

CHAPTER 17

ZONING CODE

- 17.01 Introduction
- 17.02 Definitions
- 17.03 General Provisions
- 17.04 Single-Family Dwelling Standards
- 17.05 Height and Area Exceptions
- 17.06 Nonconforming Uses, Structures and Lots
- 17.07 Community Living Arrangements; Family Day Care Homes
- 17.08 Zoning Districts
- 17.09 R-1 Single-Family and Two-Family Residential District
- 17.10 R-2 Single-Family and Two-Family Residential District
- 17.11 R-3 Multi-Family Residential District
- 17.12 R-4 Rural Development District
- 17.13 R-5 Mobile Home Park District
- 17.14 R-PUD Residential Planned Unit Development Districts
- 17.15 B-1 Downtown Commercial District
- 17.16 B-2 Highway Commercial District
- 17.17 I-1 Limited Industrial District
- 17.18 I-2 Industrial Commercial District
- 17.19 CON Conservancy District
- 17.20 Floodplain and Shoreland-Wetland Districts
- 17.21 Conditional Uses
- 17.22 Construction Site Erosion Control
- 17.23 Traffic, Parking and Access
- 17.24 Performance Standards, Compliance
- 17.25 Site Plan Approval Requirements
- 17.26 Wireless Communications Towers and Antennas
- 17.27 Signs
- 17.28 Zoning Permit Required
- 17.29 Certificate of Occupancy
- 17.30 Plan Commission
- 17.31 Board of Zoning Appeals
- 17.32 Changes and Amendments
- 17.33 Enforcement
- 17.34 Violation and Penalties

17.01 INTRODUCTION. (1) **AUTHORITY.** These regulations are adopted under the authority granted by §62.23(7), Wis. Stats.

(2) **SHORT TITLE.** This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Frederic, Wisconsin.

(3) **PURPOSE.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village.

(4) **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resource; preserve and promote the beauty of the Village; and implement the Village comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(5) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(6) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

17.02 DEFINITIONS. For the purpose of this chapter, the following definitions shall be used:

(1) **ABUTTING.** Having a common property line or district line.

(2) **ACCESSORY BUILDING.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

(3) **ALLEY.** A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(4) **APARTMENT.** A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

(5) **APARTMENT HOUSE.** See DWELLING, MULTI-FAMILY.

(6) **BASEMENT.** A story, as defined in sub. (46) below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

(7) **BILLBOARD.** An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.

(8) **BOARDING HOUSE.** A building other than a hotel where lodging and meals are furnished for compensation for 3 or more persons not members of a family.

(9) **BUILDING.** Any structure use, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

(10) **BUILDING, ALTERATIONS OF.** See STRUCTURAL ALTERATIONS.

(11) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under that State Building Code, a garage, an unfinished and unheated porch and an attic.

(12) **BUILDING, HEIGHT OF.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitched roof.

(13) **CERTIFICATE OF OCCUPANCY.** A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use of and occupancy.

(14) **CONDITIONAL USE.** A use of a special nature so as to make impractical its predetermination as a principal use within a district.

(15) **SPECIAL EXCEPTION.** A use which is prohibited under this chapter, but which may be granted by the Village board upon application and referral to the Plan Commission on a case-by-case basis under circumstances where the board finds that granting it would result in undue practical difficulty.

- (16) DWELLING. (a) *One –Family*. A detached building designed for or occupied exclusively by one family.
- (b) *Two-Family*. A detached or semi-detached building designed for and occupied exclusively by two families.
- (c) *Multi-Family*. A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.
- (17) DWELLING UNIT. A separate housekeeping unit, designed and used for occupancy by a single family.
- (18) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 4 per-sons not so related, living together in one dwelling as a single housekeeping entity.
- (19) FARM. Land consisting of 5 acres or more on which produce, crops, livestock or lowers are grown primarily for off-premises consumption or use.
- (20) FLOOR AREA. (a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living are under the State building, Code measure from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
- (b) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lots, balconies, mezza-nines, cellars, basements and similar areas devoted to such uses.
- (21) FRONTAGE. All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (22) GARAGE. (a) *Private*. An accessory building, attached or detached, used for the purpose of storage of vehicles and miscellaneous equipment.
- (b) *Public*. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (c) *Storage*. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicles exceeding 2 tons capacity shall be stored in any storage garage.
- (23) HOME OCCUPATION. A gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupations, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate not more than one foot square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.
- (24) HOTEL, MOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- (25) LOT. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaced required by this chapter and abutting on a public street or officially approved place.
- (26) LOT, CORNER. A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 1350.
- (27) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.
- (28) LOT, INTERIOR. A lot other than a corner lot.
- (29) LOT LINES. The lines bounding a lot as defined here in.
- (30) MANUFACTURED DWELLING. A dwelling structure or component thereof, as defined in Wis. Adm. Code COMM 20.07(52), which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Wis. Ad. Code COMM 20, Subch. V.
- (31) MANUFACTURED HOME. A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.
- (32) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.
- (33) MOBLIE HOME. A non-self-propelled one family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.
- (34) MOBILE HOME PARK. Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.
- (35) MOTEL. See HOTEL.
- (36) NONCONFORMING USE. A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

- (37) **NURSERY.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (38) **NURSING HOME.** Any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (39) **PARKING STALL.** An off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (40) **PROFESSIONAL HOME OFFICE.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an R-1 District, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.
- (41) **RAILROAD RIGHT OF WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (42) **SETBACK.** The minimum horizontal distance between the street line and nearest point of a building or any projection thereof, excluding uncovered steps.
- (43) **SHOPPING CENTER.** A group of stores, planned and designed for the site on which it is built, functioning as a unit with off street parking provided on the property as an integral part of the unit.
- (44) **SIGN.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which it is located, as distinguished from a billboard.
- (45) **STREET.** All property dedicated for public street purposes.
- (46) **STORY.** That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.
- (47) **STREET LINE.** A dividing line between a lot, tract or parcel of land and an abutting street right of way.
- (48) **STRUCTURE.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (49) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.
- (50) **TEMPORARY STRUCTURE.** A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.
- (51) **USE.** The use of a property is the purpose of activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
- (52) **USE, ACCESSORY.** A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.
- (53) **USE, CONDITIONAL.** See **CONDITIONAL USE.**
- (54) **USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (55) **USE, PRINCIPAL.** The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.
- (56) **UTILITIES.** Public and private facilities such as water wells, water and sewer plumbing stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.
- (57) **VISION CLEARANCE.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (See sec. 17.03 of this chapter)
- (58) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- (59) **ZONING DISTRICT.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.
- (60) **ZONING PERMIT.** A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

17.03 GENERAL PROVISIONS. (1) **COMPLIANCE.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Village, County and State regulations.

