUIREMENTS

20.18(1) SCOPE OF ALTERNATIVE REQUIREMENTS APPROVABLE

An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in s. 20.11. Langlade County may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and Langlade County finds that all of the following criteria are met:

(a) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.

(b) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.

(c) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long-term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

20.18(2) PROCEDURES

(a) The operator of a nonmetallic mining site requesting an alternate requirement in sub. 20.18(1) shall demonstrate all the criteria in sub. 20.18(1). This shall be submitted in writing to the Langlade County Board of Adjustment.

(b) The public hearing procedure specified in Section 17.69 of the Langlade County Code of Ordinances shall be followed by the Board when considering a request for an alternative requirement. The operator shall submit a fee in the amount that is equal to the conditional use permit fee.

(c) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

20.18(3) TRANSMITTAL OF DECISION OF REQUEST FOR ALTERNATIVE REQUIREMENT

The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

20.18(4) NOTICE TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Langlade County shall provide written notice of the public hearing to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under sub. 20.18(2) on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

20.19 PERMIT DURATION

(1) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sub. 20.32(2).

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to s. 20.20.

20.20 PERMIT TRANSFER

A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(1) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Langlade County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Langlade County and Langlade County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

20.21 PREVIOUSLY PERMITTED SITES

For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Langlade County, the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Langlade County pursuant to sub. 20.23(1).

20.22 REVIEW

Any permitting decision or action made by Langlade County under this chapter may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on Langlade County 's decision to issue, deny or modify a nonmetallic mining reclamation permit.

PART IV - ADMINISTRATION

20.23 PERMIT MODIFICATION

20.23(1) BY LANGLADE COUNTY

A nonmetallic mining reclamation permit issued under this chapter may be modified by Langlade County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with s. 20.32. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

20.23(2) AT THE OPERATOR'S OPTION

If an operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to Langlade County. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

20.23(3) REQUIRED BY THE OPERATOR

The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this

chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

Note: Modification of the permit must be requested by the operator in such circumstances under s. NR 135.24, Wis. Adm. Code.

20.23(4) REVIEW

All actions by Langlade County on permit modifications requested or initiated under this section are subject to review under s. 20.22.

20.24 PERMIT SUSPENSION AND REVOCATION

20.24(1) GROUNDS

Langlade County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

(a) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.

(b) Failed to submit or maintain financial assurance as required by this chapter.

(c) Failed on a repetitive and significant basis to follow the approved reclamation plan.

20.24(2) PROCEDURES

If Langlade County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sub. 20.24(1), it may issue a special order suspending or revoking such permit as set forth in sub. 20.32(2).

20.24(3) CONSEQUENCES

(a) If Langlade County makes any of the findings in sub. 20.24(1), it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to s. 20.32.

(b) If Langlade County makes any of the findings in sub. 20.24(1), it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to Langlade County. Langlade County may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

20.25 ANNUAL OPERATOR REPORTING

20.25(1) CONTENTS AND DEADLINE

Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

(a) CONTENTS

The annual report required by this section shall include all of the following:

1. The name and mailing address of the operator.

2. The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.

3. The identification number of the applicable nonmetallic mining permit, if assigned by Langlade County.

4. The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.

5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.

6. A plan, map or diagram accurately showing the acreage described in pars. 4. and 5.

7. The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

(b) DEADLINE
The annual report shall cover activities on unreclaimed activities for the previous calendar year and be submitted by January 31.

(c) WHEN REPORTING MAY END
Annual reports shall be submitted by an operator for all active and intermittent mining sites to Langlade County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sub. 20.29(3) or at the time of release of financial assurance pursuant to sub. 20.14(1)(g).

20.25(2) INSPECTION IN LIEU OF REPORT

Langlade County may, at its discretion, obtain the information required in sub. 20.25(1) for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Langlade County obtains and documents the required information, the annual report need not be submitted by the operator. If Langlade County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, Langlade County shall require the operator to submit the certification required in sub. 20.25(1)(a)7.

20.25(3) RETENTION OF ANNUAL REPORTS

Annual reports submitted under sub. 20.25(1) or inspection records that replace them under sub. 20.25(2) shall be retained by Langlade County Land Records and Regulations Department for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

20.26 PLAN REVIEW FEES

20.26(1) AMOUNT AND APPLICABILITY

A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sub. 20.12(3) shall submit a non-refundable plan review fee of $150.00. No plan review fee may be assessed under this section for any local transportation-related mining receiving an

automatic permit under sub. 20.16(5). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to s. 20.23.

Note: The prohibition on plan review fees for local transportation-related mines is required under NR 135.23(1)(g) Wis. Adm. Code.

20.26(2) EXPEDITED PLAN REVIEW FEE

A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sub. 20.12(3) may obtain expedited reclamation plan review by paying a fee of $300.00. Such fee shall be in addition to that required in sub. 20.26(1).

20.26(3) RELATION TO ANNUAL FEE

Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under s. 20.27.

20.27 ANNUAL FEES

20.27(1) AREAS SUBJECT TO FEES, PROCEDURES, DEADLINE AND AMOUNT

(a) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to Langlade County.

(b) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

1. "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1st, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sub. 20.14(1)(g). However, the term does not include any areas described in par. 2.

2. "Unreclaimed acre" or "unreclaimed acres" does not include:

   a. Those areas where reclamation has been completed and certified as reclaimed under sub. 20.14(1)(g).

   b. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1st, 2001.

   c. Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.

   d. Areas previously mined but used after August 1st, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

   e. Those areas within a nonmetallic mining site which Langlade County has determined to have been successfully reclaimed on an interim basis in accordance with subs. 20.29(2) and 20.29(3).

   f. Those areas defined as not included in a nonmetallic mining site under sub. 20.10(17)(b).

3. Fees shall be assessed on active acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.

(c) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under s. 20.29. Fees shall be paid no later than January 31 for the previous year.

(d) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by Langlade County pending certification of completed reclamation pursuant to sub. 20.14(1)(g) & 20.29(3). Upon such certification Langlade County shall refund that portion of the annual fee that applies to the reclaimed areas. If Langlade County fails to make a determination under sub. 20.14(1)(g) & 20.29(3). within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(e) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in s.20.27(2), the share of Langlade County described in s.20.27(3), and, if applicable, the reclamation plan review fee described in s. 20.26.

