



VILLAGE OF WILLIAMS BAY

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NOTICE

BUILDING, ZONING & ORDINANCE (BZO) COMMITTEE MEETING WEDNESDAY, AUGUST 11, 2021 AT 6:00 PM VILLAGE HALL COUNCIL ROOM

AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

- I. Call to Order
- II. Roll Call
- III. Adoption of the proposed new Code of Ordinances
- IV. Adjourn

Lowell Wright
Building, Zoning and Ordinances Chair

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.

Posted: 08/09/2021 5:00 PM

STEPS FOR ADOPTION OF RE-CODIFIED/NEW CODE OF ORDINANCES

Recodification of the current village Code of Ordinances involves adopting a revision of the Zoning Ordinance, ETZ Ordinance, and a revision of the Land Division Ordinance. As a result, several steps are required to be undertaken before the village board can act on adoption of the new Code of Ordinances.

STEPS

1. On August 10, 2021 the proposed revised Zoning Ordinance comes before the plan commission for a public hearing. Following the public hearing the plan commission votes on a recommendation to the village board to adopt the revised Zoning Ordinance.
2. On August 10, 2021 the proposed revised Land Division Ordinance comes before the plan commission for review. The plan commission votes on a recommendation to the village board to adopt the revised Land Division Ordinance.
3. On August 10, 2021 the proposed revisions to the ETZ Ordinance come before the Williams Bay - Town of Linn Joint Extraterritorial Zoning Committee and before the Williams Bay – Town of Geneva Joint Extraterritorial Zoning Committee for a public hearing. Following the public hearing, each committee votes on whether to recommend adoption of the proposed revisions to the village board.
4. On August 11, 2021 the entire proposed new Code of Ordinances goes to the BZO committee for review. The committee votes to make a recommendation to the village board to adopt the new Code of Ordinances as is or with further revisions.
5. On August 16, 2021 the new Code of Ordinances goes to the village board. At that meeting the village board approves a resolution directing that the new Code of Ordinances be considered for adoption at the September 7, 2021 meeting of the village board, and further directs that the proposed new Code of Ordinances be placed on file in the office of the clerk.
6. The clerk prepares a notice for posting and/or publication that the proposed new Code of Ordinances is available for inspection by the public at the office of the clerk and stating that the village board will consider its adoption on September 7, 2021.
7. On September 7, 2021 the village board holds a public hearing on adoption of the revisions to the ETZ Ordinance.
8. On September 7, 2021 the village board holds a public hearing on adoption of the revised Land Division Ordinance.
9. On September 7, 2021 following the public hearing on the revised Land Division Ordinance, the village board considers approval of an ordinance adopting revisions to and codification of the ordinances of the Village of Williams Bay.
10. The clerk provides for publication of the new Code of Ordinances pursuant to the requirements of Wis. Stat. Sec. 61.50 (3) (b).

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Construction and Penalties

[Adopted as §§ 20.01, 20.02, 20.03 and 20.05 of the 2011 Code]

§ 1-1. Rules of construction.

In the construction of this ~~Code~~ of ~~General Ordinances~~~~general ordinances~~, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

- A. Wisconsin Statutes. All references to "Wisconsin Statutes" or "Wis. Stats." mean the current edition of the Wisconsin Statutes and include the most recent biennial session.
- B. Gender; singular and plural. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided, these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
- C. Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities capable of being sued, unless plainly inapplicable.
- D. Acts of agents. When a provision requires an act to be done which may, by law, as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

§ 1-2. Conflict and severability.

- A. Conflict of provisions. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- B. Severability of ~~Code~~ provisions. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections,

subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

§ 1-3. Clerk to file documents incorporated by reference.

- A. Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Clerk shall file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted.
- B. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

§ 1-4. Penalty provisions.

- A. General penalty. Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$1,000, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. If a minor should default in payment of any forfeiture and/or costs of prosecution, the driver's license of such minor shall be suspended until such forfeiture and costs are paid, but not exceeding 30 days.
 - (2) Second offense. Any person found violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$1,000 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months. If a minor should default in payment of any forfeiture and/or costs of prosecution, the driver's license of such minor shall be suspended until such forfeiture and costs are paid, but not exceeding three months.
- B. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
- D. Schedule of deposits and penalty assessments.

- (1) The State of Wisconsin Revised Uniform Traffic Deposit Schedule and Alcoholic Beverages, Harassment and Safety Violations Deposit Schedule, and Uniform Misdemeanor Bail Schedule and Trespass To Land Deposit Schedule, including future amendments, revisions or modifications, are adopted for all violations of state statutes adopted by this Code and statutory counterpart ordinances adopted by this Code.
- (2) The forfeiture schedule shall be as established by the Municipal Judge and approved by resolution of the Village Board which, in addition to the costs of prosecution, constitute the schedule of cash deposits for the ordinances listed therein. A copy of the forfeiture schedule shall be on file within the Municipal office of the Clerk, Police Department and Municipal Court Clerk.¹ [Amended 8-6-2018 by Ord. No. 2018-7; at time of adoption]—

~~E.—Issuance of Code (see Ch. citations.—~~

~~(1, General Provisions, Art. II)]—The Village police and other persons designated by the Village Board to enforce Village ordinances may issue citations authorized under this section.—~~

~~(2)—The Village Attorney may issue citations authorized under this section.—~~

~~F.—Procedure.—~~

~~(1)—Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.—~~

~~(2)—The Village Treasurer shall transmit all penalty assessments to the State Treasurer as provided in § 66.0114(1)(bm), Wis. Stats.—~~

~~G.—Nonexclusivity.—~~

~~(1)—Adoption of this provision does not preclude the Village Board from adopting any other provision for the enforcement of any other law or regulation relating to same or other matters.—~~

~~(2)—The issuance of a citation hereunder shall not preclude the Village or any authorized official from proceeding under any other law or by any other enforcement method to enforce any ordinance, regulation or order.~~

ARTICLE II
Adoption of Code

[An ordinance adopting the Code of the Village of Williams Bay and making certain substantive changes to existing ordinances of the Village will be proposed before the Village Board. Upon final adoption, it will be included here as Article II of this chapter.]

¹. Editor's Note: Original Sec. 20.05, Subsection (5), Issuance of citations, Subsection (6), Procedure, and Subsection (7), Nonexclusivity, of the 2011 Code, which immediately followed this subsection, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 5

ADMINISTRATIVE REVIEW

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 24 of the 2011 Code. Amendments noted where applicable.]

§ 5-1. Review of administrative determinations.

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, official or employee of the Village or an agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

§ 5-2. Determinations reviewable.

The following determinations are reviewable under this chapter:

- A. The grant or denial in whole or in part, after application, of an initial permit, license, right, privilege or authority, except ~~an alcohol-a fermented malt~~ beverage ~~or intoxicating liquor~~ license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. The suspension, revocation or ~~nonrenewal~~non-renewal of an existing permit, license, right, privilege or authority, except as provided in § 5-3D.
- C. The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D. The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- E. The suspension or removal of a Village official or employee except as provided in § 5-3B and G.

§ 5-3. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

- A. A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
- B. Any action subject to administrative or judicial review procedures under ~~state~~State statutes or other provisions of this Code.
- C. The denial of a tort or contract claim for money required to be filed with the Village under § 62.25, Wis. Stats.

- D. The grant, denial, suspension or revocation of ~~an alcohol-fermented malt~~ beverage license under § ~~125.12(166.054(13)(b))~~, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)], ~~or intoxicating liquor license under § 176.11 or 176.12, Wis. Stats.~~
- E. Judgments and orders of a court.
- F. Determinations made during municipal labor negotiations.
- G. Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

§ 5-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MUNICIPAL AUTHORITY — Includes the Village Board and any board, commission, committee, agency, official, employee or agent of the Village making a determination under § 5-1, and every person, committee or agency of the Village authorized to make an independent review under § 5-8B. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 5-5. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, and any official, department, board, commission or agency of the Village, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. A department, board, commission, agency, official or employee of the Village who is aggrieved may not initiate review under this chapter of a determination of any other department, board, commission, agency, official or employee of the Village, but may respond or intervene in a review proceeding under this chapter initiated by another.

§ 5-6. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, shall advise that such review may be taken within 30 days and shall name the office or person to whom a request for review shall be addressed.

§ 5-7. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the official, employee, agent, agency, committee, board, commission or body who made the determination; but failure to make such request to the proper

party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

§ 5-8. Review of determination.

- A. Initial determination. If a request for review is made under § 5-7, the determination to be reviewed shall be termed an initial determination.
- B. Who shall make review. A review under this section may be made by the official, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President, without confirmation, shall be provided if practicable.
- C. When to make review. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- D. Right to present evidence and argument. The person aggrieved may file with his request for review or within the time agreed with the municipal authority written evidence and argument in support of his position with respect to the initial determination.
- E. Decision on review. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, shall advise that the appeal may be taken within 30 days and shall name the office or person with whom notice of appeal shall be filed.

§ 5-9. Administrative appeal.

- A. From initial determination or decision on review.
 - (1) If the person aggrieved had a hearing substantially in compliance with § 5-10 when the initial determination was made, he may elect to follow §§ 5-6 through 5-8 but is not entitled to a further hearing under § 5-10 unless granted by the municipal authority. He may, however, seek judicial review under § 5-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with § 5-10 when the initial determination was made, he shall follow §§ 5-6 through 5-8 and may appeal under this section (§ 5-9) from the decision made under § 5-8.
- B. Time within which appeal may be taken under this section. Appeal from a decision on review under § 5-8 may be taken within 30 days of notice of such decision.
- C. How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

§ 5-10. Hearing on administrative appeal.

- A. Time of hearing. The Village shall provide the appellant a hearing on an appeal under § 5-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such appeal.
- B. Conduct of hearing. At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision-maker, who may be an official, committee, board or commission of the Village or the Village Board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal and who may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision-maker.
- C. Record of hearing. The person conducting the hearing or a person employed for the purpose of making a record of the hearing shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.
- D. Hearing on initial determination. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

§ 5-11. Final determination.

- A. Within 20 days of completion of the hearing conducted under § 5-10 and the filing of briefs, if any, the decision-maker shall mail or deliver to the appellant its written determination, stating the reasons therefor. Such determination shall be a final determination.
- B. A determination following a hearing substantially meeting the requirements of § 5-10, or a decision on review under § 5-8 following such hearing, shall be a final determination, judicial review of which may be obtained under § 5-12.

§ 5-12. Judicial review.

- A. Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B. The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village; and the person seeking review shall be furnished a free copy of the transcript. By stipulation,

the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

§ 5-13. Legislative review.

- A. Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Village Board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- B. If, in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the Village Board, board, commission, committee or agency shall be made part of the record on review under § 5-12.
- C. The Village Board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under § 5-10.

Chapter 12

BOARDS, COMMISSIONS AND COMMITTEES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 1.05 and 1.10 of the 2011 Code. Amendments noted where applicable.]

§ 12-1. Board of Review.

The Board of Review shall consist of the Village Board. Each member shall receive \$5 per hour for attendance at meetings of the Board of Review, but not to exceed \$25 per day.

§ 12-2. Library Board.

The Library Board shall be composed and appointed as provided in § 43.54, Wis. Stats.

§ 12-3. Board of Health. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

The Walworth County ~~Board of Health~~ [and Human Services Board](#) is hereby appointed as the Board of Health for the Village of Williams Bay.

§ 12-4. Plan Commission.

A. Composition.

- (1) The Plan Commission shall consist of the Village President, who shall be its presiding officer, a member of the Village Board, a member of the Park and Memorial ~~Advisory Committee~~[Board](#) and four citizens. The Plan Commission shall have at all times seven members. The citizen members shall be persons of recognized experience and qualifications. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (2) The Village Board member of the Plan Commission shall be appointed by the Village President and confirmed by the Village Board for a one-year term annually during the month of April at the organizational meeting of the Village Board to hold office from the succeeding first day of May.
- (3) The Park and Memorial ~~Advisory Committee~~[Board](#) member of the Plan Commission shall be appointed by the Village President and confirmed by the Village Board for a one-year term annually during the month of April at the organizational meeting of the Village Board to hold office from the succeeding first day of May. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (4) The four citizen members shall be appointed to three-year terms by the Village President and confirmed by the Village Board during the month of April, at the organizational meeting of the Village Board, to hold office from the succeeding first

day of May. The initial terms of the four citizen members shall begin as the terms of their predecessors expire as follows: one incumbent three-year term expires April 30, 1989; one incumbent three-year term expires April 30, 1990; two incumbent three-year terms expire April 30, 1991.

- (5) All vacancies on the Village Plan Commission shall be filled for the unexpired term in the same manner as appointment for the full term.
- (6) No compensation shall be paid for service on the Plan Commission.

B. Powers and duties.

- (1) Functions. It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the Village, including any areas outside of its boundaries which in the Commission's judgment bear relation to the development of the Village; provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of the Village may not be included in the master plan without the consent of the County Board of Supervisors. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things, without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways and buses, and the general location and extent of sewers, water conduits and other public utilities, whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent and layout of the re-planning of blighted districts and slum areas, and a comprehensive zoning plan. The Commission may from time to time amend, extend or add to the master plan or carry any part of subject matter into greater detail. The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
- (2) The master plan.
 - (a) The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.
 - (b) The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter

of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Village Plan Commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Village Plan Commission and the Board in the performance of their duties.

(3) Miscellaneous powers of the Commission.

- (a) The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, education, professional and other organizations and citizens. It may recommend to the President or Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission within a reasonable time such available information as it may require for its work.
- (b) The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote Village planning.

(4) Matters referred to Village Plan Commission. The Board or other public body or officer of the Village having final authority thereon shall refer to the Village Plan Commission for its consideration and report before final action is taken by the Board, public body or officer the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles or other memorials or public grounds; the location, extension, abandonment or authorization for any public utility, whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days or such longer period as may be stipulated by the Board, the Board or other public body or officer may take final action without it.

(5) The Plan Commission shall have the powers and duties regarding architectural control delegated to it by Chapter 390, Zoning, Article 10, Signage-Regulations.

C. Advisory Plan Commission members. There are created one or more advisory members of

the Plan Commission as the Village President and the Village Board may from time to time determine as being necessary or beneficial to the work and function of the Village Plan Commission thereof who shall be appointed for a term of not more than one year with such terms to expire on the 30th day of April succeeding their appointment by the Village President and confirmation by the Village Board. Such advisory members shall not have a vote on the Plan Commission, but shall attend all of its meetings and participate fully in its discussions. Such advisory members shall be persons of recognized experience and qualification for service on planning matters of concern to the Village.

D. Alternate citizen Plan Commission member.

- (1) There is created an alternate citizen member of the Plan Commission, appointed to a three-year term by the Village President and confirmed by the Village Board during the month of April at the organizational meeting of the Village Board to hold office from the succeeding ~~first~~^{1st} day of May.
- (2) The initial term of the alternate citizen member of the Plan Commission shall begin on May 1, 1990. Such alternate citizen member shall not have a vote on the Plan Commission if the regular seven members of the Village Plan Commission are present and voting. If any of the seven regular members of the Plan Commission are absent from any meeting, the alternate citizen member shall have full voting privileges as any of the regular incumbent four citizen members of the Village Plan Commission. The alternate citizen member shall be counted among the members of the Plan Commission as constituting a quorum if any of the regular Plan Commission members are absent from any meeting. The alternate citizen member of the Plan Commission may be an Advisory Plan Commission member as created by Subsection C above which offices are compatible. Such alternate citizen member shall be a person of recognized experience and qualifications.¹

§ 12-5. Civil Defense Commission.

The Civil Defense Commission shall consist of the Police Chief and six citizens appointed annually by the Village President at the organizational meeting of the Village Board.

§ 12-6. Election Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Election Board shall consist of the Village Clerk and those election officials appointed pursuant to § 7.30(4), Wis. Stats. Verification of registrations shall be conducted pursuant to § 6.32, Wis. Stats.

~~A.—Polling hours. The polling hours for elections within the Village of Williams Bay are hereby established as follows: The polls shall open at 7:00 a.m. and close at 8:00 p.m.—~~

~~B.—Scheduling election officials. Two or more sets of election officials may be selected to work different times on Election Days, and the Clerk and his/her designee may establish different working hours for different election officials assigned to the same polling place.—~~

1. Editor's Note: Original § 1.05(5), Board of Appeals, which immediately followed this section, was repealed 6-20-2016 by Ord. No. 2016-8.

§ 12-7. Harbor Commission.

The Harbor Commission shall consist of five members appointed for three-year terms commencing May 1. Appointments shall be so made that no more than two Commissioners shall be appointed in any one year. The Commission shall be subject to §§ 30.37 Wis. Stats.

§ 12-8. Park and Memorial Advisory Committee.

- A. Composition. The Park and Memorial Advisory Committee shall consist of five members, a chairperson and four citizens. Members shall be persons of recognized experience and qualifications.
- B. Appointments.
 - (1) The Village President shall appoint, subject to Board confirmation, the initial five members, three for one-year terms, one for a two-year term and one for a three-year term, respectively, from June 15, 1979.
 - (2) Thereafter, the Village President shall appoint, subject to Board confirmation, annually prior to May 1 the chairperson and one member for a one-year term and one member for a three-year term.
 - (3) The ~~Chairperson~~Chairman of the Committee shall serve as a citizen member of the Plan Commission.
- C. Duties. The Park and Memorial Advisory Committee shall advise the President and the Village Board on public park lands as related to their improvements and rules regulating their use; further to recommend to the President and the Village Board use of memorials, gifts and bequests and the placement or plating of such memorials.

§ 12-9. Kishwauketoe Nature Conservancy Board. [Added 8-31-2020 by Ord. No. 2020-03]

- A. Creation. There is created the Kishwauketoe Nature Conservancy Board.
- B. Composition. The Kishwauketoe Nature Conservancy Board shall consist of seven members who shall serve as directors of the Board. The members of the Board shall be appointed by the Village President and confirmed by the Village Board; and shall consist of the members of the Conservation District Commission; provided, that not less than five members shall either be an owner of real estate in the Village or be an elector of the Village.
- C. Duties. The Kishwauketoe Nature Conservancy Board shall strive to preserve, protect and enhance the property encompassed by the Kishwauketoe Nature Conservancy. The preservation, protection and enhancement of this area will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; control erosion and sedimentation; and maintain the natural beauty of the Village of Williams Bay and the Kishwauketoe Nature Conservancy. The Kishwauketoe Nature Conservancy Board will work closely with the Geneva Lake Conservancy to maintain and comply with the conditions of any conservation easement entered into by the Village for the property encompassed by the Kishwauketoe Nature Conservancy.

§ 12-10. Law Enforcement Committee.

- A. Creation. There is created a Law Enforcement Committee for the Village of Williams Bay.
- B. Duties. The Law Enforcement Committee of the Village of Williams Bay shall have the power to suspend, reduce, suspend and reduce or remove any Police Chief or other ~~law enforcement officer~~Law Enforcement Officer of the Village of Williams Bay who is not probationary following the procedure set forth in § 62.13(5), Wis. Stats.
- C. Composition. The Law Enforcement Committee of the Village of Williams Bay shall consist of three members, two of whom shall constitute a quorum, and none of whom may be an elected or appointed official of the Village or be employed by the Village of Williams Bay.
- D. Term. The members of the Law Enforcement Committee of the Village of Williams Bay shall serve a term of three years. The members of the Law Enforcement Committee shall be appointed by the President subject to confirmation by the Village Board. Such appointments shall be made initially as follows: one member whose term shall end on April 30, 2000, one member whose term shall end of April 30, 2001, and one member whose term shall end of April 30, 2002. Thereafter, regular three-year terms shall commence on May 1 and be for a period of three years, with such term to end on April 30. No person may serve more than two successive terms.
- E. Authority. This ~~section~~Ordinance is adopted pursuant to ~~§ Sec.~~ 61.65, Wis. ~~Stats~~Stat., created by 1985 Wisconsin Act 166.

§ 12-11. Rules of procedure.

The rules of parliamentary practice embraced in Robert's Rules of Order, ~~newly revised~~Newly Revised, shall govern the conduct of the proceedings of the Village appointed boards and commissions where not inconsistent with the statutes.

§ 12-12. Geneva Lake Area Transportation Commission.

- A. Amended Charter. The amended Charter of the Geneva Lake Area Transportation Commission as filed with the Village is hereby approved and accepted and the Village Clerk shall file a certified copy of this section with the Commission.
- B. Village representatives. There shall be three member representatives of the Village to the GLATC who shall be appointed by the Village President and approved by the Village Board.
- C. Terms. The Commissioners shall be so appointed that the first members shall serve one, two and three years, respectively, and thereafter the term of office for each member appointed shall be three years.
- D. Eligibility. No Transit Commissioner shall hold any public office nor shall any person holding stocks or bonds in any corporation subject to the jurisdiction of the Transit Commission, or who is directly or indirectly pecuniarily interested in such corporation, be a member of or employed by the Transit Commission.

- E. Compensation. No Transit Commissioner shall be paid any compensation except for reimbursement of authorized travel and other expenses.
- F. Withdrawal from Commission. The Village may withdraw from the GLATC upon a 3/4~~three-fourths~~ vote of the Village Board.
- G. Taxes and assessments. No tax or assessment shall be levied against any property within the Village under the taxing powers of the GLATC unless approved by a 3/4~~three-fourths~~ vote of the Board of Trustees.

Chapter 19

CITATIONS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 20.04 of the 2011 Code. Amendments noted where applicable.]

§ 19-1. Statutory authorization.

Pursuant to § 66.0113, Wis. Stats., the Village shall use the citation method of enforcement of certain chapters.

§ 19-2. Contents of citation.

The citation shall contain the following:

- A. The name and address of the alleged violator.
- B. The factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The section of the ordinance violated.
- E. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in court.
- G. A statement which in essence informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to the Clerk of Courts prior to their return date.
 - (2) That if such a deposit is made, he or she need not appear in court unless subsequently summoned.
 - (3) That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by § 757.05, Wis. Stats., a jail assessment imposed by § 302.46(1), Wis. Stats., a crime laboratories and drug law enforcement assessment imposed by § 165.755, Wis. Stats., any applicable consumer protection assessment imposed by § 100.261, Wis. Stats., and any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - (4) That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's

arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 19-7, or the Village may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by § 757.05, Wis. Stats., the jail assessment imposed by § 302.46(1), Wis. Stats., the crime laboratories and drug law enforcement assessment imposed by § 165.755, Wis. Stats., any applicable consumer protection assessment imposed by § 100.261, Wis. Stats., and any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats.

- (5) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats.
- H. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Subsection G and shall send the signed statement with the cash deposit.
- I. Such other information as the Village deems necessary.

§ 19-3. Form of citation.

The form of the citation to be used by the Village is on file with the Village Clerk and is adopted by reference.

§ 19-4. Schedule of deposits. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

The schedule of cash deposits for use with citations issued under this chapter shall be as provided in § 1-4D of this Code and such schedule shall be on file ~~within~~ the [Municipal Clerk, office of the Chief of Police Department](#) and [Municipal Court in the office of the Clerk](#).

§ 19-5. Form of deposits.

Deposits shall be made to the Clerk of Courts, who shall provide a receipt therefor.

§ 19-6. Issuance of citation. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Any law enforcement officer, [the Village Attorney and other persons designated by the Village Board](#) may issue citations authorized under this chapter.

§ 19-7. Procedure. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is adopted and incorporated herein by reference. [The Village Treasurer shall transmit all penalty assessments to the State Treasurer as provided in § 66.0114\(1\)\(bm\), Wis. Stats.](#)

§ 19-8. Nonexclusivity.

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

Chapter 22

COURT, MUNICIPAL

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 1.12 of the 2011 Code. Amendments noted where applicable.]

§ 22-1. Municipal Judge.

- A. Office created. Pursuant to § 755.01, Wis. Stats., there is created the office of Municipal Judge for the Village of Williams Bay.
- B. Election; term. The Municipal Judge shall be elected at large at the spring election in odd-numbered years for a term of four years or until a successor is elected and qualifies, commencing on May 1 next succeeding his election. ~~Mid-term~~^{Midterm} vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 nor more than 70 days after the order of the Board therefor.
- C. Salary. The Municipal Judge shall receive a salary as shall be set by the Village Board from time to time, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by Subsection D of this section.
- D. Bond; oath.
 - (1) The Municipal Judge shall execute and file with the Clerk of the Courts for Walworth County the oath prescribed by § 757.02, Wis. Stats., and an official bond in such amount as shall be fixed by resolution of the Village Board.
 - (2) The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Village Clerk and a certified copy of the oath is filed with the office of the ~~Administrator of~~^{Director of} State Courts as required by § 755.03, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Jurisdiction. The Municipal Judge shall have jurisdiction as provided by law and § 755.045, Wis. Stats., and exclusive jurisdiction of violations of Village ordinances, resolutions and bylaws.

§ 22-2. Court established; hours, location and procedure.

- A. Court established. The Municipal Court for the Village of Williams Bay is established pursuant to § 755.02 and Ch. 755, Wis. Stats.
- B. Hours. The Municipal Court for the Village shall be open as determined by order of the Municipal Judge.
- C. Location. The Municipal Judge shall keep his office and hold court in the Village Hall.

- D. Procedure. The procedure in Municipal Court for the Village shall be as provided by this section and ~~state~~[State](#) law including, without limitation because of enumeration, Chs. 755 and 800 and §§ 23.66 to 23.99, 788.14, 788.15, 788.18 and 345.20 to 345.53, Wis. Stats.

§ 22-3. Collection and return of forfeitures.

- A. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such moneys to the Village Treasurer within ~~30~~[seven](#) days of collection. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- B. At such time the Municipal Judge shall also report to the Village Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such moneys were collected.

§ 22-4. Contempt of court.

- A. Powers. The Municipal Judge may impose a forfeiture for contempt under Subsection B in an amount not to exceed \$50, together with the penalty assessment under § 757.05, Wis. Stats., and jail assessment under § 302.46, Wis. Stats., or upon nonpayment of the forfeiture, penalty assessment and jail assessment, a jail sentence in the county jail not exceeding seven days.
- B. Contempt of court defined. "Contempt of court" means intentional:
- (1) Misconduct in the presence of the Court which interferes with a Court proceeding or with the administration of justice or which impairs the respect due the Court.
 - (2) Disobedience, resistance or obstruction of the authority, process or order of a Court.
 - (3) Refusal as a witness to appear, be sworn or answer a question.
- C. Summary procedure.
- (1) The Municipal Judge presiding in an action or proceeding may impose a forfeiture upon a person who commits a contempt of Court in the actual presence of the Court.
 - (2) The Judge shall impose the forfeiture immediately after the contempt of Court and only for the purpose of preserving order in the Court and protecting the authority and dignity of the Court.
- D. Other. All other contempt of Court proceedings in Municipal Court shall follow the procedures set forth in § 785.03, Wis. Stats.

§ 22-5. Court authority to impose alternative juvenile dispositions and sanctions. [Added 7-20-2015]

- A. For a juvenile adjudged to have violated an ordinance, the court is authorized to impose any of the dispositions listed in §§ 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.
- B. For a juvenile adjudged to have violated an ordinance who violates a condition of a

dispositional order of the court under § 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in § 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

C. This section is enacted under the authority of § 938.17(2)(cm), Wis. Stats.

§ 22-6. Stipulations and deposits in Municipal Court.

A. Deposit schedule to be established.

- (1) The Municipal Judge shall establish and submit to the Village Board for approval in accordance with § 800.037, Wis. Stats., a schedule of deposits for violations of Village ordinances, resolutions and bylaws, except traffic regulations which are governed by § 345.26, Wis. Stats., and boating violations governed by § 23.67, Wis. Stats.
- (2) When approved by the Board, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Village Police Department.

B. Stipulation and deposit in lieu of court appearance. Persons cited for violations of Village ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in § 800.035, 800.037 and 800.09, Wis. Stats.

C. Traffic and boating deposits. The deposit schedule established by the Wisconsin [Judicial Conference Board of County Judges](#) and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with § 345.27 and boating regulations enacted in accordance with § 30.77, Wis. Stats. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

D. When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under § 22-4.

Chapter 33

ELECTIONS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 1.08 and 1.11 of the 2011 Code. Amendments noted where applicable.]

§ 33-1. Nonpartisan spring primary. [Added 1-17-2011 by Ord. No. 3-2011¹]

Candidates for elective office shall be nominated by a nonpartisan primary election conducted as directed by Ch. 8, Wis. Stats., so far as applicable and specifically in accordance with § 8.05(4) and (5), Wis. Stats.

- A. Nomination papers shall be signed by not fewer than 20 nor more than 100 electors of the Village.
- B. Papers shall be circulated according to deadlines as set forth~~not sooner than the first day of January preceding the election and shall be filed with the Village Clerk not later than 5:00 p.m. the last Tuesday~~ in § 8.04(4), Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~January.~~
- C. Notice shall be given under §§ 10.01(2)(a) and 10.06(2)(a), Wis. Stats.
- D. No additional candidates may be nominated by a caucus.
- E. A primary shall be held only when the number of candidates for an elective office exceeds twice the number to be elected to the office.
- F. Only the names of those candidates nominated at the primary may appear on the official spring election ballot.
- G. When the number of candidates for an office does not exceed twice the number to be elected, their names shall be printed on the official ballot for the regular election without a primary.

§ 33-2. Polling hours; scheduling of election officials. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- A. Polling hours. The polling hours for elections within the Village of Williams Bay are hereby established as follows: The polls shall open at 7:00 a.m. and close at 8:00 p.m.
- B. Scheduling election officials. Two or more sets of election officials may be selected to work different times on election days, and the Clerk and his/her designee may establish different working hours for different election officials assigned to the same polling place.

§ 33-3. Registration of electors.

1. Editor's Note: Ordinance No. 3-2011 is a charter ordinance.

Registration of electors shall be required in accordance with Ch. 6, Wis. Stats.

Chapter 36

EMERGENCY MANAGEMENT

[See Chapter 18, Civil Emergencies, of the Walworth County Code of Ordinances, posted on the county's website, <http://www.co.walworth.wi.us>.]

Chapter 40

ETHICS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 1.13 of the 2011 Code. Amendments noted where applicable.]

§ 40-1. Declaration of policy.

- A. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; government decisions and policy be made in the proper channels of the government structure; public office not be used for personal gain; and the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all Village officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village. The purpose of the [codeCode](#) is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village.
- B. The Village Board recognizes that the representatives of the Village are drawn from society and therefore cannot and should not be without all personal and economic interest in the decisions and policies of government and that citizens who serve as Village officials and employees retain their rights as citizens to interest of a personal and economic nature. The standards of ethical conduct for Village officials and employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material and that Village officials and employees may need to engage in employment, professional or business activities other than official duties in order to support themselves or their families and to maintain investments which activities or investments do not conflict with the specific provisions of this [codeCode](#). The provisions and purpose of this [codeCode](#) and such rules and regulations as may be established are hereby declared to be in the best public interest. It is the intent of the Village Board that in its operations the Board of Ethics shall protect to the fullest extent possible the rights of individuals affected.

§ 40-2. Responsibility of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, State and Village and thus to foster respect of all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

§ 40-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANYTHING OF VALUE — Any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the ~~state~~State, fees, honorariums and expenses which are permitted and reported under § 19.56, Wis. Stats., and political contributions which are reported under Ch. 11, Wis. Stats.

FINANCIAL INTEREST — Any interest which shall yield directly or indirectly a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

PERSON — Any person, corporation, partnership or joint venture.

§ 40-4. Conflict of interest.

- A. No official or employee shall accept anything of value, whether in the form of a gift, service, loan or promise, from any person which may tend to impair his independence of judgment or action in the performance of his official duties.
- B. It is not a conflict of interest for any public employee or official to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.
- C. No public official or employee shall engage in any business or transaction or shall act in regard to any financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties for the benefit of the public, contrary to the provisions of this Code or which would tend to impair his independence of judgment or action in the performance of his official duties.
- D. No public official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law, unless disclosure is made as hereinafter provided.
- E. No public official or employee and no business in which a Village official or public employee holds a 10% or greater interest may enter into a contract with the Village involving a payment or payments of more than \$3,000 within a twelve-month period unless such official or employee has first made a written disclosure of the nature and extent of such relationship or interest to the Board and to the department acting for the Village in regard to such contracts. This subsection does not affect the application of § 946.13, Wis. Stats.
- F. No official or employee shall disclose confidential information concerning the property, government or affairs of this Village nor shall he use such information to advance the financial or other private interest of himself or any other person.
- G. Any member of the Village Board who has financial interest in any proposed legislation before the Village Board shall disclose on the records of the Board the nature and extent of

such interest prior to or during the initial discussion on such legislation. Any other official or employee who has a financial interest in any proposed legislative action of the Village Board and who participates in discussion with or gives an official opinion or recommendation to the Village Board shall disclose on the records of the Board the nature and extent of such interest.