(2) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

(a) *Principal Uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

1. **Accessory Uses.** Accessory uses and structures are permitted in any district, if a principal structure is not present adequate room must be left for a principal structure, this will be determined by lot size and zoning district restriction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.

2. **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

3. **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Village Board.

(b) *Performance Standards.* Performance standards listed in sec. 17.24 of this chapter shall be complied with by all uses in all districts.

(3) **YARD REDUCTION OR JOINT USE.** (a) No lot area shall be so reduced that the yards and open spaces shall be similar than is required by this chapter, not shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

(b) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.

(c) No lot in the Village which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.

(4) **LOT OCCUPANCY.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved by the Village Board.

(5) **YARDS ABUTTING DISTRICT BOUNDARIES.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.

(6) **STORAGE LIMITATION.** No required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business.

(7) **VISION CLEARANCE.** No obstructions such as structures, parking or vegetation shall be permitted in any district other than the B-1 District between the height of 2 ½ and 10 feet above a plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.

(8) **PERFORMANCE STANDARDS.** See sec. 17.24 of this chapter.

(9) **PARKING AND LOADING RESTRICTIONS.** See sec. 17.23 of this chapter.

17.04 SINGLE FAMILY DWELLING STANDARDS. No single-family dwelling including dwellings, constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district except the MHP District unless such dwelling meets all of the following standards:

(1) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the state Uniform Dwelling Code.

(2) The dwelling shall have a minimum width of 24 feet and a core area of living space at least 24 feet by 24 feet.

(3) The dwelling shall have a pitched roof with a minimum slope of 2 inches of rise in 12 inches of run, and eaves extending beyond the nearest vertical wall a minimum of 12 inches. The roofing shall be asphalt shingles or comparable roofing.

17.05 HEIGHT AND AREA EXCEPTIONS. The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(1) CHIMNEYS, TOWERS, LOFTS, ETC. Chimneys, cooling towers, elevator bullheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.

(2) STREET YARD MODIFICATIONS. The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(a) *Uncovered Stair Restrictions.* Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and not be closer than 3 feet to any lot line.

(b) *Cul-de-sac and Curve Restrictions.* Residential lot frontage on cul-de-sacs and curves in R-1 Districts and for single-family residences in the R-2 District may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on cul-de-sacs and curves for 2-family multi-family residences in R-2 Districts may be less than 100 feet provided the width of the building setback line is at least 100 feet and the street frontage is not less than 55 feet.

(c) *Street Yard Restrictions.* With the approval of the Plan Commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and 5 feet in any business or industrial district.

(3) CORNER LOTS. On corner lots the side yard facing the street shall not be less than the average of the front and side setback for that district.

(4) LOTS ABUTTING DIFFERENT GRADES. Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade plus 12 inches to the top of the basement wall.

(5) BUILDINGS ON THROUGH LOTS. The requirements for a rear yard for buildings on through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

(6) ACCESSORY BUILDINGS. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet to any lot line nor 5 feet to any alley line and shall not extend into a front yard beyond the required setback.

(7) UNOBSTRUCTED YARDS. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard.

17.06 NONCONFORMING USES, STRUCTURES AND LOTS. (1) EXISTING NONCONFORMING USES.

(a) *Continuation.* The lawful nonconforming use of a structure land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of it becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

3. Substitution of the new equipment may be permitted by the Village Board if such equipment will reduce the incompatibility of the conforming use with the neighboring uses.

(b) *Abolishment or Replacement of Existing Nonconforming Use.* If such conforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter, a current file of all nonconforming uses shall be maintained by the Clerk, listing the following:

1. Owner's name and address

2. Use of the structure, land or water.

3. Assessed value at the time of it becoming a nonconforming use.

(2) EXISTING NONCONFORMING STRUCTURES. Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter unless a variance is first obtained from the Board of Zoning Appeals.

(3) CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Village Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board.

(4) EXISTING VACANT SUBSTANDARD LOTS. An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and the lot is of record in the County Register of Deed's office prior to the effective date of this chapter; and, further provided, that the lot is in separate ownership from abutting lands. If 2 or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after approval of a variance by the Board of Zoning Appeals.

17.07 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES. (1) STATE LAWS ADOPTED.

The provisions of §§62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

(2) PERMITTED USES; RESTRICTIONS.

COMMUNITY LIVING ARRANGEMENTS (CLA); FAMILY DAY CARE HOMES	DISTRICTS PERMITTED	STATUTORY RESTRICTIONS
(a) Foster family home (domicile licensed under §48.62, Wis. Stats., up to 4 children	All residential districts	None
(b) Other foster homes	All residential districts	§62.23(7)(i)1 and 2, Wis. Stats
(c) Adult family home domicile, as districts defined in §50.01(1), Wis Stats., up to 4 adults, or more if all adults are siblings	All residential districts	None
(d) Other Adult family homes	All residential districts	§62.23(7)(i)1 and 2, Wis. Stats
(e) CLA, up to 8 persons	All residential districts	§62.23(7)(i)1, 2 and 9, Wis. Stats
(f) CLA, 9 to 15 persons	Multi-Family districts	§62.23(7)(i)1, 2 and 9, Wis. Stats
(g) Family day care home licensed under §48.65 Wis. Stats., Up to 8 children	All 1 and 2 family districts	§62.23(7)(i)1, 2 and 9, Wis. Stats

(3) CONDITIONAL USES. All community living arrangements and family day care homes not permitted in sub. (2) above. See sec. 17.21 of this chapter.

17.08 ZONING DISTRICTS. (1) ESTABLISHED. For the purpose of this chapter, the Village is hereby divided into the following zoning districts.

- (a) R-1 Single-Family and Two-Family Residential District
- (b) R-2 Single-Family and Two-Family Residential District
- (c) R-3 Multi-Family Residential District
- (d) R-4 Rural Development District
- (e) R-5 Mobile Home Park District
- (f) B-1 Downtown Business District
- (g) B-2 Highway Business District
- (h) I-1 Industrial-Commercial District
- (i) I-2 Industrial-Commercial District
- (j) PUD Planned Unit Development District
- (k) CON Conservancy District
- (l) Floodplain and Shoreland-Wetland District

(2) INCORPORATION OF ZONING MAP. The locations and boundaries of the districts are shown on the Village Zoning Map, dated March, 2001, and referred to by reference as the Official Zoning Map, Village of Frederic, Wisconsin. Such Map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Clerk and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map.