20.27(2) WISCONSIN DEPARTMENT OF NATURAL RESOURCES SHARE OF FEE

(a) Fees paid under this section shall, except where provided in sub. (b), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1.

TABLE 1:
Wisconsin Department of Natural Resources' Share of Annual Fees Collected by Langlade County

Mine Size in Unreclaimed Acres, Annual Rounded to the Nearest Whole Acre	Fee
1 to 5 acres [does not include mines < 1 acre]	$ 35
6 to 10 acres	$ 70
11 to 15 acres	$ 105
16 to 25 acres	$ 140
26 to 50 acres	$ 160
51 acres or larger	$ 175

(b) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be $15.

(c) Langlade County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st.

20.27(3) LANGLADE COUNTY'S SHARE OF FEE

(a) Fees paid under this section shall also include an annual fee due to Langlade County which shall be as specified in Table 2.

(b) The annual fee collected by Langlade County under this subsection for local transportation-related mines issued permits under s. 20.16(c) may not exceed the amounts set forth in Table 3. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Langlade County.

TABLE 2
Total Annual Fees including DNR fee

Mine Size in Unreclaimed Acres, Annual Rounded to the Nearest Whole Acre	Fee
1 to 5 acres, does not include mines < 1 acre	$ 250
6 to 10 acres	$ 400
11 to 15 acres	$ 550
16 to 25 acres	$ 800
26 to 50 acres	$ 900
51 acres or larger	$ 1050

TABLE 3
Limit on Total Annual Fees for Automatically-Permitted
Local Transportation Project-Related Mines.

Mine Size in Unreclaimed Acres, Annual Rounded to the Nearest Whole Acre	Fee
1 to 5 acres, does not include mines < 1 acre	$ 175
6 to 10 acres	$ 350
11 to 15 acres	$ 525
16 to 25 acres	$ 700
26 to 50 acres	$ 810

51 acres or larger	$ 870

20.28 REGULATORY REPORTING AND DOCUMENTATION

20.28(1) REPORTING

Langlade County shall send an annual report to the Wisconsin Department of Natural Resources by March 31st for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

(a) The total number of nonmetallic mining reclamation permits in effect.

(b) The number of new permits issued within the jurisdiction of Langlade County.

(c) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.

(d) The number of acres being mined or unreclaimed acres.

(e) The number of acres that have been reclaimed and have had financial assurance released pursuant to sub. 20.14(1)(g).

(f) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to subs. 20.29(1) and 20.29(2).

(g) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

20.28(2) DOCUMENTATION

Langlade County shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Langlade County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

(a) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.

(b) The procedures employed by Langlade County regarding reclamation plan review, and the issuance and modification of permits.

(c) The methods for review of annual reports received from operators.

(d) The method and effectiveness of fee collection.

(e) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.

(f) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.

(g) Responses to citizen complaints.

(h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.

(i) The maintenance and availability of records.

(j) The number and type of approvals for alternative requirements issued pursuant to s. 20.18.

(k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sub. 20.14(1)(g).

(l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Langlade County to implement its nonmetallic mining reclamation program under this chapter.

(m) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.

(n) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

20.29 COMPLETED RECLAMATION

Reporting, Certification and Effect

20.29(1) REPORTING

The operator of a nonmetallic mining site may certify completion of reclamation to Langlade County for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Certification of completion shall include written documentation that the site meets all reclamation standards and submittal of a final site plan

20.29(2) REPORTING OF INTERIM RECLAMATION

The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall done according to the procedures in sub. 20.29(1).

20.29(3) CERTIFICATION OF COMPLETED RECLAMATION

Langlade County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sub. 20.14(1)(g)3. If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with s. 20.13, Langlade County shall issue the mine operator a written certificate of completion.

20.29(4) EFFECT OF COMPLETED RECLAMATION

If reclamation is certified by Langlade County as complete under sub. 20.29(3) for part or all of a nonmetallic mining site, then:

(a) No fee shall be assessed under s. 20.27 for the area so certified.

(b) The financial assurance required by s. 20.14 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

(c) Financial assurance for areas meeting the definition of interim reclamation, which are so reported under sub. 20.29(2), and which are certified under 20.29(3), may be reduced. Assurance will be reduced depending on the degree to which interim measures satisfy final reclamation standards.

20.29(5) EFFECT OF INACTION FOLLOWING REPORT OF COMPLETED RECLAMATION

If no written response as required by sub. 20.29(3) for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Langlade County for it under s. 20.27 shall be refunded.

20.30 PERMIT TERMINATION

When all final reclamation required by a reclamation plan conforming to s. 20.13 and required by this chapter is certified as complete pursuant to subs. 20.14(1)(g) and 20.29(3), Langlade County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

PART V - ENFORCEMENT

20.31 RIGHT OF ENTRY AND INSPECTION

For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Langlade County may inspect any nonmetallic mining site subject to this chapter as provided below:

(1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Langlade County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of Ch. 295, Stats.

(2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

20.32 ORDERS AND CITATIONS

20.32(1) ENFORCEMENT ORDERS

Langlade County may issue orders as set forth in Section 295.19(1)(a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 20.13 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by s. 20.13 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

20.32(2) SPECIAL ORDERS

Langlade County may issue a special order as set forth in Sections 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to s. 20.24, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

20.32(3) REVIEW OF ORDERS

A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.

20.32(4) CITATIONS

Langlade County may issue a citation under s. 66.0119, Stats. and Langlade County Code of Ordinances, Section 25 and collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 20.13 and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

20.32(5) ENFORCEMENT

Langlade County may submit any order issued under s. 20.32 to abate violations of this chapter to the corporation counsel for enforcement. The corporation counsel may enforce those orders.

20.33 PENALTIES

Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 20.13 and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes, as follows:

(1) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under s. 20.32 may be required to forfeit not less than $25 nor more than $1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under s. 20.32 is suspended, stayed or enjoined, this penalty does not accrue.

(2) Except for the violations referred to in sub. (1), any person who violates subchapter I of Ch. 295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to s. 20.32 shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of violation is a separate offense. While an order issued under s. 20.32 is suspended, stayed or enjoined, this penalty does not accrue.