§ 40-5. Ethics Board.

- A. There is hereby created an Ethics Board consisting of three members and one alternate who shall serve without compensation unless the Village Board otherwise provides. The members of the Board of Ethics shall be residents of the Village and shall not be elected officials, full-time appointed officials, or Village employees nor shall they be currently serving on any other Village board or commission. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Each member shall be appointed by the President and subject to the confirmation by the Village Board. The Village Attorney shall furnish the Board whatever legal assistance necessary in carrying out its functions. Terms of office shall be three years, except that when the initial appointments are made one member shall be appointed for one year, one for two years and one for three years.
- C. The alternate shall serve on the Board when one of the members of the Board is unavailable. The term of the alternate shall be for three years. The Ethics Board shall elect its own Chairperson~~Chairman~~ and Vice Chairperson~~Chairman~~.

§ 40-6. Duties of Ethics Board.

- A. The Ethics Board shall adopt and develop written rules which shall be submitted to the Village Board for approval. A copy of such rules shall be filed with the Village Clerk.
- B. Any person to whom this chapter applies may apply to the Ethics Board for an advisory opinion and shall be guided by the opinion rendered. Such person shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the Code before the advisory decision is rendered. The Board's deliberations and action upon such applications shall be in meetings not open to the public. Records of the Board's opinions, opinion requests and investigations of violations shall be closed to public inspection. The Board, however, may make such records public with the consent of the individual requesting the advisory opinion.
- C. The Board shall investigate any complaint properly filed with it.
- D. The Board shall accept from any person or make upon its own motion a verified complaint in writing which shall state the name of the officer or employee alleged to have committed a violation of this chapter and which shall set forth the particulars thereof. The Board shall forward within 10 days a copy of the complaint to the officer or employee who is accused. If no action on the verified complaint is taken by the Board within 60 days, the complaint shall be void.
- E. Following the receipt or motion of a verified complaint, the Board may make preliminary investigations with respect to alleged violation of this chapter. No preliminary investigation

of the activities of any officer or employee may be initiated unless such officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights.

- F. If after such investigation the Board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than 30 days after such finding. The Board shall give the accused at least 20 days' notice of the hearing date. Such hearings shall be at open session unless the accused petitions for a hearing closed to the public. The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents which the Board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.
- G. During all stages of any investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation shall be entitled to be represented by counsel of his own choosing.
- H. The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing under Subsection F at a reasonable time before the date of the hearing as well as during the hearing; bring witnesses; establish all pertinent facts and circumstances; and question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.
- I. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissions under § 885.01(3), Wis. Stats.
- J. Upon conclusion of the hearing, the Board shall file its decision within five days in writing signed by all participating Board members with findings of fact and conclusions of law concerning the propriety of the conduct of the officer or employee and, if appropriate, refer the matter to the Village Board or other proper authority with a recommendation for suspension, removal from office or employment of other disciplinary action.
- K. The affirmative vote of a majority of the Board shall be required for any action taken by the Board, with the exception that action taken by the Board pursuant to a hearing conducted under Subsection F shall require a unanimous vote. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Chapter 46

FINANCE AND TAXATION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 1.07, 2.01 to 2.07 and 2.09 to 2.11 of the 2011 Code. Amendments noted where applicable.]

§ 46-1. City bid statute adopted.

- A. All contracts for public construction shall be let by the Village Board in accordance with § 62.15, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]A. — As a complete alternative to the requirements established by §§ 61.54 and 61.55, Wis. Stats., the provisions of § 62.15 of said statutes shall be applicable to all Village contracts.
- B. The authority vested in the Board of Public Works under § 62.15, Wis. Stats., shall be exercised by the Village Board, or as delegated by the Board.
- C. Any class of public construction or any part thereof may be done directly by the Village without submitting the same for bids. [Added 2-20-2012 by Ord. No. 3-12]

§ 46-2. Preparation of tax roll and tax receipts.

- A. Aggregate tax stated on roll. Pursuant to § 70.65(2), Wis. Stats., the Clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.
- B. Rates stamped on receipts. Pursuant to § 74.19, Wis. Stats., in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the Treasurer. The Treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for state, county, school, local or other purposes.

§ 46-3. Duplicate Treasurer's bond eliminated.

- A. Bond eliminated. The Village elects not to give the bond on the Treasurer provided for by § 70.67(1), Wis. Stats.
- B. Village liable for default of Treasurer. Pursuant to § 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Treasurer to the County Treasurer.

§ 46-4. Claims against Village.

- A. Claims to be certified. Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Clerk shall refer each amount, demand or claim to the appropriate committee ~~chairperson~~~~chairman~~ or department head for approval who shall refer such to the Village Board for approval at its regularly scheduled Board meeting, who shall certify, by initiating each claim, that the following conditions have been complied with:
- (1) That funds are available therefor pursuant to the budget.
 - (2) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
 - (3) That the claim is accurate in amount and a proper charge against the treasury.
- B. Payment of regular wages or salaries. Regular wages or salaries of Village officers and employees shall be verified by the Clerk in time for payment on the regular ~~payday~~~~pay day~~.

§ 46-5. Fiscal year.

The calendar year shall be the fiscal year.

§ 46-6. Budget. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- A. Departmental estimates. On or before September 15 of each year, each officer, department and committee shall file with the Administrator an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Clerk and shall be designated as "Departmental Estimates," and shall be nearly uniform as possible for the main divisions of all departments.
- B. Finance and Personnel Committee to prepare.
- (1) Budget to include. On or before October 28 each year, the Finance and Personnel Committee of the Village Board shall prepare and submit to the Board a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing calendar year. The budget shall include the following information:
 - (a) The expense of conducting each department and activity of the Village for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current year.
 - (b) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.

- (c) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - (d) Such other information as may be required by the Board and by state law.
- (2) The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

C. Hearing. The Finance and Personnel Committee shall submit to the Board at the time the annual budget is submitted the draft of an appropriation resolution providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation resolution to the Board, it shall be deemed to have been regularly introduced therein. The Board shall hold a public hearing on the budget and the proposed appropriation resolution as required by law. Following the public hearing, the proposed appropriation resolution may be changed.

§ 46-7. Changes in budget.

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by a 2/3~~two-thirds~~ vote of the entire membership of the Village Board. Notice of such transfer shall be reflected in official Village Board minutes.

§ 46-8. Village funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 46-7 of this chapter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation~~re-appropriation~~; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

§ 46-9. Facsimile signatures.

The President, Clerk and Treasurer may affix their facsimile signatures in lieu of their personal signatures pursuant to § 66.0607(3), Wis. Stats.

§ 46-10. Payment of municipal fees required.

- A. No person shall use municipal services or receive municipal benefits of the Village for which a user fee or user charge is required as a condition precedent for the use thereof without first paying such user fee or user charge.
- B. The Village Clerk shall keep and permanently maintain a list of all such user fees or user charges required for the use of municipal services as adopted from time to time by the Village Board.

C. Any person who obtains a municipal benefit or a municipal service without first paying a fee for the use thereof where such fee is required shall be subject to a penalty as provided in § 1-4 of this Municipal Code.¹

~~D. No person shall park or leave standing any vehicle on any street or public parking area belonging to or leased by the Village after having obtained a municipal benefit or a municipal service without first paying the required fee for the use or benefit thereof. The owner of a vehicle involved in a violation of this subsection shall be liable for a violation hereof subject to the defenses to the owner defined and described in § 346.485(5)(b), Wis. Stats. This subsection shall be enforced using the nonmoving traffic violation procedure set forth in § 345.28, Wis. Stats., with the forfeiture to be \$55 for a violation of this subsection.~~

§ 46-11. Room tax. [Amended 8-20-2018 by Ord. No. 2018-8]

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

GROSS RECEIPTS — As defined in § 77.51(4)(a), (b), (c) and (cm), Wis. Stats.,² insofar as applicable.

HOTEL or MOTEL — A building or group of buildings in which the public may obtain accommodations for a consideration including, without limitation, such establishments as inns, motels, tourist homes, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than 28 days and accommodations furnished by any hospital, sanitorium or nursing home or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

LODGING MARKETPLACE — An entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant.

OCCUPANT — A person who rents a short-term rental through a lodging marketplace.

OWNER — The person who owns the residential dwelling that has been rented.

RESIDENTIAL DWELLING — Any building, structure or part of the building or structure that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

SHORT-TERM RENTAL — A residential dwelling that is offered for a rental for a fee and for fewer than 29 consecutive days.

TRANSIENT — Any person residing for a continuous period of less than 29 days in a hotel, motel or other furnished accommodations available to the public.

¹. Editor's Note: Original § 2.10(4), regarding public parking fee, of the 2011 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

². Editor's Note: Section 77.51(4), Wis. Stats., was repealed by 2009 Act 2.

- B. Levied. Pursuant to § 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and service of furnishing at retail rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of 5% of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by § 77.52(2)(a)1., Wis. Stats. The proceeds of such tax collected shall be apportioned 2% to the hotel, motel or other person filing the return and 98% to the Village.
- C. Allocation of revenue. The room tax revenue received shall be apportioned 70% to be forwarded to a tourism entity for use as set forth in § 66.0615, Wis. Stats., and 30% to be retained by the Village for general administration expenses.
- D. Administration.
- (1) Returns and payment. Each person furnishing rooms or lodging subject to the tax imposed herein shall report room occupancy, gross receipts for room rentals, and the tax due hereunder to the Village Treasurer quarterly, no later than 30 days from the end of each calendar quarter. All quarterly reports shall be signed by the person required to file a return or his authorized agent. Copies of current state sales tax reports for the quarter shall be attached to the report. The Village shall have the right to enforce the collection of the room tax pursuant to § 66.0615(2), Wis. Stats. [Amended 4-15-2019 by Ord. No. 2019-02]
 - (2) Collection and disbursement of the room tax shall be administered by the Village Treasurer, who shall also file the reports with the Wisconsin Department of Revenue required under § 66.0615(4), Wis. Stats.
- E. Permit.
- (1) Every person furnishing rooms or lodging under Subsection B shall annually file with the Treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Village Treasurer. Except for owners of short-term rentals which are rented exclusively for seven consecutive days or more, at the time of making an application, the applicant shall pay the Treasurer a fee as established by resolution of the Village Board in a fee schedule, which may be modified from time to time for each permit. This subsection does not apply to lodging marketplaces.
 - (2) After compliance with Subsections E(1) and H by the applicant, the Village Treasurer shall grant and issue to each applicant a separate permit for each place of business within the Village. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.
- F. Interest on unpaid taxes. All unpaid taxes under this section shall bear interest at a rate of 1% per month from the due date of the tax until the day the tax is paid or deposited with the Village Treasurer.

- G. Tax liability on transfer of business. If any person liable for any amount of tax under this section sells the business entity or its assets, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the Village Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, the purchaser shall become personally liable for payment of the amount required to be withheld to the extent of the value of the total consideration given.
- H. Records. Every person liable for collecting and/or paying the tax imposed herein shall maintain written or electronic records used to calculate and determine said tax and said records shall be maintained for not less than two years after the tax is due. Such records, receipts, invoices and other pertinent papers or electronic records shall be made available for inspection by the Village Treasurer upon reasonable notice under Subsection I.
- I. Audit. As a means of enforcing the collection of the room tax, the Village may exchange audit and other information with the Department of Revenue and may do any of the following:
- (1) Whenever the Village Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the Village Treasurer may inspect and audit the financial records of any person or entity subject to the imposition of room tax pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.
 - (2) Any person who fails to comply with a request to inspect and audit the person's financial records under Subsection I(1) shall be required to forfeit not more than 5% of the tax due hereunder, as determined by the Treasurer based upon the Treasurer's best judgment and the information available under Subsection I(1).
 - (3) The Village Treasurer may make a determination using his or her best judgment of the tax due hereunder if a person required to make a return fails, neglects or refuses to do so for the amount required and in the manner and form as set forth herein. When such determination is made, the person shall be required to pay the determined amount plus interest at the rate of 1% per month on the unpaid balance. No refund or modification of the payment determined may be made until the person files a correct room tax return and permits the Treasurer to inspect and audit the person's financial records pursuant to Subsection I(1).
- J. Confidentiality of information. All tax returns, schedules, exhibits, writings, electronic records or audit reports relating to the returns required herein are deemed to be confidential, except the information may be disclosed to or used by persons using the information in the discharge of duties imposed by federal or state law or local ordinance or of the duties of their office or by order of a court. Any persons violating the confidentiality requirements of this subsection may be required to forfeit not less than \$100 nor more than \$500.
- K. Penalty.

- (1) Any person who is subject to the tax imposed by this section who fails or refuses to pay such tax, fails or refuses to allow the inspection of his state sales tax records by the Village Treasurer after such inspection has been requested by the Village Treasurer, fails to file a return as provided in this section, fails to remit the taxes due within 60 days of the tax due date or who violates any other provision of this section may be required to pay forfeitures as provided in this section, together with the cost of prosecution. Each day or portion thereof that such violation continues is hereby deemed to constitute a separate offense.
- (2) Forfeiture. Any person who fails to pay the tax due under this section shall be subject to a forfeiture equal to 25% of the tax due for the previous year or \$5,000, whichever is less.

Chapter 49

FIRE DEPARTMENT

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 4.01 to 4.04 of the 2011 Code. Amendments noted where applicable.]

§ 49-1. Fire Department recognized.

The Williams Bay Fire Department is officially recognized as the Fire Department serving the Village of Williams Bay, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Williams Bay Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Williams Bay.

§ 49-2. Appropriations and budgets.

- A. Appropriations. The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- B. Annual budget request made by Fire Chief required. Prior to September 15 of each year, the Fire Chief shall submit, on behalf of the Department, a budget request for the necessary funds to operate the Department in the following fiscal year. Said budget request shall include the operating budget for the next year and shall include three years of projected capital project requests.
- C. Financial reporting required. At the end of each fiscal year and prior to January 31 of the following year, the Department shall provide a written account of all funds not directly controlled by the Village Treasurer. This shall include, but is not limited to: donation revenue, fund-raising revenue, all disbursements and cash and checking accounts the Department may possess.
- D. All assets acquired by the Fire Department, except existing building, land located at 5 East Geneva Street and cash held in segregated accounts in its name, during the course of the year shall become an asset of the Village and is considered owned by the Village.

§ 49-3. Goals of Department.

- A. The primary objective of the department is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
- B. The second objective of the department is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.

- C. The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location or monetary value.

§ 49-4. Bylaws.

- A. Bylaws governance. The Williams Bay Fire Department shall be organized and governed pursuant to its bylaws. A copy of the current department bylaws shall be placed on file with the Village Clerk.
- B. Bylaws. The Fire Department shall adopt bylaws for its control, management and government and for regulating the business and proceedings of the Department, which bylaws, after adoption by a ~~2/3~~^{two-thirds} vote of the members of the Department, shall not become effective until approved by the Village Board. Note: Meetings of the membership of the Fire Department organization are not governed by the Wisconsin Open Meetings Law.¹

1. Editor's Note: See §§ 19.81 to 19.98, Wis. Stats.

Chapter 80

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 1.04, 1.06 and 1.14 of the 2011 Code. Amendments noted where applicable.]

§ 80-1. Appointed officials.

A.—The following officials shall be appointed by the Village President and confirmed by the Village Board for terms of one year commencing on May 1 in the year of appointment:

A.~~(1)~~ Village Attorney.

B.~~(2)~~ Village Engineer.

C.~~(3)~~ Clerk.

D.~~(4)~~ Treasurer.

E.~~(5)~~ Assessor.

(1~~a~~) Confidentiality of information about income and expenses provided to Assessor. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats., or any successor statute thereto, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in the performance of official duties of the Assessor's office and use by the Board of Review in the performance of its official duties); or pursuant to order~~Order~~ of a court~~Court~~. Income and expense information provided to the Assessor under § 70.47(7)(af), unless a court~~Court~~ determines that it is inaccurate, is per § 70.47(7)(af), not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.

F.~~(6)~~ Weed and Tree Commissioner.

G.~~(7)~~ Civil Defense Commissioner.

H.~~(8)~~ Building Inspector. [Amended 4-16-2018 by Ord. No. 2018-4]

I.~~(9)~~ Auditor.

J.~~(10)~~ Zoning Administrator.¹ [Amended 4-16-2018 by Ord. No. 2018-4]—

1. Editor's Note: Original § 1.04(2), regarding Clerk-Treasurer, of the 2011 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

~~B. Whenever the term Clerk-Treasurer is used, it shall refer to either the Clerk or Treasurer according to the duties assigned by law to the office or to the nature of the office.~~

§ 80-2. Regulations regarding employees.

- A. Supervisory control. The general oversight shall be exercised by the Village President and the ~~Chairperson~~Chairman of each respective committee. The day-to-day supervision of Village officers, department heads and their staff shall be delegated to the Village Administrator. [Amended 12-21-2015]
- B. Appointments. The Village Board shall appoint every new employee, who must apply in writing for the job opening when this situation exists. Before appointments, the applicant must pass a satisfactory examination as to physical and educational qualifications, habits, reputation and experience. The Village Board may provide competitive examinations for job applicants.
- C. Duties of supervisors. Each employee acting in a supervisory capacity shall follow the instructions of the Village Administrator who reports to the Board. He shall be responsible for the efficient and general good conduct of his department and shall promptly report verbally or in writing all complaints against any member of his department. [Amended 12-21-2015]
- D. Discipline. Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the Village of Williams Bay. Disciplinary action may call for any of four steps, verbal warning, written warning, suspension (with or without pay) or termination of employment, depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps. The Village reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.
 - (1) Disciplinary actions. A supervisor may be suspended or dismissed for cause by the Village Board following a hearing. A subordinate may be suspended without pay by the ~~Chairperson~~Chairman of the committee under which he is working, following which a hearing by the Village Board shall be called and held within 10 days thereafter. The charges upon which the suspension is based shall be in writing and must be filed with the Clerk five days before the hearing. If the charges are found true, the employee may be discharged or given some lesser penalty. If the charges are not found true, his pay loss shall be restored.
 - (2) Causes for suspension or dismissal. Many but not all possible causes follow:
 - (a) Under the influence of alcohol, illegal drugs or narcotics.
 - (b) Insubordination or disrespect toward a superior employee or any member of the Village Board.

- (c) Neglect of duty ~~—~~ failure to act.
 - (d) Neglect or disobedience of any order.
 - (e) Absence from duty without leave.
 - (f) Immorality.
 - (g) Communicating information relating to the Village Board without permission.
 - (h) Making a false official statement or entry in official records.
 - (i) Discourtesy or insolence toward the public.
 - (j) Untruthfulness.
 - (k) Use of profane language.
 - (l) Sleeping while on duty.
 - (m) Uncleanliness in person or dress.
 - (n) Accepting a bribe.
 - (o) Stealing or using Village supplies or equipment for personal use.
 - (p) Criticizing orders by the Village Board.
 - (q) Any other act or omission contrary to good order and discipline.
- E. Grievance procedure. This policy is intended to comply with § 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under § 66.0509, Wis. Stats., other than police and fire employees subject to § 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure.
- (1) For purposes of this policy, the following definitions apply:
- (a) "Employee discipline" includes all levels of progressive discipline, but shall not include the following items:
 - [1] Placing an employee on paid administrative leave pending an internal investigation;
 - [2] Counseling, meetings or other pre-disciplinary action;
 - [3] Actions taken to address work performance, including use of a performance improvement plan or job targets;
 - [4] Demotion, transfer or change in job assignment; or
 - [5] Other personnel actions taken by the employer that are not a form of progressive discipline.
 - (b) "Employee termination" shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall

not include the following personnel actions:

- [1] Voluntary quit;
- [2] Layoff or failure to be recalled from layoff at the expiration of the recall period;
- [3] Retirement;
- [4] Job abandonment, "no-call, no-show," or other failure to report to work; or
- [5] Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties.

(c) "Workplace safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same. Any written grievance filed under this policy must contain the following information:

- [1] The name and position of the employee filing it;
- [2] A statement of the issue involved;
- [3] A statement of the relief sought;
- [4] A detailed explanation of the facts supporting the grievance;
- [5] The date(s) the event(s) giving rise to the grievance took place;
- [6] The identity of the policy, procedure or rule that is being challenged;
- [7] The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and
- [8] The employee's signature and the date.

(2) Steps of the grievance procedure. Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

(a) Step 1:— Written grievance filed with the department head. The employee must prepare and file a written grievance with the ~~department head~~Department Head within five business days of when the employee knows, or should have known, of the events giving rise to the grievance. The ~~department head~~Department Head or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible, within 10 business days of receipt of the grievance. In the event the grievance involves the ~~department head~~Department Head, the employee may initially file the grievance with the Village of Williams Bay Administrator, who shall conduct the Step 1 investigation.

- (b) Step 2:— Review by the Village of Williams Bay Administrator.
 - [1] If the grievance is not settled at Step 1, the employee may appeal the grievance to the Village of Williams Bay Administrator within five business days of the receipt of the decision of the department head at Step 1.
 - [2] The Village of Williams Bay Administrator or his/her designee will review the matter and inform the employee of his/her decision, if possible, within 10 business days of receipt of the grievance.
 - (c) Step 3:— Impartial ~~hearing officer~~Hearing Officer. If the grievance is not settled at Step 2, the employee may request in writing, within five business days following receipt of the Village of Williams Bay Administrator's decision, a request for written review by an impartial hearing officer. The Village of Williams Bay shall select the impartial hearing officer. The hearing officer shall not be a Village of Williams Bay employee. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the Village of Williams Bay acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.
 - (d) Step 4:— Review by the governing body. If the grievance is not resolved after Step 3, the employee or the Village of Williams Bay Administrator shall request, within five business days of receipt of the written decision from the hearing officer, a written review by the governing body. For ~~library~~Library employees, the appeal shall be filed with the Library Board. For all other ~~employees~~employee, the appeal shall be filed with the Village of Williams Bay Board. The Village of Williams Bay Board shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the Village of Williams Bay Board's next regular meeting. The Village of Williams Bay Board will inform the employee of its findings and decision in writing within 10 business days of the Village of Williams Bay Board meeting. The Village of Williams Bay Board shall decide the matter by majority vote and this decision shall be final and binding.
- (3) An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee will not be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure.
- F. Examinations. Every employee shall submit to a physical and mental examination when requested by the Village Board.

- G. Training. A Supervisor is encouraged to attend all training sessions for his type of work sponsored by the League of Wisconsin Municipalities and other agencies as will be authorized by the Village Board from time to time, his expense to be paid by the Village. He is also expected to study all publications concerning his work which are made available by the Village Board.
- H. Records and reports. The Supervisor shall keep a record of all complaints and applications calling for the services of his department.
- I. Hours of duty. The Supervisor shall regulate the hours of duty of himself and subordinates with the approval of the Village Board.
- J. General rules. Vacations will be granted as near as possible to dates requested and as working conditions permit. Sickness in excess of three days must be supported by a note from a doctor.
- K. Causes for suspension or dismissal. See § 80-2D(2).

§ 80-3. Village Administrator.

- A. Village Administrator; creation and purpose. In order that the various officers, officials and employees executing policies and administering the affairs of the Village of Williams Bay be operated as efficiently as possible under a system of part-time President and part-time Trustees, and to better insure confident, expeditious, efficient and harmonious administration in action and in respect to any activity, of any one or more of the Village's officers, officials and employees, and in order that there may be uniform administration of policy, there is hereby created the office of Village Administrator for the Village of Williams Bay.
- B. Functions of Village Administrator.
 - (1) The Village Administrator shall be the administrative officer of the Village, responsible for the proper administration of the business and affairs of the Village, subject to those limitations imposed by the statutes of the State of Wisconsin, the ordinances of the Village of Williams Bay, and the resolutions and directions of the Village Board.
 - (2) Nothing herein shall be construed to conflict with the duties of the Village Board and other Village officers otherwise provided by statute and the ordinances of the Village of Williams Bay.
- C. Appointment. The Village Administrator shall be appointed by the Village President and confirmed by the Village Board on the basis of merit, with due respect to training, experience, administrative ability and general fitness and knowledge of administrative and operational functions of municipal government. The Village Administrator shall be deemed an officer of the Village of Williams Bay. Compensation therefor shall be as determined by the Village Board from time to time.
- D. General duties. The Village Administrator shall have the following general duties:
 - (1) The Village Administrator shall attend all meetings, regular and special, of the

- Village Board, ~~Plan~~Planning Commission, committees of the Village Board and such other boards, committees and commissions as the Village Board may so direct, unless so excused by the Village Board or unless otherwise prohibited by law. The Village Administrator may participate in the discussion and deliberations thereof, but without a vote.
- (2) The Village Administrator shall cooperate with the Village Board on all matters pertaining to Village administration, business and affairs. The Village Administrator shall make recommendations from time to time to the Village Board for improving the quality and efficiency of services performed by the Village and for improving the health, safety and welfare of the Village.
 - (3) The Village Administrator shall file with the Village Board such reports at such times as the Village Board may require concerning the activities of the office so that the Village Board may be currently apprised of any actions of the Village Administrator and the nature and reason for such actions taken by the Village Administrator.
 - (4) The Village Administrator as directed by the Village Board shall be responsible for the proper interpretation and efficient execution of all policies and programs established by the Village Board. The Village Administrator shall carry out all directives of the Village Board which require administrative implementation, and shall promptly report to the Village Board any difficulties encountered therein.
 - (5) The Village Administrator shall monitor and determine that all Village ordinances are efficiently and equally enforced and shall report to the Village Board as is necessary, or as required by the Village Board.
 - (6) The Village Administrator shall administer and direct the operation and maintenance of all Village-owned property, lands, buildings, improvements and equipment, and all public ways, ditches, drains and storm sewers, and where such duties are otherwise given to other officials, officers and employees of the Village, the Village Administrator shall assist the above officials, officers and employees as the Village Board may from time to time direct.
 - (7) The Village Administrator shall administer and direct the construction and maintenance of all public ways, public works and improvements undertaken either directly or indirectly by the Village, and where such duties are otherwise given to other officials, officers and employees of the Village, the Village Administrator shall assist the above officials, officers and employees as the Village Board may from time to time direct.
 - (8) The Village Administrator shall be kept informed on all current county, state and federal legislation and administrative rules affecting the Village and shall submit appropriate reports and recommendations to the Village Board.
 - (9) The Village Administrator shall be kept informed concerning current developments in the field of municipal administration and law and submit to the Village Board recommendations or suggestions to improve the municipal government of the Village.
 - (10) The Village Administrator shall be kept informed as to the availability of county,

state and federal funds for Village programs.

- (11) The Village Administrator shall assist departmental heads and the Village Board in obtaining said funds, as directed by the Village Board.
- (12) The Village Administrator shall represent the Village in matters involving legislative and intergovernmental affairs as authorized and directed by the Village Board.
- (13) The Village Administrator shall facilitate communication between citizens and the Village government in order to assure that complaints, grievances, recommendations and other such matters receive prompt attention by the responsible Village official or organization.
- (14) The Village Administrator shall promote the economic well-being and growth of the Village through cooperation with the public and private sectors.
- (15) The Village Administrator shall have such other administrative duties and powers not inconsistent with the law as may be directed by the Village Board from time to time.

E. Personnel. [Amended 12-21-2015 by Ord. No. 12-1-2015]

- (1) The Village Administrator, as directed by the Village Board, shall supervise the activities of Village office employees and shall from time to time report to the Village Board.
- (2) The Village Administrator shall supervise all Village officers and department heads to assure that employees receive adequate opportunity for training in order to maintain and improve their job-related knowledge and skills.

F. Budget and purchasing. [Amended 12-21-2015 by Ord. No. 12-1-2015]

- (1) The Village Administrator shall oversee department supervisors and other responsible officers, officials and employees of the Village in the annual preparation of a financial budget of anticipated income and expenditures for the ensuing fiscal year, and assist in the supervision of the expenditures of funds and in the administration of said budget as adopted by the Village Board. The preparation of the annual Village budget shall be in accordance with such guidelines as may be provided by the Village Board and the Village municipal code.
- (2) The Village Administrator shall make such reports as the Village Board may, from time to time, require as to the current fiscal status of the Village and the current fiscal status of items in the Village budget.

G. Change of duties. The Village Board may, from time to time, increase, decrease, change or otherwise modify the duties of the Village Administrator as the Village Board may, in its sole discretion, determine appropriate.

Chapter 87

POLICE DEPARTMENT

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 3 of the 2011 Code. Amendments noted where applicable.]

§ 87-1. Supervisory control. [Amended 2-15-2016 by Ord. No. 2016-2]

The general oversight of the Village Police Department shall be exercised by the Village President and the Chairperson of the Protective Services Committee, with the approval of the Village Board. The supervision of the Chief of Police and the Village Police Department shall be delegated to the Village Administrator.

§ 87-2. Appointments.

- A. The Village Board shall appoint the Chief of Police and all subordinate officers. Before appointment, the candidate must pass a satisfactory examination as to physical and educational qualifications, habits, reputation and experience. Every applicant must be able to perform the essential job functions of a police officer for the Village of Williams Bay as defined by the Police Department and the Village Board. The Village Board may provide competitive examinations for candidates.
- B. Wisconsin law enforcement standards as set forth in Chapter LES 2, Wisconsin Administrative Code, are hereby adopted by reference.

§ 87-3. Duties of Chief of Police. [Amended 2-15-2016 by Ord. No. 2016-2]

It shall be the duty of the Police Chief to cause the public peace to be preserved and see that all ordinances of the Village and laws of the State of Wisconsin are enforced and obeyed. The Chief of Police shall follow the instructions of the Village Administrator who reports to the Board. He/she shall be responsible for the efficient and general good conduct of his/her department and shall promptly investigate all complaints made against any member of his/her department in the manner set forth in the Police Department's policies and procedures. If the complainant is not satisfied with the Chief's conclusion regarding the complaint, then the Chief shall promptly forward the complaint and all investigatory reports to the Village President and the Chairperson of the Protective Services Committee for review by the Committee and the Village Board.

§ 87-4. Examination.

Each police officer, including the Chief, must submit to a physical and mental examination when requested by the Village Board.

§ 87-5. Training.

The Chief and each officer is required to attend a minimum of 24 hours of

~~recertification~~~~re-certification~~ training each year as required by the Wisconsin Law Enforcement Standards Board. Officers are also required to attend specialized training as approved and assigned by the Police Chief. They are also expected to study all publications concerning their work which are made available by the Village Board.

§ 87-6. Records and reports.

The Chief shall keep a record of all complaints and applications calling for the services of the Police Department. The Chief of Police shall maintain a daily record of all violations of laws and ordinances, fires, dangerous places and accidents. The Chief shall render a monthly report of the principal activities of the Police Department to the Village Board through the Protective Services Committee ~~Chairperson~~~~Chairman~~.

§ 87-7. Hours of duty.

The Chief shall regulate the hours of duty of all Police Department employees with the approval of the Village Board.

§ 87-8. General rules.

- A. Vacations will be granted as near as possible to dates requested and as working conditions permit.
- B. Sickness in excess of three days must be supported by a note from a doctor upon request of the Chief of Police.
- C. Causes for suspension or dismissal:
 - (1) Intoxication.
 - (2) Cowardice.
 - (3) Insubordination or disrespect toward a superior officer or member of the Village Board.
 - (4) Neglect of duty-failure to act.
 - (5) Neglect or disobedience of any lawful order.
 - (6) Absence from duty without leave.
 - (7) Immorality.
 - (8) Conduct unbecoming an officer.
 - (9) Communicating information relating to police work or the Village Board without permission.
 - (10) Making a false official statement or entry in official records.
 - (11) Willful mistreatment of a prisoner.
 - (12) Discourtesy or insolence toward the public.

- (13) Untruthfulness.
- (14) Use of profane language.
- (15) Sleeping while on duty.
- (16) Uncleanliness in person or dress.
- (17) Accepting a bribe.
- (18) Criticizing orders by the Village Board.
- (19) Refusing to give name or badge number when requested.
- (20) Any other act or omission contrary to good order and discipline.
- (21) Violation of any of the Police Department's rules and regulations contained within the Department's Rules and Regulations Manual.

Chapter 95

RECORDS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Retention and Disposal

[Adopted as § 2.08 of the 2011 Code; amended in its entirety 11-7-2016 by Ord. No. 2016-10]

§ 95-1. Default.

Any record not covered by this article or any regulation or law shall be retained seven years unless the record is added by amendment into this article and a shorter time period is approved by the State Public Records ~~and Forms~~ Board. After seven years, except as otherwise provided in this article, the legal custodian may destroy obsolete records.

§ 95-2. Definitions.