(3) DISTRICT BOUNDARY AND MAP AMENDMENTS. Ordinances:

(4) BOUNDARIES OF DISTRICTS. When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules apply:

(a) When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.

(b) When the Floodplain Zoning and Shoreland-Wetland Codes and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(c) District Boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

(5) ANNEXATIONS. Annexations to the Village shall be temporarily zoned R-4 unless the annexation ordinance temporarily places the land in another district.

ZONING CODE 17.09

17.09 R-1 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT. The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusions of incompatible land uses.

(1) PERMITTED USES. (a) Single-family dwellings.

(b) Attached and Detached garages, as follows:

(1) Attached Garages. Attached garages 1,000 square feet in area maximum. Attached garages with living quarters above shall have a floor to ceiling height of 10 feet maximum; attached garages without living quarters above shall have a floor to ceiling height of no more than 10 feet maximum and a roof pitch no greater than that of the principal building living quarters.

(2) Detached Garages. Detached garages 1,800 square feet in area maximum, with a sidewall height up to 14 feet depending on location and Board approval.

(c) Garden and yard equipment shed, 150 square feet maximum and 15 feet in height maximum.

(2) CONDITIONAL USES. See also sec. 17.21 of this chapter.

(a) Two-family dwellings.

(b) Churches, synagogues and similar places of worship and instruction, including parsonages.

(c) Municipal building, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.

(d) Utility offices, provided there is no service garage or storage yard.

(e) Public, parochial and private elementary and secondary schools.

(f) Public parks, recreation areas, playgrounds and community centers.

(g) Home occupations and professional offices.

(h) Bed and breakfast inns.

(i) Golf courses.

(j) Medical clinics.

(k) Funeral homes.

(l) Cemeteries.

(m) Barber and beauty shops.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec 17.03 of this chapter.

(a) Single-Family Residences.

Lot Frontage.....Minimum 90 ft

Lot areaMinimum 10,000 sq ft.

Principal Building:

Front yard.....Minimum 40 ft

Side yards.....Minimum 10 ft

Rear yard.....Minimum 25 ft

Building height.....Maximum 35 ft.

Accessory buildings:

Front yard.....Minimum 40 ft

Side yards.....Minimum 05 ft

Rear Yard.....Minimum 05 ft

Garages.....See sub. (1)(b) above

Garden shed.....See sub. (1)(c) above

Lot coverage.....Maximum 70%

Off-street parking.....Minimum 2 spaces per unit (see also sec. 17.23 of this chapter)

17.10 R-2 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT. The R-2 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family, two-family and multi-family dwellings protected from traffic hazards and intrusion.

(1) PERMITTED USES. Same as the R-1 District

(2) CONDITIONAL USES. Same as the R-1 District

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter

(a) Single-Family Dwelling.

Lot Frontage.....Minimum 90 ft

Lot areaMinimum 10,000 sq ft.

Principal Building:

Front yard.....Minimum 25 ft

Side yards.....Minimum 08 ft

Rear yard.....Minimum 20 ft

Building height.....Maximum 35 ft.

Accessory buildings:

- Front yard.....Minimum 25 ft
- Side yards.....Minimum 05 ft
- Rear Yard.....Minimum 05 ft
- Garages.....See sub. (1)(b) of this chapter
- Garden shed.....See sub. (1)(c) of this chapter

- Lot coverage.....Maximum 70%
- Off-street parking.....Minimum 2 spaces per unit (see also sec. 17.23 of this chapter)

(b) Two-Family Dwelling

- Lot Frontage.....Minimum 60 ft
- Lot area New Construction.....Minimum 10,000 sq ft.
- Converted single-family..Minimum 10,000 sq ft.

Principal Building:

- Front yard.....Minimum 25 ft
- Side yards.....Minimum 08 ft
- Rear yard.....Minimum 20 ft
- Building height.....Maximum 35 ft.

Accessory buildings:

- Front yard.....Minimum 25 ft
- Side yards.....Minimum 05 ft
- Rear Yard.....Minimum 05 ft
- Garages.....See sub. (1)(b) above
- Garden shed.....See sub. (1)(c) above

- Lot coverage.....Maximum 70%
- Off-street parking.....Minimum 2 spaces per unit (see also sec. 17.23 of this chapter)

17.11 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. The R-3 District is intended to provide a mixture of single-family, two-family and multi-family dwellings.

(1) PERMITTED USES. *(a) Single-family residences.*

(b) Two-family residences

(c) Multi-family residences.

(d) Garages (see R-1 District).

(e) Storage sheds (see R-1 District).

(f) Home occupations and professional offices.

(2) CONDITIONAL USES. Same as R-1 District.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

(a) Single-Family Dwellings. Same as R-2 District.

(b) Two-Family Dwellings. Same as R-2 District.

(c) Multi-Family Dwellings.

- Lot Frontage.....Minimum 80 ft
- Lot areaMinimum 12,000 sq ft.

Principal Building:

- Front yard.....Minimum 25 ft
- Side yards.....Minimum 08 ft
- Rear yard.....Minimum 20 ft
- Building height.....Maximum 35 ft.

Accessory buildings:

- Front yard.....Minimum 25 ft
- Side yards.....Minimum 05 ft
- Rear Yard.....Minimum 05 ft
- Garages.....See sub. (1)(b) above
- Garden shed.....See sub. (1)(c) above

- Lot coverage.....Maximum 80%
- Off-street parking.....Minimum 2 spaces per unit (see also sec. 17.23 of this chapter)

17.12 R-4 RURAL DEVELOPMENT DISTRICT. The R-4 District is intended to provide for farmette rural estate single-family residential development.

(1) PERMITTED USES. *(a) Two-family dwellings*

(b) Home occupations and professional home offices.

(2) **CONDITIONAL USES.** (a) Same as R-1 District.

(b) Home occupations and professional home offices.

(c) Livestock such as, but not limited to, cattle, swine, horses, ponies, sheep, poultry and other fowl may be permitted in the R-4 District following issuance of a conditional use permit after public hearing. As a general policy guideline, the R-4 District is not intended to be used for intensive raising or boarding of livestock or fowl. A conditional use permit for livestock or fowl may only be issued if such use is compatible with the neighborhood.