CHAPTER 21

AIRPORT ZONING

AIRPORT ZONING
17.61 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH)

21.01 Definitions
21.02 Zones
21.03 Height Limitation Zones
21.04 Use Restrictions
21.05 Nonconforming Uses
21.06 Administration
21.07 Permits
21.08 Hazard Marking and Lighting
21.09 Board of Adjustment
21.10 Appeals and Review

OPERATING RULES

21.28 Traffic on Airport Premises
21.35 Penalty

AIRPORT

17.61 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH)
This district is intended to regulate the height shown on the map dated 4/15/94 entitled "Height Limitation Zoning Map, Langlade County Airport, Antigo, Wisconsin." This district shall be regulated under Ch. 21 of this Code of Ordinances. This district shall be employed as an overlay district to describe the area in which heights are limited.

AIRPORT ZONING

21.01 DEFINITIONS (ORD #6-94)
As used in this chapter, unless the context otherwise requires:

Airport: The Langlade County Airport located in Sections 21 and 22, T31N, R11E, Langlade County, Wisconsin.

Airport Hazard: Any structure, object of natural growth or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

Height: The overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

Nonconforming Use: Any structure, tree or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto as of the effective date of such regulation.
Person: Any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Runway: A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

Structure: Any object constructed or installed by man.

Tree: Any object of natural growth, except farm crops which are cut at least once a year and shrubs, bushes or plants which do not grow to a height of more than 5'.

21.02 ZONES (ORD #6-94)
All zones established by this section are as shown on the map dated 4/15/94 entitled, "Height Limitation Zoning Map, Langlade County Airport, Antigo, Wisconsin," which is adopted as part of this chapter.

21.03 HEIGHT LIMITATION ZONES (ORD #6-94)
Except as otherwise provided in this chapter, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limitation indicated on the map referred to in 21.02 above.

21.04 USE RESTRICTIONS (ORD #6-94)
(1) ACTIVITIES
Notwithstanding the provisions of 21.03 above, no use may be made of land in-any zone in such a manner as to:
(a) Create electrical interference with radio communications between the airport and aircraft.

(b) Make it difficult for pilots to distinguish between airport lights and others.

(c) Result in glare in the eyes of pilots using the airport.

(d) Impair visibility in the vicinity of the airport.

(e) Otherwise endanger the landing, taking off or maneuvering of aircraft.

(2) EXCEPTIONS
The restrictions contained in State Statutes 21.03 shall not apply to objects which are less than 35' in height above ground level at the object site within 1/2 mile of the airport boundary or to structures less than 50' in height above ground within the area beginning 1/2 mile from the airport boundary and extending to 3 miles from the airport boundary.

21.05 NONCONFORMING USES (ORD #6-94)
(1) NOT RETROACTIVE
The regulations prescribed in 21.02 and 21.03 shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by 21.07(2).

(2) CHANGES
Nothing herein contained shall require any change in the construction, alteration or intended use of any

structure if the construction or alteration of such was began prior to the effective date of this ordinance, and if such is diligently prosecuted.

(3) REMOVAL

This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

21.06 ADMINISTRATION (ORD #6-94)

(1) ZONING ADMINISTRATOR

The Zoning Administrator shall administer and enforce the zoning regulations prescribed in this subchapter. Applications for permits and variances shall be made to the Zoning Administrator upon forms furnished by him/her. Upon receipt of said application, the Zoning Administrator shall transmit to the Airport Manager one copy of said application. Applications for action by the Board of Adjustment shall be transmitted by the Administrator to the Board for hearing and decision at their next available meeting.

(2) PERMIT AND VARIANCE FEE SCHEDULE

(a) The following fees shall be paid by the person requesting the permit or variance to the Zoning Administrator at the time of filing to defray the cost of administration, investigation, advertising and processing of the permits and variances:

	Fee
Zoning Permit	$ 50.00
Conditional Use Permit	350.00
Variance	350.00
Appeals	350.00

(b) No fee shall be refunded in whole or in part once the application has been received in the office of the Zoning Administrator. If it can be proved that the County was in error, the permit fee shall be refunded. The Water and Land Use Planning Committee shall decide if an error was made.

21.07 PERMITS (ORD #6-94)

(1) FUTURE USES

No structure shall hereafter be constructed, erected, or installed, or be permitted to remain in any zone created by 21.02 of this chapter until the owner or his/her agent shall have applied in writing for a permit therefore and obtained such permit from the Zoning Administrator. Structures less than 35' in height above the ground level at the object site within 1/2 mile of the airport boundary or to structures less than 50' in height above the ground within the area beginning 1/2 mile from the airport boundary and extending to 3 miles from the airport boundary are exempt from permit requirements. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation, or establishment. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the requested permit.

Langlade County shall have the right to trim, prune, or remove at the owner's expense any tree which was planted after adoption of this ordinance and found to be in violation of the height restriction for the zone in which it is located.

(2) EXISTING USES

Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by sub. (1) above authorizing such change, replacement, or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation as referred

in 21.04 than it was on the effective date of this ordinance, or than it was when the application for permit was made.

21.08 HAZARD MARKING AND LIGHTING (ORD # 6-94)

Any permit or variance granted under 21.07 or 21.10 may, if such action is deemed advisable by the Board of Adjustment to effectuate the purpose of this chapter and if such is reasonable in the circumstances, be so conditioned as to require the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

21.09 BOARD OF ADJUSTMENT (ORD #6-94)

The Board of Adjustment set up pursuant to 17.69 of this Code of Ordinances shall be the Board of Appeals under this chapter as provided by and pursuant to 114.136(4), Wis. Stats.

21.10 APPEALS AND REVIEW (ORD #6-94)

(1) VARIANCES

Upon appeal in special cases, the Board of Adjustment may, after investigation and public hearing, grant such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and such relief will be substantial justice and be in accord with the spirit of this chapter, and does not create a hazard to the safe, normal operation of aircraft.

(2) AGGRIEVED PERSON

Any person aggrieved or affected by any decision or action of the Zoning Administrator made in his/her administration of this chapter may appeal such decision or action to the Board of Adjustment. Decisions by the Water and Land Use Planning Committee which consists of interpretations of the terms of this chapter and which are made in the course of determining whether a permit or approval will be issued by the Zoning Administrator are appealable to the Board of Adjustment. Any person or persons, jointly or severally, agree by the decision of the Board of Adjustment or any taxpayer, officer, department, board or bureau of the County may present to a court of record, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after filing of the decision of the Board of Adjustment.