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

LEGAL CUSTODIAN — The individual responsible for maintaining records pursuant to § 19.33, Wis. Stats.

RECORD — Has the meaning defined in § 19.32(2), Wis. Stats.

§ 95-3. General provisions.

- A. Historical records. Notification to the Wisconsin Historical Society (WHS). Under § 19.21(4)(a), Wis. Stats., the Legal Custodian must give at least 60 days' written notice to the WHS prior to destroying records. The WHS shall preserve any records that it determines to be of historical interest. However, the WHS has waived the required statutory sixty-day notice for any record designated in the retention schedule with "waived" (waived notice). The WHS must be notified prior to destruction of any record designated with "notify" (not waived). "N/A" indicates not applicable and applies to any record designated for permanent retention with the original custodian. Notice to the WHS is also required for any record not listed in this article.
- B. Microfilming or optical imaging of records. The Village may keep and preserve public records through the use of microfilm or optical imaging, providing the microfilm or optical imaging meets the applicable standards in § 16.61(7) (microfilm) and § 16.612 (optical imaging), Wis. Stats. Legal custodians should consider retention periods and estimated costs and benefits of converting records between different media in deciding which records to microfilm or store in the optical disk format. After verification, records converted to microfilm or optical imaging should be destroyed. The retention periods identified in this article apply to records in any media.

- C. Destruction after request for inspection. No requested records may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under § 19.37, Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See § 19.35(5), Wis. Stats.
- D. Destruction pending litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved. If any legal action is pending regarding or related to the record, the record may not be destroyed without the express authorization of the Village Attorney. No record that is the object of or which has been produced pursuant to a discovery order or a subpoena may be destroyed without the express consent of the Village Attorney.
- E. Limitation. This article does not authorize destruction of any public record after a period less than that prescribed by statute or state administrative regulations.
- F. Audio/video recordings. Any audio/video recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting. Video and audio recordings that are made for any other purpose shall be retained for a period of not less than seven years from the date of the recording unless another period has been set by statute, in which case that retention period shall apply.
- G. Records that are evidence. No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action.
- H. Compliance with federal or other retention requirements. Notwithstanding the Village of Williams Bay Records Retention Schedule, legal custodians may not destroy any record where any contract, grant, funding conditions, or state or federal statute requires that such records be maintained for a longer period of time.

§ 95-4. Explanations of abbreviations utilized in Record Retention Schedule.

- A. Retention period. Refers to the time that the identified records must be kept until destruction.
 - (1) CR stands for "creation," which usually refers to receipt for creation of the record.
 - (2) FIS stands for "current fiscal year" and the additional amount of time as indicated.
 - (3) EVT stands for "event" and refers to an occurrence that starts the retention clock ticking. Close of contract, termination of an employee and the disposition of a case are common events.
- B. Authority. A source, if any, which specifies the period of time for retaining records.
 - (1) WMRM - Wisconsin Municipal Records Manual.
 - (2) §—State Statute Reference.
 - (3) SCR - Supreme Court Rule.

- (4) PSC - Public Service Commission.
- (5) NR - Natural Resources.
- C. WHS notice. Refers to whether or not the Wisconsin Historical Society (WHS) has waived the required statutory notification prior to destruction of records.
 - (1) W (waived) means records are not historical and the required sixty-day notification is waived.
 - (2) N (non-waived) means the records may have secondary historical value and therefore WHS notification is required on a case-by-case basis prior to destruction.
 - (3) N/A means not applicable and refers to those circumstances where a local unit of government is retaining the record permanently.

§ 95-5. Record retention schedule.

The following record retention schedule shall constitute the Village of Williams Bay Record Retention Schedule.¹

1. Editor's Note: The Record Retention Schedule is on file in the office of the Village Clerk.

Chapter 110

VILLAGE BOARD

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 1.01 to 1.03 of the 2011 Code. Amendments noted where applicable.]

§ 110-1. Composition.

The Village Board shall consist of the Village President, who shall be elected in odd-numbered years for a two-year term, and six trustees, three of whom shall be elected in even-numbered years for two years, and three of whom shall be elected in odd-numbered years for two-year terms.

§ 110-2. Compensation and expense reimbursement. [Added ~~4-April~~ 2015]

Salaries and expense reimbursement levels as well as the manner of their payment for the Village President and Village Trustees will be established by resolution of the Village Board and reviewed annually in January by the Village Board.

§ 110-3. Village Board committees.

The committees of the Village Board shall be appointed annually by the Village President at the organization meeting and shall comprise the following committees:

- A. Finance and Personnel. This ~~Committee~~~~committee~~ is responsible for the formulation of the annual budget and annual tax levy and all personnel concerns including collective bargaining agreements. All contracts with the Village will be reviewed and endorsed by this ~~Committee~~~~committee~~.
- B. Streets and Highways. This ~~Committee~~~~committee~~ administrates all matters concerning Village streets, highways, sidewalks and stormwater drainage. This ~~Committee~~~~committee~~ works closely with Director of Public Works on all matters including, but not limited to, the formulation of an annual budget which is then submitted to the Finance and Personnel Committee. This ~~Committee~~~~committee~~ is responsible for the maintenance of all public works buildings.
- C. Protective Services. This ~~Committee~~~~committee~~ administrates all matters concerning Village Fire ~~Department, Police Department, Emergency Medical Service~~ (~~—Rescue~~) ~~Squad, and, Dive Team, and Police Departments.~~ This ~~Committee~~~~committee~~ works closely with the Chiefs of the above-mentioned departments on all matters including, but not limited to, the formulation of an annual budget which is then submitted to the Finance and Personnel Committee. [~~Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~
- D. Parks and Lakefront.

- (1) This ~~Committee~~ ~~committee~~ administrates all matters concerning Village parks, lakefront and Park District. This ~~Committee~~ ~~committee~~ works closely with Director of Public Works and the Park District on all matters including, but not limited to, the formulation of an annual budget which is then submitted to the Finance and Personnel Committee.
 - (2) This committee is also responsible for the maintenance of the following buildings: Village Hall, Field House, Lakefront Concession Building, Library Hall, Beach House, Horvath Building and the pavilion at Edgewater Park.
- E. Building, Zoning and Ordinance. This ~~Committee~~ ~~committee~~ works closely with the Building Inspector on all matters regarding the issuance of building and zoning permits and zoning issues. This ~~Committee~~ ~~committee~~ also is responsible for ordinance development, adoption and codification.
- F. ~~Sewer and~~ Water and Sewer. This ~~Committee~~ ~~committee~~ administrates all matters concerning the Water Utility ~~water~~ and Sewer Department ~~sewer departments~~ within the Village. This ~~Committee~~ ~~committee~~ works closely with Director of Public Works on all matters including, but not limited to, the formulation of an annual budget which is then submitted to the Village Board for its approval. This ~~Committee~~ ~~committee~~ is also responsible for the maintenance of all the buildings owned by the Water Utility ~~water~~ and Sewer Department. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)] ~~sewer departments~~.

§ 110-4. Residency required. [Amended 8-31-2020 by Ord. No. 2020-03]

All members of Village Board Committees established pursuant to § 110-3 of this chapter shall reside within the corporate limits of the Village of Williams Bay.

§ 110-5. Village Board bylaws.

- A. Regular meetings. The regular meetings of the Village Board shall be held in the Village Hall on the ~~first~~ first and ~~third~~ third Mondays of each month at 7:00 p.m. The Board may adjourn any regular meeting to any future date at which new business may be introduced as well as unfinished business completed.
- B. Presiding officer. The President or presiding officer shall preside at all meetings and preserve order, deciding all questions of order, subject to an appeal to the Board.
- C. Calling meetings to order. The President shall take the chair at the hour appointed and immediately call the meeting to order. In the absence of the President, the Clerk or, in the Clerk's absence, any member of the Board may call the meeting to order, and thereupon the Board shall appoint one of its members President Pro Tempore. In the absence of the Clerk, the Board may appoint one of the members present to serve as Clerk during the session. The Chair shall confirm public notice compliance with the Clerk or other Village staff representative. [Amended 1-15-2018 by Ord. No. 2018-1]
- D. Order of business. The business of the Board shall be transacted in the following order: [Amended 6-6-2016 by Ord. No. 2016-6]

- (1) Roll call.
- (2) Reading the minutes of the preceding meeting and approving same if correct, correcting mistakes if any occur.
- (3) Consent agenda.
- (4) Presentation of accounts and petitions.
- (5) Plan Commission.
- (6) Public comments. The public may speak on any item that is not included on this agenda as a "Public Hearing or Forum."~~""~~ Anyone who wishes to comment should identify himself or herself and provide his or her local address. Board members may discuss any matter raised by the public. However, the Board will refrain from extensive dialogue and should not take action on matters raised by the public during a public comment period. Referrals to committees or staff members might be made. Members may ask the commenter to clarify his or her remarks. The Board President or the presiding officer will maintain control of the meeting.
- (7) President's remarks.
- (8) Ordinances and resolutions.
- (9) Committee reports.
- (10) Public comments.
- (11) Adjournment.

E. Passage of ordinances.

- (1) Every proposed ordinance shall have two separate readings previous to its passage but shall not be read at any other time than regular sessions except by unanimous consent. The second reading may be waived by vote of the Board.
- (2) The second reading of an ordinance shall be by section at which time amendments may be offered. If no amendments are made, the question shall be, "Shall the ordinance pass?" If amendments are offered and made, the chair shall so report and the ordinance shall be so read as amended before the question of its passage is taken.

F. Rules of procedure. The rules of parliamentary practice embraced in Robert's Rules of Order, Newly Revised, shall govern the Board where applicable and where not inconsistent with the standing rules, bylaws and order of the Board.

G. Special meetings.

- (1) How called. Special meetings may be called by the President or any two trustees in writing filed with the Clerk. If at least 24 hours remain before such meeting, the Clerk shall notify each member of the Board of the time, place and purpose of such special meeting by mailing a written notice thereof to each member of the Board and by telephoning him, if possible. If less than 24 hours but at least six hours remain before such meeting, the Clerk shall give notice to each trustee by personal service and by

telephone, if possible. No special meeting shall be called upon less than six hours' notice except with the unanimous consent of all members of the Board expressed orally or in writing.

- (2) Statutes adopted. Section 19.85, Wis. Stats., is hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this section.
- H. Business to be presented by Trustee. No business shall be considered by the Board unless presented by a member of the Board.
- I. Approval of claims. Every account presented to the Board shall, if required, be verified by affidavit as provided by law and shall not be allowed or directed to be passed until it shall have been examined and certified as correct by the proper committee and reported to and audited by the Board.
- J. Amendment of bylaws. These bylaws may be amended, stricken out or added to at any regular meeting of the Board upon a majority vote of all the members, provided that notice thereof shall be given at the regular meeting of the Board immediately preceding the one in which such amendment is to be acted upon.
- K. Consent agenda. [Added 6-6-2016 by Ord. No. 2016-6]
- (1) Criteria. The Village Clerk may create a subsection on any Board agenda entitled "consent agenda.""". In a consent agenda, the Clerk shall place matters that, in the Clerk's judgment, are routine and noncontroversial and do not require a super majority vote or separate action by the Board.
 - (2) Procedure. The following procedure shall apply when a consent agenda is used:
 - (a) No separate discussion or debate may be permitted on any matter listed on the consent agenda except as provided in Subsection K(2)(b).
 - (b) A single motion, seconded and adopted by a majority vote of the Board shall be required to approve, adopt, enact or otherwise favorably resolve all matters listed on the consent agenda.
 - (c) Any member of the Board may request removal of any item included in the consent agenda. At the time the consent agenda is considered, any such item shall be removed without debate or vote.
 - (d) If any item has been removed from the consent agenda in accordance with this subsection, that item shall be considered by the Board under the appropriate heading of the regular agenda of the Board.

Chapter 125

ALARM SYSTEMS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 8.13 of the 2011 Code. Amendments noted where applicable.]

§ 125-1. Intentional false alarms prohibited.

No person shall give or send or cause to be given or sent in any manner any emergency alarm of fire, burglary or emergency medical service or other emergency which he knows to be false.

§ 125-2. False alarms prohibited.

No alarm system within the Village shall be permitted by an owner or by a tenant on the premises upon which an alarm system is installed to give a false alarm.

§ 125-3. Intent.

The intent of this chapter is to prevent carelessness, improper maintenance or any other causes which result in a false police alarm, false fire alarm and/or false emergency medical service alarm from privately owned alarm systems. Such false alarms require police, fire and/or emergency medical service response which thereby creates unnecessary expenses to the Village, increases risk of damage to property or injury to persons and dilutes police protection, fire protection and emergency medical service protection to other parts of the Village.

§ 125-4. Proper maintenance required.

All owners of alarms and all tenants of premises upon which alarm systems are installed shall at all times keep and maintain such alarm systems in good working order to prevent false activation of the alarm.

§ 125-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALARM SYSTEM — Any privately owned device installed in or upon any real estate premises within the Village which transmits an alarm signal by any means to the Village Police Department, Fire Department or Emergency Medical Service (Rescue) Squad.

FALSE ALARM — Any alarm signal transmitted by an alarm system which necessitates a response from either the Village Police Department, Fire Department or Emergency Medical Service (Rescue) Squad when such response would not otherwise be necessitated, but for such alarm, and an actual emergency does not exist. "False alarm" includes both the intentional and inadvertent sending of signals to the Village Police Department, Fire Department or Emergency Medical Service (Rescue) Squad which results in a response to a [nonemergency](#)~~non-emergency~~

situation. The determination of whether a ~~nonemergency~~[non-emergency](#) situation exists will be made by the senior officer in charge of the responding department at the time of such response.

§ 125-6. Permits.

- A. Permit required. A permit shall be required by July 1, 1989, for each alarm system now installed on any real estate premises within the Village. Permits shall be required prior to the installation of any new alarm system after the effective date of this section.
- B. Permit application. Applications for all permits required under this section shall be filed with the Village Clerk. The Chief of Police shall review the form of the application to be certain all required information is completely set forth. The Chief of Police shall sign the application indicating its proper completion after which the Village Clerk shall issue the permit upon payment of the permit fee.
- C. Terms of application. The application for an alarm system permit shall contain the following information:
 - (1) Name and complete address of applicant with day and night telephone numbers of applicant.
 - (2) Identification of applicant as either owner or tenant of the premises upon which an alarm system is proposed to be installed.
 - (3) Names, complete addresses and both daytime and nighttime telephone numbers for all owners of the property and, if property is leased or rented out, all tenants occupying same.
 - (4) If property is a second home, the complete addresses (primary residential and business) of all owners thereof, together with both day and night telephone numbers.
 - (5) A minimum of three local Village contact persons who would know the location of the owners or tenants, if property is leased or rented, or who hold keys to the property. Key holders listed must have the ability to permit emergency entrance into the property by responding Village departments.
- D. Permit fee. An annual permit fee ~~as provided in the Village Fee Schedule~~[of \\$10](#) is required for permit years beginning July 1 each year or any portion thereof, which shall be paid to the Village Clerk at the time of filing such application and thereafter annually prior to the expiration of the permit on June 30 of each year. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- E. New application. A new permit application shall be required annually, unless no changes have occurred since the filing of the previous application. The fact that no changes have occurred shall be noted by the permit holder at the time of the payment of the renewal fee to the Village Clerk.

§ 125-7. Outside audible or visual alarms prohibited.

Any alarm system which as a part of its operation emits an outside audible or visual alarm is prohibited in the Village.

§ 125-8. Violations and penalties; false alarms.

The penalty provisions of § 1-4 of this Municipal Code shall apply to this chapter, except the following penalties shall apply to false alarms:

- A. Any person who shall violate the false alarm provisions of this chapter shall for a first offense within any twelve-month period receive a written notification warning of the offense from the applicable department [Police Department, Fire Department, Emergency Medical Service (Rescue) Squad] of the Village.
- B. Any person who shall violate the false alarm provisions of this chapter shall for a second offense within any twelve-month period receive a written notification warning of the offense from the applicable department [Police Department, Fire Department, Emergency Medical Service (Rescue) Squad] of the Village.
- C. Any person who shall violate the false alarm provisions of this chapter shall, upon conviction thereof, as a first offense within any twelve-month period within which such person has received two previous written warnings as set forth in Subsections A and B, forfeit not less than \$100 nor more than \$500 for such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- D. Any person who shall violate the false alarm provisions of this chapter shall, upon conviction thereof, as a second offense within any twelve-month period within which such person has received two previous written warnings as set forth in Subsections A and B, forfeit not less than \$200 nor more than \$500 for such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- E. Any person who shall violate any provision of this chapter shall, upon conviction thereof, as a third offense within any twelve-month period within which such person has received two previous written warnings as set forth in Subsections A and B, forfeit not less than \$300 nor more than \$500 for such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- F. Any person who shall violate any provision of this chapter shall, upon conviction thereof, as a fourth offense within any twelve-month period within which such person has received two previous written warnings as set forth in Subsections A and B, forfeit not less than \$400 nor more than \$500 for such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- G. Any person who shall violate any provision of this chapter shall, upon conviction thereof, as a fifth offense or any additional number of offenses within any twelve-month period within which such person has received two previous written warnings as set forth in Subsections A and B, forfeit not less than \$500 for such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in

the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.

Chapter 128

ALCOHOL BEVERAGES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 8.01 and 8.14 of the 2011 Code. Amendments noted where applicable.]

§ 128-1. State statutes adopted. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The provisions of Ch. 125 ~~and § 66.0433~~, Wis. Stats., relating to the sale of alcohol ~~and soda water~~ beverages, ~~respectively~~, including subsequent revisions and amendments, inclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of such statutes, are hereby adopted and made a part of this chapter by reference. A violation of any such provisions shall constitute a violation of this chapter.

§ 128-2. License fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Fees for licenses ~~The following license fees~~ issued pursuant to this chapter are set from time to time by the Village Board ~~shall be in effect as of the date of the adoption of this chapter, which fees may be changed by resolution. Current fees are on file with approved by the Village Board of the Village of Williams Bay.~~

A. ~~"Class A" intoxicating liquor: \$400 per year.~~

B. ~~"Class B" intoxicating liquor: \$500 per year.~~

C. ~~Class "A" fermented malt beverage: \$25 per year.~~

D. ~~Class "B" fermented malt beverage: \$100 per year.~~

E. ~~Fermented malt beverage wholesaler: \$150 per year.~~

F. ~~Class "B" picnic: \$10 per license.~~

G. ~~Operator's license: \$40 per two years.~~

H. ~~Reserve "Class B": \$10,000 for initial issuance or \$500 if a bona fide club or lodge situated and incorporated in the state for at least six years. After initial issuance, \$500 per year.~~

I. ~~Class "C" wine license: \$100 per year.~~

J. ~~Managers: \$25 per year.~~

~~K. Clerk. Non-intoxicating beverage: \$75 per year.~~

L. ~~Soda water beverage: \$5 per year.~~

§ 128-3. Operator's license. [Amended 3-2-2020 by Ord. No. 2020-02]

- A. Operator's license may be granted to individuals by the Village Board for the purpose of complying with §§ 125.32(2) and 125.68(2), Wis. Stats.
- B. Applicants must obtain an application either from the Village Clerk or from the Village Website.
- C. Once the application is completed, it will be returned to the Village Clerk. Applications with missing information will not be accepted. If the application is accepted, the applicant will pay \$40.00 fee at this time.
- D. The ~~application~~Application will be forwarded to the Chief of Police for a background check. Once the background check is completed, the application will be returned to the Village Clerk to be acted upon at the next Village Board meeting.
- E. If the application is approved by the Village Board, the applicant will be notified and issued a ~~license~~License from the Village Clerk.
- F. If the Village Board does not approve the application, the Village Clerk will notify the applicant of the reason for denial and their options for appeal.
- G. The appeal process shall begin with a hearing before the Protective Services Committee. The applicant will have the opportunity to present testimony and other evidence as to why the license should be granted.
- H. The Protective Services Committee shall file its written recommendation to the Village Board with the Village Clerk, who will provide a copy to the applicant. The Village Clerk will place the recommendation on the next Village Board meeting agenda. If the application is denied on appeal, the Village Clerk will notify the applicant in writing of the decision. Any applicant who is denied a license on appeal may apply to the Circuit Court pursuant to ~~§ Section-~~125.12(2)(d), Wis. Stats., for review. If the applicant is approved on appeal, the Village Clerk shall issue a license to the applicant.
- I. If the applicant is denied after all avenues for appeal have been exhausted, the applicant will be refunded \$20.00 of the original application fee. The applicant will not be allowed to apply for an operator's license within 12 months of the date of the final decision on the application.
- J. Operator's license shall be valid for up to two years and shall expire on June ~~3030th~~ of the second year of issuance. __
- K. A provisional operator's license may be issued by the Village Clerk in accordance with § 125.17(5), Wis. Stats., only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the Village Board. A provisional license expires 60 days after its issuance or when a regular operator's license is issued to the holder, whichever is sooner. The fee for a provisional operator's license shall be established as provided in § 128-2. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 128-4. License restrictions, delinquent taxes, assessments.

- A. Premises. No initial or renewal alcohol beverage license or permit related to alcohol

beverages shall be issued for any premises for which taxes, assessments or other claims of the Village are delinquent or unpaid.

- B. Persons. No initial or renewal alcohol beverage license or permit related to alcohol beverages shall be issued to any person:
- (1) Delinquent in payment of any taxes, assessments or other claims owed to the Village.
 - (2) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Village.
 - (3) Delinquent in payment to the state of any state taxes owed.

§ 128-5. Revocation.

- A. Violation by agent. A violation of this chapter by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee.
- B. Proceedings. Proceedings for revocation of any license issued hereunder may be instituted in the manner and under the provisions prescribed in § 125.12, Wis. Stats.
- C. Grant of license after revocation. No license shall be granted to a person who has had his license revoked hereunder for one year from the date of revocation.

§ 128-6. Liquor or beer in public places.

No person shall carry any open can, bottle or other container of alcohol beverage or drink from the same upon any public walk, street, park or other public place in the Village except where a special permit is granted by the Village Board.

§ 128-7. Liquor or beer in motor vehicles.

No person shall have in his possession an open can, bottle or other container of alcohol beverage in a motor vehicle on a public street, alley, walk, park or other public place in the Village.

§ 128-8. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 132

AMUSEMENTS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 8.03 and 8.14 of the 2011 Code. Amendments noted where applicable.]

§ 132-1. Permits; applications; fees. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

No person shall hold, conduct or manage a public dance, circus, carnival, street fair, skating rink or other like amusement in the Village without a written permit issued by the Clerk ~~Treasurer~~ by authority of the Village Board. Application for such permit shall be filed with the Clerk ~~Treasurer~~ at least three days prior to the date of holding such amusement and shall be accompanied by a fee [as provided in the Village Fee Schedule](#) ~~of \$5~~, which shall cover such amusement for a continuous period of four days or less.

§ 132-2. Applicability. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

The form of amusement requiring a [permit](#) ~~license~~ shall be one to which admission can be had by the public generally, with or without the payment of an admission fee. The term shall not be construed to apply to a form of amusement conducted in connection with any church or school function or parent-teacher association otherwise conducted in compliance with law.

§ 132-3. Restriction.

No such amusement shall be conducted in the Village unless it be in the presence and under the direct supervision of the Chief of Police or other Village officer or other person designated for that purpose by the President.

§ 132-4. Prohibition.

No such form of amusement shall be conducted in said Village between 1:00 a.m. and 9:00 a.m.

§ 132-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 136

ANIMALS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Dogs and Cats

[Adopted as § 8.07 of the 2011 Code]

§ 136-1. Dog license required.

- A. The owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license.
- B. Lakeland Animal Welfare Society, Inc., and its authorized employees are hereby designated as collecting officials under § 174.065, Wis. Stats., with full authority to issue dog licenses and collar tags pursuant to § 174.07, Wis. Stats.

§ 136-2. Application for dog license.

Application for a dog license shall be made to the Treasurer or other proper officer of the Village and shall be accompanied by the proper fee. Application forms shall be provided and shall include:

- A. The full name, address and telephone number of the applicant.
- B. A complete description of the dog to be licensed.
- C. Required fee.
- D. If the dog is altered, written proof thereof signed by a veterinarian.
- E. A certificate of rabies vaccination issued by a licensed veterinarian, and no license shall be issued for any dog unless such inoculation certificate bears a date within one year prior to the date of application for license.

§ 136-3. Special instance license.

A special instance license may be issued for a dog under five months of age at the time application is made or for a dog which cannot be altered.

§ 136-4. Dog license fee. [Amended 3-19-2012 by Ord. No. 3-12; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A dog license fee shall be paid by the applicant according to the ~~following~~ schedule established.

~~which fee may be changed~~ by resolution of the Village Board ~~of the Village of Williams Bay.~~

~~A. License tax. A dog license tax shall be paid by the applicant according to the following:
[Amended 3-19-2012 by Ord. No. The current schedule 3-12]~~

~~(1) Altered (spayed) female dog: \$11.—~~

~~(2) Altered (neutered) male dog: \$11.—~~

~~(3) Unaltered female dog: \$15.—~~

~~(4) Unaltered male dog: \$15.—~~

~~(5) Kennel license under § 174.053(1), Wis. Stats. \$35.—~~

~~(6) These license fees will be in effect beginning on January 1, 2013 until repeal by
Resolution of the Village Board.—~~

~~B. Effective on the date of passage of this Ordinance, the Board of Trustees of the Village of
Williams Bay is also hereby authorized and directed to set and establish future increases in
dog license fees for the Village by Resolution of the Village Board. Said Resolution shall
be placed on file with the office of the Village Clerk.~~

§ 136-5. Late license fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person purchasing a dog license for a dog five months of age or over after April 1 shall pay an additional late fee as provided in the Village Fee Schedule. ~~of \$5.~~

§ 136-6. License and rabies vaccination tags to be attached.

The owner shall securely attach the license and rabies vaccination tags to a collar which shall be kept on the dog for which the license is issued at all times. This requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. A dog without tags attached to its collar shall be presumed to be unlicensed.

§ 136-7. Rabies vaccination required for dogs. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian at no later than five ~~within 30 days after the dog reaches four~~ months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached five ~~four~~ months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

§ 136-8. Quarantine or sacrifice of dog or cat.

- A. Quarantine or sacrifice of dog or cat suspected of biting a person or being infected or exposed to rabies. An officer may order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- B. Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- C. Ten-day observation period. The custodian of an isolation facility or the owner shall keep a dog or cat which is ordered to be quarantined in strict isolation under the supervision of a veterinarian for at least 10 days. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the 10th day and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of the ten-day observation period.
- D. Extended observation period for a dog or cat exposed to a rabid animal. If a dog or cat is suspected to have been in contact with a rabid animal, the observation period may be extended unless the owner agrees to have the animal killed. If the dog or cat is not currently immunized against rabies, the officer may order the owner to keep the animal in strict isolation for an additional 170 days and the owner shall have the animal vaccinated against rabies between 145 days and 155 days after the beginning of the original observation period. If the dog or cat was immunized against rabies, the officer may order the owner to have the animal revaccinated as soon as possible and to keep the animal leashed or confined for an additional 60 days. If a veterinarian certifies that the dog or cat has not exhibited any symptoms of rabies during the extended observation period, the animal may be released from quarantine at the end of that period.
- E. Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

§ 136-9. Duty of owner in case of dog or cat bite. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the [County](#) Health Officer and the Police Department and shall keep such dog or cat confined as the Health Officer or Police Department shall direct.

§ 136-10. Restrictions on keeping of dogs.

~~A.~~—No person shall own, harbor or keep any dog which:

~~A.(1)~~ Is off the premises of its owner without being securely fastened to a leash held and under control of its owner or his agent.

~~B.(2)~~ Habitually barks or howls to the annoyance of any person or persons.

~~C.(3)~~ Kills any domestic animal.

~~D.(4)~~ Assaults or attacks any person.¹—

~~B. An owner must have in their possession a scoop, bag or other device designed to pick up and remove animal waste from public or private property (other than property of the owner).~~

§ 136-11. Violations and penalties.

- A. Failure to obtain rabies vaccination. An owner who fails to have a dog vaccinated against rabies as required by this article may be required to forfeit not less than \$50 nor more than \$100.
- B. Refusal to comply with order for quarantine. An owner who refuses to comply with an order issued under this article to deliver an animal to an officer, isolation facility or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, may be required to forfeit not less than \$100 nor more than \$1,000, and in default of payment, shall be imprisoned in the county jail until payment thereof, but not exceeding 60 days.
- C. Other violations. A person who violates any provision of this article not specified under Subsections A and B may be required, upon conviction thereof, to forfeit not less than \$25 nor more than \$200 together with the cost of prosecution and in default of payment shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days.

ARTICLE II

Stables for Horses

[Adopted as §§ 8.06 and 8.14 of the 2011 Code]

§ 136-12. Definitions.

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

RIDING OR LIVERY STABLE — A house, shed, building, barn or place where riding horses are kept to be let or hired to the public or where riding horses are boarded for a fee or other consideration.

§ 136-13. Licensing provisions and fee.

¹. Editor's Note: F. Original § 8.07(10)(e), regarding possession of a scoop or bag, of the 2011 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Before anyone engages in the operation of a riding or livery stable as herein defined within the Village, he shall obtain a license from the Village Board.
- B. Such license shall terminate on December 31 of the year for which it is issued.
- C. The fee for the same shall be paid before the license is issued and shall be deposited with the Village Board with the application for license, which fee shall be in an amount provided in the Village Fee Schedule~~\$10~~ for each riding horse kept or boarded. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 136-14. Location.

All livery and riding stables shall be located at least 200 feet distant from a dwelling house, tenement house or part thereof, any hotel, restaurant, boarding house, any building used for school purposes or any building wherein persons are employed, and shall be located at least 100 feet from any street, alley, sidewalk or other traveled way.

§ 136-15. Sanitation.

- A. All livery and riding stables shall be kept free from objectionable odors at all times and shall be provided with easily cleaned floors of close-grained wood or concrete in such condition that they can be kept clean and shall be whitewashed frequently. Adequate artificial and natural lighting shall be provided to facilitate cleaning of the stable and appurtenances.
- B. All stables shall be provided with ~~flytight~~fly-tight bins or other tightly closed receptacles of such dimensions as to contain all accumulations of manure which shall be removed in such manner as to prevent its becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent grounds. No manure shall be dumped or left on any street, alley, sidewalk, open area or lot in any inhabited section, or be used to grade in whole or in part any sidewalk, street, open area or lot in such section, unless the manure is completely covered with at least four inches of dirt.

§ 136-16. Hours.

No riding horses shall be let for hire or use the public streets of the Village between the hours of 8:30 p.m. and 6:30 a.m.

§ 136-17. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code.

ARTICLE III
Animal Waste

[Adopted as §§ 9.08 and 9.12 of the 2011 Code]

§ 136-18. Responsibility of owner.

No owner, keeper or walker of any dog, cat or other domestic animal shall allow such animal to

discharge its waste upon any public or private property other than the property of the owner of the domestic animal, unless such owner, keeper or walker immediately removes such animal waste from such public or private property. To this end, every owner, keeper or walker of a dog, cat or other domestic animal whose animal goes beyond his own property shall have in his possession a scoop, bag or other device designed to pick up and remove animal waste. This section shall not apply to blind persons having control of guide dogs.

§ 136-19. Enforcement.

This article shall be enforced by the Village Police Department.

§ 136-20. Violations and penalties.

Except as otherwise provided in this article, any person who shall violate any provision of this article or any rule, regulation or order made hereunder shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

ARTICLE IV
Feeding of Waterfowl
[Adopted as § 10.27 of the 2011 Code]

§ 136-21. Definitions.

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

WATERFOWL — Wild geese, brant, wild ducks, rails, coots, gallinules, jacksnipe, woodcock, plovers, sandpipers and wild swan.

§ 136-22. Prohibited acts.

No person shall feed or participate in feeding any waterfowl on any property owned by the Village at any time.

§ 136-23. Violations and penalties.

The penalty provisions of § 1-4 of this Code shall apply, except the minimum forfeiture upon conviction for a violation of this [articlesection](#) shall be \$50, together with the costs of prosecution.

Chapter 145

BICYCLES AND PLAY VEHICLES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 8.04, 10.31 and 10.32 of the 2011 Code. Amendments noted where applicable.]

§ 145-1. Bicycle registration and inspection.