(3) **LOT, YARD AND BULDING REQUIREMENTS.**

Lot Frontage.....Minimum 125 ft

Lot areaMinimum 5 acres

Principal Building:

Front yard.....Minimum 35 ft

Side yards.....Minimum 20 ft

Rear yard.....Minimum 50 ft

Building height.....Maximum 35 ft.

Accessory buildings:

Front yard.....Minimum 35 ft

Side yards.....Minimum 20 ft

Rear Yard.....Minimum 20 ft

17.13 R-5 MOBILE HOME PARK DISTRICT. (1) **PERMITTED USES.** Mobile home parks.

(2) **CONDITIONAL USES.** None.

(3) **MOBILE HOME PARK REQUIREMENTS.**

(a) *Park Requirements.*

1. A minimum of 5 acres.
2. 40 foot minimum setbacks on all sides.
3. A hard surface road no less than 24 feet wide serving all mobile home spaces.
4. Electricity, cable television and public sewer and water servicing all mobile home spaces.
5. A central hard surface parking lot with one parking space for each 3 mobile home spaces.
6. A separate building providing laundry facilities.
7. An on-site manager's office.

(b) *Space Requirements.*

- Space Frontage.....Minimum 50 ft
- Space Area.....Minimum 4,000 sq ft
- Front Yard.....Minimum 25 ft
- Side Yards.....Maximum 10 ft.
- Rear yard.....Minimum 25 ft
- Off-street parking.....2 spaces per mobile home

17.14 R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS. (1) **INTENT.** The Residential Planned Unit Development (R-PUD) Overlay District regulations are intended to permit flexibility and, consequently, encourage more creative and imaginative design for residential development of a site than under conventional zoning regulations while, at the same time, preserving the health, safety, order convenience, prosperity and general welfare of the Village. The planned development procedure requires a high degree of cooperation between the developer and the Village. The procedure described herein is designed to give the developer general plan approval before completing all detailed design work while providing the Village with assurances that the project will retain the overall quality and character of a planned residential development envisioned at the time of approval.

(2) **GENERAL PROVISIONS.** The Plan Commission may recommend and the village Board may, upon the request of the owners, establish planned development overlay districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and compatible uses while encouraging maximum protection and preservation of natural resources and environmentally sensitive areas located within and impacted by such development.

(a) *Minimum R-PUD Overlay District Development Area.* The Plan Commission shall be the authority in establishing the required size of an R-PUD Overlay District. Conditions to be considered by the Plan Commission in determining the minimum area required for R-PUD Overlay District Zoning may include, but are not limited to, the following:

1. Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features.
2. The land is adjacent to or across the street from property which has been developed as an R-PUD and is to be developed in relationship to such prior development.

3. The R-PUD process is desirable to insure compatibility and careful consideration of the effect of a development on surrounding land uses.

4. Detrimental site features affecting the development potential of a site such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible land uses or others may also justify consideration of an area as an R-PUD in order to give the design flexibility needed to deal with site constraints.

(b) *Permitted and Accessory Uses.* Permitted and accessory uses in an R-PUD Overlay District shall be the same as those permitted in the underlying existing zoning district in which an R-PUD is located. If a developer desires a use different than those permitted by the existing zoning, the developer shall simultaneously petition for rezoning of the underlying existing zoning to a zoning district which permits the desired uses.

(c) *Mixed Uses.* A mix of different residential uses within an R-PUD Overlay District may be permitted if the Plan Commission and the Village Board determine that the mix of uses is compatible internally and with land uses in the abutting and surrounding neighborhood and necessary to achieve the objectives of the R-PUD Overlay District.

(d) *Number of Buildings on a Lot.* The R-PUD Overlay District may permit more than one residential building on a lot.

(e) *Density.* The R-PUD Overlay District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district or districts.

(f) *Setbacks.* Front yard setbacks shall comply with that of the underlying zoning districts. Side and rear yard setbacks are to be determined by the Plan Commission after considering site specific areas.

(g) *Building Requirements.* The building regulations of the underlying zoning shall be applicable for all developers.

(h) *Temporary Uses.* Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted.

(i) *Buffers.* The Plan Commission may require buffers between different and potentially incompatible land uses, buildings and structures. The use and integration of existing, natural features and vegetation as well as the installation of a variety of landscaping features shall be used as buffers and is strongly encouraged. The need for buffers in an R-PUD Overlay District shall be determined by the Plan Commission at the time of site-specific plan review.

(j) *Open Space.* The Plan Commission may require the development area of an R-PUD Overlay District to contain up to 20% open space as determined by the Plan Commission on a site-specific basis. When deemed appropriate, the Plan Commission may also reduce density for open space purposes. For purposes of satisfying this requirement, "open Space":

1. May include floodplain area and wetland area in certain instances if permitted by the Plan Commission.
2. May not include streets, driveways and front yard setback requirements.
3. Shall be established as part of the general development plan and described and identified as to size, location, use, improvements (if any) and maintenance responsibility.

(3) APPLICATION PROCEDURE AND REQUIRED INFORMATION. (a) *Preliminary Consultation.* An applicant shall meet with the Plan Commission and appropriate Village staff members for a preliminary consultation prior to formally submitting a rezoning petition for an R-PUD Overlay District. The purpose of this preliminary consultation is to discuss the proposed request and review the local regulations and policies applicable to the project and discuss the land use implications of the proposal.

(b) *Rezoning Petition and General Development Plan.* The applicant shall submit a rezoning petition in accordance with the application procedure described in §17.31, a general development plan shall be submitted to the Plan Commission and the Village Board for review 30 business days prior to any rezoning hearing. The general development plan and supporting information shall contain and/or address the following:

1. Plot plan of area proposed for development.
2. Proposed location of public utilities, public and private roads, driveways and parking facilities.
3. Size, arrangement and location of all proposed buildings.
4. Location of proposed open space areas, buffer yards and areas reserved or dedicated for public uses.
5. Perspective drawings and sketches illustrating the design and character of proposed structures.
6. Existing topography on site with contours at no greater than 2-foot intervals National Geodetic Vertical elevation.
7. A development phasing plan is development is to be developed in stages or phases.

(c) *Public Inspection.* The general development plan shall be available for public inspection prior to any rezoning hearing on the proposed project.