(3) PROCEDURE

Any appeal taken pursuant to this section shall be in conformity with the procedure established by 62.23(7)(e), Wis. Stats., and 17.69(7), (8) - (10) of this Code of Ordinances.

(4) PENALTY

Except as otherwise provided, any person found to be in violation of the provisions of this chapter shall be subject to a penalty as defined in 25.04 of the Langlade County Code of Ordinances.

(5) SEVERABILITY

If any of the provisions of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

(6) EFFECT

This ordinance shall take effect and be in force upon passage and publication.

21.28 TRAFFIC ON AIRPORT PREMISES

(1) DEFINITIONS

Emergency Equipment. Ambulance, crash rescue and firefighting apparatus and such other equipment as the County Highway Committee may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

Pedestrian. Any person afoot.

Service, Maintenance and Construction Equipment. Equipment normally operated by the County and/or the Federal Aviation Agency on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and service. This definition shall include equipment owned and operated by a constructor performing work on the airport under a contractual agreement with the County.

Vehicle. Every device in, upon or by which any person or property is or may be transported excepting, unless specifically included, vehicles used exclusively upon stationary rails or tracks or any vehicle propelled by the use of electricity obtained from overhead trolley structures.

(2) OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS AND RAMPS

(a) No privately-owned vehicle shall enter, be driven upon or operated upon any airport runway, taxiway, ramp or tie-down area or any area posted by signs prohibiting the entrance thereon, unless authorized by the Airport Committee.

(b) The provisions of this subsection shall not apply to emergency equipment and/or service, maintenance and construction equipment when engaged in performing official duties.

(c) Aircraft owners will be excluded from the provisions of this subsection relating to tie-down areas, when necessary, to reach their own aircraft, but in doing so they shall not pass over any runway, taxiway or ramp and shall proceed through such tie-down area at a speed not to exceed 10 mph. They shall not at any time park a vehicle on any area used for the movement of aircraft.

(3) SPEED OF VEHICLES

No vehicle shall be driven upon any road within the perimeter of the airport or upon other airport areas in excess of the speed limit posted at the entrance of the airport or within the boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about the County Airport for the public safety.

(4) PEDESTRIAN TRAFFIC ON AIRPORT

No pedestrian shall be allowed beyond the administration area or to the apron or aircraft tie-down area, unless for the purpose of embarking in or disembarking from the aircraft or unless authorized by the airport manager. Pedestrian traffic is prohibited on the runway and outlying area of the airport, except for those employees of the city, County, State, federal government or contractors engaged in airport construction or maintenance work.

(5) ENFORCEMENT

The Airport Manager and the County Sheriff shall enforce the provisions of this section.

21.35 PENALTY

Except as otherwise provided, any person found to be in violation of the provisions of this chapter or any order, rule or regulation made hereunder shall, upon conviction, be subject to a penalty as provided in 25.04 of this Code of Ordinances. Each day that a violation continues to exist shall constitute a separate offense.

LANGLADE COUNTY UPDATED 04/1999

CHAPTER 22

RESERVED FOR FUTURE USE

CHAPTER 23

ADMINISTRATIVE APPEAL PROCEDURE

Administrative Appeal Procedure

23.01 Who May Appeal
23.02 Appeal Procedure

23.01 WHO MAY APPEAL

(a) Eligible Appellants: Any person who has a legally recognizable interest deprived by an interpretation, order or decision of this Ordinance made by an agent, official or body politic of Langlade County may initiate an administrative appeal of interpretation, order or decision to the Committee or agency having jurisdiction over the matter.

23.02 APPEAL PROCEDURE

(a) Applicability: This appeal procedure shall apply to all administrative appeals, unless a specific appeal procedure for the matter or issue under review has been established by the State or Federal government.

(b) Time for Appeals: An appeal shall be commenced within 30 days after the making of the order, decision or interpretation being appealed.

(c) Initiating an Appeal: An appeal shall be commenced by filing with the County Clerk a notice of appeal specifying the decision appealed from, the grounds for appeal, the relief requested and payment of any applicable fees. Upon receipt of such a notice, the County Clerk shall immediately notify the Corporation Counsel who shall determine whether the appeal is eligible under this Ordinance and, if the appeal is eligible, forward the matter to the Committee or agency of jurisdiction.

(d) Hearing on Appeal: The Committee shall conduct a public hearing on all administrative appeals before it and shall post notices of the hearing as required by the Open Meetings Law. The Committee shall comply with all requirements of the Wisconsin Open Meetings Law in the conduct of the business before it. The nature of the Committee's proceedings is quasi-judicial. The Committee may, therefore, deliberate in closed session after a hearing on the matter, provided legal requirements are complied with.

(1) The Committee may conduct site inspections of premises and the surrounding areas which are the subject of matters before the Committee, provided that when the Committee as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments and materials shall be received only at hearings before the Committee.

(2) All testimony shall be given under oath of truthfulness and candor to the Committee.

(3) Reasonable advance notice of all hearings and meetings on the administrative appeal shall be given to the appellant by mailing a copy of the hearing notice to the address shown for the property

on file in the property lister's office. Failure to accomplish such notice provisions shall not invalidate or prejudice the proceedings, provided the Committee concludes that reasonable efforts were made or that the appellant did, in fact, know of the proceedings and had reasonable opportunity to attend.

(4) All testimony before the Committee by persons other than Committee members and written or documentary evidence or material pertaining to matters before the Committee shall be received at the hearings conducted by the Committee provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Committee in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Committee members who are in possession of facts which may have a bearing on the matter before the Committee shall enter same into the record of the hearing and opportunity shall be allowed for comments on such entries.

(e) Decision on Appeal: Following a public hearing and other investigation, the Committee shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Committee may reverse or affirm, wholly or partly, or may modify the decision appealed from and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Committee on administrative appeals shall conform to the terms of any applicable County, State and Federal regulation.

(f) Court Review: Within 30 days after the filing of the decision of the Committee, the appellant may petition for review by the Circuit Court on the following grounds: 1) the Committee exceeded its jurisdiction; or 2) the Committee did not proceed on a correct theory of law; or 3) the decision of the Committee was arbitrary or oppressive; or 4) the decision of the Committee was based on prejudice or bias. Costs shall not be allowed against the Committee.