- A. Registration encouraged. Residents of the Village are expected to register their bicycle.
- B. Form of registration.
 - (1) Every owner or operator of any bicycle within the Village shall prior to operation file with the Police Department a complete description of such bicycle upon a blank form to be provided for the purpose.
 - (2) The filing of such description shall constitute a registration of such bicycle for the purpose of this section. Such registration shall be serially numbered and kept on file by the Chief of Police in his office as a public record.
- C. Identification tab.
 - (1) Immediately upon the registration of a bicycle in his office, the Chief of Police shall affix to such bicycle an identification tag, serially numbered to correspond with the registration of each bicycle.
 - (2) Each tag shall thereafter remain affixed to such bicycle unless removed by the Police Department for cause or for replacement with another tag upon reregistration, re-registration. A charge ~~of \$2~~ per registration as provided in the Village Fee Schedule shall be made for the registration or tagging of any bicycle under the provisions of this section. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- D. Inspection. The Police Department shall cause to be inspected each bicycle presented for registration and it shall have the authority to refuse to register any bicycle found by it to be in unsafe mechanical condition or not equipped as herein required.
- E. Cancellation of registration. The Chief of Police may cancel the registration of and remove the identification tag from any bicycle being operated upon any street in the Village in an unsafe manner or in violation of any state law or local ordinance and such cancellation of registration and removal of tag shall be in addition to other penalties provided hereunder.
- F. Change of ownership. Within 10 days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the Police Department by the person in whose name the bicycle has been registered.

§ 145-2. Operation and parking of bicycles.

- A. Manner of operation. No bicycle shall be allowed to proceed on any street in the Village by inertia or momentum with the feet of the rider removed from the pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the Village nor shall any bicycle rider carry or ride any other person so that two or more persons are on the bicycle at one time.
- B. Lighting equipment. No person shall operate upon a highway during hours of darkness unless equipped as required in § 347.489, Wis. Stats.
- C. Parking a bicycle. No person shall leave or park a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- D. Riding abreast prohibited. Persons riding or using bicycles or other similar vehicles along or upon any public street, avenue, lane, alley or other public road, ground or way within the Village shall not ride more than two abreast, excepting in general parade or public demonstration.
- E. Rules of the road. The provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of bicycles, where appropriate.

§ 145-3. Skateboards, bicycles, in-line skates and similar devices.

- A. No person shall operate or ride a skateboard, play vehicle or in-line skates in any of the following areas:
 - (1) On a street, alley, public parking lot, sidewalk or park in the designated downtown district except as set forth in Subsection B below, without the written consent of the owner or lessee of the property.
 - (2) Any areas held out for public use, such as parking lots (and sidewalks within the parking lot), which are properly posted with signs prohibiting operation of skateboards, in-line skates or play vehicles, without the written consent of the owner or lessee of the property.
 - (3) Any public tennis court or baseball diamond.
 - (4) Any private property that has been posted with a sign prohibiting the use of skateboards, in-line skates or play vehicles on that property.
- B. The prohibitions contained in Subsection A(1) concerning operation on any street in the designated downtown district shall not apply to in-line skates. Any person using in-line skates on a street shall do so in conformity with the requirements of § 346.94(17), Wis. Stats.
- C. Any person riding a bicycle upon any street, alley, public parking lot, sidewalk, park or other area held open to the public shall do so in the following manner:
 - (1) The bicycle operator shall at all times operate in a safe and careful manner.
 - (2) The operator of a bicycle shall yield the right-of-way to pedestrians.

- (3) No operator of a bicycle shall operate the same contrary to the provisions of § 145-2A of this chapter. For purposes of this subsection, the operator of the bicycle shall be any person riding upon the bicycle.
- (4) The operator of a bicycle shall, at all times, comply with the provisions of §§ 346.78 to 346.804 Wis. Stats., which provisions are incorporated herein by reference.
- D. No person shall operate or ride a skateboard, play vehicle, in-line skates or bicycle in a fashion that is likely to cause damage to the property of the Village or any other person. Damage to property caused by the riding or operation of a skateboard, play vehicle, in-line skates or bicycle shall constitute a violation of this section.
- E. Definitions. As used in this section, the following terms shall have the meanings indicated:

DOWNTOWN DISTRICT — The downtown district shall include East Geneva Street from Bayview Drive on the east to Williams Street on the west, Elkhorn Road from the north Village limits to Geneva Street, and Walworth Avenue from Stark Street to Elm Street. This area shall further include all of Edgewater Park as well as all sidewalks and other Village-owned property and parking lots and private parking lots adjacent to the streets described herein.

IN-LINE SKATES — Skates as defined in § 340.01(24m), Wis. Stats.

PLAY VEHICLE — A vehicle as defined in § 340.01(43m), Wis. Stats.
- F. References to Wisconsin Statutes. The statutory provisions referred to and adopted by reference by this section shall mean the Wisconsin Statutes as from time to time amended, repeated and ~~re-created~~[recreated](#) or modified by the Wisconsin Legislature and shall be deemed to refer to the most recent enactments of such statutory provisions by the Wisconsin Legislature.
- G. Any person who shall violate any provision of this section shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

§ 145-4. Violations and penalties.

- A. Parental responsibility. The parent or guardian of any child shall not authorize or permit any child to violate any of the provisions of this chapter.
- B. Penalty. Any person who shall operate any bicycle not properly registered, not carrying a proper identification tag as required herein upon any street in the Village or who shall operate such bicycle in an unsafe manner or in violation of any state or local ordinance shall upon conviction thereof be subject to the penalty provided in § 1-4 of this Code.
- C. Suspension of right to operate. Any person who shall violate any of the provisions of this chapter shall upon conviction thereof forfeit his right to operate the bicycle for a period of not to exceed 10 days for the first offense, not to exceed 30 days for a second offense and for any subsequent offense a suspension of his right to operate a bicycle for a period of not to exceed one year.

Chapter 153

BUILDING CONSTRUCTION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 9.10, 15.01, 15.04 to 15.08, 15.10 and 15.15 of the 2011 Code. Amendments noted where applicable.]

§ 153-1. Uniform Dwelling Code.

A. Purpose. The purpose and intent of this section is to:

- (1) Exercise jurisdiction over the construction and inspection of all new one- and two-family dwellings and additions or alterations to all existing one- and two-family dwellings, including dwellings built before June 1, 1980.
- (2) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Safety and Professional Services.
- (3) Establish and collect fees to defray administrative and enforcement costs.
- (4) Establish remedies and penalties for violations.
- (5) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Safety and Professional Services.

B. State Uniform Dwelling Code adopted. The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. SPS 320 to SPS 325, Wis. Adm. Code, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein, including renumbering or renaming, are intended to be made a part of this section to secure uniform statewide regulation of one- and two-family dwellings in the Village. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk's office.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADDITION — New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION — A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT — The Department of Safety and Professional Services.

DWELLING — Any building, the initial construction of which is commenced on or after the effective date of this section, which contains one or two dwelling units or an existing structure or that part of an existing structure which is used or intended to be used as a one- or two-family

dwelling.

MINOR REPAIR — Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

ONE- OR TWO-FAMILY DWELLING — A building or structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

PERSON — An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE — Those Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- SPS 316, Electrical
- SPS 320, Administration and Enforcement
- SPS 321, Construction Standards
- SPS 322, Energy Conservation
- SPS 323, Heating, Ventilating and Air Conditioning
- SPS 324, Electrical Standards
- SPS 325, Plumbing
- NEC National Electric Code

D. Method of enforcement. For the purpose of administering and enforcing the provisions of this section and the Uniform Dwelling Code, the Village shall establish the office of Building Inspector which shall be filled by that method prescribed under Subsection E.

E. Building Inspector.

- (1) Creation and appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President, subject to confirmation by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under § SPS 305.63, Wis. Adm. Code.
- (2) Subordinates. The Building Inspector may, subject to confirmation by the Village Board, appoint subordinates as necessary. Any subordinate hired to inspect buildings shall be certified under Ch. SPS 305, Wis. Adm. Code, by the Department.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this section and the Uniform Dwelling Code.
- (4) Powers. The Building Inspector shall be permitted access to public and private premises and structures during reasonable hours to make those inspections deemed necessary by him to ensure compliance with this chapter and may require the production of the permit for any building, plumbing, electrical or heating work. If,

however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.

- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept. The Building Inspector shall make a written annual report to the Village Board relative to these matters.

F. Building permits.

- (1) Building permits required. No one- or two-family dwelling shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin uniform dwelling permit application, furnished by the Building Inspector.
- (2) Repairs and additions requiring permit. No addition, alteration or repair to an existing one- or two-family dwelling not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent from the Building Inspector.
- (3) Submission of plans. The applicant shall submit two sets of plans for all new dwellings or repairs or additions to existing one- and two-family dwellings at the time that the building permit application is filed.
- (4) Issuance of permit. If the Building Inspector finds that the proposed building, repair or addition complies with all Village ordinances and the Uniform Dwelling Code, the Building Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

G. Fees for building permits and inspections.

- (1) At the time the application for a building permit is filed, the applicant shall pay the advance payment of fees for each activity listed in accordance with the schedule of fees approved by resolution by the Village Board and placed permanently on file in the office of the Village Clerk.

Type of Permit	Fee/Rate
Permit minimum \$2,000 valuation	See current fee schedule Current Fee-Schedule
Residences (one ¹ - and two ² -family), accessory	See current fee schedule Current Fee-

buildings and garages	Schedule
Residences - apartments, three 3-family and over, row housing, multiple-family dwellings, institutional	See current fee schedule Current Fee-Schedule
Residences - additions	See current fee schedule Current Fee-Schedule
Local business, office buildings or additions thereto	See current fee schedule Current Fee-Schedule
Manufacturing or industrial (offices are included above)	See current fee schedule Current Fee-Schedule
Permit to start construction of footings and foundations	
Multifamily, industrial, commercial, one 1- and two 2-family	See current fee schedule Current Fee-Schedule
Agricultural buildings	See current fee schedule Current Fee-Schedule
All other buildings, structures, alterations, residing, re-roofing and other repairs	See current fee schedule Current Fee-Schedule
Heating and incinerator units (up to 150,000 BTUs BTUs)	See current fee schedule Current Fee-Schedule
Commercial/industrial exhaust hoods and systems	See current fee schedule Current Fee-Schedule
Heating and air-conditioning systems	See current fee schedule Current Fee-Schedule
Air conditioning other than wall units	See current fee schedule Current Fee-Schedule
Permanently installed wall units	See current fee schedule Current Fee-Schedule
Wrecking or razing (Building Inspector may waive this if building is condemned)	See current fee schedule Current Fee-Schedule
Moving buildings over	See current fee

public ways	schedule Current Fee Schedule
Fuel tanks	See current fee schedule Current Fee Schedule
Reinspections Re-inspections	See current fee schedule Current Fee Schedule
Plan examination	See current fee schedule Current Fee Schedule
	One 1- and two 2-family residence
	Apartments, three 3-family residence, row housing
	Multifamily dwellings
	Heating plans, separate
	Commercial/industrial and additions
	Additions or alterations to one 1- and two 2-family dwellings
	Accessory building (240 square feet or more)
Special inspections	See current fee schedule Current Fee Schedule
Uniform building permit seal	See current fee schedule Current Fee Schedule
Erosion control	See current fee schedule Current Fee Schedule
Occupancy permit, residential, commercial, industrial	See current fee schedule Current Fee Schedule
Pools (in ground , above ground , spas)	See current fee schedule Current Fee Schedule

Decks	See current fee schedule Current Fee-Schedule
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- (2) Permits may be obtained individually or on one form in the categories of construction, heating, ventilation and air conditioning, electrical or plumbing.
- (3) An additional fee for plan review may be assessed at the time of application for renewal of the permit.
- (4) Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be double the fees charged.
- (5) In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

H. Violation and penalties.

- (1) No person shall erect, use, occupy or maintain any one- or two-family dwelling in violation of any provision of this section or the Uniform Dwelling Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$10 nor more than \$500, together with the costs of prosecution, and in default of payment, shall be imprisoned for a period of not less than one day nor more than six months or until such forfeiture and costs are paid.
- (2) If an inspection reveals a noncompliance with this section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted under § SPS 320.21(3), Wis. Adm. Code. Refusal to permit access by the Building Inspector to a premises for inspection purposes constitutes a violation of this section.
- (3) If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Upon refusal to permit access by the Building Inspector to a premises for inspection purposes, a stop-work order may be immediately served upon the owner or their representative and a copy thereof posted at the site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (4) Each day a violation continues after the thirty-day written notice period has run and/or a stop-work order has been posted shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this section or the Uniform Dwelling Code.
- (5) If any construction or work governed by the provisions of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be

charged.

- I. Appeal to Board of Appeals. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- J. Liability for damages. This section shall not be construed as an assumption of liability by the Village for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

§ 153-2. Commercial Building Code.

- A. The Administrative Code Provisions describing and defining regulations with respect to commercial buildings in Wis. Admin. Code Chapters SPS 316, 360 through 366, and the International Code Council Accessibility Standards in 2003 ICC-ANSI A117.1 are hereby adopted by reference and made a part of this section as if fully set forth herein. [Amended 12-21-2020 by Ord. No. 2020-07]
- B. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this section. Any further amendments, revisions or modifications of the Administrative Code provisions incorporated herein, including renumbering or renaming, are intended to be made a part of this section to secure uniform statewide regulation of commercial buildings in the Village. A copy of these Administrative Code provisions and any further amendments shall be kept on file in the Village Clerk's office.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated: [Amended 12-21-2020 by Ord. No. 2020-07]

COMMERCIAL BUILDING — All public buildings and places of employment (subject to the exclusions contained in § SPS 361.02, Wis. Adm. Code), and an existing building that is converted to a community-based residential facility for nine to 20 residents.

DEPARTMENT — The State of Wisconsin Department of Safety and Professional Services.

WISCONSIN COMMERCIAL BUILDING CODE — Those administrative provisions, and any further amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- SPS 316, Electrical
- SPS 360, Erosion Control, Sediment Control and Stormwater Management
- SPS 361, Administration and Enforcement
- SPS 362, Buildings and Structures
- SPS 363, Heat Energy Conservation
- SPS 364, Heating, Ventilating and Air Conditioning
- SPS 365, Fuel Gas Appliances
- SPS 366, Existing Buildings

- D. Method of enforcement. For the purpose of administering and enforcing the provisions of

this section and the Wisconsin Commercial Building Code, the Village shall establish the office of Building Inspector, which shall be filled by that method prescribed under Subsection E.

E. Building Inspector.

- (1) Creation and appointment. It is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President, subject to confirmation by the Village Board. The Building Inspector shall be certified for commercial building inspection purposes by the Department under Ch. SPS 305, Wis. Adm. Code, by the Department. [Amended 12-21-2020 by Ord. No. 2020-07]
- (2) Subordinates. The Building Inspector may, subject to confirmation by the Village Board, appointment subordinates as necessary. Any subordinate hired to inspect commercial buildings shall be certified under Ch. SPS 305, Wis Adm. Code, by the Department. [Amended 12-21-2020 by Ord. No. 2020-07]
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this section and the Wisconsin Commercial Building Code. In doing so, the Building Inspector shall use an inspection process that is based on the inspection process used by the Department.
- (4) Powers. The Building Inspector or an authorized, certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any commercial building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in the performance of his duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Wisconsin Commercial Building Code. In addition, the Building Inspector shall keep a record of all applications for commercial building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all commercial buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of such buildings shall be kept. The Building Inspector shall make a written annual report to the Village Board relative to these matters.
- (6) Information to department. The Building Inspector shall forward to the Department any information requested by the Department relative to the inspection of commercial buildings.

F. Building permits.

- (1) Building permits required. No commercial buildings shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin uniform commercial building permit application, furnished by the Building Inspector.
- (2) Repairs and additions requiring permit. No addition, alteration or repair to an existing

commercial building not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent from the Building Inspector.

- (3) Submission of plans. The applicant shall submit at least two sets of complete building plans and one copy of specifications to the Department for all new commercial buildings or repairs or additions to existing commercial buildings at the time that the building permit application is filed, and one set of complete building plans and one copy of specifications shall be submitted to the Building Inspector.
- (4) Issuance of permit. If the Building Inspector finds that the proposed building, repair or addition complies with all Village ordinances and the Commercial Building Code and the Department confirms that it complies with the Commercial Building Code, the Building Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

G. Fees for building permits and inspections.

- (1) At the time the application for a building permit is filed, the applicant shall pay the advance payment of fees for each activity listed in accordance with the schedule of fees approved by resolution of the Village Board and placed permanently on file in the office of the Village Clerk.

Type of Permit	Fee/Rate
Local business, office buildings or additions thereto	See current fee schedule Current Fee Schedule
Manufacturing or industrial buildings (offices are included above)	See current fee schedule Current Fee Schedule
Permit to start construction of footings and foundations, multifamily, industrial and commercial buildings	See current fee schedule Current Fee Schedule
Agricultural buildings	See current fee schedule Current Fee Schedule
All other commercial buildings, alterations, reroofing or other repairs	See current fee schedule Current Fee Schedule
Heating and incinerator units	See current fee schedule Current Fee Schedule
Commercial/industrial exhaust hoods and systems	See current fee schedule Current Fee Schedule
Commercial heating and air conditioning systems	See current fee schedule Current Fee Schedule
Special inspections	See current fee schedule Current Fee Schedule

Erosion control	See current fee schedule Current Fee Schedule
Occupancy permit	See current fee schedule Current Fee Schedule

- (2) Permits may be obtained individually or in one form in the categories of construction, heating, ventilation and air conditioning, electrical or plumbing.
- (3) Upon failure to obtain a permit before work on a commercial building has been started, except in emergency cases, the total fee shall be double the fees charged.
- (4) In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.

H. Violation and penalties.

- (1) No person shall erect, use, occupy or maintain any commercial building in violation of any provision of this section or the Wisconsin Commercial Building Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$10 nor more than \$500, together with the costs of prosecution, and in default of payment, shall be imprisoned for a period of not less than one day nor more than six months or until such forfeiture and costs are paid.
- (2) If an inspection reveals noncompliance with this section or the Wisconsin Commercial Building Code, the Building Inspector shall notify the applicant and owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted.
- (3) If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such a stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (4) Each day a violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining appropriate action to prevent or remove a violation of any provision of this section or the Wisconsin Commercial Building Code.
- (5) If any construction or work governed by the provisions of this section or the Wisconsin Commercial Building Code is commenced prior to the issuance of a permit, double fees shall be charged.

I. Appeal to Board of Appeals. Any person feeling aggrieved by the order or a determination by the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

J. Liability for damages. This section shall not be construed as an assumption of liability by

the Village for damages because of injury sustained or property destroyed by any defect in any commercial building.

§ 153-3. Southeastern Wisconsin Uniform Building Code adopted.

The Southeastern Wisconsin Uniform Building Code, current edition, with the indicated revisions by the Village Board, a copy of which is on file with the Village Clerk, is hereby adopted. The purpose and intent of this section is to exercise jurisdiction over construction, alterations, additions, demolition and moving of all buildings including one- and two-family dwellings built prior to June 1, 1980.

§ 153-4. Roofing projects.

A building permit is required for all roofing and ~~reroofing~~re-roofing projects in the Village.

§ 153-5. Disposal of construction materials.

- A. Purpose. This section is to prohibit the burning of construction materials and the burying of construction materials at construction sites because of the health risk from air and water pollution which may result from such practices as well as the necessity to properly dispose of such materials.
- B. Prohibition. No person, firm or corporation shall burn any construction materials or bury any construction materials at a construction site. All such materials must be properly disposed of off site by the person, firm or corporation making use of the materials at the construction site.
- C. Penalty for violation. The penalties prescribed for violations of any of the provisions of this section shall be limited to a forfeiture. The forfeiture shall be levied upon anyone violating any of the provisions of this section. The amount of the forfeiture shall be in the amount as set forth in § 1-4 of this Code.

§ 153-6. Multiple-family dwellings of unprotected frame construction.

The following regulations shall apply to all multiple-family buildings of two stories or less of unprotected frame construction:

- A. All partitions between dwelling units and dwelling units and main public corridors and stairs shall have full, thick ~~batt~~Batt insulation between studs and two layers of 5/8 inch thick ~~UL-U.L.~~ approved gypsum board on each side.
- B. Solid wood doors 1 3/4 inches thick in openings leading to main corridors or equivalent.
- C. Full thick fire ~~resistant~~ foil ~~backed~~ insulation in all exterior walls.
- D. Concealed draft openings in columns, walls and partitions shall be fire ~~stopped~~ with noncombustible material at each floor level.
- E. Corridor door clearances maximum 1/8 inch on sides and top, 3/4 inch at bottom between sill or floor.

- F. Sound barriers between units and main public corridors and stairs.
- G. Only one outside aerial tower per building. No window or deck aerials permitted.
- H. Specifications not covered shall meet the Wisconsin Enrolled Commercial Building Code (Volumes 1 and 2), National Electric Code (current edition), Wisconsin Administrative Code Chapter SPS 316, Electrical, with the exception that all electrical wiring installed in commercial buildings, additions or alterations, structures or premises shall be installed in accordance with one of the following acceptable wiring methods:
 - (1) Electrical ~~metallic tubing~~[Metallic Tubing](#) (Type EMT).
 - (2) Armored ~~cable~~[Cable](#) (Type AC).
 - (3) Metal ~~clad cable~~[Clad Cable](#) (Type MC).
- I. Occupancy separations shall be of absolute four-hour fire ~~resistive~~ construction.
- J. All requirements of § 30.05(5) of the Wisconsin Uniform Building Code, pertaining to grade and drainage, shall be complied with.

§ 153-7. Installation and operation of heating units adjunct to warm air furnaces.

- A. Application. This section shall apply to all supplemental heating units installed. No person may install or cause to be installed a supplemental heating unit which fails to meet the requirements of this section.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

HORIZONTAL SLIDE DAMPER — A horizontal piece of sheet metal used to divide the warm air plenum of the existing furnace into two approximately equal ~~airtight~~[air-tight](#) parts.

SUPPLEMENTAL HEATING UNIT — Includes all devices described as energy converters, stoves or supplemental heating devices using wood, coal or other solids as fuel and attached to the existing warm air furnace and using the furnace ducts for distribution of heat.
- C. Permit. No person may install or cause to be installed a supplemental heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following recommended information:
 - (1) The wood burned in the units should be dry wood, preferably dry hardwoods;
 - (2) The chimney flue should be checked periodically to be sure the flue is open; and
 - (3) The chimney flue should be cleaned at least once a year.
- D. Permit fee. A permit fee shall be paid by the applicant for each unit installed to the Village; see current fee schedule.
- E. Plan and data approval. Plans and data for each supplemental heating unit shall be submitted to the Building ~~Inspector~~[Inspection Division](#) for approval before a permit may be issued. The following data is required to be submitted with each application: [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

- (1) The manufacturer's installation and maintenance operations/instructions;
 - (2) Proposed chimney flue and/or new chimney flue sizes; and
 - (3) The number and size of existing vent connectors to the chimney flue.
- F. Inspections. No person may operate or permit the operation of supplemental heating devices without first calling for an inspection and receiving final approval from the Building [Inspector. \[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)~~Inspection Division.~~
- G. Installation clearance. The clearances from combustibles for the installation of all supplemental heating units shall conform to the following requirements:
- (1) Table A.

Table A

Required Clearances in Inches From Combustibles for Supplemental Heating Units		
From Front of Unit (inches)	From Top, Sides and Rear (inches)	Chimney or Vent Connector (inches)
48	36	18

- (2) Table B.

Table B

Required Minimum Clearances, in Inches, From Combustibles With Specified Forms of Protection			
Types of Protection	Where the Required Clearance With No Protection Is:		
Applied to the combustible material unless otherwise specified and covering all surfaces with the distance specified as the required clearance with no protection. Thicknesses are minimum.	36 inches above	36 inches sides and rear	18 inches chimney or vent connector
1. 1/4 inch asbestos millboard spaced	30	18	12

out 1 inch (see note Note 2)			
2. 0.013 inch (28 gauge) sheet metal or 1/4 inch asbestos millboard	24	18	12
3. 0.013 inch (28 gauge) sheet metal spaced out 1 inch (see note Note 2)	18	12	9
4. 0.013 inch (28 gauge) sheet metal on 1/8 inch asbestos millboard spaced out 1 inch (see note Note 2)	18	12	9
5. 1 1/2 inches asbestos cement covering on heating appliance	18	12	18
6. 1/4 inch asbestos millboard on 1 inch mineral fiber bats reinforced with wire mesh or equivalent	18	12	6
7. 0.027 inch (22 gauge) sheet metal on 1 inch mineral fiber bats reinforced with wire or equivalent	18	12	3
8. 1/4 inch asbestos millboard	36	36	18
9. 1/4 inch cellular asbestos	36	36	18

NOTES:

Note 1: Except for the protection described in item 5., all clearances should be measured from the outer surface of the supplemental heating unit to the combustible material disregarding any intervening protection applied to the combustible material.

~~Note~~ 2: Spacers shall be of incombustible material.

~~Note~~ 3: Asbestos millboard referred to above is a different material from asbestos cement board. It is not intended that asbestos cement board be used in complying with these requirements when asbestos millboard is specified.

H. Mounting of unit.

- (1) On incombustible floors, all units shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.
- (2) On combustible floors, all units shall be mounted on a four-inch thick concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches around the perimeter of the unit.
- (3) Units with legs on combustible floors. All units which have 18 inches or more of open space under the base of the unit may be mounted on combustible floors, provided that the floor under the unit is protected with not less than 1/4 inch of asbestos millboard and covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches around the perimeter of the unit. If there is less than 18 inches of open space under the base of the unit, the unit shall be mounted on two inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than 18 inches around the perimeter of the unit.

I. Type and size of chimney. An approved all-fuel chimney shall be used for solid fuel burning equipment. The chimney shall be sized so that the cross-sectional area of this chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. No other equipment shall be connected to the flue serving the solid fuel burning equipment. All masonry chimneys constructed according to the requirements of § 30.39 of the Wisconsin Uniform Building Code and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters Laboratories will be considered as approved.

J. Chimney connector. The chimney connector shall conform to § 30.39 of the Wisconsin Uniform Building Code.

K. Damper. The chimney connector shall have a cast iron damper to control the draft.

L. Warm air supply duct.

- (1) Size and material. The area of the warm air supply duct shall not be less than the area of the collar or plenum opening of the unit to which it is connected. The warm air supply duct and horizontal slide damper shall be constructed entirely of

incombustible material equivalent in structural strength and durability to the following table:

Table C

Ducts		
Width or Diameter Inches	Minimum Thickness Galv. Iron U.S. Gauge	Minimum Thickness Aluminum B & S Gauge
0 through 12	26	24
Over 12	24	22

- (2) Connection to furnace without horizontal slide damper. The connection of the warm air supply duct from the unit to the furnace should be centered on the front, rear or sides of the plenum of the furnace. A back draft damper shall be installed in the warm air duct as close to the furnace plenum as possible. Full airflow shall be maintained.
- (3) Connections to furnace with horizontal slide damper. The connection of the warm air supply duct from the unit to the furnace plenum should be centered both horizontally and vertically above the horizontal slide damper. Full airflow shall be maintained.

M. The return air duct.

- (1) Supplemental heating unit without horizontal slide damper.
 - (a) Connection to furnace.
 - [1] When the return air or the unit is taken from the furnace return air, the connection shall be made on the filtered air side of the filter and connected to the blower intake of the unit.
 - [2] When the return air for the unit is taken from the outside, it shall be taken from a weatherproof louver with a 1/4 inch wire mesh hardware cloth and connected to the blower air intake of the unit. Dampers shall not be installed in the return air duct regardless of which method is used. Full air flow shall be maintained regardless of which method is used.
 - (b) Size and material. The area of the return air duct shall not be less than the area of the warm air supply duct. The return air duct shall be of the same material as specified in Table C in § 153-7L(1) above.
- (2) Supplemental heating unit with horizontal slide damper.
 - (a) Connection to furnace. The connection of the return air duct to the furnace should be centered both horizontally and vertically below the horizontal slide damper. Full air flow shall be maintained. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)~~[See Figure 3 in § 153-7L(3).]~~
 - (b) Size and material. The area of the return air duct shall not be less than the area of the collar or plenum opening of the unit to which it is connected. The material shall conform to Table C in § 153-7L(1) above.

- N. Blower on furnace when used with horizontal slide damper in plenum. The blower on the furnace shall be adequate to maintain the manufacturer's specifications for CFM and static pressure when measured above the horizontal slide damper when the damper is closed.
- O. Fresh air intake connected to furnace return air system. The size of the fresh air intake where used shall not be less than the cross-sectional area of the area of a four 1-inch (12.6 square inches) round duct. The material shall conform to Table C in § 153-7L(1) above. The fresh air intake shall be connected to the return plenum of the furnace. A volume damper of the locking type shall be placed in the duct for the fresh air intake.
- P. Combustion air. If the BuildingHeating Inspector, after examination of the supplemental heating unit and the furnace, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the flue collar size of the supplemental heating unit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- Q. Electrical connections and controls.
 - (1) For units without horizontal slide dampers. All electrical connections, controls and wiring shall conform to the Wisconsin State Electrical Code.
 - (2) For units with horizontal slide dampers. The electrical connections shall conform with the Wisconsin State Electrical Code. A fan control shall be installed in the plenum of the solid 1-fuel 1-burning unit and wired in parallel to the existing fan control on the furnace. The fan control in the plenum of the solid 1-fuel 1-burning unit shall activate the furnace blower motor at a temperature of 100° F. to 120° F.
- R. Thermostat control. The thermostat control where used on the supplemental heating unit shall activate the blower motor at a temperature of 1000° F.
- S. Penalty. Any person who fails to comply with the provisions of this section shall be subject to the penalty provisions of § 30.49, Wisconsin Uniform Building Code.

§ 153-8. Installation and operation of room heaters, stoves and freestanding fireplaces.

- A. Application.
 - (1) This section shall apply to all radiant heating units installed. No person may install a radiant heating unit which fails to comply with the requirements of this section.
 - (2) All units installed shall comply with § 30.40(1)(b) of the Wisconsin Uniform Building Code.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
RADIANT HEATING UNIT — A room heater, stove or freestanding fireplace not intended for duct connections used to heat a room(s) using the combustion of a solid fuel such as wood or coal as a source of heat.
- C. Permit. No person may install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information;3 it is recommended that:

- (1) The wood burned in the units should be dry wood, preferably dry hardwoods;
 - (2) The chimney flue should be checked periodically to be sure the flue is open; and
 - (3) The chimney flue should be cleaned at least once a year.
- D. Permit fee. A permit fee shall be paid by the applicant for each unit installed to the Village, see current fee schedule.
- E. Plan and data approval. Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:
- (1) The manufacturer's installation and maintenance/operations instructions;
 - (2) Proposed chimney flue and/or new chimney flue sizes; and
 - (3) The number and size of existing vent connectors to the chimney flue.
- F. Inspection. No person may operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Building Inspector.
- G. Installation clearance. The clearances from combustibles for the radiant heating units shall conform to Table A in § 153-7G(1) and Table B in § 153-7G(2).
- H. Mounting of the unit.
- (1) On incombustible floors, the units shall be mounted on a firm, level base of brick, cement, concrete or other incombustible material.
 - (2) On combustible floors, the units shall be mounted on a four-inch concrete block base with circular or rectangular holes or equivalent incombustible material so arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above -specified floor protection shall extend not less than 18 inches beyond the perimeter of the unit.
 - (3) Units with legs on combustible floors. Units which have 18 inches or more of open space under the base of the unit may be mounted on combustible floors, provided that the floor under the unit is protected with not less than 1/4 inch of asbestos millboard and covered with sheet metal of not less than No. 24 U.S. gauge. The above -specified floor protection shall extend not less than 18 inches beyond the perimeter of the unit. If there is less than 18 inches of open space under the base of the unit, the unit shall be mounted on two inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above -specified floor protection shall extend not less than 18 inches beyond the perimeter of the unit.
- I. Size and type of chimney. An approved all fuel chimney shall be used for solid -fuel -burning equipment. The chimney shall be used for solid -fuel -burning equipment. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid -fuel -burning equipment.

Masonry chimneys constructed according to the requirements of § 30.39 of the Wisconsin Uniform Building Code and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters Laboratories will be considered as approved.

- J. Chimney connector. The chimney connector shall conform to § 30.36 of the Wisconsin Uniform Building Code.
- K. Damper. The chimney connector shall have a cast ~~iron~~ damper to control the draft.
- L. Combustion air. If the ~~Building~~Heating Inspector, after examination of the radiant heating unit and the furnace deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the flue collar size of the unit. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- M. Blower. A blower, where used, shall have adequate protection such as a screen or other material to prevent material to be inserted in the blower assembly.
- N. Electrical connections. The electrical connections, controls and wiring where used shall conform to the Wisconsin State Electrical Code, Ch. SPS 316, Wis. Adm. Code, and the National Electric Code (current edition).
- O. Thermostat control. The thermostat control, where used, shall activate the blower motor at a temperature of 100° F. to 120° F.
- P. Penalty. Any person who fails to comply with the provisions of this section shall be subject to the penalty provisions of § 30.49, Wisconsin Uniform Building Code.