(d) *Public Hearing.* The Plan Commission shall hold a public hearing on the rezoning request and, following said public hearing, shall make a recommendation to the Village Board regarding approval/disapproval.

(e) *Rezoning Approval/Disapproval.* The Village Board shall act on the recommendation of the Plan Commission regarding the rezoning petition at their next scheduled meeting.

(4) CONDITIONS AND RESTRICTIONS, PRELIMINARY PLAN APPROVAL. (a) The Plan Commission may recommend and the Village Board may adopt, by resolution, conditions and restrictions for R-PUD Overlay Districts that specify permitted uses and set bulk regulations and density standards for lot coverage and dwelling unit size and distribution and yard setbacks.

(b) Conditions and restrictions adopted to govern development within a specific R-ODU Overlay District may include, but not be limited to, nonstandard or nonuniform requirements, regulations and provisions recommended by the Plan Commission and approved by the Village Board. Such nonstandard requirements, regulations and provisions shall be designed to ensure proper development and appropriate operation and maintenance of specific developments on specific sites consistent with the intent of these regulations and commitments made by a developer at the time an R-PUD Overlay District and general development plan are approved.

(5) DETAILED PLANS AND INFORMATION. (a) After the R-PUD zoning has been granted and the general development plan, together with conditions imposed by either the Plan Commission or the Village Board, has been approved, detailed site plans, architectural plans and utility plans shall be submitted to the Plan Commission for final review prior to the execution of a developer's agreement between the developer and the Village Board. Other related information required may include, but is not limited to, maintenance standards and plans of operation. The detailed plan and information shall conform substantially to the general development plan as approved.

(b) Information to be included in the detailed plan shall conform to the following subsections of sec. 19.06 of this Code where applicable:

1. General Requirements. A final plat prepared by a registered land surveyor shall be required for all developments. It shall comply in all respects with the requirements of §236.20, Wis. Stats.

2. Additional Information. The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:

a. Exact length and bearing of the center line and center and center line curves of all streets.

b. Exact street width along the right of way line of any obliquely intersecting street.

c. Railroad rights of way within and abutting the plat.

d. Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 19.08 of this Code.

e. Utility and/or drainage easements.

f. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

g. A detailed landscaping plan.

h. Special restrictions required by the Village Board relating to access control along public ways and delineation of flood land limits.

3. Deed Restrictions. The Village Board may require that deed restrictions imposed by the developer be filed with the final plat.

4. Plat Restrictions. The Village Board may require that plat restrictions intended to reflect Village plans and ordinances be placed on the face of the plat.

(6) REVIEW OF DETAILED PLAN. The Plan Commission shall review the detailed plan and provide the developer with a list of changes and additional requirements as it deems appropriate. Upon reaching agreement with the developer, the Plan Commission shall forward its recommendation to the Village Board.

(7) COMMENCEMENT OF PROJECT. (a) After the Village Board, upon recommendation of the Plan Commission, has approved the detailed site plans, construction of private and public amenities may commence in accordance with sec. 19.10 of this code.

(b) No zoning permit for residence shall be issued until building plans have been approved by the Plan Commission and all applicable fees and assessment required in sub. (12) below and sec. 19.11 of this Code have been paid and either all public and private construction has been completed and approved or a developer's agreement, including a letter of credit, has been approved by the village Board. For stated development, such developers' agreements shall provide for the construction of improvements and the use of common areas outside of the subject stage.

(c) After the Village Board, upon the recommendation of the Plan Commission, has approved the plans, the project shall be commenced within one year unless the time is extended in writing by the Village Board. In the event the project is not so timely commenced, the approval of the village Board shall be deemed to be automatically revoked and zoning will revert back to the classification it held prior to rezoning approval.

(8) RECORDATION. The final plat or condominium declaration shall be recorded with the County Register of Deeds. Plats shall be recorded only after the certificates of the Director of Planning Function in the Wisconsin Department of Development, of the Village Board, of the surveyor and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The Clerk shall record the plat or condominium declaration within 10 days of its approval by the village Board. The developer shall, however, be responsible for payment of the recording fee.

(9) DUPLICATE PLAT OR CONDOMINIUM DECLARATION AND PLAT TO BE FILED. An identical reproducible copy on stable drafting film at least 4 mils thick, along with the recording date, shall be placed on file with the Director of Public Works.

(10) MAINTENANCE OF PROJECT. (a) Should the owner of a planned development, homeowners' association or the condominium owners' association, in the event a condominium is created, fail to properly operate or maintain the premises according to the terms of this section or the developer's agreement, or to the extent that a nuisance is caused to occupants or neighbors, the Plan Commission may refuse to approve subsequent stages of the development until such time as they determine that the situation and/or the method of operation has been corrected. Failure to maintain the premises and/or satisfy any and all requirements contained in the approved plans, the R-PUD Overlay District ordinance or developer's agreement shall constitute a violation of the Zoning Code and be subject to the enforcement provisions set forth therein.

(b) Should the owner of a planned development or condominium owners or homeowners' association fail to adequately perform maintenance functions such as snow and ice removal, weed cutting or trash disposal, the village shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

(11) CHANGES OR REVISIONS. (a) All proposed changes, revisions and additions to any aspect of an approved planned development project shall be submitted to the Plan Commission for its review. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.

(b) If the change is determined to be minor, the Plan Commission shall review the request and pass its finding to the Village Board, which may approve the change without a public hearing. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.

(c) If the requested change is determined by the Plan Commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review and pass its finding to the Village Board for final approval.

(12) FEES. The developer shall pay to the Village all fees and all professional expenditures incurred by the Village at the time specified.

(a) *General R-PUD Plan Review Fee.* The developer shall pay a fee of \$100 plus \$2 for each residential unit over 25 at the time the application is filed.

(b) *Detailed R-PUD Plan Review Fee.* The developer shall pay a fee of \$100 plus \$2 for each residential unit over 25 at the time the application is filed.

(c) *Professional Fees.* The developer shall reimburse the Village for all engineering, planning and legal fees incurred by the Village. The Village shall bill the developer monthly and payment shall be made within 10 days from date of billing.

17.15 B-1 DOWNTOWN COMMERCIAL DISTRICT. The B-1 District is intended to provide an area for the business and commercial needs of the Village.

(1) PERMITTED USES. (a) Post Offices.