(g) Reconsideration: No application, petition or appeal which has been dismissed or denied by the Committee shall be considered again within one year of such denial, except upon a petition for reconsideration based upon a material alteration from the original application or petition and a motion to reconsider made by a member voting with the majority and passage by a 3/4 vote of the Committee. No application, petition or appeal shall be reconsidered unless the Committee determines that the petition for reconsideration contains a material alteration from the original application or petition. Any evidence which, in the opinion of the Committee, could have reasonably been presented at the previous hearing does not qualify as a material alteration.

(h) Petition for Reconsideration: Any party requesting consideration of an application, petition or appeal shall file a petition for reconsideration along with the requisite filing fee as may be established by the Committee. Petitions for reconsideration shall be in writing and shall state the reasons for the request and be accompanied by necessary data. The filing fee for a petition for reconsideration will not be refunded in the event the Committee decides not to reconsider the application or petition.

(i) Rehearing: A rehearing shall be held if the Committee determines that the petition for reconsideration is based upon a material alteration from the original application or petition by a 3/4 vote. The rehearing shall be subjected to the same fee and notice and procedural requirements as the original hearing.

CHAPTER 24

MANURE STORAGE ORDINANCE

LANGLADE COUNTY MANURE STORAGE ORDINANCE (Revisions: ORD. #2-2018)

24.01 Authority
24.02 Title
24.03 Finding and Declaration of Policy
24.04 Purpose
24.05 Applicability
24.06 Interpretation
24.07 Severability Clause
24.08 Effective Date
24.09 Definitions
24.10 General Requirement
24.11 Compliance with Permit Requirements
24.12 Abandonment Requirement
24.13 Standards
24.14 Permit Required
24.15 Exception to Permit Requirement
24.16 Fee
24.17 Animal Waste Storage Facility Plan and Nutrient Management Plan Required
24.18 Abandonment Plan Required
24.19 Review of Application
24.20 Permit Conditions
24.21 Permit Revocation
24.22 Delegation of Authority
24.23 Administrative Duties
24.24 Inspection Authority
24.25 Enforcement Authority
24.26 Penalties
24.27 Enforcement of Injunction
24.28 Appeals

INTRODUCTION

24.01 AUTHORITY

This ordinance is adopted under authority granted by Section 59.02, 59.03, 92.15, and 92.16, Wisconsin Statutes (Stats.), and ss. ATCP 50.56 and NR 151.05, Wisconsin Administrative Code (Wis. Admin. Code).

24.02 TITLE

This ordinance shall be known as, referred to, and may be cited as the Langlade County Manure Storage Ordinance and is hereinafter referred to as this Ordinance.

24.03 PURPOSE

The purpose of this Ordinance is to prevent water pollution and protect the water resources within Langlade

County. The Langlade County Board of Supervisors finds that the following conditions may threaten the County's natural and water resources, harm the health, safety and welfare of people within the county, and adversely impact the property tax base of the County:

1) New and substantially altered manure storage facilities that fail to meet performance and technical standards for proper design, construction, and operation.
2) Existing manure storage facilities that are not properly functioning and pose unreasonable risks related to structural failure and leakage.
3) Existing manure storage facilities that overtop or are operated in a manner that creates an unreasonable risk of discharge to waters of state.
4) Existing manure storage facilities where no manure has been added or removed for a period of 24 months, and are not slated for future use.

24.04 INTENT

In order to achieve its purpose, this Ordinance will regulate the location, design, construction, installation, alteration, operation, maintenance, closure, use, and management of manure storage facilities. It is also intended to provide for the administration and enforcement of the Ordinance and to provide penalties for its violation.

24.05 APPLICABILITY

This ordinance applies to the unincorporated areas within Langlade County.

24.06 INTERPRETATION

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

24.07 ABROGATION, GREATER RESTRICTIONS, SEVERABILITY, AND REPEAL CLAUSE

1) **Abrogation and Greater Restrictions**. This Ordinance is not intended to repeal, annul, abrogate, impair or interfere with any existing covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

2) **Severability**. Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance nor any part thereof other than the portion affected by such decision.

3) **Repeal**. All other Ordinances or parts of Ordinances of Langlade County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed.

24.08 EFFECTIVE DATE

This ordinance became effective after its adoption by the Langlade County Board of Supervisors September 18th, 2001.

24.09 DEFINITIONS

1) **Abandon** or **Abandonment of manure storage facility** refers to closure of a manure storage facility and restoration of the site according to technical standards.

2) **Applicant** is defined as any person who applies for a permit under this ordinance.

3) **Existing manure storage facility** is defined as a storage facility which has been installed and placed in use at a livestock operation in Langlade County prior to the adoption of this Ordinance.

4) **Idle manure storage facility** means a storage facility where manure has not been added or removed as

determined by the Langlade County Land Conservation Department for a period of twenty-four (24) months.

5) **Nutrient Management Plan** is a document that is annually updated, outlining the requirements for managing the amount, form, placement, and timing of application of all sources of plant nutrients to cropland and pastures as identified in ATCP 50.04(3).

6) **Manure** means livestock excreta and the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted bio solids, and process water; and runoff collected from barnyards, animal lots, and feed storage areas.

7) **Manure storage facility** is defined as one or more impoundments made by constructing an embankment, excavating a pit or dugout, or fabricating a structure specifically for the purpose of temporarily storing manure and related wastes. A facility includes stationary equipment and piping used to load or unload a manure storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, and specifically includes components to transfer waste from milking centers, runoff from barnyards, and leachate and contaminated runoff to feed storage.

8) **Permit** is defined as the signed, written statement issued by the Langlade County Land Conservation Department under this ordinance authorizing the applicant to construct, install, substantially alter, or abandon a manure storage facility.

9) **Permittee** is defined as any person to whom a permit is issued under this ordinance.

10) **Person** is defined as any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

11) **Shoreland setback** is defined as the setback limits as written in the Langlade County Zoning Ordinance.

12) **Substantial alteration of an existing structure** is defined under NR 151.015(20) Wis. Admin. Code.