§ 153-9. Violations and penalties.

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 160

CABLE TELEVISION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 19 of the 2011 Code. Amendments noted where applicable.]

§ 160-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADDITIONAL AND AUXILIARY SERVICE — Service other than service provided by the ~~grantee~~Grantee to the ~~subscriber~~Subscriber on a monthly basis and for which the ~~subscriber~~Subscriber pays a set fee.

AFFILIATE — When used in relation to ~~grantee~~Grantee, means another person or entity who owns or controls, is owned or controlled by, or is under common ownership or control with the ~~grantee~~Grantee.

BASIC CABLE — ~~The~~Is the lowest priced tier of service that includes the retransmission of local broadcast television signals.

BROADBAND TELECOMMUNICATIONS NETWORK (BTN) — Hereinafter referred to as "~~system~~System." Any network of cables, optical, electrical or electronic equipment, including cable television systems, used for the purpose of transmission of electrical impulses of television, radio and other intelligences, either analog or digital, for sale or use by inhabitants of the Village.

CABLE ACT — Collectively means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992, as amended by the Telecommunications Act of 1996.

CABLE SERVICES — The one-way transmission to ~~subscribers~~Subscribers of ~~video~~Video programming, or ~~other~~Other programming services, and ~~subscriber~~Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE SYSTEM — A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide ~~cable service~~Cable Service which includes video programming and which is provided to multiple ~~subscribers~~Subscribers within a community, but such term does not include:

- A. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- B. A facility that serves ~~subscribers~~Subscribers without using any ~~public way~~Public Way;
- C. A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered a

~~cable system~~Cable-System [other than for purposes of Section 621(c)] to the extent such facility is used in transmission of video programming directly to ~~subscribers~~Subscribers unless the extent of such use is solely to provide interactive on-demand services; or

- D. An open video system that complies with Section 653 of Title VI of the Communications Act of 1934.

CABLE TELEVISION CHANNEL — A frequency band six MHz in width within which a standard television broadcast signal is delivered by cable to a subscriber terminal.

COMMENCE OPERATION — The operation will be considered to have commenced when sufficient distribution facilities have been installed so as to permit the offering of cable services to at least 25% of the dwelling units located within the designated service area.

DISCRETE CABLE TELEVISION CHANNEL — A signaling path provided by a cable television system to transmit signals of any type to specified subscriber terminals with the cable television system.

FCC — The Federal Communications Commission and any legally appointed or elected successor governmental entity thereto.

FRANCHISE — The initial authorization, or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the ~~cable system~~Cable-System.

FRANCHISE AREA (SERVICE AREA) — The present municipal boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means.

FRANCHISE PAYMENT — All charges imposed for a franchise whether the object be regulation, revenue or one time reimbursement of costs incurred by the Village in the award of this ~~franchise~~Franchise.

FRANCHISING AUTHORITY — The Village of Williams Bay, Wisconsin, or the lawful successor, transferee, or assignee thereof.

GRANTEE — Any person, firm, company, corporation or association to whom a franchise is granted by the Village Board under this chapter and the lawful successor, transferee thereof.

GROSS REVENUE

- A. Any and all revenue in whatever form, from any source, directly received by the ~~grantee~~Grantee or ~~affiliate~~Affiliate of the ~~grantee~~Grantee that would constitute a ~~cable operator~~Cable-Operator of the ~~cable system~~Cable-System under the Cable Act, derived from the operation ~~cable system~~Cable-System to provide ~~cable services~~Cable-Services insofar as such operation in any manner requires use of the ~~public ways~~Public Ways in the ~~service area~~Service Area. Gross ~~revenues~~Revenues shall include but not be limited to basic, expanded basic and pay service revenues, revenues from installation, rental of converters, the applicable percentage of the sale of local and regional advertising time, and any leased access revenues.

- B. Gross ~~revenues~~Revenues shall not include any taxes on services furnished by the ~~grantee~~Grantee, which taxes are imposed directly on a ~~subscriber~~Subscriber or user by a city, county, state or other governmental unit, and collected by the ~~grantee~~Grantee for such entity, and remitted by the ~~grantee~~Grantee to such entity.
- C. Gross ~~revenue~~Revenue shall not include:
- (1) Any tax fee assessment or charge of any kind imposed by any governmental authority (including franchise and copyright fees) appearing as a separate line on ~~subscriber~~Subscriber statements and collected for direct pass through to federal, state, or local authorities;
 - (2) Refundable deposits collected from ~~subscribers~~Subscribers or any other ~~person~~Person, provided, however, any interest earned or collected on such deposits while they are held by ~~grantee~~Grantee shall be included, unless such interest earned or collected on such deposits is returned to the subscriber;
 - (3) Any item which the ~~grantee~~Grantee may itemize on ~~subscriber~~Subscriber statements pursuant to the Cable Act, as amended, including, without limitation:
 - (a) Franchise fees; and
 - (b) Costs directly associated with the provision thereof required of the ~~grantee~~Grantee under this ~~franchise~~Franchise and any costs directly associated with any other ~~franchise~~Franchise or license requirements.
- D. Revenue included in ~~gross revenue~~Gross Revenue shall not be counted more than once; therefore, revenue included once in ~~gross revenues~~Gross Revenues shall not be added to ~~gross revenues~~Gross Revenues again if it is received by an ~~affiliate~~Affiliate of the ~~grantee~~Grantee in payment for programming or other goods or services supplied by affiliated entities of the ~~grantee~~Grantee to the extent that such revenues derived from activities beyond the power of the Franchising Authority to ~~license~~License for revenue. Revenues of affiliated entities are included in this definition in order that the ~~grantee~~Grantee shall not escape or limit its obligation to pay franchise fees through the creation or use of said affiliated entities.

HEAD END — The land, electronic processing equipment, antennas, tower, building and other appurtenances normally associated with and located at the starting point of a ~~broadband telecommunications network~~Broadband Telecommunications Network, excluding the studio.

PERSON — An individual, partnership, association, joint stock company, trust, corporation or governmental entity.

PUBLIC WAY/STREET — The surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Franchising Authority in the ~~service area~~Service Area which shall entitle the Franchising Authority and the ~~grantee~~Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the ~~cable system~~Cable System. ~~Public way~~Way shall also mean

any easement now or hereafter held by the Franchising Authority within the service area~~Service Area~~ for the purpose of public travel, or for utility service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Franchising Authority and the grantee~~Grantee~~ to use thereof for the purposes of installing and operating the grantee's cable system~~Grantee's Cable System~~ over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and appurtenant to the cable system~~Cable System~~.

REASONABLE NOTICE — Unless otherwise defined in any Franchise Agreement, the provision of notice of contemplated action delivered at least 72 hours prior to such action.

SERVICE INTERRUPTION — A break in the continuity of cable services~~Cable Services~~ involving the loss of audio or video to one or more channels to one or two subscribers~~Subscribers~~ in the service area~~Service Area~~.

SERVICE OUTAGE — A break in the continuity of cable services~~Cable Services~~, involving the loss of audio or video to one or more channels to three or more subscribers~~Subscribers~~ in the service area~~Service Area~~.

SUBSCRIBER — A person~~Person~~ who receives services of the cable system~~Cable System~~ under a subscription agreement with the grantee~~Grantee~~.

SUBSTANTIALLY COMPLETED — Operation will be considered substantially completed when sufficient distribution facilities have been installed so as to permit the offering of full network service to at least 75% of the dwelling units in the franchise area.

VILLAGE — The Village of Williams Bay or the area within the limits of the Village of Williams Bay.

VILLAGE BOARD — The Village Board for the Village of Williams Bay and any legally appointed or elected successor or agency thereof.

§ 160-2. Grant of authority.

- A. The franchise granted under this chapter shall give to the grantee~~Grantee~~ the nonexclusive right and privilege to construct, erect, operate, modify and maintain in, upon, along, across, over and under streets, as defined in § 160-1 of this chapter, which have been or may be dedicated and open to public use in the Village, towers, antennas, poles, cables, electronic equipment and other network appurtenances necessary for the operation of a broadband telecommunications network~~Broadband Telecommunications Network~~ in the Village utilizing, wherever possible, existing facilities with the right upon application to the designated Village official to set poles or other equipment on facilities constructed by applicant, all of which shall be first presented in the form of a Village-wide plan which shall be subject to approval by the Village Plan Commission. A nonproliferation of poles policy for aesthetic purposes shall be considered.
- B. The Village shall require all developers of future subdivisions, when making provisions for or restrictions of utilities in the subdivision plat, to include cable television services. It is intended by this subsection to include cable television services in the same class as public utilities.

§ 160-3. Conditions of franchise.

The ~~grantee~~Grantee shall be subject to the following restrictions and conditions with regard to the operation of the ~~system~~System, which conditions and restrictions shall be in addition to any other subsection of this chapter or other sections of this Municipal Code.

- A. Cables, wires and other equipment in connection with such ~~system~~System shall only be installed and operated on or under the public rights-of-way upon the poles or in underground conduit and equipment of the existing utilities within the Village, and their successors or assigns, where conduits exist and where space in installed conduits is available. Installation of any additional poles, conduit or other equipment for the installation of cables, wires and other overhead equipment and underground equipment in public rights-of-way in connection with the ~~system~~System shall be subject to the authorization of the Village Board or its designated representative. In reaching a decision as to such additional poles or equipment, the suggestions, if any, of the utility companies servicing or planning to serve such area may be considered. Underground installation shall always be preferred. However, the ~~grantee~~Grantee may construct its plant aerial so long as there is one utility aerial.
- B. Such wires, cables and other underground or overhead equipment shall be located as may be required of telephone companies or power lines by the Public Service Commission. All equipment shall be grounded in the same manner as required by the State Electrical Code for electrical services existing on the date of installation of any equipment.
- C. The ~~grantee~~Grantee shall pay all costs incurred by the Village if restoration of the public rights-of-way becomes necessary as a result of ~~grantee's~~Grantee's construction of its ~~system~~System or its operation. The ~~grantee~~Grantee and the Village shall coordinate the restoration of the public rights-of-way if it becomes necessary for the ~~grantee~~Grantee to open or otherwise disturb the public rights-of-way.
- D. The ~~grantee~~Grantee shall, at its own expense, protect, support, temporarily or permanently disconnect, relocate in the same public right-of-way or remove from any public right-of-way any property owned or used by the ~~grantee~~Grantee if required by the Village for reasons of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines and tracts or any other type of structures or improvements by governmental agencies when acting in a governmental capacity. The Village shall provide the ~~grantee~~Grantee notice of its intention to make changes which might otherwise cause ~~Grantee~~ expense pursuant to this subsection and the ~~grantee~~Grantee shall have an opportunity to comment.
- E. The ~~grantee~~Grantee shall, upon the request of any person holding a building moving permit issued by the Village, temporarily raise or lower its lines or disconnect or take them down to permit the moving of buildings. The expense of such removal, raising or lowering of wires shall be paid by the person requesting the same and the ~~grantee~~Grantee shall be given not less than three working days' advance notice to arrange for such temporary wire changes.
- F. All installations by the ~~grantee~~Grantee of cables and incidental equipment shall comply in

all respects with all laws, ordinances, rules and regulations of the Federal Communications Commission, the ~~state~~State or any agency or department thereof, and the Village or any agency or department thereof, now or hereafter in effect.

- G. The ~~grantee~~Grantee shall provide and maintain its equipment in such condition and of such quality so that none of its service will adversely affect radio and television reception.
- H. Installation and maintenance of equipment shall be such that standard color signals shall be transmitted with reasonable and acceptable fidelity to all subscribers.
- I. The ~~grantee~~Grantee shall not directly or indirectly require or solicit of any subscriber the patronage of any designated person or company engaged in the servicing, sale or repair of television receivers. The above shall not apply to the repair or adjustment of equipment which is a part of the ~~system~~System of the ~~grantee~~Grantee.
- J. The ~~grantee~~Grantee shall submit to inspections by duly authorized personnel of the Village and shall make available to such inspectors or duly authorized personnel its facilities and equipment wherever situated. The Village reserves the right to enact reasonable regulations regarding the installation and maintenance of the facilities of the ~~grantee~~Grantee.
- K. The ~~grantee~~Grantee shall have the authority to trim trees upon and overhanging public rights-of-way of the Village so as to prevent the branches of such trees from coming in contact with the wires and cables of the ~~grantee~~Grantee, except that at the option of the Village, such trimming may be done by it or under its supervision and direction.

§ 160-4. Transfer of franchise.

The ~~grantee's~~Grantee's right, title, or interest in the ~~franchise~~Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, or controlled by, or under common control with the ~~grantee~~Grantee, without the prior consent of the Franchising Authority, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of the ~~grantee~~Grantee in the ~~franchise~~Franchise or ~~cable system~~Cable System in order to secure indebtedness that occurs in the ordinary course of its business. Within 60 days of receiving the request for transfer, the Franchising Authority shall, in accordance with FCC rules and regulations, notify the ~~grantee~~Grantee in writing of the information it requires to determine the legal, financial, and technical qualifications of the transferee. If the Franchising Authority has not taken action on the ~~grantee's~~Grantee's request for transfer with 120 days after receiving such request, consent by the Franchising Authority shall be deemed granted, unless the Franchising Authority and the requesting party agree to an extension of time.

§ 160-5. Franchise term, review and renewal.

- A. The term of this franchise shall be for a period of 15 years and shall be in full force and effect for such term subject to the provisions of this chapter.
- B. Every two years, during the term of this franchise, during the month of January, at a regular or special Village Board meeting, the Village and the ~~grantee~~Grantee, at either party's option, may meet to discuss application of new technologies, system performances,

services provided, programming offered, customer complaints and judicial and FCC rulings affecting the operation of the ~~system~~System. The parties shall compare the services offered by the ~~grantee~~Grantee to those of other ~~standalone~~stand-alone systems in similar market situations, and if then appropriate, the parties may renegotiate any of the above provisions, provided that such changes do not adversely affect economic viability of the franchise or adversely affect programming and maintenance services to the subscribers.

- C. At the 12th year of the franchise or, if mutually agreed by the Village and ~~grantee~~Grantee during one of the review and renegotiations described in Subsection B above, the Village and ~~grantee~~Grantee shall consider extension of the franchise for 15 additional years. The purpose of this provision is to allow for maximum flexibility in the financial planning on the part of the ~~grantee~~Grantee and for the Village in anticipating future services. It is further the purpose of this provision to encourage the Village to examine the ~~grantee's~~Grantee's performance and to plan for the future in providing cable television service as well as to reward the satisfactory performance of the ~~grantee~~Grantee. The Village may at any time reward the ~~grantee~~Grantee for satisfactory performance by the extension of the franchise for five-year increments. This authority is granted so as to provide incentive to the ~~grantee~~Grantee for satisfactory performance and maximum service.

§ 160-6. Responsibilities upon termination or expiration.

If ~~grantee's~~Grantee's franchise is terminated or expires and there is no judicial or administrative review of the termination or expiration taking place, ~~grantee~~Grantee shall within 90 days of termination or expiration begin removal of all property owned by him and placed on a public right-of-way unless permitted by the Village to abandon such property in place or transfer such property to a purchaser.

§ 160-7. Completion of construction and extension of system.

- A. The ~~grantee~~Grantee shall initiate construction and installation of the ~~broadband telecommunications network~~Broadband Telecommunications Network within six months of the effective date of the franchise grant, having first obtained any necessary licenses or certificates from the FCC, and the ~~grantee~~Grantee shall have substantially completed the construction and installation within the franchise area within 12 months of the effective date of the franchise grant hereunder.
- B. The Village may in its discretion extend the time for ~~grantee~~Grantee, acting in good faith, to perform any act required hereunder. The time for performance shall be extended or excused, as the case may be, for any period during which ~~grantee~~Grantee demonstrates to the satisfaction of the Village Board that he is being subjected to delay or interruption due to any of the following circumstances if reasonably beyond his control:
- (1) Necessary utilities rearrangements or pole ~~change-out~~changeouts.
 - (2) Governmental or regulatory restrictions or economic conditions.
 - (3) Labor strikes.
 - (4) ~~Lockouts~~Lock-outs.

- (5) War.
 - (6) National emergencies.
 - (7) Fire or extreme weather conditions.
 - (8) Acts of God.
- C. The ~~grantee~~Grantee shall extend the cable system so as to provide full service to all residents of newly annexed areas and all residents within the Village limits where there is a density of at least 40 applicants for service per mile.
- D. The ~~grantee~~Grantee shall be allowed to furnish service from the head end to areas other than the Village, provided that the construction or provision of services to areas other than the Village does not prohibit, impede or delay the substantial completion date of the ~~system~~System in the Village. If any such program service or initial customer rate provided to such other areas shall be in any manner superior to the program service or initial customer rates provided within the Village, such program service or initial customer rates shall be provided to the Village.

§ 160-8. Rates.

- A. The rates which may be charged by the ~~grantee~~Grantee to ~~charter subscribers~~Charter Subscribers who order service within 45 days after service first becomes available in their area shall be as set forth in Exhibit 1, which is adopted herein by reference.¹ Rates for ~~charter subscribers~~Charter Subscribers shall not be increased during the twenty-four-month period following the date ~~grantee~~Grantee shall commence operation except, in the case of pay services and Sports Vision, to reflect increases in the cost thereof to ~~grantee~~Grantee which becomes effective after the effective date of the franchise. Rates and fees charged by ~~grantee~~Grantee to subscribers other than ~~charter subscribers~~Charter Subscribers shall not be regulated, but shall not be higher than rates charged other Lakes Area communities with similar service franchised with Community Cablevision.
- B. The Village will follow the FCC rate regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the Village, notwithstanding any different or inconsistent provisions in the franchise.
- C. In connection with such regulation, the Village will ensure a reasonable opportunity for consideration of the views of interested parties.
- D. The Village President, or his designee, is authorized to execute on behalf of the Village and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the Village to regulate basic service rates and charges.

§ 160-9. Enforcement and termination of franchise.

- A. Notice of violation. In the event that the Franchising Authority believes that the

1. Editor's Note: Said exhibit is on file in the Village office.

~~grantee~~Grantee has not complied with the terms of the ~~franchise~~Franchise, it shall notify the ~~grantee~~Grantee in writing of the exact nature of the alleged noncompliance.

- B. The grantee's right to cure or respond. The ~~grantee~~Grantee shall have 30 days from receipt of the notice described in Subsection A to respond to the Franchising Authority contesting the assertion of noncompliance, or to cure such default, or in the event that, by the nature of default, such default cannot be cured within the thirty-day period, take initial reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.
- C. Public hearing. In the event that the ~~grantee~~Grantee fails to respond to the notice described in Subsection A pursuant to the procedures set forth in Subsection B, or in the event that the alleged default is not remedied within 30 days or the date projected pursuant to Subsection B above, the Franchising Authority shall schedule a public hearing to investigate the default. Such public hearing shall be held at the next regularly scheduled meeting of the Franchising Authority which is scheduled at least five business days therefrom. The Franchising Authority shall notify the ~~grantee~~Grantee in writing of the time and place of such meeting and provide the ~~grantee~~Grantee with an opportunity to be heard.
- D. Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after such meeting, determines that the ~~grantee~~Grantee is in default of any provision of the ~~franchise~~Franchise, the Franchising Authority may pursue any and all remedies, including revocation of the ~~franchise~~Franchise. If the Franchising Authority declares the Franchise Agreement to be revoked, it shall do so pursuant to the following:
 - (1) The Franchising Authority shall give written notice to the ~~grantee~~Grantee of its intent to revoke the ~~franchise~~Franchise on the basis of noncompliance by the ~~grantee~~Grantee, including one or more instances of noncompliance with a material provision of the ~~franchise~~Franchise. The notice shall set forth the exact nature of the noncompliance. The ~~grantee~~Grantee shall have 90 days from such notice to object in writing and to state its reasons for such objection. In the event the Franchising Authority has not received a response satisfactory from the ~~grantee~~Grantee, it may then seek termination of the ~~franchise~~Franchise at a public meeting. The Franchising Authority shall cause notice to be served upon the ~~grantee~~Grantee, at least 10 days prior to such public meeting and stating its intent to request such termination.
 - (2) At the designated meeting, the Franchising Authority shall give the ~~grantee~~Grantee an opportunity to state its position on the matter, after which it shall determine whether or not the ~~franchise~~Franchise shall be revoked. The ~~grantee~~Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Franchising Authority pursuant to law and to affirm, modify or reverse such decision as justice may require.
 - (3) Such court action must be initiated within 60 days of the issuance of the determination of the Franchising Authority. In the event ~~grantee~~Grantee appeals the action of the Franchising Authority to a court of competent jurisdiction, and such court affirms the actions of the Franchising Authority, ~~grantee~~Grantee will be liable to the Franchising Authority for the costs of such action, including reasonable attorneys' fees.

- (4) The Franchising Authority may, at its sole discretion, take any lawful action which it deems appropriate to enforce the Franchising Authority's rights under the Franchise in lieu of revocation of the ~~franchise~~Franchise.

§ 160-10. Franchise fee.

The ~~grantee~~Grantee shall pay to the Franchising Authority a franchise fee equal to 5% of ~~gross revenues~~Gross Revenues received by the ~~grantee~~Grantee from the operation of the ~~cable system~~Cable System to provide ~~cable services~~Cable Services. Payment will be made on a quarterly basis. For the purpose of this section, the twelve-month period applicable under the ~~franchise~~Franchise for the computation of the franchise fee shall be a calendar year, unless otherwise agreed to in writing by the Franchising Authority and the ~~grantee~~Grantee. The franchise fee payment shall be due and payable 60 days after the close of the preceding quarter. Each payment shall be accompanied by a certified statement from a qualified representative of the ~~grantee~~Grantee showing the basis for the computation. The Franchising Authority shall have the right to audit the books and records of the ~~grantee~~Grantee relative to payment due the Franchising Authority pursuant to this ~~franchise~~Franchise, and upon notice to the ~~grantee~~Grantee. In the event such audit shall determine the ~~grantee~~Grantee has failed to make full payment to the Franchising Authority pursuant to this ~~franchise, grantee~~Franchise, Grantee shall be liable to pay the cost of conducting such audit and enforcing its findings. At such time as the Cable Act is amended to change the maximum franchise fee percentage allowable by law, then the Franchising Authority, at its sole discretion, may increase the franchise fee to the maximum allowable by law. Prior to instituting an increase in any franchise fee, the Franchising Authority will provide the Grantee opportunity to address the Franchising Authority at a regularly scheduled and noticed Village Board meeting with regard to any objection to the proposed increase.

§ 160-11. Broadband cable communications service.

- A. The cable communications system permitted to be installed and operated hereunder shall be operated in conformance with the FCC's Technical Standards, 47 CFR 76.601 et seq.
- B. The ~~grantee~~Grantee shall continue, throughout the term of the franchise, to maintain the technical standards and quality of service set forth in this section. Should the Village Board reasonably find, by resolution, that the ~~grantee~~Grantee has failed to maintain these technical standards and quality of service, and should the resolution specifically enumerate improvements to be made, the ~~grantee~~Grantee shall make such improvements.
- C. The ~~system~~System shall carry and deliver to all subscribers all of the signals as provided in the ~~grantee's~~Grantee's Exhibit 1, unless such signals, other than from television stations in Wisconsin and Illinois, are replaced by other signals.

§ 160-12. Complaint procedure.

Grantee shall investigate all complaints within 24 hours of their receipt and shall in good faith attempt to resolve them within 48 hours' after notice. Grantee shall maintain a record of each complaint and shall maintain such record for a period of two years. Such record shall be available to the Village upon reasonable notice for review. The ~~grantee~~Grantee shall maintain a

local telephone listing.

§ 160-13. Liability and indemnification.

- A. The ~~grantee~~Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the ~~franchise, commercial general liability insurance~~Franchise, Commercial General Liability Insurance in the amount of \$5,000,000 combined single limit for bodily injury, property damage, casualty, fire, and theft. The ~~grantee~~Grantee shall provide a ~~certificate~~Certificate of ~~insurance~~Insurance designating the Franchising Authority, its ~~officers, employees~~Officers, Employees and ~~agents~~Agents as an additional insured. Such insurance shall be ~~noncancellable~~non-cancellable during the existence of any ~~franchise agreement~~Franchise Agreement including any extension.
- B. It shall be expressly understood and agreed by and between the Village and any ~~grantee~~Grantee hereunder that the ~~grantee~~Grantee shall save the Village and its agents and employees harmless from and against all claims, damages, losses and expenses, including attorney's fees sustained by the Village on account of any suit, judgment, execution, claim or demand whatsoever arising out of, but not limited to, copyright infringements and all other damages arising out of the installation, operation or maintenance of the Broadband Telecommunications Network authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this chapter and any franchise granted hereunder. This provision shall not apply to acts of the Village, its agents or employees.
- C. The ~~grantee~~Grantee shall maintain, and by his acceptance of any franchise granted hereunder agrees that he will maintain throughout the period of initial construction a faithful performance bond running to the Village in the penal sum of \$25,000 conditioned that the ~~grantee~~Grantee shall well and truly observe, fulfill and perform each term and condition of this chapter and any franchise granted hereunder and that in case of any breach of condition of the bond, the amount thereof shall be forfeited to the Village as liquidated damages. The bond shall contain the following endorsement:

It is hereby understood and agreed that this bond may not be ~~canceled~~cancelled nor the intention not to renew be stated until 30 days after receipt by the Village Clerk of the Village of Williams Bay, Wisconsin, by registered mail of a written notice of such intent to cancel or not renew.

- D. Upon completion of the initial construction phase of the physical plant, the ~~grantee~~Grantee will so inform the Village Board and ~~grantee~~Grantee may then petition the Village Board to reduce or eliminate this bond of faithful performance.

§ 160-14. Construction and network technical standards and measurements.

The technical standards, including measurements of the construction and ~~systems~~Systems to be operated in the Village shall comply with the minimum standards established by the FCC.

§ 160-15. Additional requirements.

The ~~grantee~~Grantee shall comply with all conditions imposed by the FCC and by the ~~state~~State.

Failure to obtain any required licenses or to comply with all such conditions shall be grounds to revoke the franchise under the procedure of § 160-9 without liability assigned to the Village.

§ 160-16. Subscriber privacy.

- A. Use of subscriber data. Neither the ~~grantee~~Grantee, the Village nor any person shall initiate or use any form, procedure or device for procuring information or data from cable subscribers' terminals by use of the cable system without prior authorization from each subscriber so affected. Valid authorization shall mean approval from the subscriber for a period of time not to exceed one year and shall not have been obtained from the subscriber as a condition of service.
- B. Subscriber data. Neither the ~~grantee~~Grantee, the Village nor any person shall, without prior written valid authorization from the Village Board, provide any data identifying designated subscribers.

§ 160-17. Switching device and channel lock.

The ~~grantee~~Grantee shall make available switching devices as are necessary to permit a subscriber to use the subscriber's own antenna. Grantee shall also provide a channel lock to enable the subscriber to control viewing. The ~~grantee~~Grantee may charge for such devices.

§ 160-18. Violations and penalties.

In addition to the procedures specified in § 160-9, the following shall be in effect:

- A. After notice and hearing, ~~grantee~~Grantee may be subject to a forfeiture if ~~grantee~~Grantee fails to provide the service specified in this chapter or any applicable government regulation. Grantee is not responsible for failure to provide adequate service which is caused by acts of God, strikes, governmental or military action or other conditions beyond its control.
- B. Upon interruption of service, except for acts of God, strikes, governmental or military action or with express prior permission of the Village, the following shall apply:
 - (1) Over 48 and less than 72 hours, a 10% rebate of one month's fees for all affected subscribers.
 - (2) Over 72 hours, a 20% rebate of one month's fees for all affected subscribers.
 - (3) A full month's rebate for any month in which 1/2 or more of the service is interrupted.
- C. If ~~grantee~~Grantee violates any provision of this chapter, it shall forfeit, together with the costs of prosecution, not less than \$50 nor more than \$500 for each violation.

§ 160-19. Government connections.

- A. The ~~grantee~~Grantee shall provide a free one time connection to all government buildings and facilities listed below in accordance with the terms and conditions applicable to each. The franchising authority shall pay for all wiring within such building or facility in excess of one hookup, with the exception of the school. This list may be changed from time to

time as the parties may agree and the circumstances change.

- (1) Municipal Building-Village Board Room.
- (2) Barrett Memorial Library.
- (3) Fire Station.
- (4) Fieldhouse.
- (5) Athletic Fieldhouse Building.
- (6) Williams Bay Public School.

B. Grantee shall:

- (1) Wire all classrooms, library, gym, multipurpose room and connect the same to the video control center. Video control centers shall be established, one for the elementary school and one for the high school.
- (2) Provide access to the local channel with a two-way system enabling the school to originate programming. Connection service shall be at no charge and basic service shall be at no charge.
- (3) Provide access to local origination equipment (cameras and video recorders) together with list of all available materials.
- (4) Provide advice and assistance in the use of equipment on a reasonable time frequency.

§ 160-20. Unauthorized connections or modifications.

A. Unauthorized connections prohibited.

- (1) No person, without the express consent of ~~grantee~~Grantee, shall make any connection, extension or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the ~~grantee's~~Grantee's cable system.
- (2) No person, without the express consent of the ~~grantee~~Grantee, shall possess or receive any signals or transmissions, including specifically the transmission of messages or programming over the cable system on a pay channel or pay per program basis. This shall include, but is not limited to, tampering with cable converters.

B. Unauthorized sale. No person shall sell or solicit for sale any facilities, devices or appurtenances used for the purpose of any or all acts prohibited in Subsection A above.

C. Removal or destruction prohibited. No person shall willfully interfere, tamper, remove, obstruct or damage any part, segment or content of a franchise ~~broadband telecommunications network~~Broadband-Telecommunications-Network for any purpose whatsoever.

D. Penalty. Any person convicted of a violation of this section shall for each offense forfeit not less than \$100 nor more than \$500, together with costs of prosecution. Violation of this

section shall be considered a separate offense for each twenty-four-hour period the violation continues following notification or discovery.

§ 160-21. Village's right of intervention.

The Village shall have the right to intervene and the ~~grantee~~Grantee specifically agrees by its acceptance of a franchise hereunder not to oppose such intervention by the Village in any suit or proceeding to which the ~~grantee~~Grantee is a party.

§ 160-22. Preferential or discriminatory practices prohibited.

Grantee shall not, as to rates, charges, service, service facilities, rules, regulations, employment or in any other respect, make or grant any undue preference or advantage to any party, nor subject any party to any unlawful prejudice or disadvantage.

§ 160-23. Severability.

If any subsection, sentence, clause or phrase of this chapter is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of this chapter as a whole and any portions in conflict are hereby repealed. However, if the FCC declares any subsection invalid, such subsection or subsections shall be renegotiated by the Village and the ~~grantee~~Grantee.

Chapter 164

CIGARETTES AND TOBACCO PRODUCTS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 10.24, 10.28 and 10.32 of the 2011 Code. Amendments noted where applicable.]

§ 164-1. Purchase or possession by minors. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Section 254.92, Wis. Stats., describing and defining regulations with respect to the use of cigarettes and tobacco products by [persons under 18 years of age](#)~~children in the Village~~, is hereby adopted by reference and made a part of this section as if fully set forth herein.

§ 164-2. Smoking in Village Hall prohibited.

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

SMOKE or SMOKING — Carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

B. Regulation. No person shall smoke in any enclosed, indoor area of the Village Hall. The enclosed, indoor areas in which smoking is prohibited include all interior sections of the Village Hall. No enclosed, indoor areas of the Village Hall are to be designated as smoking areas at any time. (§ 101.123, Wis. Stats.)

§ 164-3. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

Chapter 178

EROSION CONTROL AND STORMWATER MANAGEMENT

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Construction Site Erosion Control **[Adopted as § 15.02 of the 2011 Code]**

§ 178-1. Intent; applicability.

The intent of these regulations is to require control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbing activities. These regulations apply to all land disturbing construction activities in the Village and within its extraterritorial review powers of Ch. 236, Wis. Stats. These regulations set forth different procedures for different activities depending upon the size, type and location of the activities.

§ 178-2. Authority.

This article is adopted under § 61.354, Wis. Stats.

§ 178-3. Findings and purpose.

- A. Findings. The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the ~~state~~State and Village.
- B. Purpose. It is the purpose of this article to preserve the natural resources; protect the quality of water of the ~~state~~State and Village and protect and promote the health, safety and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to Geneva Lake and other waters and wetlands of the Village and ~~state~~State.

§ 178-4. Applicability.

This article applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All ~~state-State~~—funded or ~~—~~conducted construction is exempt from these regulations.