(b) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following:

1. Banks, commercial or professional offices and telephone offices.
2. Places of amusement and theaters
3. Personal service, automobile service and equipment service establishments.
4. Bus depots
5. Parking lots
6. Government and public buildings
7. Existing one- and two- family dwellings
8. Uses customarily incident to any of the above uses.

(2) CONDITIONAL USES. (a) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

- (b) Miscellaneous repair shops and related services.
- (c) Residential units located on the ground level and/or second story of a commercial structure.
- (d) Farm supplies, wholesale trade.
- (e) Retail sale of automobiles, trailers, mobile homes or campers
- (f) Stores for the sale and installation of tires, batteries, mufflers or other automotive

accessories.

- (g) Washing, cleaning or polishing of automobiles, including self-service car washes.
- (h) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
- (i) Veterinary clinics.

(3) ADDITIONAL RESTRICTIONS. Uses permitted in the B-1 District are subject to the following conditions:

- (a) Business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are no established.
- (b) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (c) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(4) DEVELOPMENT STANDARDS. Within the B-1 District, there shall be no minimum required standards or setbacks in order to provide flexibility in the redevelopment of the downtown area. However, new buildings shall be subject to the off-street parking or loading requirements of section 17.23 of this chapter.

17.16 B-2 HIGHWAY COMMERCIAL DISTRICT. The B-2 District is established to provide for the establishment of principally motor vehicle oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

(1) PERMITTED USES.

- (a) Amusement activities.
- (b) Automobile and truck sales and services, and non-salvage automotive parts stores.
- (c) Automobile repair services
- (d) Taverns
- (e) Gasoline service stations and convenience stores
- (f) Gift, novelty and souvenir sales
- (g) Hotels, motels and tourist courts
- (h) Nightclubs and dance halls
- (i) Restaurants
- (j) Sales, service and installation of tires, batteries and accessories
- (k) Residential dwelling units
- (l) Animal hospitals, shelters and kennels
- (m) Hospitals and health care clinics
- (n) Public assembly uses
- (o) Commercial recreation facilities
- (p) Off-season storage facilities
- (q) Nursing homes
- (r) Drive-in food and beverage establishments, for consumption on- or off- premises
- (s) Drive-in banks
- (t) Drive-in theaters
- (u) Vehicle sales and service
- (v) Golf courses
- (w) Sewage disposal plants
- (x) Governmental, cultural and public buildings or uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums
- (y) Utilities
- (z) Schools and churches
- (aa) Mobile home sales
- (bb) Mental health care facilities, including counseling centers
- (cc) Chiropractic clinics
- (dd) Professionally supervised juvenile detention centers
- (ee) Lawn and garden equipment sales
- (ff) Bait and tackle stores

(2) **CONDITIONAL USES.** Uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

- Lot Frontage.....Minimum 66 ft
- Lot areaMinimum 8,000 sq ft.
- Front yard.....Minimum 50 ft, includes parking
- Side yards..... Minimum 20 ft
- Rear yard.....Minimum 20 ft
- Building height.....Maximum 35 ft.

(4) **OFF-STREET PARKING AND LOADING REQUIREMENTS.** See sec. 17.23 of this chapter.

17.17 I-1 LIMITED INDUSTRIAL DISTRICT. The I-1 District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area to the Village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect.

(1) **PERMITTED USES.** See sec. 17.25 of this chapter.

(a) Manufacturing establishments, usually described as factories, mills or plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.

(b) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.

(c) Outdoor storage of industrial products, machinery, equipment or other materials, provided that such storage is enclosed by a suitable fence or other manner of screening.

- (d) Railroads
- (e) Wholesale establishments and warehouses
- (f) Building construction contractors.
- (g) Motor freight transportation.
- (h) Light industry and service uses.
- (i) Commercial bakeries, retail or wholesale.
- (j) commercial greenhouses, retail or wholesale.
- (k) Food locker plants.
- (l) Trade and contractor’s facilities.
- (m) Offices.
- (n) Recreation vehicle, boat and miscellaneous storage.

(2) **CONDITIONAL USES.** (a) Telecommunications towers. See sec. 17.26 of this chapter.

(b) Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.

(3) **LOT, YARD AND BUILDING REQUIREMENTS.**

- Lot Frontage.....Minimum 66 ft
- Lot areaMinimum 8,500 sq ft.
- Front yard.....Minimum 25 ft
- Side yards..... Minimum 10 ft
- Rear yard.....Minimum 30 ft
- Building height.....Maximum 35 ft.

(4) **OFF-STREET PARKING AND LOADING REQUIREMENTS.** See sec. 17.23 of this chapter.

(5) **PERFORMANCE STANDARDS.** See sec. 17.24 of this chapter.

17.18 I-2 INDUSTRIAL/COMMERCIAL PARK DISTRICT. (1) **STATEMENT OF PURPOSE.** The I-2 Industrial/Commercial Park District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, certain specialized manufacturing operations, and research and development institutions. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors and the Village, and to promote and maintain desirable economic development activities in a park-like setting.

(2) **General Regulation.** Uses permitted in the I-2 District are subject to the following conditions:

(a) No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including excessive creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. Prior to issuance of a zoning certificate or occupancy certificate, the Village may require evidence that

Adequate controls, measures, or devices have been provided to ensure and protect the public interest, health, comfort convenience, safety, and general welfare from such nuisance, hazard, or offensive conditions.

(b) All business, servicing processing, except off-street parking and off-street loading, and outside storage areas as regulated hereinafter, shall be conducted within completely enclosed buildings.

(c) The building coverage on any zoning lot shall not exceed 70%.

(d) Parking of trucks as an accessory use, when used in the conduct of a permitted business use, shall be limited to vehicles or not over 1 ½ ton capacity when located within 150 feet of a residence district boundary line.

(e) All open off-street parking areas, loading areas, and driveways shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally a 2-inch blacktop and a 4-inch base or 5-inches of Portland cement will meet this requirement).

(f) No land shall be rezoned to this District and developed and no use shall be permitted that results in flooding, erosion or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area or other storm water management facility.

(3) PERMITTED USES. The following uses are permitted in the I-2 District, after complying with the site plan review requirements of sec. 17.25 of this chapter.

(a) Manufacturing Uses. 1. Commercial Printing

2. Service Industries for the printing trade

3. Biological products, medical chemicals and pharmaceutical preparations.

4. Industrial organic chemicals

5. Optical glass and fiber optics

6. Miscellaneous fabricated metal products.

7. Office, computing and accounting machines

8. Communication equipment except telecommunications towers and facilities as set forth

in sec. 17.26 of this chapter.