13) **Technical guide** is defined as the document provided by NRCS which contains technical data, including the standards referenced within this Ordinance to properly and safely locate, construct, install, alter, design, operate and maintain a storage facility as adopted by the Langlade County in accordance with Chapter 92, Wis. Stats.

14) **Waste Transfer System** means components such as pumps, pipes, conduits, valves, and other mechanisms installed to convey manure, leachate and contaminated runoff, and milking center wastes from livestock structures to a storage structure, loading area, or treatment area.

15) **Water Pollution** is defined as contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreation use, or deleterious to fish, bird, animal, or plant life.

16) **Water Quality Management Area** is defined as the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond, or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

GENERAL PROVISIONS

24.10 GENERAL REQUIREMENT

This Ordinance does not require any person to install a manure storage facility. However, it does apply to any person who locates, installs, moves, reconstructs, extends, enlarges, converts, substantially alters, closes, abandons, or changes the use of a manure storage facility; or who employs another person to do the same, on land subject to this ordinance. Existing structures will come under the regulations of this Ordinance if they undergo substantial alterations or are abandoned.

24.11 COMPLIANCE WITH PERMIT REQUIREMENTS

A person is in compliance with this Ordinance if he or she follows the procedures of this Ordinance as determined by the Langlade County Land Conservation Department, receives a permit from the Langlade County Land Conservation Department before beginning activities subject to regulation under this section, and complies with the requirements of the permit.

24.12 ABANDONMENT REQUIREMENT

A manure storage facility must be closed and restored to a safe and sanitary condition in compliance with NRCS Technical Standard 360 and any amendments or revisions within two (2) years of the time the facility is declared to be an "idle storage facility." The owner or operator can maintain an idle storage facility for a longer period if all three of the following criteria are confirmed:

1) The facility does not pose significant risks related to water pollution and safety, and
2) Retention of the facility is warranted based on anticipated future use. If the facility is actively being used at the time the farm is placed on the market for sale, the facility will be considered active for a period of five (5) years, with the option of review by the Land Conservation Committee and Department, and
3) The Land Conservation Committee approves the continuation of the idle storage facility.

24.13 STANDARDS

The standard for design and construction of manure storage facilities are those in standard 313 and 634 of the NRCS Technical Guide as stipulated in Department Guidance approved by the Land Conservation Committee.

The standard for nutrient management of land applied manures are those in standard 590 of the NRCS Technical Guide as stipulated in Department Guidance approved by the Land Conservation Committee.

The standard to abandon manure storage facilities are those in standard 360 of the NRCS Technical Guide as stipulated in Department Guidance approved by the Land Conservation Committee.

Human household wastewater shall not be discharged into animal storage facilities unless provided for through other permitting process outside of this Ordinance.

Any manure storage facility constructed after the effective date of this ordinance shall meet the shoreland setback standard in Chapter 17 of the Langlade County Zoning Ordinance. Any variance to the shoreland setback shall follow the procedures in Section 17.69 of said zoning chapter.

The following manure management prohibitions have been incorporated into this ordinance in accordance with NR 151.08. All livestock producers shall comply with this section:

1) A livestock operation shall have no unconfined manure pile in a water quality management area.
2) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
3) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where

high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.

a. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

24.14 PERMIT REQUIRED

A permit shall be required for any activity subject to this Ordinance by obtaining a permit from the Langlade County Land Conservation Department or its designee. Construction of any facility or other activity covered by the Ordinance shall not start until a permit has been issued. Activities authorized by this permit must be completed within two (2) years of the date of issuance. If construction is not complete, a one (1) year extension may be requested in writing prior to the expiration of the permit.

24.15 EXCEPTION TO PERMIT REQUIREMENT

Emergency repairs such as repairing a broken pipe or equipment, leaking dike, or the removal of stoppages may be performed without a permit. Emergency repairs shall not result in increased capacity to the manure storage facility. The Langlade County Land Conservation Department shall determine whether a permit will be required for any additional alteration or repair to the facility. The alteration or repairs may be subject to review by the Natural Resource Conservation Service (NRCS), Department of Natural Resources (DNR), or Department of Agricultural, Trade, and Consumer Protection (DATCP).

24.16 FEE

See Land Conservation Committee Fee schedule for current rates subject to approval and amendment by the Land Conservation Committee. Any structure intended for storage of manure erected, constructed, placed, moved, or structurally altered without obtaining all permits and approvals prior to commencing the above stated activities shall result in a triple fee.

24.17 MANURE STORAGE FACILITY PLAN AND NUTRIENT MANAGEMENT PLAN REQUIRE

Each application for a permit under this section shall be submitted on an approved form and include a manure storage facility plan and a nutrient management plan in addition to the criteria specified in NRCS Technical Standards 313 and 590. Plans may be provided on behalf of the landowner by a registered professional engineer or an agricultural engineering practitioner certified for the practice in accordance with Wis. Admin. Code ATCP 50. Plans developed by a registered professional engineer, shall bear the engineer's seal and be accompanied by a statement that the plans are in accordance with applicable standards. All plans shall be certified by a qualified person (e.g. professional engineer registered with the state of Wisconsin or a DATCP or NRCS Engineering Practitioner) as meeting the technical standards required by the ordinance.

To demonstrate compliance with the NRCS standards plans, specifications, and documentation shall include:

1) A narrative of the general criteria required within Technical Standard 313, and of other applicable Technical Standards including management and site assessments. The narrative should include, but is not limited to:

    a. The number and type of animals for which storage is provided, the duration for which storage is to be provided, daily gallons and/or cubic feet of waste and manure produced, bedding type, and manure handling practices.

    b. A description and construction plan of the method of transferring animal waste into and from the facility.

    c. Soil test pit or boring logs and their locations with soil descriptions and test results. Soil test pit or boring criteria should follow Technical Standard 313V.A.2.b and characterize the subsurface (soils, saturation, and bedrock). This includes the elevation of redoximorphic features (mottling), gleyed soil and moisture condition.

2) A general location map drawing of the site which shall include:

a. The location of structures in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1,000) feet of the proposed facility or system.

b. The location of any wells within 250 feet of the facility.

c. The scale of the drawing and the north arrow with the date the general location map was prepared.

d. The location of any floodplains.