§ 178-5. Definitions.

The following terms shall have the meanings indicated:

AGRICULTURAL LAND USE — Use of land for planting, growing, cultivation and harvesting

crops for human or livestock consumption and pasturing or yarding of livestock.

COMMERCIAL LAND USE — Use of land for retail or wholesale sale of goods or services.

CONSTRUCTION SITE CONTROL MEASURE — A control measure used to meet the requirements of this article.

CONTROL MEASURE — A practice or combination of practices to control erosion and attendant pollution.

CONTROL PLAN — A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this article submitted by the applicant for review and approval by the Building Inspector.

EROSION — The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

LAND DEVELOPING ACTIVITY — The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made change of land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses, such as planting, growing, cultivating and harvesting crops; growing and tending gardens; harvesting trees; and landscaping modifications.

LAND USER — Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.

LANDOWNER — Any person holding title to or having an interest in land.

PERMITTEE — Landowner, land user, designated agent or applicant for permit.

~~RUNOFF~~
RUN-OFF — The rainfall, snow melt or irrigation water flowing over the ground surface.

SITE — The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

VEGETATION REMOVAL — Elimination of living vegetation or cutting or injuring vegetation so the vegetation dies.

WISCONSIN CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK — The most recent published version with appropriate updates, prepared by the Wisconsin Department of Natural Resources Nonpoint Source and Land Management Section, a copy of which is filed in the Village Clerk's office.

§ 178-6. Design criteria, standards and specifications for control measures.

All control measures required to comply with this article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook.

§ 178-7. Maintenance of control measures.

All sedimentation basin and other control measures necessary to meet the requirements of these regulations shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

§ 178-8. Control of erosion and pollutants during land disturbance and development.

A. Applicability. Any land disturbing or developing activity shall be subject to the erosion and sediment control provisions of this article if:

- (1) Any buildings or additions thereto are proposed to be constructed on platted subdivision lots or lots created by certified survey maps.
- (2) An area of 1,000 square feet or greater will be disturbed by excavation, grading, filling or other ~~earthmoving~~earth-moving activities, resulting in a loss or removal of protective ground cover or vegetation.
- (3) Excavation, fill or any combination thereof will exceed 50 cubic yards. Excavation and filling of less than 50 cubic yards, at the discretion of the Building Inspector, may require control of erosion and pollutants, if judged necessary.
- (4) Any watercourse is to be changed, altered, enlarged or materials are removed from a stream or lakebed.
- (5) Any utility work in which underground conduits, piping, wiring, waterlines, sanitary sewers, storm sewers or similar structures will be laid, repaired, replaced or enlarged if such work involves more than 300 linear feet of earth disturbance. Construction of municipal utility projects supervised by the Village Engineer shall not be required to obtain a separate permit under this article.
- (6) Any disturbed area where the slope is equal to or greater than 12%.
- (7) In those cases where land disturbing construction or vegetation removal activities are located within 500 feet of the ordinary high ~~water mark~~watermark of Geneva Lake or within 200 feet of the ordinary high ~~water mark~~watermark of any navigable stream.

B. Erosion and other pollutant control requirements. The following requirements shall be met on all sites described in Subsection A above and shall be done in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook or this article.

- (1) Discharge water. Discharge water shall be handled in a manner consistent with all current statutory and regulatory requirements and may not be discharged in a manner that causes erosion of the site or receiving channels.
- (2) Waste and material disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic material or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving lake, stream channel or storm sewer system.

- (3) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of the workday.
- (4) Drain inlet protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) Vegetation removal. All vegetation removal will be kept to a minimum as needed to allow for construction of buildings, patios, decks or the installation of utilities throughout parcels as determined by the Building Inspector.
- (6) Site erosion control. Only if runoff leaves any land development site or site of land disturbance will the following criteria apply:
 - (a) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise the channel shall be protected as described below in Subsection B(6)(c). Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - (b) All activities on the site shall be conducted in a logical sequence to minimize the area of any soil exposed at any one time. This shall include the planting of vegetative cover within seven days of land disturbance.
 - (c) Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsection B(6)(c)[1] and [2] below or Subsection B(6)(c)[1], [2] and [3] below:
 - [1] All disturbed ground left inactive for seven or more days or seven days after final grading shall be stabilized by seeding or sodding or by mulching or covering.
 - [2] Filter fences as specified in the Wisconsin Construction Site Best Management Practice Handbook, or equivalent control measures shall be placed along all side slope and down slope areas of the site. If straw bales or hay bales are used as control measures, they shall be replaced not less frequently than every 90 days or more frequently if determined to be ~~noneffective~~non-effective by the Building Inspector. No ~~Visqueen~~visqueen or similar plastic filtering material shall be used. Appropriate control measures shall be maintained until adequate vegetative ground cover has been established on the site.
 - [3] For sites with five acres or more disturbed at one time or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

§ 178-9. Permit application, control plan and permit issuance.

No landowner or land user may commence a land disturbance or land development activity subject to these regulations without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner and land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to these regulations shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for the review of the control plan. All appropriate measures are to be installed prior to the issuance of a building permit or commencement of construction.

- A. Content of erosion control statement for land disturbing activities that do not exceed 20,000 square feet in area. An erosion control plan statement with a simple map shall be submitted to briefly describe the site and erosion controls, including the site development schedule that will be used to meet the requirements of this article.
- B. Content of the erosion control plan for land disturbing activities where such activities exceed 20,000 square feet in area.
 - (1) Existing site map. A map of existing site conditions, including structures, on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas within 50 feet of the property boundary.
 - (a) Site boundaries and adjacent lands which accurately identify site location.
 - (b) Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
 - (c) One-hundred-year floodplains.
 - (d) Location of the predominant soil types.
 - (e) Vegetative cover.
 - (f) Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.
 - (g) Locations and dimensions of utilities, structures, roads, highways and paving.
 - (h) Site topography at a contour interval not to exceed five feet.
 - (2) Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
 - (3) Site construction plan. A site construction plan including:
 - (a) Locations and dimensions of all proposed land disturbing activities.
 - (b) Locations and dimensions of all temporary soil or dirt stockpiles.
 - (c) Locations and dimensions of all construction site management control measures necessary to meet the requirements of these regulations.
 - (d) Schedule of anticipated starting and completion dates of each land disturbing or land developing activity, including the installation of construction site control

measures needed to meet the requirements of these regulations.

- (e) Provisions for maintenance of the construction site control measures during construction.
 - (f) Identification of all trees in excess of five inches at four feet above grade that will be removed.
- C. Review of control plan or statement. Within 30 days of receipt of the application, control plan or control plan statement and fee, the Building Inspector shall review the application and control plan or control statement to determine if the requirements of these regulations are met. The Building Inspector may request comments from other departments, agencies or the Village Engineer. If the requirements of these regulations are met, the Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 10 days of receipt of needed information, the Building Inspector shall again determine if the plan or statement meet the requirements of these regulations. If the plan or statement is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.
- D. Permits.
 - (1) Duration. Permits shall be valid for a period of 180 days or the length of time of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to a maximum of an additional 180 days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of these regulations.
 - (2) Letter of credit. As a condition of approval and issuance of the permit for land disturbing construction activities exceeding 20,000 square feet, the Building Inspector shall require the applicant to deposit an irrevocable letter of credit issued by an approved lending institution to guarantee a good faith execution of the approved control plan and any permit conditions. The line of credit will be in the amount of the estimated cost as determined by the Building Inspector to implement the approved control plan and any permit conditions and shall be maintained in such amount until the project is complete with vegetative cover fully established.
 - (3) Permit conditions. All permits shall require the permittee to:
 - (a) Obtain permission in writing from the Building Inspector prior to modifying the control plan or control statement.
 - (b) Install all control measures as identified in the approved control plan or control statement prior to commencing work.
 - (c) Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan or control statement.
 - (d) Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.

- (e) Inspect the construction control measures after each rain of 0.5 ~~inches~~ or more and at least once each week and make needed repairs.
 - (f) Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or control statement or for performing any work necessary to bring the site into compliance with the control plan or control statement.
- (4) Charge for permits. The following schedule of activities shall require the advance payment of fees for each activity listed in accordance with the schedule of fees approved by resolution by the Village Board and placed permanently on file in the office of the Village Clerk:
- (a) Erosion control statement fee, see current fee schedule.
 - (b) Erosion control plan fee, see current fee schedule.
 - (c) Actual engineering or other expenses incurred by the Village in connection with the erosion control plan submitted will be billed to the permittee.
 - (d) Additions to existing structures of less than 500 square feet, see current fee schedule.
 - (e) All other construction activity under 20,000 square feet, see current fee schedule.
 - (f) Projects involving land disturbing construction activity of 20,000 square feet or more, see current fee schedule.

§ 178-10. Inspection.

The Building Inspector shall inspect construction sites at times appropriate to states of construction. If land disturbing or land development activities are being carried out without a permit, the Building Inspector may enter the land pursuant to the provisions or § 66.0119.

§ 178-11. Enforcement.

- A. The Building Inspector may post a stop-work order if:
- (1) Any land disturbing or land developing activity regulated under this article is being undertaken without a permit.
 - (2) The control plan or control statement is not being implemented.
 - (3) The conditions of the permit are not being met.
- B. Any permittee violating any provision of this article shall, within 24 hours of notification by the Building Inspector, cease all such unlawful activities and comply with the control plan, control statement or permit conditions or the Building Inspector may revoke such permit. In such case the Village shall enter and remedy the site at the expense of the permittee or bank issuing the letter of credit required by this article.
- C. In those cases where any person not holding the required permit violates any of the

provisions of this article, such person shall, within five days of notification by the Building Inspector, cease all unlawful activities or the Building Inspector may seek a court order requiring compliance with these regulations.

- D. The Building Inspector or the Board of Appeals may retract the stop-work order or the revocation of permit.
- E. If the provisions of Subsection B or C above are not complied with within the specified time, the Building Inspector may within 24 hours of such time issue a written notice of intent to the permittee, landowner or land user of the Village's intent to perform work necessary to comply with these regulations. The Building Inspector may go on the land and commence the work after 24 hours from issuing the notice of intent. The costs of the work performed by the Village may be withdrawn from the line of credit. Any costs, plus interest at the rate authorized by the Village Board, incurred by the Village to bring the site into compliance with these regulations yet not covered due to a shortfall in the account used to secure the line of credit will be billed to the permittee or landowner. If a permittee or landowner fails to pay the amount due, the Village Board shall impose a special charge against the property under § 66.0627, Wis. Stats. If the amount is not paid, the special charge will become a lien against the property under § 66.0627, Wis. Stats.
- F. Except as otherwise provided, any person found to be in violation of this article shall be subject to those penalties and enforcement remedies provided in Chapter 390, Zoning, of the Code of the Village of Williams Bay, and the standard penalty provision of this Municipal Code.

ARTICLE II
Stormwater Management
[Adopted as § 15.09 of the 2011 Code]

§ 178-12. Intent.

The intent of this article is to authorize the Village Engineer to require stormwater management practices which will reduce the amount of sediment, other pollutants, and peak flow of runoff from lands undergoing development. This article shall apply to all land disturbance activities occurring after adoption of this article.

§ 178-13. Authority.

This article is adopted by the Village of Williams Bay under the authority granted by § 61.354, Wis. Stats., to fulfill the objectives of § 281.33, Wis. Stats.

§ 178-14. Findings and purpose.

- A. Findings. The Village of Williams Bay finds that uncontrolled stormwater runoff from land development activity has a significant impact upon Geneva Lake, its watershed and other water resources; and the health, safety, and general welfare of the surrounding communities. Specifically, uncontrolled stormwater runoff can:
 - (1) Diminish the capacity of Geneva Lake and streams within its watershed to support fish, aquatic life, recreational, and water supply uses by increasing loadings of

nutrients and other urban pollutants;

- (2) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, and diminishing stream base flows;
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- (4) Reduce the quality of groundwater by increasing pollutant loads;
- (5) Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways and other minor drainage facilities;
- (6) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes;
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
- (8) Diminish the public enjoyment of natural resources.

B. Purpose. It is the purpose of this article to preserve the natural resources; to protect the quality of the waters; and to protect and promote the health, safety and welfare of the people, to the extent practicable.

§ 178-15. Applicability.

This article applies to land developing and land disturbing activities on lands situated within the corporate limits of the Village of Williams Bay.

§ 178-16. Definitions.

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

AGRICULTURAL LAND USE — Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

APPLICANT — The landowner or one of the landowners and/or land user or users of a site subject to this article.

ARTERIAL ROADWAY — Any federal, state, or county trunk highway or any other street or roadway, as determined by the Village Engineer, that provides an important transportation link.

CHANNEL — A natural or artificial watercourse constructed, with a definite bed and banks to confine and conduct the normal flow of water.

CLEAN FILL — Uncontaminated rock, stone, sand, soil, brick, building stone, concrete, reinforced concrete, broken pavement, and unpainted or untreated wood.

CONTROL MEASURE — A practice or combination of practices to control erosion, stormwater and attendant pollution.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DESIGN STORM — A hypothetical discrete rainstorm characterized by specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

DETENTION BASIN — A type of stormwater basin which has a direct outlet and serves to reduce water velocities and peak flows by outletting at designed flow rates (to temporarily detain water flows). A detention basin is considered wet if it is greater than three feet deep from the permanent water level to the bottom of the basin.

DISTURBED AREA — A site which, due to land developing or disturbing activities, has or will experience disturbance or destruction of the existing land surface and/or vegetative cover.

EROSION — The detachment and movement of soil, sediment or rock fragments by means of water, ice or gravity.

IMPERVIOUS SURFACE — A surface through which rainfall does not infiltrate. Rooftops, sidewalks, parking lots, and street surfaces are examples of impervious surfaces.

LAND DEVELOPING ACTIVITY — The construction or erection of buildings, roads, parking lots, paved storage areas and other structures.

LAND DISTURBING ACTIVITY — Any man-made construction upon or change of the land surface including removal of vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens; harvesting of trees.

LAND USER — Any person operating upon, leasing, or renting land, or having made any other arrangements with the landowner by which the land user engages in uses of land which are sites subject to this article.

LANDOWNER — Any person holding title to or having an interest in a parcel of land which includes a site subject to this article.

OFF-SITE — Located outside the property boundary described in the permit application for land development activity.

PERFORMANCE SECURITY — A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village of Williams Bay by the permit holder to assure that requirements of this article are carried out in compliance with the stormwater management plan.

~~PREDEVELOPMENT~~PRE-DEVELOPMENT LAND USE CONDITION — Land which has runoff characteristics equivalent to runoff ~~curve numbers~~[Curve Numbers](#) (CNs) of: 30, 58, 71, and 78 for Hydrologic Soil Groups A, B, C, and D, respectively. This term is used for the purpose of matching of pre and post development stormwater peak flows and volumes as required by this article.

RETENTION BASIN — A type of stormwater basin which has no direct outlet and empties by infiltration to the natural soil surface and by evaporation (to retain all water).

RUNOFF — The rainfall, snow melt, or irrigation water flowing over the ground surface.

SEDIMENTATION BASIN — An artificially-created holding pond or other catchment for the

purpose of capturing and retaining any sedimentation flowing off of sites as a result of land developing or land disturbing activities.

SHEET FLOW RUNOFF — Water, usually storm runoff, flowing in a thin layer of the ground surface; also called "overland flow" (by convention, this distance does not exceed 300 feet).

SITE — That parcel or other division of land set forth in the legal description contained in the application on which the land disturbing or land development activity is proposed to take place.

STORMWATER — Precipitation runoff, snowmelt~~snow-melt~~ runoff, surface runoff and drainage.

STORMWATER BASIN — Artificially created holding pond or other catchment for the purposes of retaining or detaining stormwater.

STORMWATER CONTROL PLAN — A plat of survey setting forth a written description of the number, locations, sizes, and other pertinent data as to control measures designed to meet the requirements of this article submitted by the applicant for review and approval by the Village of Williams Bay.

TIME OF CONCENTRATION — The time for surface runoff to travel from the farthest point in a watershed to the outlet point of the watershed. For purposes of calculations used to meet the requirements of this article; the following roughness coefficients shall be used:

Flow Regime	<u>Predevelopment</u> Pre-Development	Post-Development
Overland flow (length 300 feet)	n = 0.35	n 0.25
Shallow <u>concentrated flow</u> Concentrated-Flow (Velocity = k* slope 0.5)*	k 2.5	k 15
Flow in <u>vegetated channels</u> Vegetated-Channels	n = 0.10	n 0.04

NOTES:

* Velocity in feet/second; Slope in feet/foot.

§ 178-17. Design criteria, standards and specifications for stormwater control measures.

All control measures required to comply with this article shall meet with the design criteria, standards and specifications for the control measures as set forth in "Natural Resources Conservation Service Standards and Specifications" manual; criteria established by this article, or criteria identified by the Village of Williams Bay.

§ 178-18. Design, construction and maintenance of stormwater control measures.

- A. All sedimentation basins and other control measures necessary to meet the requirements of this article shall be designed, constructed and maintained by the applicant and his or her successors during the pendency of the period of land disturbance and development of the site in a satisfactory manner so as to ensure adequate performance and to prevent the occurrence of nuisances. All stormwater basins shall remain permanent and be maintained on site to the extent necessary to meet the stormwater standards set forth by this article. Standards for design, construction and maintenance of control measures shall be set forth in the Natural~~Natural~~ Resources Conservation Service Technical Guide~~Guide~~, criteria established by this article, or criteria identified by the Village of Williams Bay.
- B. The developer shall provide an easement to the Village of Williams Bay for adequate access to structural management measures.

§ 178-19. Control of stormwater and pollutants from developed land after construction.

- A. Applicability.
 - (1) This article applies to the following types of land disturbing or land developing activities for stormwater control purposes:
 - (a) Those involving the implementation of a residential development with a gross aggregate impervious area of 1.5 acres or greater.
 - (b) Those involving the development plan other than residential development with a gross aggregate area of 1.5 acres or more or any nonresidential land development which creates an impervious area of 0.5 acre or more.
 - (c) Those developments which in the opinion of the Village of Williams Bay are likely to result in stormwater runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which cause undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter or which endangers down stream property.
 - (2) This article does not apply to state, federal, or municipal highway, street, or road construction.
- B. Requirements. The following requirements shall be met on all sites described in Subsection A:
 - (1) Post-development release rates for the two-, ten-, and 100~~one hundred~~-year twenty-four-hour storm events must be no greater than the predevelopment~~pre-development~~ discharge from the site. Predevelopment~~Pre-development~~ site conditions are defined in § 178-16 of this article. The Village of Williams Bay may impose stricter~~more strict~~ requirements in the case of inadequate downstream conveyance capacity.
 - (2) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of this article shall be computed by procedures described in Urban Hydrology for Small Watersheds, TR-55 (Technical Release 55) published by the

- Engineering Division, United States Natural Resource Conservation Service (~~formerly~~^{formally} known as the Soil Conservation Service), United States Department of Agriculture, June 1992. Other calculations methods may be required by the Village of Williams Bay, or may be used by the applicant, upon approval by the Village of Williams Bay.
- (3) Design rainfalls depths to be used in stormwater calculations must be from the point rainfall intensity-duration-frequency relationships for Milwaukee, Wisconsin according to Southeastern Wisconsin Regional Planning Commission report (Community Assistance Planning Report No. 152).
 - (4) All naturally occurring contribution runoff entering the project site must be included in the design of the drainage system. Design must take into consideration any naturally occurring stormwater storage which presently serves to reduce peak ~~predevelopment~~^{pre-development} runoff rates.
 - (5) Contribution runoff entering the project from off site may be excluded from detention calculations if the water is routed around disturbed areas by use of stable watercourse(s).
 - (6) All open channel stormwater conveyance systems shall provide safe conveyance for peak flow from a twenty-five-year frequency, twenty-four-hour rainfall event within the defined channel banks. All storm sewer systems shall provide safe conveyance for peak flow from a ten-year frequency rainfall without surcharging. All culverts for ~~nonarterial~~^{non-arterial} roadways shall provide safe conveyance for peak flow from a ten-year frequency rainfall without overtopping.
 - (7) Conveyance for the peak flow runoff from a ~~100~~^{one-hundred}-year twenty-four-hour event shall be provided such that no inundation of, or damage to built structures or arterial roadways shall occur.
 - (8) Where feasible, all permanent storm sewer inlets must be stenciled by the permit holder as part of the water quality strategy for protection of surface waters and drainage to Lake Geneva.
 - (9) Drainage systems may not result in transfer of drainage from one delineated natural drainage area to another if reasonable alternatives exist which would preserve natural drainage patterns. Drainage area delineations must be shown on the stormwater plan.
 - (10) All stormwater basins shall be permanent, aesthetically pleasing, if practical, and safe. Subsurface bottoms of wet basins must provide a safety ledge consistent with required design criteria identified in § 178-18.
 - (11) All calculations must be provided to the Village of Williams Bay to demonstrate that required stormwater criteria have been met. All calculations must be certified by a professional licensed engineer and be certified as complying with the technical standards and construction specifications of the Village of Williams Bay.
 - (12) Stormwater quality practices installed in compliance with this article must remove 80% of the suspended solids. This condition may be met by stormwater practices that are designed to store for a minimum of 24 hours the runoff volume resulting from 1.5

inches of rain over a four-hour period. Other methods that accomplish the 80% removal of suspended solids can be used upon approval by the Village of Williams Bay.

- (13) ~~Nonpoint~~~~Non-point~~ source control measures other than wet basins may be applied to a site if:
 - (a) The use of a wet detention basin meeting the criteria of this article is not feasible for the site under review; and
 - (b) The alternative best management practice is approved by the Village of Williams Bay.
- (14) Wetlands shall not be used for reduction of ~~nonpoint~~~~non-point~~ source pollution in runoff water from the site.
- (15) Stormwater management facilities may also be subject to requirements as specified in State of Wisconsin Administrative Code Chs. NR 116 and NR 320 and Chs. 30 and 88, Wis. Stats.

§ 178-20. Permit application, stormwater control plan, and permit issuance.

- A. No landowner or landowner's agent may commence a land disturbing or developing activity subject to this article without receiving prior approval of a stormwater control plan for the site and receiving a permit from the Village of Williams Bay. The landowner, or landowner's agent controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this article shall, in the capacity of ~~applicant~~~~Applicant~~, submit an application for a permit and stormwater control plan and pay the required application fee to the Village of Williams Bay. By submitting an application, the ~~applicant~~~~Applicant~~ is authorizing the Village of Williams Bay or designee to enter the site to obtain information required for the review of the control plan.
- B. Submission of an application by one of several land users or landowners of particular site shall constitute an affirmation by said applicant of authority to act on behalf of the other land users or landowners to so apply and, upon issuance of a permit, to engage in land developing or disturbing activities on the site. The Village of Williams Bay shall be under no obligation to ascertain the legal authority of the applicant to so act.
- C. Content of a stormwater control plan for land developing and disturbing activities.
 - (1) Existing site conditions. The plan must show existing site conditions on a scale of at least one inch equals 100 feet. Surrounding areas contributing runoff to the site shall be shown on a map of appropriate scale to support the required stormwater runoff calculations. Maps shall depict accurately:
 - (a) Site boundaries and adjacent lands which accurately identify site locations;
 - (b) Lakes, streams, wetlands, channels, ponds, ditches and other watercourses on and immediately adjacent to the site;
 - (c) One-hundred-year floodplains, flood fringes and floodways;

- (d) Location of the predominant soil types;
 - (e) Vegetative cover;
 - (f) Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - (g) Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - (h) Site topography at a contour interval not to exceed two feet when construction site has more than five acres of drainage or has a 10% slope or greater. Areas with less than five acres or less than 10% slope shall not require any topography map unless the site requires stormwater review according to applicability of this article or a map is specifically requested by the review technician or designee. Both existing and proposed contours must be shown on the same plan to the same scale.
- (2) Final site conditions. Final site conditions on the same scale as the existing site map showing the site changes.
- (3) All factors used to calculate peak flows from pre- and post-development conditions and stormwater storage volume requirements. The Stormwater Control Plan must specify the factors for each hydrologic unit analyzed including: ~~percent per cent~~ impervious; ~~curve number; soil hydrologic group; time~~ Curve Number; Soil Hydrologic Group; Time of ~~concentration~~ Concentration factors (slope, length, Manning's "n" for overland, shallow, and concentrated flow); and acres of each land use.

D. Review of control plan.

- (1) Within 45 days of receipt of the application, stormwater control plan, and fee, the Village of Williams Bay or designee shall review the application and control plan to determine if the requirements of this article are met.
- (2) The Village of Williams Bay or designee may request comments from other departments or agencies. If the requirements of this article are met, the Village of Williams Bay or designee shall approve the plan; and inform the applicant of intent to issue a permit. If the conditions are not met, the Village of Williams Bay shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Village of Williams Bay or designee shall again determine if the plan meets the requirements of this article. If the plan is disapproved, the Village of Williams Bay shall inform the applicant in writing of the reasons for the disapproval.

E. Permits.

- (1) Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The ~~Plan~~ Planning Commission may extend the period for up to an additional 180 days. The ~~Plan~~ Planning Commission may require additional control

measures as a condition of the extension if they are necessary to meet the requirements of this article.

- (2) Performance security. As a condition of approval and issuance of the permit, the Village of Williams Bay may require the applicant to deposit a letter of credit or cash escrow in the amount of not less than the cost of constructing the stormwater practices. The guarantee shall include all phases of the plan from the clearing and stockpiling operations to final grading and landscaping including a maintenance guarantee for a period of not less than two years from the recording of the document or commencement of construction, whichever occurs first. An agreement will be a part of this guarantee which will give the Village of Williams Bay the authority to use the funds to complete the project if the developer defaults or does not properly implement the approved plan. This agreement shall be received by the Village of Williams Bay prior to issuance of any permits and shall be effective for a sufficient time period to perform the activities required, make the appropriate inspections and approve the final installation. The Village of Williams Bay may extend the agreement beyond its original expiration date if necessary due to unexpected or unforeseen circumstances beyond the control of the developer. A performance bond shall be replaced with a maintenance guarantee for a stated period of time and in an amount equal to a percentage of the cost of the construction of the improvements and a cost overrun of 15%.
- (3) Permit conditions. All permits shall require the permittee, land user or representative to:
 - (a) Notify the Village of Williams Bay within 72 hours of commencing any land developing or disturbing activity.
 - (b) Notify the Village of Williams Bay of completion of any control measures within 14 days after their installation.
 - (c) Obtain permission in writing from the Village of Williams Bay prior to modifying the control plan.
 - (d) Install all control measures as identified in the approved control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.
 - (f) Allow the Village of Williams Bay or designee to enter the site for the purpose of inspecting compliance with the stormwater control plan or performing any work necessary to bring the site into compliance with the stormwater control plan; and
 - (g) Keep a copy of the stormwater control plan on the site.

§ 178-21. Inspection.

The Village of Williams Bay or designee shall inspect stormwater control practices upon completion to insure compliance with this article.

§ 178-22. Enforcement.

- A. The Village of Williams Bay may post a stop-work order, or issue a notice of intent to the permittee, landowner or landowner's agent, to perform work necessary to comply with this article. Ten days after posting a stop-work order, the Village of Williams Bay may issue a notice of intent to the permittee or landowner or land user of the Village of Williams Bay's intent to perform work necessary to comply with this article. The Village of Williams Bay or designee may go on the land and commence the work after 24 hours from issuing the notice of intent. The costs of the work performed by the Village of Williams Bay or designee, plus interest at the rate authorized by the Village of Williams Bay shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Village Board shall impose a special charge against the property pursuant to § 66.0627, Wis. Stats.
- B. If the permittee does not cease the activity or comply with the permit conditions within 10 days, the Village of Williams Bay may revoke the permit.
- C. If the landowner or landowner's agent where no permit has been issued does not cease the activity within 10 days, the Village of Williams Bay may obtain a cease and desist order.
- D. The Village of Williams Bay may retract the stop-work order or the revocation.
- E. Any person who continues to conduct land disturbing activities on a project site after being given written notice by the Village of Williams Bay regarding need for permit review and approval prior to conducting land disturbance subject to this article shall be in violation of this article.
- F. Any person violating any of the provisions of this article shall be subject to a forfeiture in accordance with the Village of Williams Bay for each violation. Each day a violation exists shall constitute a separate offense.
- G. Compliance with the provisions of this article may also be enforced by injunction.

§ 178-23. Long term maintenance and ownership.

The recorded plat, certified survey, or land title for lands which shall have stormwater controls must identify the permanent location of all proposed stormwater facilities. Further, the recorded plat, certified survey, or land title, in the absence of any other agreement with the Village of Williams Bay must state that the facilities shall be maintained by the property owner of record to assure its proper function as a nonpoint~~non-point~~ source control practice. An operation and maintenance plan shall be developed for all detention or retention basins. At a minimum, the plan shall address sediment removal, inlet and outlet maintenance, and keeping embankments clear of woody vegetation. The plan may also need to address weed or algae growth and removal, insect and wildlife control and landscaping practices.

§ 178-24. Appeals.

- A. Board of Appeals. The Board of Appeals as created pursuant to Chapter 390, Zoning, of the Village Code functioning in accord with §§ 62.23(7)(e) and 68.11, Wis. Stats.:
 - (1) Shall hear and decide appeals where it is alleged that there is an error in any order,

- decision, or determination made by the ~~Plan~~Planning Commission in administering this article;
- (2) Upon appeal, may authorize variances from the provisions of this article which are not contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- B. Who may appeal. Any applicant, permittee, landowner, or land user may appeal any order, decision or determination made by the ~~Plan~~Planning Commission in administering this article; relative to sites in which such person has an interest.

§ 178-25. Fees.

- A. The fees referred to in other sections of this article shall be established by the Village of Williams Bay in a fee schedule and may from time to time be modified by Village of Williams Bay. The processing fees shall be related to costs involved in processing permit applications, conditional use petitions, appeals to the Zoning Board of Appeals and zoning amendments and changes.
- B. A double fee shall be charged by the Village of Williams Bay if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this article nor from prosecution for violation of this article.

Chapter 182

EXPLOSIVES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 8.09 and 8.14 of the 2011 Code. Amendments noted where applicable.]

§ 182-1. License required.

No person shall use explosives for blasting within the limits of the Village without first obtaining a license therefor.

§ 182-2. License fee. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Such license shall be an annual license covering the calendar year of issue. The annual fee for such license shall be [as provided in the Village Fee Schedule,¹\\$10](#), and there shall be no proration of such fee for any portion of the year.

§ 182-3. Application. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

The application for such license shall contain the applicant's name and address, or if a corporation, the names and addresses of the directors and officers of such corporation, the experience had in handling explosives, and if required under its rules and regulations, the certificate from the [Department of Safety and Professional Services](#)~~Industrial Commission of Wisconsin~~ permitting the applicant to use such explosives.

§ 182-4. State regulations.

All licensees shall conform to and abide by the rules and regulations of the State of Wisconsin Department of Safety and Professional Services with regard to the storing, transporting and using of explosives.

§ 182-5. Revocation. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Such license may be revoked if the licensee handles the explosives in such a manner as to be dangerous to the public or create a nuisance, or does not abide by and conform to all of the rules and regulations of the [Department of Safety and Professional Services](#)~~Industrial Commission of Wisconsin~~ with regard to explosives, or does not obtain a permit as required by § 182-6.

§ 182-6. Permit from Building Inspector.

Every person licensed hereunder before using any explosives in the Village shall first obtain a permit from the Building Inspector and shall in applying for such permit inform the Building Inspector in writing of the place or premises upon which such explosives are to be used, the

[1. Editor's Note: The current Fee Schedule is on file in the Village office.](#)

nature of the work, the number of trees or other objects to be blasted and the amount of explosives intended for the job.

§ 182-7. Permit fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Before the Building Inspector shall issue the permit mentioned in § 182-6, the licensee shall pay ~~at the~~ sum as provided in the Village Fee Schedule ~~of \$1~~ for each tree or other object to be blasted under the particular permit in addition to the annual license fee stated above. Should the object to be blasted require more than one charge of explosive, the number of such charges necessary shall be estimated and a fee as provided in the Village Fee Schedule ~~\$1~~ for each charge paid before the permit is issued.

§ 182-8. Storing or transporting explosives.

No person shall store or transport explosives within or through the Village without first obtaining the annual license.

§ 182-9. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 189

FIRES AND FIRE PREVENTION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 4.05 to 4.23, 10.11 and 10.12 of the 2011 Code. Amendments noted where applicable.]

§ 189-1. Impeding fire equipment prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Williams Bay Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

§ 189-2. Police power of Fire Department.

- A. The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- B. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.

§ 189-3. Investigation of fires.