9. Electronic components accessories.

10. Miscellaneous electrical machinery, equipment, and supplies.

11. Measuring, analyzing, and controlling instruments.

12. Small-scale products (finished weight not exceeding 50 pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals, and mining.

13. Specific products not listed above, but similar in intent and character, and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery, being conducted entirely within enclosed substantially constructed buildings in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operators, and which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.

(b) *Service Uses*. 1. Computer and data processing services.

2. Miscellaneous business services, including laboratories.

3. Offices, business and professional.

4. Communication services.

(c) *Accessory Use*. Including, but not limited to the following:

SUBCHAPTER III: WASTEWATER UTILITY

17.21 INTRODUCTION AND GENERAL PROVISION. This chapter regulates the use of public and private sewers and drains, discharge of septage into the public wastewater system, and the discharge of waters and wastes into the public wastewater systems within the Village. It provides for uniform requirements for discharges into the wastewater collection and treatment system and enables the Village to comply with administrative provisions and other discharge criteria which are required or authorized by State or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village wastewater system and the issuing of permits to certain users. If there is any conflict between this subchapter and any applicable State Statute, the Statute shall be controlling.

17.22 USER RULES AND REGULATIONS. The rules, regulations and Wastewater Utility rates of the Village shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village wastewater system or wastewater treatment facility and every such person, company or corporation by connecting with the wastewater system or wastewater treatment facility shall be considered as expressing their assent to be bound thereby. The following rules and regulations for the government of licensed plumbers, wastewater system users and others are hereby adopted and established.

(1) **PLUMBERS.** No plumber, pipefitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the wastewater system without first receiving a license from the State and obtaining a permit from the Director of Public Works. All service connections to the sewer main shall comply with the State Plumbing Code.

(2) **MANDATORY HOOKUP.** (a) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which system is extended shall connect to system within 365 days of notice in writing from the Village Board. Upon failure to do so, the Board may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property. However, the owner may, within 30 days after the completion of the work, file a written option with the Board stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed 10 equal installments and that the amount shall be so collected with interest at the current rate from the completion of the work, the unpaid balance being a special tax lien, all pursuant to §144.06, Wis Stats.

(b) The Village Board has determined that the failure connect to the wastewater system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort and safety of the Village.

(3) **SEPTIC TANKS PROHIBITED.** The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area of the Village serviced by its wastewater system are hereby declared to be a public nuisance and a health hazard. From and after the effective date of this subchapter, the use of septic tanks, holding tanks or any private sewage disposal system within the area of the Village serviced by the wastewater system shall be prohibited.

(4) **APPLICATION FOR WASTEWATER UTILITY SERVICE.** (a) Every person desiring to connect to the wastewater system shall file an application in writing to the Director of Public Works on such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written, consent of the owner must accompany the application. Persons connected to the wastewater system of the Village are referred to herein as "users".

(b) If it appears that the service applied for will not provide adequate service for the contemplated use, the Village may reject the application. If the Village approves the application, it shall issue a permit for services as shown on the application.

(5) **HOLDING TANK DOMESTIC WASTE.** Owners of self-contained recreational vehicles may dispose of the vehicle's domestic holding tank waste by obtaining a permit from the Director of Public Works to dump said waste at a designated dumping station directed by the Director upon the payment of a fee. See the Village Fee Schedule. No septage disposal is permitted.

(6) **CONNECTION CHARGE.** Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.

(7) **TAP PERMITS.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions or attachments unless the party ordering such tapping or other work exhibits the proper permit for the same from the Director of Public Works.

- (8) **USERS TO KEEP IN REPAIR.** All users shall keep their own service pipes in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening for the wastewater system.
- (9) **BACKFLOW PREVENTOR.** All floor drains in residences and businesses constructed after the effective date of the adoption of this Code shall have a back-flow prevention valve installed at the owner's expense.
- (10) **USER USE ONLY.** No user shall permit other persons or other services to connect to the wastewater system through his lateral.
- (11) **USER TO PERMIT INSPECTION.** Every user shall permit the Director of Public Works, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate, and they must at all times, frankly and without concealment answer all questions put to them relative to its use, all in accordance with this subchapter and §196.171, Wis. Stats.
- (12) **UTILITY RESPONSIBILITY.** It is expressly stipulated that no claim shall be made against the Village or acting representative by reason of the breaking, clogging, stoppage or freezing of any service pipes from the main to the building nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose any permit granted or regulations to the contrary notwithstanding. Whenever it shall be come necessary to shut off the sewer within any district of the village, the Director of Public Works shall, if practicable, give notice to each and every consumer affected of the time when such service will be shut off.
- (17) **EXCAVATIONS.** (a) In making excavations in streets for highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will result in the least inconvenience to the public.
- (b) No person shall leave any such excavation made in any street or highway open at any time without barricades and, during the night, warning lights shall be maintained at such excavations.
- (c) In refilling the opening, after the service pipes are laid, granular fill shall be laid in layers of not more than 9 inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good as before it was disturbed and satisfactory to the Director of Public Works. No opening of the streets for tapping the pipes shall be permitted when the ground is frozen.
- (14) **TAPPING MAINS.** (a) No persons, except those having special permission from the Village Board or persons in their service and approved by them, will be permitted, under any circumstances, to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from the Plumbing Inspector to ensure that new sewers and connections to the wastewater system are properly designed and constructed.
- (b) Pipes should always be tapped on top and not within 6 inches of the joint or within 24 inches of another lateral connection. All service connections to mains shall comply with the State Plumbing Code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.
- (15) **INSTALLATION OF HOUSE LATERALS.** (a) All service pipes (laterals) on private property shall be installed in accordance with Wis. Adm. Code COMM 82, "Design, Construction, Installation, Supervision and Inspections of Plumbing," especially Sec. 82.04, "Building Sewers."
- (b) As required by Wis. Adm. Code COMM 82.04(5), all laterals shall be inspected: "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling."
- (16) **EXTENSIONS.** The Village Board shall extend sewer main to a new user in accordance with the following charges and conditions: (a) When an extension of a sewer main is required by the prospective user, said person shall make an application on such a form as is prescribed for that purpose for such an extension, in writing, to the Village Board by filing of such an application. The Director of Public Works shall first determine the logical location of the next manhole or manholes. Next, the Director shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and State laws, ordinances and regulations.