3) Engineering design drawings of the manure storage facility or transfer system which shall include:

a. Specific design components that shall comply with Technical Standard 313, and additional applicable Technical Standards such as 634.

b. A recoverable benchmark(s) including elevation(s) expressed in feet and tenths.

c. The scale of the drawings and the north arrow. The engineering design drawing shall be drawn to a scale no smaller than one (1) inch equals one hundred (100) feet.

d. The date the engineering design drawings were prepared.

4) The structural details, including but not limited to dimensions, cross-sections, concrete thickness, concrete joint design and placement, design loads, design computations, reinforcement schedules, thickness and placement of groundwater protection liners, and all material specifications.

5) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater.

6) A construction site erosion control plan.

7) Estimated start of construction and construction schedule.

8) A safety plan that identifies hazards to animals and people in the production area, and design features to minimize those hazards.

9) An operation and maintenance plan for installed practices.

10) A nutrient management plan prepared to meet the requirements defined in ATCP 50.04(3).

11) Other additional information requested by the county to comply with this Ordinance.

24.18 ABANDONMENT PLAN REQUIRED

Each application for an abandonment permit under this section shall be submitted on an approved form and include an abandonment plan. Plans developed by a registered professional engineer, shall bear the engineer's seal and be accompanied by a statement that the plans are in accordance with applicable standards. All plans shall be certified by a qualified person (e.g. professional engineer registered with the state of Wisconsin or a DATCP or NRCS Engineering Practitioner) as meeting the technical standards required by the ordinance. The plan shall be in accordance with NRCS Technical Standard 360 and specify:

1) A general location map drawing of the manure storage facility which shall include:

a. The location of the manure storage facility in relation to buildings, homes, property lines, roads, wells, karst features, public or private drainage ditches and creeks, flowages, rivers, streams, lakes, or wetlands within one thousand (1,000) feet of the existing facility.

b. The scale of the drawing and the north arrow.

c. The date the general location map was prepared.

2) A description of the method and specifications in transferring manure into and from the manure storage facility to ensure proper closure of transfer systems.

3) Provisions to remove or permanently plug the manure transfer system serving the manure storage facility.

4) Provisions to remove and properly dispose of all accumulated manure in the manure facility in compliance with applicable Technical Standards.

5) For all waste impoundments, plan requirements and provisions shall be in compliance and consistent with applicable Technical Standards.

6) Manure storage facility closures and conversions shall implement safety measures to ensure the protection of the public from hazardous conditions.

7) Any other additional information required by the County to protect water quality and achieve compliance with the requirements of this Ordinance.

ADMINISTRATION & ENFORCEMENT

24.19 REVIEW OF APPLICATION

The Langlade County Land Conservation Department shall review all permit applications and shall determine if the proposed facility meets required standards set forth in this ordinance. Within thirty (30) working days after receiving the completed application and fee, the Langlade County Land Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the Langlade County Land Conservation Department shall so notify the permit applicant. The Langlade County Land Conservation Department has thirty (30) working days from the receipt of the additional information in which to approve or disapprove the application. No construction may commence without final approval of the permit. Failure to comply with this Ordinance may result in forfeitures and administrative fees as approved by the Land Conservation Committee. If after thirty (30) working days of the receipt of the permit application or additional information, as appropriate, and the Land Conservation Department has not responded, the application shall be deemed approved and the applicant may proceed as if a permit had been issued. If the plan is to be reviewed by the NRCS, DNR, or DATCP, another thirty (30) working days is needed.

24.20 PERMIT CONDITIONS

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

1) Manure storage facility design, construction location, and maintenance shall be carried out in accordance with the manure facility plan and applicable standards specified in this ordinance.

2) The permittee shall give two (2) working days' notice to the Langlade County Land Conservation Department before starting any construction activity authorized by the permit.

3) Approval in writing must be obtained from the Langlade County Land Conservation Department prior to any modifications to the approved manure facility plan. Modifications to the plan may need to be reviewed by the NRCS, DNR, or DATCP.

4) Within ten (10) days of completion, and prior to use of the facility to store manure, the permittee must provide written certification that the facility was installed according to approved plans, meets all standards, and complies with all permit conditions. The certification must be signed by a qualified person (e.g. professional engineer registered with the state of Wisconsin or a DATCP or NRCS Engineering Practitioner) and include a copy of the as-built plan documenting any design changes.

5) Activities authorized by permit must be completed within two (2) years from the date of issuance after which such permit shall be void. However, a one (1) year extension may be requested in writing prior to the expiration of the permit. After this, one must reapply for another permit.

24.21 PERMIT REVOCATION

The Langlade County Land Conservation Committee may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or manure facility plan or

nutrient management plan or if the holder of the permit violates any of the conditions of the permit or provisions of this ordinance.

24.22 DELEGATION OF AUTHORITY
Langlade County hereby designates the Langlade County Land Conservation Committee and Department to administer and enforce this ordinance.

24.23 ADMINISTRATIVE DUTIES
In the administration and enforcement of this ordinance, the Langlade County Land Conservation Department shall:

1) Keep records of permit applications, manure storage facility plans, nutrient management plans, permits issued, recent inspections made, and other official actions.
2) Review permit applications and issue permits in accordance with this Ordinance.
3) Ensure permitted activities are done according to plan specifications.
4) Investigate complaints relating to compliance with this Ordinance.
5) Register the usage status of all manure storage facilities and verify facilities are properly maintained and free from visible and serious damage, erosion, or deformities that would impair the facility's safety or function. This is to be done every four (4) years.
6) Perform other duties as specified in this Ordinance.

24.24 INSPECTION AUTHORITY
The Langlade County Land Conservation Committee or Department, or its designee, NRCS, DNR, or DATCP are authorized to enter upon any lands affected by this Ordinance to inspect the land prior to or after permit issuance to determine compliance with this Ordinance pursuant to the authority granted by Section 92.07(14), Wis. Stats. If permission cannot be received from the applicant or permittee, entry shall be according to Section 66.0119 and 66.0119(3) as amended, Wis. Stats. Refusal to grant permission to enter lands affected by this Ordinance for purposes of inspection may be grounds for a revocation of the permit as well as denial of the permit.

24.25 ENFORCEMENT AUTHORITY
The Langlade County Land Conservation Department or its designee, NRCS, DNR, or DATCP are authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this Ordinance. Notice is given by both: posting upon the land where the violation occurs, one or more copies of a poster stating the violation and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance within a specified time period.