- A. The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire, he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.
- B. Fire inspection duties.
 - (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Williams Bay and shall have the power to appoint one or more Deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the ~~state~~[State](#) and rules of the Department of Safety and Professional Services, particularly § 101.14, Wis. Stats.
 - (2) While acting as Fire Inspector pursuant to § 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Williams Bay at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code ~~of Ordinances~~[of Ordinances](#), he/she may deem necessary.

Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions are not complied with, to report such noncompliance to the Village Board for further action.

- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by the Fire Department and not less than once in three months in such territory as the Village Board has designated or hereafter designates as within the Village or as a congested district subject to conflagration, and as often as the Chief of the Fire Department orders. Each six-month period shall begin on January 1 and July 1, and each three-month period on January 1, April 1, July 1 and October 1 of each year.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Safety and Professional Services. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)~~A copy of such reports shall be filed with the Fire Chief.~~

§ 189-4. Damaging fire apparatus; driving over fire hose.

No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Williams Bay Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

§ 189-5. Parking vehicles near hydrants or scene of fire.

- A. Parking vehicles near hydrants. It shall be unlawful for any person to park any vehicle or leave any object within 10 feet of any fire hydrant at any time.
- B. No parking near fire. It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

§ 189-6. Authority of Fire Chief and firefighters during fire.

- A. Entering adjacent property. It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire, and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

- B. Destruction of property to prevent the spread of fire. During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire, provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

§ 189-7. Duty of bystanders to assist.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

§ 189-8. Vehicles to yield right-of-way.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

§ 189-9. Interference with use of hydrants prohibited.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus and any hydrant to which a fire hose may be, or may be about to be, attached.

§ 189-10. Adoption of codes and regulations by reference. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

- A. The following chapters of the Wisconsin Administrative Code [are hereby adopted and by reference made a part of this section as if fully set forth herein](#):

SPS 314	Fire Prevention
SPS 316	Electrical
SPS 361 to SPS 366	Commercial Building Code
SPS 375 to SPS 379	Buildings Constructed Prior to 1914

~~ATCP 93 Flammable, Combustible and Hazardous Liquids~~

- B. The following National Fire Codes, published by the National Fire Protection Association [are hereby adopted and by reference made a part of this section as if fully set forth herein](#):

NFPA 1	NFPA 1 -Uniform Fire Code, 2006
NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 13R	Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies
NFPA 58	Liquefied Petroleum Gas Code
NFPA 211	Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

- C. The following International Code Council standards are hereby adopted and by reference made a part of this section as if fully set forth herein:

2003 ICC - ANSI A117.1 Accessibility Standards

§ 189-11. Compliance required.

Any act required to be performed and any act prohibited by the sections of the Wisconsin Administrative Code or the National Fire Code incorporated herein by reference is an act required or prohibited by this chapter.

§ 189-12. Future amendments or modifications.

- A. Any future amendment, revision or modification of the sections of the Wisconsin Administrative Code or National Fire Code incorporated herein by reference are intended to be made a part of this chapter and are automatically adopted by reference herein upon their effective dates.
- B. In case of a conflict between any provisions of this chapter, the Wisconsin Administrative Code or the National Fire Code, the provisions containing the strictest provisions shall apply.
- C. A copy of the applicable provisions shall be kept at all times and available for inspection during reasonable hours in the offices of the Village Clerk and the Fire Chief in the Village Fire Department.

§ 189-13. Emergency vacation of hazardous buildings; procedure.

- A. Whenever the Fire Chief finds that a violation exists which presents a situation so dangerous as to be an immediate hazard or threat of damage or injury to any property or to any person's life, safety or health, the Fire Chief may order an immediate vacation of the building, structure or premises which are so threatened.
- B. The order to vacate in an emergency situation may be given orally by the Fire Chief to those persons present in the building, structure or premises.
- C. If such order is given orally, the Fire Chief shall post on each entrance to the vacated building a sign or notice that the building has been ordered vacated or is unfit for occupancy.
- D. If the emergency situation terminates within three days, the Fire Chief shall prepare a report of the emergency situation and vacation. Such report shall contain the following information:
 - (1) A description of the premises sufficient for identification.
 - (2) Specification of the condition requiring immediate vacation and the section of the code under which such emergency order was issued.
 - (3) Date of issuance of the order to vacate.

- (4) Date of withdrawal of the order to vacate.
 - (5) The names of the person or persons who were ordered to vacate the building, structure or premises and the date on which they were so ordered.
- E. If the emergency situation exists longer than three days, the Fire Chief shall after three days prepare a written order which shall contain the following information:
- (1) A description of the premises sufficient for identification.
 - (2) An order that the building, structure or premises be vacated and remain vacated until such order to vacate is withdrawn.
 - (3) Specification of the condition requiring immediate vacation and the section of the code under which such emergency order is being issued.
 - (4) The date the oral order to vacate was given.
 - (5) A statement of the penalty for defacing or removal of the copy of the order.
 - (6) The signature of the Fire Chief and a statement that the order was issued from the Fire Department.
 - (7) The date of posting of the written order.
- F. A copy of any written order shall be posted on the premises and shall be served on the owner.
- G. When the Fire Chief is satisfied that the hazard or condition causing the emergency situation has been corrected, he shall withdraw the order to vacate and remove any posted order or notice. If a written order was posted, the Fire Chief shall notify the owner in writing of the withdrawal of the order to vacate.
- H. The owner of a building shall notify the occupants of any order to vacate and of the withdrawal of such order. Any damage, loss or injury to either the owner or occupants of the building ordered to be vacated shall not be the responsibility of the Village, unless directly caused by the Village's negligence. Any damage, loss or injury to either the owner or occupants shall be the responsibility of the person or persons who caused the code violation or who allowed the violation to exist.
- I. The Fire Chief shall furnish a copy of all orders to vacate and notices of withdrawal thereof to any other official of the Village concerned therewith.

§ 189-14. Emergency authority of Fire Chief.

- A. In circumstances where, in the opinion of the Fire Chief, the violation presents a situation so dangerous as to be an immediate threat of damage or injury to any property or any person's life, safety or health, the Fire Chief may cause the immediate abatement, removal or correction of the violation. Any and all costs incurred by the Village in the performance of the abatement, removal or correction of such violation shall be charged to the owner, occupant, person in control of or person responsible for such violation.
- B. In case of a failure to pay these costs, a statement of such costs shall be filed with the

Village Clerk and any and all costs thereof shall be charged against the real estate upon which the violation was located, shall be a lien upon the real estate and shall be assessed and collected as a special tax.

§ 189-15. Order to eliminate dangerous or hazardous conditions.

Whenever the Chief shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, he shall order such dangerous conditions or materials to be removed or remedied:

- A. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
- B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
- C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly combustible materials.
- D. Accumulations of dust or waste material in air ~~conditioning~~ or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, greases extractors and ducts.
- E. Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- F. Any building or other structure which, for want of repairs; lack of adequate exit facilities, automatic or other fire alarm apparatus or fire ~~extinguishing~~ equipment; by reason of age or dilapidated condition; or from any other cause creates a hazardous condition.

§ 189-16. Service of orders.

- A. The service of written orders for the correction of violations of this chapter shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. This subsection shall in no way preclude the Chief from issuing oral orders in such other manner as he deems appropriate under the circumstances.
- B. If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises, such as would immediately become fixtures upon real estate and be the property of the owner of the premises, and, in such cases, the rules or orders shall affect the owner and not the occupant, unless it is otherwise agreed between the owner and the occupant.
- C. Receipt of such orders by the owner or occupant is sufficient notice to effect compliance with the order.

§ 189-17. Removal of posted copy of order.

No person shall deface or remove a posted copy of an order from any premises upon which it has been placed under this chapter, except by authority from the Fire Chief.

§ 189-18. Failure to comply with order.

In case any order is not promptly complied with, the Fire Chief may follow any, several or all of the following procedures:

- A. Cause a citation to be issued to the owner, operator or other person responsible for the violation, citing a violation of this chapter.
- B. Request the Village Attorney to institute an appropriate action or proceeding at law or in equity against the owner, operator or other person responsible for the violation, ordering him to:
 - (1) Restrain, correct or remove the violation or refrain from any further execution of work;
 - (2) Restrain or correct the erection, installation or alteration of such building in violation of this chapter;
 - (3) Remove work in violation;
 - (4) Prevent the occupancy or use of the building, structure or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this chapter or in violation of a plan or specification under which an approval, permit or certificate was issued; or
 - (5) Pay a forfeiture pursuant to the penalty provisions of this chapter.

§ 189-19. Open burning. [Amended 5-16-2016 by Ord. No. 2016-4]

- A. Prohibited. Open air burning of all combustible materials is prohibited in the Village. Under no circumstances will burning be permitted on the asphalt or concrete portion of a roadway or public sidewalk.
- B. Exceptions.
 - (1) The burning of leaves and small sticks is permissible under the following conditions:
 - (a) All burning must be done under the constant supervision of an adult until the fire is extinguished and cold. The person should have readily available for use such fire ~~u~~extinguishing equipment as may be necessary for the total control of the fire.
 - (b) All burning must be confined by a control device or structure, such as a barrel, fire ring, or fire pit.
 - (c) All burning shall be conducted in a safe and nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways.

- (d) Except for barbecue, gas and charcoal grills, no burning shall be undertaken during periods when the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the Village.
 - (e) Burning shall only be conducted on the property on which the materials were generated.
 - (f) All burning under this section shall only be conducted at a location at least 25 feet from the nearest building on the same property, and at least 100 feet from the nearest building that is not on the same property.
 - (g) All burning must be done during daylight hours and no burning will begin prior to 12:00 p.m. (noon).
 - (h) Burning under this section shall be allowed only from October 1 through November 30 each year.
 - (i) Burning under this section is not permitted whenever the wind velocity exceeds 10 miles per hour, as measured and posted by the National Weather Service for the Village of Williams Bay.
 - (j) All fires must be completely extinguished when not in compliance with Subsection B(1)(a) through (i).
- (2) The burning of recreational campfires is permissible under the following conditions:
- (a) The burning of logs or tree limbs not greater than six inches in diameter and three feet in length is permitted for the purpose of recreational campfires.
 - (b) Burning of recreational campfires is not limited to daylight hours but must be done under the constant supervision of an adult.
 - (c) All fires must be completely extinguished when not in compliance with Subsection B(2)(a) and (b).
- (3) This section does not apply to burns conducted by the Village of Williams Bay on Village of Williams Bay property or to organized and controlled burns conducted on the grounds of the Kishwauketoe Nature Conservancy by individuals authorized to organize and conduct such controlled burns at Kishwauketoe Nature Conservancy.
- C. Safe burning. Any person, firm, or corporation who burns pursuant to the exceptions stated in Subsection B above shall do so in a safe manner so as not to cause damage to the property of another.
- D. Special exceptions. The Building Inspector of the Village of Williams Bay may grant an exception to this section for special purposes or events that the Building Inspector feels are appropriate with a permit.
- E. Special charge for noncompliance. Any fire that results in a response by the Williams Bay Fire Department to extinguish a fire for noncompliance with this section shall result in a special charge for services to the person in control of the property or the fire in the amount of \$500 which shall be payable within 30 days of the date of billing pursuant to § 66.0627,

Wis. Stats.

§ 189-20. Storage and use of flammable liquids.

- A. State ~~Flammable Liquids Code~~[flammable liquids code](#) adopted. The State Flammable Liquids Code, Ch. ATCP 93, Wis. Adm. Code, is adopted by reference and made a part of this section.
- B. Compliance required. No person shall store or use flammable liquids within the Village except in accordance with the State Flammable Liquids Code and this section.
- C. Fire Chief approval required. Any person handling or storing flammable liquids of any flash point shall submit to the Fire Chief full information and plans on his proposed installations and methods of storing and handling such liquids. No such installations shall be made without the approval of the Fire Chief.
- D. Approval of Building Inspector required. A duplicate set of the plans and information shall be submitted to the Building Inspector for his consideration, and the Building Inspector shall not grant a permit for such installation or handling without the Fire Chief's written approval.
- E. Building, Zoning and Ordinance Committee to report to Village Board. Upon receipt of such information and plans, the same shall be referred to the Building, Zoning and Ordinance Committee for its consideration and report to the Village Board.
- F. Considerations for permitting installations. The Village Board, Building Inspector and Fire Chief shall not permit any installation for the handling and storing of flammable liquids in situations that will create hazards of fire and explosion and shall take into consideration matters of traffic, seepage, proximity to other buildings, especially heating plants, proximity to building lines and possible future structures and slope of terrain.
- G. Inspection of storage containers. No storage containers, after being installed upon obtaining proper permits, shall be covered up until the same are inspected and approved by both the Fire Chief and the Building Inspector.

§ 189-21. Violations and penalties.

- A. Any person violating any of the provisions of this chapter for which a penalty is not otherwise specified shall, upon conviction, be subject to a penalty as provided in § 1-4 of the Code of the Village of Williams Bay. Every day or fraction thereof during which any person fails or neglects to observe and comply with any provisions of this chapter shall constitute a separate offense.
- B. Any person who does not comply with any lawful order of the Fire Chief issued pursuant to the provisions of this chapter shall be in violation of this chapter.

Chapter 201

HEALTH AND SANITATION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 9.01, 9.02, ~~9.04~~ and 9.12 of the 2011 Code. Amendments noted where applicable.]

§ 201-1. Rules and regulations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The ~~Walworth County Board of Health~~ and Human Services Board may make responsible and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to a penalty as provided in § 1-4 of this Code.

§ 201-2. Health nuisances.

- A. Definitions. As used in this section, the following term shall have the meaning indicated:~~Defined. A health nuisance is any source of filth or cause of sickness.~~

HEALTH NUISANCE — Any source of filth or cause of sickness.

- B. Duty to abate. The Health ~~Office~~ and Human Services~~the Walworth County Board of Health~~ shall abate health nuisances pursuant to § 254.59, Wis. Stats., which is adopted by reference and made a part of this section. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Subject to forfeiture. Any person who shall maintain or cause a nuisance after being notified to abate such nuisance shall be subject to a forfeiture as provided in § 1-4 of this Code.

§ 201-3. ~~Dumping prohibited.~~

~~No person shall dump or deposit any garbage, rubbish or refuse anywhere in the Village.~~

~~§ 201-4. Violations and penalties.~~

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

Chapter 205

HOUSING STANDARDS AND RENTAL PROPERTY

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Housing Standards

[Adopted as §§ 16.01 to 16.06 of the 2011 Code]

§ 205-1. Objective.

The purpose of this article is to provide for healthful environment and complete living facilities arranged and equipped to assure suitable living, sleeping, cooking and dining accommodations.

§ 205-2. Definitions.

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

DWELLING — A building designed to be used as the living quarters for one or more families.

FAMILY — One or more persons occupying a single living unit.

FLOOR AREA — The total area of all stories or floors finished as living accommodations. This area includes bays and dormers but does not include space in garages or carports or in attics. Measurements are taken to the outside of exterior walls.

LIVING UNIT — A dwelling or portion thereof providing complete living facilities for one family, including permanent provision for living, sleeping, eating, cooking and sanitation.

ROOMS

- A. HABITABLE ROOM — A space used for living, sleeping, eating, or cooking, or combinations thereof, but not including bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility rooms, basement recreation rooms and similar spaces.
- B. COMBINED ROOMS — Two or more adjacent habitable spaces which by their relationship, planning, and openness permit their common use.

SHALL — Indicates that which is required.

SHOULD — Indicates that which is recommended but not mandatory.

§ 205-3. Abbreviations.

BRB.R.	Bedroom
DRD.R.	Dining Room
DKCD.K.C.	Dining-Kitchen Combination

K- Kitchen
~~L.R.L.R.~~ Living Room
~~LDCL.D.C.~~ Living-Dining Combination
~~LDKCL.D.K.C.~~ Living-Dining-Kitchen Combination
~~LU.L.U.~~ Living Unit
Min. Minimum
~~OC.O.C.~~ On Center
~~DSD.S.~~ Dining Space

§ 205-4. General requirements.

- A. Each living unit shall have at least two habitable rooms, one of which shall be a bedroom, and a bathroom.
- B. Unless otherwise noted, measurements are based upon dimensions between finished floor surface and rough ceiling surface (bottom of joist) and between rough wall or rough partition surfaces.
- C. The area occupied by a stair or by closets shall not be included in the determination of required room area.
- D. Finished rooms in basements or below grade other than recreation rooms intended for year-round occupancy are considered habitable rooms and shall comply with building planning standards in the same manner as rooms above grade.
- E. A bedroom partially enclosed by a ~~movable~~moveable partition constructed of durable and opaque materials may be accepted if the partition when closed provides privacy in the use of the bedroom.

§ 205-5. Minimum room sizes.

- A. Separate rooms.

	<u>Living Room</u>	<u>Dining Room</u>	<u>Kitchen</u> L.R. D.R. K.	Total <u>Bedroom</u> B.R.	Min. <u>Bedroom</u> B.R.
LU with 1 <u>bedroom</u> BR	160 <u>square feet</u>	80 <u>square feet</u>	60 <u>square feet</u>	120 <u>square feet</u>	—
LU with 2 <u>bedrooms</u> BR	160 <u>square feet</u>	80 <u>square feet</u>	60 <u>square feet</u>	200 <u>square feet</u>	80 <u>square feet</u>
LU with 3 <u>bedrooms</u> BR	170 <u>square feet</u>	95 <u>square feet</u>	70 <u>square feet</u>	280 <u>square feet</u>	80 <u>square feet</u>
LU with 4 <u>bedrooms</u> BR	180 <u>square feet</u>	110 <u>square feet</u>	80 <u>square feet</u>	380 <u>square feet</u>	80 <u>square feet</u>

Least dimension <u>Dimension</u>	11 feet	8 feet	3 feet 4 inches*	—	8 feet
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NOTES:

* Passage space, face of base cabinet to face of base cabinet or face of opposite wall.

B. Combined rooms.

-	<u>Living-Dining Combination</u>	<u>Dining-Kitchen Combination</u>	<u>Living-Dining-Kitchen Combination</u>	-
LU with 1_ bedroom <u>BR</u>	180 <u>square feet</u>	100 <u>square feet</u>	220 <u>square feet</u>	
LU with 2_ bedrooms <u>BR</u>	180 <u>square feet</u>	100 <u>square feet</u>	220 <u>square feet</u>	
LU with 3_ bedrooms <u>BR</u>	200 <u>square feet</u>	110 <u>square feet</u>	250 <u>square feet</u>	
LU with 4_ bedrooms <u>BR</u>	220 <u>square feet</u>	120 <u>square feet</u>	280 <u>square feet</u>	
Least dimension <u>Dimension</u>	(1)	(2)	(1), (2)	

(1) Least dimension of:

- (a) Living room space: 11 feet.
- (b) Dining space: six feet (only eating space in living unit).

(2) Least dimension of:

- (a) Kitchen: three feet four inches passage space.
- (b) Dining space: six feet (only eating space in living unit).

C. Other habitable rooms: 80 square feet; least dimension: eight feet.

D. Bathrooms. Adequate for water closet, lavatory and tub or shower in ~~nonrequired~~non-required baths. Arrangement for fixtures shall provide for comfortable use of each fixture and permit at least a ~~ninety-degree~~90° door swing unless sliding doors are used.

E. Halls and vestibules. Minimum width, three feet, planned to permit access of furniture.

F. Bedroom closet. Each bedroom shall have at least one closet having a minimum:

- (1) Depth: two feet clear for required area.
- (2) Width: three feet.
- (3) Height: adequate to permit five feet clear hanging space.

- (4) One shelf and rod with at least eight inches clear space over shelf.
- (5) At least 1/2 the closet depth shall be flat.
- G. Coat closet. A coat closet shall be provided reasonably accessible to the living areas having the same minimum size and equipment as bedroom closets.
- H. Linen closet.
 - (1) A linen closet shall be provided near bedrooms having a minimum:
 - (a) Depth: 14 inches.
 - (b) Width: 18 inches.
 - (c) Spacing of shelving: approximately 12 inches ~~OCOC~~.
 - (d) Shelf area:

	Shelving (square feet)
1- and 2- bedrooms	9
3- and 4- bedrooms	12

- (2) Maximum depth of shelving which may be included in required area: ~~24~~ 24 inches.
- (3) Volume of drawers may be substituted for a maximum of 50% of required shelf volume.
- I. Kitchen storage.
 - (1) Each kitchen shall have accessible storage space for food and utensils and space for such activities and equipment needed to perform the intended functions.
 - (2) Minimum shelf and ~~countertop~~counter top area.
 - (a) Total shelving in wall and base cabinets, 50 square feet with not less than 20 square feet in either wall or base cabinets.
 - (b) Minimum ~~countertop~~counter top areas: 11 square feet.
 - (c) Minimum drawer area: 11 square feet.
 - (d) Area occupied by sink basin and by cooking units shall not be included in minimum ~~countertop~~counter top area.
 - (e) Usable storage space in cooking ranges when provided in the form of drawers or shelving may be included in the minimum shelf area.
 - (f) Drawer area may be substituted for not more than 25% of required shelf area.
 - (g) If a range at least 36 inches in width or space for such a range is provided, the following may be counted toward required areas:
 - [1] Cabinet shelving: four square feet.

[2] Countertop~~Counter-top~~: two square feet.

- (3) Height of shelving and countertop~~counter-top~~. Shelving and countertop~~counter-top~~ space above the following height shall not be included in the required areas:
 - (a) Wall shelving: 74 inches.
 - (b) Countertop~~Counter-top~~: 38 inches.
- (4) Depth of shelving and countertop~~counter-top~~. That portion of shelving and countertop~~counter-top~~ space less than or exceeding the following dimensions shall not be included in the required area:

	Minimum (inches)	Maximum (inches)
Wall <u>shelving</u> Shelving	4	18
Base <u>shelving</u> Shelving	12	24
<u>Countertop</u> Counter- Top	15	30

- (5) Spacing of shelving. Clearance between shelving shall comply with the following to be included in required area.

Depth of <u>Shelf</u> shelf (inches)	Minimum Spacing (inches)
4	5
4 to 6	6
6 to 10	7
10 to 15	8
15 to 24	12

J. General storage.

- (1) To be provided. Usable general storage space shall be provided for the storage of items and equipment essential to the use of the occupants. This storage shall be in addition to required closets and kitchen storage.
- (2) Volume. Minimum total volume, 200 cubic feet plus 75 cubic feet per bedroom.
- (3) Location.
 - (a) At least 25% of the required volume shall be located within the dwelling and suitable for interior storage. This space may be separate storage closets, utility rooms, conveniently accessible attic space, suitable basement space or similar spaces. Excess closet space may be included in required volume.
 - (b) At least 50% of the required volume shall be located for convenient storage of items and equipment used out-of-doors. Exterior storage may be located in

garage, storage locker, utility rooms, basements or similar spaces. Access to exterior storage area should not be across a habitable room.

- (4) Permanent equipment. Space occupied by or necessary for the use and access of permanent equipment and space in attics less than four feet in height shall not be included in required volume.
- (5) Exterior storage. Exterior storage space shall be lockable. Garage door meets this requirements.

K. Ceiling heights.

- (1) Basement: seven feet measured from top of basement floor to bottom of floor joists.
- (2) Habitable rooms. All habitable rooms, kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least seven feet. Habitable rooms may have ceiling heights of less than seven feet, provided at least 50% of the room's floor area has a ceiling height of at least seven feet. Beams and girders or other projections shall not project more than eight inches below the required ceiling height.
- (3) Suspended luminous ceilings or panels. Minimum height, seven feet clear, except where lesser ceiling heights are permitted.

§ 205-6. Violations and penalties.

- A. The Village shall have the remedy of injunction against anyone who violates the provisions of this article.
- B. No certificates of occupancy shall be issued for any building not meeting the standards of this article.
- C. In addition to the penalty of injunction, any person who violates any provision of this article or any order, rule or regulation made pursuant thereto shall be subject to a penalty as provided in § 1-4 of this Code.

ARTICLE II

Registration and Inspection of Residential Rental Property

[Adopted as § 16.07 of the 2011 Code; amended in its entirety 12-17-2018 by Ord. No. 2018-10]

§ 205-7. Purpose.

The Village of Williams Bay recognizes a need for an organized inspection program of residential rental units within designated districts in the Village which have shown evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single-family home conversions to rental units in order to upgrade and maintain the condition of such residential rental units so that they may meet and comply with all provisions of the Village of Williams Bay municipal ordinances as well as all applicable safety, health, fire, building and construction requirements promulgated by the State of Wisconsin. The Village of Williams Bay also desires to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the Village. The Village recognizes that the most efficient system to provide for rental

inspections is the creation of a program requiring the registration of all residential rental units within the Village so that orderly inspection schedules can be made by Village officials.

§ 205-8. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

DESIGNATED DISTRICTS — Those areas designated from time to time by resolution of the Village Board as districts showing evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single-family home conversions to rental units.

DWELLING UNIT — A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLINGS

- A. **MULTIFAMILY DWELLING** — A dwelling located in a residential building designed for or occupied by three or more families on one zoning lot, with the number of families in residence not to exceed the number of dwellings provided.
- B. **BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE ~~and~~ AND TOURIST HOUSE** — A building arranged or used for the lodging, with or without meals, for compensation, by individuals who are not members of the same family.
- C. **DORMITORY** — A space in a building where sleeping accommodations are provided for more than one person not members of the same family group, in one room.
- D. **HOTEL/MOTEL** — A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, apartment hotel or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

HABITABILITY VIOLATION — Any of the following conditions:

- A. The rental property or rental unit lacks hot or cold running water.
- B. Heating facilities serving the rental property or rental unit are not in safe operating condition or are not capable of maintaining a temperature, in all living areas of the property or unit, of at least 67° F. during all seasons of the year in which the property or unit may be occupied. Temperatures in living areas shall be measured at the approximate center of the room, midway between floor and ceiling.
- C. The rental property or rental unit is not served by electricity, or the electrical wiring, outlets, fixtures, or other components of the electrical system are not in safe operating condition.
- D. Any structural or other conditions in the rental property or rental unit that constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the property or unit other than negligent use or abuse of the property or unit by the tenant.

- E. The rental property or rental unit is not served by plumbing facilities in good operating condition.
- F. The rental property or rental unit is not served by sewage disposal facilities in good operating condition.
- G. The rental property or rental unit lacks working smoke detectors or carbon monoxide detectors.
- H. The rental property or rental unit is infested with rodents or insects.
- I. The rental property or rental unit contains excessive mold.

OCCUPANT — Any person with a legal right to possession of the property and who has authority to permit or deny access to the property.

PERMANENT RESIDENT — A person or entity which occupies, or has the right to occupy, any room or rooms in a hotel/motel, or any residential rental unit, for at least 30 or more consecutive days, without an intervening occupancy interval of less than 30 days.

PERSON — Any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, receiver, executor, trustee, conservator or other representative appointed by order of any court.

PROPERTY — Any building or dwelling containing residential rental units.

PROPERTY OWNER — Any person listed in the Village or ~~county~~[County](#) records as a fee owner or land contract purchaser of property within the Village.

RESIDENTIAL RENTAL UNIT — A dwelling unit, rooming unit or dwelling which is rented for occupancy or made available for occupancy on a rental basis to a permanent resident who is not the owner of such dwelling unit or rooming unit.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

VILLAGE — The Village of Williams Bay, County of Walworth, State of Wisconsin

§ 205-9. Registration requirements.

No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any property within the Village for which a registration statement has not been properly made and filed with the Building Inspector in accordance with the provisions of this article. Registration shall be made upon forms furnished by the Building Inspector of the Village for such purpose and shall specifically require the following minimum information:

- A. Name, address, phone number and, if available, email address of a property owner or authorized contact person.
- B. Street address of the property.

§ 205-10. Manner of registering.

The registration must be made at least 10 days before first renting the property or prior to any change of ownership, management, or contact information for a building by the property owner(s) or designated authorized contact person in the office of the Building Inspector of the Village. Registration shall be required prior to the issuance of any building and/or zoning permits relating to the property.

§ 205-11. Transfer of property.

Every owner(s) of property (whether as fee owner or land contract purchaser or upon conveyance or transfer of any interest in the property) shall be required to furnish to the Building Inspector the name, address, telephone number, and, if available, email address of a new owner or their authorized contact person.

§ 205-12. Registration fees.

A registration fee as set by resolution of the Village Board shall be charged for registrations required under this article.

§ 205-13. Inspection required.

- A. All residential rental units, boardinghouses, dormitories, hotels and motels within a designated district that rent to permanent residents shall be inspected systematically in a manner and upon a schedule prescribed by the Building Inspector, in compliance with this article and all other applicable laws.
- B. These inspection requirements are not intended to conflict with licensing and inspection requirements promulgated by the State of Wisconsin.
- C. The provisions of this section shall not apply to:
 - (1) Property containing only two dwelling units where one of the two dwelling units is occupied, as a permanent residence, by the owner of the property.
 - (2) Dwellings, buildings, structures and uses owned and/or operated by a governmental agency.
 - (3) Boardinghouses and dormitories that do not rent to permanent residents.
 - (4) Nursing homes and community-based residential facilities.
 - (5) Hotels/motels that do not principally rent to permanent residents.
 - (6) Any property which is not subject to annual inspections under this article and was inspected under this article within the last five years and which at the time of the inspection either had no habitability violations or cured all habitability violations found during the prior inspection within 30 days of the inspection.
 - (7) Any property which is subject to annual inspections which has had two consecutive annual inspections with no habitability violations within the last six years.
 - (8) Any property the occupant of which does not consent to allow access to, unless the inspection is conducted under a special inspection warrant.

- D. Where a nonresidential business or activity or a state licensed and inspected use occupies a portion of a building and premises which would be otherwise subject to this article, the provisions of this article shall be applicable to the residential and common or public areas of such building and premises.
- E. The Building Inspector may not conduct an inspection in accordance with this article of any building which is less than eight years old. Nothing in this section shall preclude the Building Inspector from inspecting a building which is less than eight years old in conjunction with any inspections relating to the issuance of an occupancy permit pursuant to Village codes.

§ 205-14. Frequency of inspections.

- A. The Building Inspector shall conduct an inspection of all property subject to inspection within a designated district within one year of the Village's designation of the district.
- B. Any building which, upon the initial inspection, has habitability violations which are not cured within 30 days of the initial inspection shall become subject to annual inspections under this article. Such building shall be inspected by the Building Inspector once a year until said building is exempted from further annual inspections.
- C. Nothing in this section shall preclude the inspection of said dwellings more frequently than once every year for purposes other than under this section.

§ 205-15. Inspection certificate required.

No person shall rent, let or let for occupancy any residential rental unit within a designated district without having a valid, current certificate of inspection for that residential rental unit. The Building Inspector shall authorize temporary occupancy without a certificate of inspection of any occupied building for the period of time between the designation of a district and the initial inspection as scheduled by the Building Inspector. The Building Inspector may authorize temporary occupancy without a certificate of inspection of an unoccupied building for the period of time between a request for an occupancy permit and the initial inspection as scheduled by the Building Inspector.

§ 205-16. Inspection procedure.

- A. If, upon completion of an inspection, a property is found to be in compliance with all applicable provisions of the Village of Williams Bay municipal ordinances, and the appropriate fee(s) has been paid, the Village shall issue a certificate of inspection for the property.
- B. If, upon completion of an inspection, a property is found to be in violation of one or more applicable provisions of the Village of Williams Bay municipal ordinances, the Village shall, within 10 working days, provide the property owner or authorized contact person with written notice of such violations. The violation(s) shall be corrected within 30 days, at which time a ~~reinspection~~^{re-inspection} date shall be set unless the violation exposes a tenant to imminent danger, at which point a time of less than 30 days may be designated. If such violation(s) has been corrected within that period, the Village shall issue a certificate

of inspection for the property. Upon a showing of good cause, the Building Inspector shall extend the time by which a violation must be cured. If such violation(s) has not been corrected within that period, the Village shall not issue the certificate of inspection and may take any action necessary to enforce compliance with all applicable provisions of this article and the Village of Williams Bay municipal ordinances. If such uncorrected violation(s) does not pose an immediate threat to health, safety and welfare of the occupants or other residents of the Village, the Building Inspector may, at his/her sole discretion, authorize the temporary occupancy of the property for a period not to exceed 60 days while corrective action is taken by the property owner.

§ 205-17. Request for inspection.

The owner(s) of any property subject to this article may request inspections of said property at any time, subject to the inspection fees provision of § 205-22.

§ 205-18. Certificate expiration date.

- A. A certificate of inspection issued pursuant to this article shall expire five years from the date of its issuance, unless the certificate of inspection is issued to a property subject to annual inspections in which case it shall expire one year from the date of its issuance.
- B. The certificate of inspection shall have the expiration date prominently displayed on its face.
- C. If a property owner successfully completes two consecutive years of certification without any complaints, violations or orders written against the property, then the Building Inspector shall issue a certificate of inspection which shall be valid for five years. Any extension so issued shall be subject to all other provisions of this article.