(b) The person who requests the extension shall either be assessed pursuant to sec. 8.08 of this Code or charged pursuant to sec. 19.09 of this Code.

(c) In addition to the charge provided for in par. (b) above, each user shall pay the full cost of the lateral from the main to his building. The Village Board may also, at any time, establish or amend specific connection and lateral charges for any main not covered by other provisions in this subchapter or when the Village has made an extension and the user has failed to provide lateral or connection charges. It is further provided that the Board may amend or alter any connection or lateral charge after its establishment under the terms of this subchapter or previous ordinances or resolutions.

17.22 REGULATIONS. (1) GENERAL DISCHARGE PROHIBITIONS. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Village: (a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way to the operation of the Village wastewater facility or wastewater treatment works.

(b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(c) Any wastewater having pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or exceed the limitation set forth in State or Federal Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified in the Toxic Pollutant List set forth in Wis. Adm. Code NR 215.

(e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for their maintenance and repair.

(f) Any substance which may cause the Village effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(g) Any substance which will cause the Village to violate its WPDES and/or other disposal system permits.

(h) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the Village treatment works resulting in interference, but, in no case, wastewater with a temperature at the introduction into the treatment works which exceeds 104°F.

(j) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc. released in a single extraordinary discharge episode of such volume or strength as to cause interference to the treatment works.

(k) Any unpolluted water including, but not limited to, noncontact cooling water.

(l) Any wastewater containing any radioactive waste or isotopes of such half-life or concentration as exceed limits established by the Village Board in compliance with applicable State or Federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any storm water, surface water, ground water, roof run—off or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Director of Public Works.

(2) LIMITATIONS ON WASTEWATER STRENGTH. (a) *National Categorical Pretreatment Standards.* National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.

(b) *State Requirements.* State requirements and limitations on discharges to the treatment works shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.

(c) *Right of Revision.* The Village Board reserves the right to amend this subchapter to provide for more stringent limitations or requirements on discharges to the treatment works where deemed necessary to comply with the objectives set forth in this subchapter.

(d) *Dilution.* No discharger shall increase the use of potable or process water in any way nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this subchapter.

(e) *Supplementary Limitations.* The Village Board reserves the right to set discharge wastewater concentrations and/or mass limitations on a case-by-case basis. The Board may impose mass limitations on dischargers who are using dilution to meet the pretreatment standards or requirements of this subchapter or in other cases where the imposition of mass limitations is deemed appropriate by the Village Board.

(f) *Accidental Discharges.* Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this subchapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provide and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide his protection shall be submitted to the Village Board for review and shall be approved by the Board before construction of the facility. Review and approval of such plans and operating procedures by the Board shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this subchapter. Dischargers shall notify the Board immediately upon the occurrence of a slug-load or accidental discharge of substances prohibited by this subchapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slug-load of prohibited materials shall be liable for any expense, loss or damage to the Village wastewater facilities or wastewater treatment works in addition to the amount of any forfeitures imposed on the Board on account thereof under State or Federal law. Signs shall be permanently posted in conspicuous places on discharger's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

17.24 CONTROL OF INDUSTRIAL AND SEPTAGE WASTES. (1) **INDUSTRIAL DISCHARGES.** If any waters, wastes or septage are discharged or proposed to be discharged to the public wastewater system contain substances or possess the characteristics enumerated in sec. 17.23 of this subchapter and which, in the judgement of the Village Board, may be detrimental to the wastewater system, the Village Board may:

- (a) Reject the wastes, or
- (b) Require pretreatment to an acceptable condition for discharge to the wastewater system, or
- (c) Require a control over the quantities and rates of discharge, or
- (d) Require payment to cover the added cost of handling and treating the waste.

(2) **CONTROL MANHOLES.** (a) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling their waste, including domestic sewage.

(b) Control manholes or access facilities shall be located and built in a manner acceptable to the Director of Public Works. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Engineer.

(c) Control manholes, access facilities and related equipment shall be installed by the person discharging the industrial waste, at his expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible and in property operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Director of Public Works prior to the beginning of construction.

(3) **MEASUREMENT OF FLOW.** The volume of flow used for computing the sewer service and the cost recovery charges for non-septage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility.

(4) **PROVISION FOR DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Director of Public Works that more than 10% of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.

(5) **METERING OF WASTE.** Devices for measuring the volume of waste discharged may be required by the Director of Public Works if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Director.

(6) WASTE SAMPLING. (a) Industrial wastes and septage discharge into the public sewers shall be subject to periodic inspection and a determination of the character and concentration of said waste at least quarterly. The determinations shall be required by the Director of Public Works.

(b) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Director of Public Works. A minimum of a least quarterly sampling shall be necessary to determine wastewater service charges.

(c) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Village board or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(7) PRETREATMENT. When required, in the opinion of the village Board, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater system, the discharger shall provide, at his expense, such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

(8) GREASE AND/OR SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director of Public Works. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

(9) ANALYSES. (a) All measurements, tests and analyses of the characteristics of water, waste and septage to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 176). Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the Director of Public Works.

(b) Determination of the character and concentration of the industrial waste shall be made by the person discharging it or their agent, as designated and required by the Village Board. The Board may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contest the determination, the Board may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under Wis. Adm. Code NR 149 and be acceptable to both the Board and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(10) SUBMISSION OF INFORMATION. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Director of Public Works prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(11) SUBMISSION OF BASIC DATA. Within 3 months of the effective date of this subchapter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Director of Public Works a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater system. Similarly, each person desiring to make a new connection to the public sewer for the purpose of discharging industrial wastes shall prepare and file with the Director a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(12) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration to the Village Board.

17.25 WASTEWATER SEWER CHARGES AND FEES. The wastewater charges and fees are incorporated in the Village Fee Schedule on file in the office of the Clerk.

17.26 to 17.29 (Reserved)

17.30 VIOLATIONS AND PENALTIES. (1) **DAMAGES.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure of pertinence or equipment which is a part of the wastewater system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(2) **WRITTEN NOTICE OF VIOLATION.** (a) Any person connected to the wastewater system found to be violating a provision of this subchapter shall be served by the Director of Public Works with a written notice stating the nature of the violation and providing a reasonable time for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any licensed disposer discharging to the wastewater system found to be violating a provision of this subchapter of any conditions of the village board approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and shall state the reasons for revoking the septage disposal approval.

(3) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater system which cause damage to the wastewater system and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which shall be established by the Village Board.