The order stopping work may be subject to review by the NRCS, DNR, or DATCP.

Any permit revocation or order stopping work shall remain in effect unless withdrawn by the Langlade County Land Conservation Department, or until the activity is brought into compliance with the Ordinance. The Langlade County Land Conservation Department is authorized to refer any violation of this Ordinance or of an order stopping work issued pursuant to this Ordinance to Corporation Counsel for commencement of further legal proceedings.

24.26 PENALTIES
Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance may be subject to a forfeiture defined in Langlade County Code Chapter 25 and administrative fees as approved by the Land Conservation Committee. An unlawful violation includes failure to comply with any

standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall constitute a separate offense.

24.27 ENFORCEMENT OF INJUNCTION
As a substitute for or an addition to forfeiture action, Langlade County may seek enforcement of any part of this ordinance by court action seeking injunctions or restraining orders.

24.28 APPEALS
Under authority of Chapter 68, Wis. Stats., the Langlade County Land Conservation Committee is authorized to hear and decide appeals for those persons alleging that there is error in any order, requirement, decision, or determination in administering this Ordinance.

24.29 APPEAL PROCEDURE
The rules, procedures, duties, and powers of the Langlade County Land Conservation Committee and Chapter 68, Wis. Stats., shall apply to this Ordinance.

24.30 WHO MAY APPEAL
Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirements, decision or determination made by the Langlade County Land Conservation Committee or the Land Conservation Department

CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

25.01 Rules of Construction
25.02 Conflict and Separability
25.03 Clerk to File Documents Incorporated by Reference
25.04 Penalty Provisions
25.05 Repeal of General Ordinances
25.06 Effect of Repeals
25.07 Title; Effective Date; Citation
25.08 Keeping Code Current; Revisor's Amendments

25.01 RULES OF CONSTRUCTION

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

(1) WISCONSIN STATUTES
All references to "Wisconsin Statutes" or "Wis. Stats." means the current edition of the Wisconsin Statutes and includes the most recent biennial session.

(2) GENDER, SINGULAR AND PLURAL
Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

(3) PERSON
The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

(4) MAY AND SHALL
"May" is permissive; "shall" is mandatory.

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

25.02 CONFLICT AND SEPARABILITY

(1) CONFLICT OF PROVISIONS
If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) SEPARABILITY OF CODE PROVISIONS
If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section,

subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Clerk shall file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

25.04 PENALTY PROVISIONS

(1) GENERAL PENALTY

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than $25 nor more than $500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than $50 nor more than $1,000 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

(2) CONTINUED VIOLATIONS

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) EXECUTION AGAINST DEFENDANT'S PROPERTY

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(4) CITATION METHOD OF ENFORCEMENT (Ord. #2-96).

The County elects to use the citation method of enforcement under 66.0113, Wis. Stats., for violations of this Code of Ordinances, including those for which a statutory counterpart exists.

(a) In addition to all law enforcement officers, the issuance of citations is expressly limited to the following officials and employees, and the authority delegated to such official or employee to issue citations may only be granted or revoked by the County Board.

1. County Zoning Administrator or designee for violations of those provisions of this Code of Ordinances the Administrator is charged with enforcing.

2. County Forestry and Parks personnel for violations of those provisions of this Code of Ordinances under the jurisdiction of that department.

3. County Health Officer or designee for violations of those provisions of this code of

Ordinances the Health Officer is charged with enforcing.

(b) The citation shall contain the following

1. The name and address of the alleged violator.

2. Factual allegations describing the alleged violation.

3. The time and place of the offense.

4. The section of the ordinance violated.

5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.

6. The time at which the alleged violator may appear in court.

7. A statement which, in essence, informs the alleged violator:
    a. That a cash deposit based on the schedule established by the County Board, from time to time, and on file in the office of the County Clerk, may be made to and deposited with the Clerk of the County Court or the Sheriff's Department prior to the time of the scheduled court appearance.

    b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned or the citation requests court appearance.

    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, a jail assessment and any applicable domestic abuse assessment 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 defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment or an action may be commenced to collect the forfeiture, penalty assessment, jail assessment and any applicable domestic abuse assessment.

    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.

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 subpart 7. above has been read. Such statement shall be sent or brought with the cash deposit.
9. Such other information as the County deems necessary.

(c) Schedule of Deposits. The schedule of cash deposits including penalty assessments, jail assessments, and any applicable domestic abuse assessments for use with citations issued under this section shall be as adopted by the County Board from time to time and such schedule shall be on file in the offices of the Sheriff, Zoning Administrator, Forest Administrator and the Clerk. Cash deposits shall be made to the Clerk of Court and receipts shall be given for cash deposits

(d) Procedure. Section 66.119(3), Wis. Stats., relating to violator's options and procedures on default, is adopted and incorporated herein by reference.

(e) Non-exclusivity. Other ordinance. This section does not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

25.05 REPEAL OF GENERAL ORDINANCES

All ordinances previously adopted by the County Board which are in conflict with any provision of this Code of Ordinances are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

(1) The issuance of corporate bonds and notes of the County of whatever name or description.

(2) The establishment of grades, curb lines and widths of sidewalks in the public streets and alleys.

(3) The fixing of salaries of public officials and employees.

(4) Rights, licenses or franchises or the creation of any contract with the County.

(5) The lighting of streets and alleys.

(6) The naming and changing of names of streets, alleys, public grounds and parks.

(7) The letting of contracts without bids.

(8) The establishment of supervisory districts.

(9) Tax and special assessment levies.

(10) Releases of persons, firms or corporations from liability.

(11) Construction of public works.

(12) Water, sewer and electric rates, rules and regulations and sewer and water main construction.

(13) Budget ordinances, resolutions and actions.

25.06 EFFECT OF REPEALS

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

(1) By implication, be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.

(2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the County.

(3) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect, shall be conducted according to the provisions of this Code.

25.07 TITLE; EFFECTIVE DATE; CITATION

These ordinances shall be known as the "Langlade County Code of Ordinances" and shall take effect from and after passage and publication as provided in 66.035, Wis. Stats. All references thereto shall be cited by Chapter and Section number (example: 13.06, Code of Ordinances of the County of Langlade).

25.08 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS

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