§ 205-19. Certificate transferability.

A certificate of inspection issued pursuant to this article shall be transferable to succeeding owners; provided, however, that the transferor shall provide written notice of said transfer to the Building Inspector no later than five days prior to the transfer closing. Such notice shall contain the name, address and phone number of a succeeding owner or authorized contact person as provided in § 205-11 herein. The failure to provide such notice may result in the suspension or revocation of the certificate of inspection.

§ 205-20. Certificate availability.

Upon the request of an existing or prospective tenant, the owner(s) or the duly designated agent or local manager shall produce the certificate of inspection for review.

§ 205-21. Suspension or revocation of certificate.

If the Building Inspector determines that any owner(s) has failed to comply with this article or any applicable provision of the Village of Williams Bay municipal ordinances, after having given that person written notice of said violation(s) and a reasonable opportunity to correct said violation(s), the Building Inspector may suspend or revoke the certificate of inspection held by

such owner(s).

§ 205-22. Inspection fees.

- A. Fees for each inspection required by this article shall be set by resolution of the Village Board.
- B. Fees for reinspection required by this article which is necessitated by the existence of a violation(s) of this article ascertained during an inspection shall be set by resolution of the Village Board.
- C. The units enumerated above shall not include the dwelling units used or occupied by the owner, but shall apply to the owner's local property manager.
- D. Where a property does not have a current certificate of inspection, then for purposes of calculating the fee therefor, the first required inspection date for the property shall be deemed the first inspection.
- E. No fee shall be charged for an inspection:
 - (1) Where an owner voluntarily allows access for an inspection of exterior and common areas, and no habitability violation is discovered during the inspection, or, if a violation is discovered, the violation is corrected within 30 days.
 - (2) Where no habitability violation is discovered during the inspection.
 - (3) Which is a reinspection that occurs after a violation from an initial inspection was corrected within 30 days.
 - (4) Which does not occur because an occupant does not allow access to the property.

§ 205-23. Violations and penalties.

- A. Injunction. Any violation of this article is hereby declared to be a public nuisance and a public health hazard. In addition to the penalties described in Subsection B, the Village Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any and all violations of this article and to require any violations of this article to be eliminated within 60 days after entry of judgment. The Village Attorney may request and shall be entitled to receive, on behalf of the Village, reimbursement for any and all costs and expenses, including reasonable attorney's fees, related to such injunction proceedings and any other enforcement action or litigation related thereto. All such penalties or costs and expenses awarded to the Village by a court of competent jurisdiction may be applied as a special assessment or lien against the property for collection by the Village.
- B. Penalty. Any person, firm or corporation who fails to comply with or violates the provisions of this article shall be fined not less than \$25 nor more than \$1,000 plus costs and expenses, for each offense. Each day a violation exists or continues shall constitute a separate offense.

§ 205-24. Severability.

The provisions of this article are severable. If any provision of this article or the application thereof to any person or circumstance is held or determined to be invalid, such invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provisions or application.

ARTICLE III

Short-Term Rental of Residential Dwellings

[Adopted as § 2.12 of the 2011 Code; amended in its entirety 8-20-2018 by Ord. No. 2018-8]

§ 205-25. Definitions.

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

DESIGNATED OPERATOR — An individual who is available to respond to the property within one hour in the event of an emergency or complaint to the Village Police Department.

OCCUPANT — A person who rents a short-term rental.

RESIDENTIAL DWELLING — Any building, structure or part of the building or structure that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

SHORT-TERM RENTAL — A residential dwelling offered or occupied for rent for a fee or similar consideration for more than six but fewer than 29 consecutive days.

§ 205-26. License required.

Any person who maintains, manages, or operates a short-term rental for more than 10 nights in a calendar year shall obtain a license under this article. Proof of the license and property rules shall be posted in a conspicuous location at all times while the property is rented and made available upon request for inspection.

§ 205-27. Applicability.

This article shall apply to all short-term rentals but shall not apply to a full month rental in the month of February. In addition, this article shall not apply to facilities approved as a hotel, motel, rooming house, lodging, lodging house or bed-and-breakfast.

§ 205-28. Occupancy.

Occupancy is limited to the number of occupants authorized by the state tourist rooming house license issued by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, in accordance with Wisconsin Administrative Code Chapter ATCP 72 and all successor regulations.

§ 205-29. Parking.

A minimum of two parking spaces shall be provided for each short-term rental. No on-street parking for renters will be allowed. Parking may be provided off site. Parking spaces must meet the standards set forth in Chapter 390, Zoning, of the Code of the Village of Williams Bay.

§ 205-30. Solid waste disposal.

Adequate refuse containers shall be available to prevent accumulation or scattering of solid waste, garbage and rubbish on the ground. Refuse containers shall be no larger than two cubic yards. Refuse must be removed from the property not less than one time per week and within 24 hours of placement for pickup. Containers for refuse larger than two cubic yards which have been located on the premises prior to obtaining a license under this article may remain in place, provided that such containers are enclosed by screening which visually shields the containers from neighboring properties.

§ 205-31. Guest registry.

Each license holder shall keep a registry of the party responsible for securing the rental including their name, address, phone number, dates of stay and number of occupants in the party. The registry shall be made available upon request by the Clerk. The license holder shall maintain the above stated information for a period of not less than one year from the last date of stay of the occupants.

§ 205-32. Property rules.

A list of property rules must be posted at the property and provided to the occupants and a copy submitted with the application for a license. Property rules must include the following minimum information:

- A. Maximum occupancy of the property.
- B. Contact information for the designated operator.
- C. Where to park.
- D. Quiet hours of 10:00 p.m. to 7:00 a.m.
- E. Pet policy: no more than three pets are allowed at the property.
- F. Outdoor burning regulations.
- G. Non-emergency contact information for law enforcement and fire.
- H. What to do with the garbage after the rental period is ended.
- I. Copy of the State of Wisconsin tourist rooming house license.
- J. Copy of the Village short-term rental license.
- K. Copy of the boating regulations if the property is located adjacent to a lake shore.

§ 205-33. License application and fees.

Any property owner or person having a contractual interest in any residential dwelling in the Village may file an application for a license to offer for rent a short-term rental with the Clerk at least 30 days in advance of the date the property is first offered for rent on forms furnished by the Clerk.

- A. The application shall include the following:
- (1) Address and tax key of the residential dwelling.
 - (2) Names and addresses of the applicant, owner of the dwelling or promoter or sponsor.
 - (3) Copy of State of Wisconsin tourist rooming house license.
 - (4) Name, address, and phone number of a designated operator for the property.
 - (5) Proposed occupancy for the dwelling.
 - (6) Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
 - (7) Site plan drawn neatly and accurately of the parcel including, but not limited to, lot lines, parking, and location of garbage collection areas.
 - (8) Copy of property rules.
 - (9) Schedule for refuse pickup and name of refuse hauler if other than refuse hauler retained by the Village.
 - (10) Proof of adequate sanitation facilities.
- B. Any changes in ownership of the property or designated operator shall be forwarded to the Clerk within 10 days of the change.
- C. Once approved, each license shall be valid for up to one year from July 1 until the following June 30. If a license is granted after April 1 of a license year, the license will be valid until June 30 of the following year.

§ 205-34. License fee schedule.

The license application fees shall be established by resolution of the Village Board in a fee schedule, which may be modified from time to time. The fees shall be related to costs involved in the processing of license applications, reviewing plans, conducting inspections and documentation. A schedule of the fees shall be on file with the office of the Clerk.

§ 205-35. Revocation.

Revocation of the license shall commence when the owner of the property fails to comply with the requirements of this article and/or § 46-11, Room tax, as they existed at the time of the issuance of the license.

§ 205-36. Revocation process.

- A. The owner of the property shall be notified of any ~~noncompliance~~non-compliance by the Village Administrator or his/her designee.
- B. The owner shall correct the violation within 24 hours to the satisfaction of the Village Administrator or designee.

- C. The Village Administrator or designee may notify the Village Board of noncompliance~~non-compliance~~ and request permission to proceed with the revocation process.
- D. Upon scheduling of a hearing before the Village Board concerning the possible revocation, the Village Administrator or designee will notify the owner of the property at least two weeks prior to the hearing date.
- E. The Village Administrator or designee will attempt to notify all property owners located within 150 feet of the property at least two weeks prior to the public hearing.
- F. A representative of the Village shall appear at the hearing before the Village Board to present the evidence of noncompliance~~non-compliance~~. All other interested parties may also give testimony to the Village Board.
- G. A written decision of the Village Board will be made and will be provided to the owner.
- H. If a license is revoked, the owner may apply for a new license after a twelve-month revocation period.

Chapter 220

KISHWAUKETOE NATURE CONSERVANCY

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 10.29 and 10.32 of the 2011 Code. Amendments noted where applicable.]

§ 220-1. Official rules established.

The Kishwauketoe Conservancy District Commission has prepared a set of official rules of conduct for persons entering upon the Village-owned Kishwauketoe Nature Conservancy, which rules have been adopted by ordinance by the Village Board. Such rules are on file in the office of the Village Clerk and are adopted herein by reference.

§ 220-2. Conduct prohibited.

No person shall engage in conduct which is prohibited by the rules adopted by reference as part of this chapter in § 220-1 above.

§ 220-3. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

Chapter 229

LIGHTING, OUTDOOR

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 15.03 of the 2011 Code. Amendments noted where applicable.]

§ 229-1. Purpose.~~Statement of purpose.~~

The purpose of the light ordinance is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy. Yerkes Observatory does much research and study by observing and taking pictures of the heavens through telescopes and for that purpose requires a clear atmosphere and as little as possible interference from ground lighting, and the Village appreciates that the Observatory is located within its boundaries and is willing to do everything reasonably possible to aid it in its research and study; therefore, this chapter is enacted in furtherance of such public purpose.

§ 229-2. **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

OUTDOOR LIGHTING FIXTURE — An outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or streetlighting.

SHIELDED — A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least 15° below a horizontal plane running through the lowest point on the fixture where light is emitted.

§ 229-3. **Shielding of outdoor lighting fixtures.**

All outdoor lighting fixtures shall be shielded, except incandescent fixtures 150 watts or less and other sources of 70 watts or less.

§ 229-4. **Illumination levels.**

All outdoor lighting shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES).

§ 229-5. **Filtering.**

Metal halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.

§ 229-6. Nonconforming light fixtures.

- A. Existing light fixtures which do not conform with §§ 229-3, 229-4 and 229-5 of this chapter are allowed, but extinguishing of such lights by 11:00 p.m. is encouraged.
- B. No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, school ball field, outdoor amphitheater, arena or similar facility.
- C. Search lights. Advertising search lights are prohibited.
- D. Advertising signs in which light is produced by glass tubing filled with neon, argon, and/or krypton.
- E. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within.
- F. Recreational lighting which requires upward illumination and architectural illumination of public buildings for aesthetic reasons are excluded provided the illumination is turned off at 12:00 midnight.

§ 229-7. Display lot lighting.

Display lot lighting shall be turned off within 30 minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.

§ 229-8. Architectural lighting.

All architectural lighting shall be of 150 watts or less (incandescent) or 70 watts or less (other types) and be extinguished no later than 11:00 p.m. Lights shall have at least 90% of their light falling on the illuminated structure.

§ 229-9. Use of mercury vapor lighting fixtures.

No new mercury vapor outdoor lighting fixtures shall be sold or installed after June 1, 1999. No replacement equipment or bulbs for mercury vapor lighting fixtures shall be sold or installed in the Village of Williams Bay after January 1, 2001.

§ 229-10. Exemptions.

The following are exempt from the requirements of this chapter:

- A. Outdoor lighting fixtures existing and legally installed prior to the effective date of this chapter; however, any replacement of said lighting fixtures must comply with this chapter as set forth above.

§ 229-11. Violations and penalties.

Any person, firm, entity or corporation violating the provisions of this chapter shall be required

to pay a forfeiture of not more than \$500 for each day the violation continues after being issued a citation.

Chapter 238

MINORS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Curfew

[Adopted as § 10.09 of the 2011 Code]

§ 238-1. Minors. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

- A. No minor person under the age of 18 years of age shall loiter, idle, wander or play, either on foot or in a vehicle of any nature whatsoever, upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots, or other unsupervised places in the Village between the hours of 11:00 p.m. and 6:00 a.m., unless accompanied by a parent or guardian, or other adult person having care and custody of the minor; provided, however, that this section shall not apply to minors while they are returning home from functions authorized by the governing body of any public or parochial school or church in the Village, and while such is being made by the shortest and most direct route and as fast as is reasonably possible under the circumstances. This section shall not apply to minors returning home from work, provided that any such minor shall ~~carry a pass issued by the Chief of Police, and shall~~ be returning home by the shortest and most direct route and as fast as is reasonably possible under the circumstances.
- B. This section shall not apply to minors exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, or minors that are married or had been married, ~~or a minor who is an emancipated minor under the Emancipation of Mature Minors Act, as amended.~~

§ 238-2. Parental responsibility. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

No parent, guardian, or other adult person having care and custody of a minor person under 18 years of age shall knowingly permit such minor to loiter, idle, wander or play, either on foot or in a vehicle of any nature whatsoever, upon the streets, alleys, highways, roads, [sidewalks, parks, playgrounds, public grounds,](#) vacant lots, or other unsupervised places in the Village between the hours specified in § 238-1 unless such minor is returning from an approved school or church function or from work or exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, ~~or is an emancipated minor under the Emancipation of Mature Minors Act, as amended, as provided in § 238-1.~~

§ 238-3. Enforcement.

Before taking any enforcement action within this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this article unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in § 238-1 is present.

§ 238-4. Violations and penalties.

- A. Any minor found violating the provisions of § 238-1 for the first violation shall be warned of the penalties for second and subsequent violations by any police officer of the Village and, where possible, shall be taken and delivered by such officer to the custody of the person having legal custody over the minor. A record of such violation shall be made and filed in the records of the Police Department. Any minor found violating the provisions of § 238-1 a second or subsequent time shall be dealt with in accordance with the provisions of Ch. 48, Wis. Stats.
- B. Anyone violating § 238-1 or 238-2 shall be subject to a penalty as provided in § 1-4 of this Code.
- C. Any person who shall violate any provision of § 238-2 shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding five days.

ARTICLE II

Truancy

[Adopted as § 10.17 of the 2011 Code]

§ 238-5. Authority.

Section 118.163(2), Wis. Stats., authorizes the Village to adopt a municipal truancy ordinance based on §§ 938.125(2) and 938.342, Wis. Stats., and § 118.16(5), Wis. Stats., authorizes the Village to adopt an ordinance requiring certain persons to ensure that a child attends school.

§ 238-6. Definitions.

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

ACCEPTABLE EXCUSE — The meaning as defined in §§ 118.15 and 118.16(4), Wis. Stats.

HABITUAL TRUANT — A pupil who is absent from school without an acceptable excuse for either of the following:

- A. Part or all of five or more days out of 10 consecutive days in which school is held during a school semester.
- B. Part or all of 10 or more days on which school is held during a school semester.

§ 238-7. Truancy prohibited.

- A. The Village, by this article and pursuant to § 118.163(2), Wis. Stats., does prohibit any

student within the Municipal Court jurisdiction from being a habitual truant. The Village Police Department is authorized to issue a municipal ordinance citation to any such student found within its jurisdiction who is determined to be habitually truant.

- B. Prior to the issuance of any citation, the law enforcement personnel shall determine whether the school officials have done the following:
- (1) Met with or attempted to meet with the child's parent or guardian to discuss the child's truancy.
 - (2) Provided an opportunity for educational counseling to the child and considered curriculum modifications.
 - (3) Evaluated the child to determine whether learning problems are a cause of the truancy and, if so, taken steps to overcome the learning problems.
 - (4) Conducted an evaluation to determine whether social problems are the cause of the child's truancy and, if so, taken appropriate action or made appropriate referrals.
- C. Any citation issued shall be returnable in the Municipal Court in the same manner as all ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.

§ 238-8. Disposition and penalties.

Upon finding the child habitually truant, the Municipal Court shall impose one or more of the following dispositions:

- A. Suspend the child's motor vehicle operating privileges as defined in § 340.01(40), Wis. Stats., for not less than 30 nor more than 90 days. The ~~judge~~Judge shall immediately take possession of the suspended license and forward it to the State Department of Transportation, together with a notice setting forth the reason for and duration of the suspension.
- B. Order the child to participate in counseling, community service or a supervised work program under § 118.163(2), Wis. Stats., and as described in § 938.34(5g), Wis. Stats.
- C. Order the child to remain at home, except for the hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave the home if the child is accompanied by a parent or guardian.
- D. Order the child to attend an educational program as set forth in § 938.34(7d), Wis. Stats.

§ 238-9. Required school attendance.

- A. Any person who has a child under his control, which child is between the ages of six years and 18 years old and which child attends school within the jurisdiction of the Village Municipal Court as defined in § 938.125(2), Wis. Stats., is required by ordinance to ensure that the child attends school according to the provisions of § 118.15, Wis. Stats.
- B. The Police Department is authorized to issue a municipal ordinance citation to any such

person upon complaint and affidavit of the school attendance officer.

C. Exceptions.

- (1) A person will not be found in violation of this section if that person proves that he is unable to comply with this section because of the disobedience of the child under that person's control. If the person is unable to comply with this section due to the disobedience of the child, no action will be undertaken pursuant to this section and the child will be referred to the Juvenile Court.
- (2) This section does not apply to a person who has a child under his control if the child has been sanctioned under § 49.26(1)(h), Wis. Stats.

§ 238-10. Violations and penalties.

Before a person may be found guilty of violating this article, the school attendance officer must present evidence to the Court that the activities under § 118.16(5), Wis. Stats., have been completed by the school system. If that evidence is presented to the Court and if the Court finds a person guilty of violating this article, a penalty as provided in § 1-4 of this Code, as the same may be amended, repealed and ~~re-created~~[recreated](#) from time to time, and such reference shall be deemed refer to the most recent enactment of § 1-4, shall be imposed against that person.

Chapter 242

MOBILE HOMES, RECREATIONAL AND COMMERCIAL MOTOR VEHICLES AND TENTS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 8.05 and 8.14 of the 2011 Code. Amendments noted where applicable.]

§ 242-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL MOTOR VEHICLE — A motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

- A. The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle's registered weight or actual gross weight is more than 26,000 pounds.
- B. The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.
- C. The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under § 340.01(31), Wis. Stats., or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.
- D. The vehicle is transporting hazardous materials.

DWELLING, SINGLE-FAMILY — A detached building designed for or occupied exclusively by one family.

PRINCIPAL BUILDING — The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the zoning district in which it is located.

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

RECREATIONAL VEHICLE — Recreational vehicles shall include the following: camping trailers, mobile homes under 30 feet in length, motor homes, dual purpose motor homes, fifth-wheel mobile homes under 30 feet in length, boats, snowmobiles, all-terrain vehicles, ice boats, and all trailers not specifically identified herein. Boats, ice boats, snowmobiles, all-terrain vehicles and other similar type vehicles shall be considered as separate recreational vehicles when not located on a trailer. Otherwise, said vehicles shall be considered as one recreational vehicle with the trailer when located on a trailer.

- A. ALL-TERRAIN VEHICLE — ~~A commercially designed and manufactured motorAn engine-driven device thatwhich has a net-weight, without fluids, of 900650 pounds or less, which has a width of 5048 inches or less, which is equipped with a seat designed to be straddled by the operator, and travelswhich is designed to travel on three or more low-pressure tires or nonpneumatic tires. [Amended at time. A low pressure tire is a tire which has a minimum width of adoptionssix inches, which is designed to be mounted on a rim with a maximum diameter of Code (see Ch. 1, General Provisions, Art. II)]12 inches and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer.~~
- B. CAMPING TRAILER — A vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.
- C. DUAL PURPOSE MOTOR HOME — A vehicle which can be interchangeably equipped as a motor home or as a motor truck.
- D. FIFTH WHEEL MOBILE HOME — A mobile home as defined in Subsection E which is towed by a vehicle with a flatbed frame so the trailer hitch of the mobile home is bolted to the flatbed frame or towing vehicle.
- E. MOBILE HOME — A vehicle designed to be towed as a single unit upon a highway by a motor vehicle and equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding 30 feet in length shall be considered a primary housing unit and not a recreational vehicle.
- F. MOTOR HOME — A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- G. SNOWMOBILE — An engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following:
- (1) A vehicle that has inflatable tires.
 - (2) A vehicle that is driven by a motor of four horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.
- H. TRAILER — A vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

SHORE YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between a navigable body of water and a line parallel thereto through the nearest point of the principal structure.

SHORELAND LOT — A lot abutting a navigable lake, stream or watercourse. Shoreland lots shall provide a street yard on the street abutting the lot, a shore yard on the watercourse abutting the lot and two side yards. Shoreland lots do not have a rear yard.

SIDE YARD — A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel

thereto through the nearest point of the principal structure.

STREET YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the closest structure on the lot to the street. Corner lots shall have two such yards.

VACANT LOT — Any lot which does not contain a principal building.

§ 242-2. State law adopted.

Section 66.0435, Wis. Stats., is adopted by reference and made a part of this chapter.

§ 242-3. Prohibited locations.

- A. Except as hereinafter provided, no person shall park any recreational vehicle or commercial [motor](#) vehicle in a street yard or on any vacant lot, as defined in § 242-1, in a residential district within the Village. Not more than two recreational vehicles which are boats, boats on trailers or boat trailers may be parked in a street yard or on a vacant lot in a residential district during the boating season from April 30 to November 1. Not more than two recreational vehicles which are snowmobiles, all-terrain vehicles and ice boats may be parked in a street yard or on a vacant lot in a residential district during the winter season from November 1 to March 15.
- B. Emergency or temporary stopping or parking of a mobile home, recreational vehicle or commercial [motor](#) vehicle is permitted on any street, alley, highway or public parking lot for not longer than one hour subject to other and further prohibitions, regulations or ordinances.
- C. Except as otherwise stated herein, recreational vehicles shall not be occupied for dwelling purposes nor parked or stored on a lot other than lots occupied by establishments selling or servicing such vehicles in conformity with other provisions of this chapter.
- D. In a residential district, two recreational vehicles owned by the occupant of a single-family dwelling, one of which is not more than 30 feet in length, the second of which is not more than 15 feet in length, may be stored in the side, rear or shore yard of the lot containing the single-family dwelling, not closer than three feet to any property line and not closer than six feet to any building on adjacent property or may be stored in a garage, carport, screen shelter or similar structure designed so as to substantially conceal the vehicle from the view of the adjoining property owners.
- E. A recreational vehicle may be parked in the street yard of a lot in a residential district containing a dwelling for the express purpose of loading and unloading and for a period not to exceed 24 hours. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)~~Not more than two recreational vehicles which are boats, boats on trailers or boat trailers may be parked in a street yard or on a vacant lot in a residential district during the boating season from April 30 to November 1. Not more than two recreational vehicles which are snowmobiles, all-terrain vehicles and ice boats may be parked in a street yard or on a vacant lot in a residential district during the winter season from November 1 to March 15.~~

- F. No recreational vehicle as defined herein which is in a state of externally visible disrepair or partial construction shall be stored or parked on any lot except inside a garage or similar structure and provided further that no substantial repair, disassembly or rebuilding operations are conducted thereon.

§ 242-4. Commercial motor vehicles.

In a residential district, one commercial motor vehicle which is owned by the occupant of the dwelling and which is not more than 20 feet in length may be parked in the open on a lot in the side or rear yard areas not closer than three feet to any property line nor closer than six feet to any building on the neighboring property or may be stored in a garage, carport or screen shelter or similar structure designed so as to substantially conceal the vehicle from the view of adjoining property owners.

§ 242-5. Tents.

- A. Tents shall not be erected, used or maintained on any parcel of land, except such small tents as are customarily used for recreation purposes and located on the same parcel as a principal structure which is a dwelling in residential districts.
- B. Use of tents for purposes of public assembly is permitted, provided they comply at all times with the following requirements:
- (1) A permit has been authorized by the Village Board and issued by the Building Inspector. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]and Zoning Inspector.
 - (2) The tent must be located within all zoning building setback requirements.
 - (3) The Village Board may require placement of the tent to take advantage of all natural and/or man-made screening to minimize the exposure of the tent to the public.
 - (4) The tent shall be of a color to minimize its visual impact as compared to its surroundings.
 - (5) Tents permitted by this section are limited to the period April 1 to November 1.
 - (6) A tent permit fee has been paid pursuant to the schedule of permit fees on file in the office of the Building Inspector.
 - (7) The tent must at all times comply with the Village noise and lighting ordinances and all other applicable Village ordinances.
 - (8) Prior to occupancy and subject to periodic inspections, the tent must meet the requirements of Ch. SPS 362, Wis. Adm. Code, and all other applicable provisions of the State of Wisconsin Commercial Building Code.
- C. Tents for any purpose other than for public assembly, such as, but not limited to, storage purposes, garages, animal housing and human habitation, are strictly prohibited.

§ 242-6. Mobile home parks.

A. License required; application.

- (1) No person shall establish, operate, maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the limits of the Village without having first secured a license for each such park from the Village Board pursuant to this section. Such license shall expire one year from the date of issuance but may be renewed under the provisions of this section for additional periods of one year.
- (2) The application for such license or the renewal thereof shall be filed with the Clerk~~-Treasurer~~ and shall be accompanied by a fee [as provided in the Village Fee Schedule of \\$2](#) for each space in the existing or proposed park and a surety bond in the sum of \$5,000. This bond shall guarantee the collection by the licensee of the monthly parking permit fees provided for in § 242-7, payment of such fees to the ~~Clerk~~-Treasurer and payment by the licensee of any fine or forfeiture, including legal costs imposed upon or levied against such licensee for a violation of the ordinances of the Village, pursuant to which such license is granted, and shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this section. A fee [as provided in the Village Fee Schedule of \\$10](#) shall be paid for each transfer of a license. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (3) The application for a license or a renewal thereof shall be made on forms furnished by the Clerk~~-Treasurer~~ and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application shall be provided) and such a legal description of the premises upon which the mobile home park is or shall be located as shall readily identify and definitely locate the premises. The application shall be accompanied by two copies of the park plan showing the following, either existing or as proposed: [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
 - (a) The extent and area used for park purposes.
 - (b) Roadways and driveways.
 - (c) Location of units for mobile homes.
 - (d) Location and number of sanitary conveniences including toilets, washrooms, laundries and utility rooms to be used by occupants of units.
 - (e) Method and plan of sewage disposal.
 - (f) Method and plan of garbage removal.
 - (g) Plan for water supply.
 - (h) Plan for electrical lighting of units.
 - (i) If the existing or proposed park is designed to serve nondependent mobile home

units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

B. Inspection and enforcement.

- (1) No mobile home park license shall be issued until the Clerk~~Treasurer~~ shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector or their authorized agents of such application and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (2) These officials shall furnish to the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for which the officer is certifying.
- (3) No license shall be renewed without a [reinspection](#)~~re-inspection~~ of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right to enter any premises on which a mobile home is located or about to be located and to inspect the same and all accommodations connected therewith at any reasonable time.

C. Location of mobile home park and mobile homes.

- (1) No mobile home park shall be located in any area not approved for the same by the Village Board.
- (2) No occupied mobile home within the limits of the Village shall be located between the recognized setback line for the zoning district in which such mobile is located and the street or highway or less than 10 feet from any building or other mobile home or from the boundary line of the premises on which located.

D. Park plan.

- (1) Every mobile home park shall be located on a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home park shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.
- (2) Mobile home spaces shall be clearly defined and shall consist of a minimum of 1,000 square feet and a width of not less than 20 feet. The park shall be so arranged that all spaces shall face or abut on a driveway of not less than 20 feet in width giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition having natural drainage, be well lighted at night and shall not be obstructed.
- (3) The park shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein and walkways to such buildings shall be graveled or paved and well lighted at night.

- (4) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 30-~~ampere~~-~~amperes~~ capacity and a heavy outlet receptacle. Electrical outlets shall be weatherproof and no power lines shall be less than 15 feet above ground.
- (5) Off-street parking areas for motor vehicles shall be provided in the ratio of one lot for each mobile home unit.
- (6) No mobile home unit shall be parked in a park outside of a designated space.

E. Water supply.

- (1) Adequate supply of pure water furnished through a pipe distribution system connected directly with the public water main with supply faucets located not more than 200 feet from any dependent mobile home shall be furnished for drinking and domestic purposes in all parks.
- (2) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such units. Such system shall be adequate to provide 20 pounds pressure per square inch and capable of furnishing a minimum of 125 gallons per day per space.
- (3) No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet room.
- (4) Every mobile home park serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

F. Service buildings and accommodations.

- (1) Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, showers and laundry facilities as required by this section, such buildings to be known as service buildings. Such service buildings shall be located not more than 200 feet from any dependent unit space nor closer than 15 feet to any mobile home space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.
- (2) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight dependent units or fraction thereof and shall have separate compartments. Every male toilet room shall also contain one urinal for each 16 dependent units but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or ~~fewer~~~~less~~ water closets.
- (3) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square for each eight dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least 12 square feet.
- (4) Laundry facilities shall be provided in the ratio of one double tray unit, one conventional ~~-~~type washing machine or one automatic washing machine with electric outlet for each eight units. Sufficient drying facilities shall be available.

- (5) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each 16 dependent units.
- (6) The above accommodations shall be based on the total park capacity according to accepted plans.
- (7) Floors of toilets, showers and the laundry shall be of concrete, tile or similar materials impervious to water, easily cleaned and pitched to a floor drain.

G. Waste and garbage disposal.

- (1) All liquid waste from showers, toilets, laundries, faucets, ~~lavatories~~^{lavatories}, etc. shall be discharged into a sewer system extended from and connected with the public sewer system.
- (2) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the State Plumbing Code. The sewer connection shall be provided with suitable fittings so that watertight connection can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor ~~-~~⁻free condition.
- (3) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use shall not be permitted.
- (4) Each faucet shall be equipped with facilities for drainage of waste and excess water.
- (5) Every mobile home unit shall be provided with a substantial ~~flytight~~^{fly-tight}, watertight metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner at least weekly.

H. Limitation on length of stay and on number of occupants. No person shall occupy any mobile home within the Village for more than 90 days in each twelve-month period except as provided in § 242-4 and except that upon a showing and proof that there exists in the community a shortage of adequate housing facilities, additional stays of 60 days may be granted as an emergency provision, provided this time limitation shall not apply to the licensee of a mobile home park or his bona fide employees so as to prevent their remaining on the park premises at all times.

I. Management.

- (1) In every mobile home park there shall be located the office of the attendant or person in charge of such camp. A copy of the park license and of this section shall be posted therein and the park register shall at all times be kept in such office.
- (2) The attendant or person in charge, together with the licensee, shall:
 - (a) Keep a register of all guests to be open at all times to inspection by state and federal officers and the Village Board which shall show for all guests:

[1] Names and addresses.

- [2] Number of children of school age.
 - [3] State of legal residence.
 - [4] Dates of entrance and departure.
 - [5] License numbers of all mobile homes and towing or other vehicles.
 - [6] States issuing such licenses.
 - [7] Purpose of stay in park.
 - [8] Place of last location and length of stay.
 - [9] Place of employment of each occupant.
- (b) Maintain the park in a clean, orderly and sanitary condition at all times.
 - (c) Ensure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his attention.
 - (d) Report to the Health Officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
 - (e) Maintain in convenient places approved by the Fire Chief hand fire extinguishers in the ratio of one to each eight units.
 - (f) Collect the monthly parking permit fee provided for in § 242-7. A book shall be kept showing the names of the persons paying such service charges and the amounts paid.
 - (g) Prohibit the lighting of open fires on the premises.
- J. Applicability of plumbing, electrical and building ordinances. All plumbing, electrical, building and other work on or at any park licensed under this section shall be in accordance with the ordinances of the Village and the requirements of the state plumbing, electrical and building codes and the regulations of the State Department of [Safety and Professional Services](#).~~Health~~. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

§ 242-7. Monthly parking ~~parking fee~~. [Amended 9-1-1970]

There is hereby imposed on each owner or operator of a mobile home park licensed herein a monthly parking permit fee in the amount determined as provided by law on each occupied mobile home in the park. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home and to pay the Village Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this section and such regulations as the Board may reasonably promulgate.

§ 242-8. Revocation of license or permit.

The Village Board may revoke any license or permit issued pursuant to the terms of this chapter in accordance with the law.

§ 242-9. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 253

NUISANCES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 11.01 to 11.05 and 11.06 to 11.08 of the 2011 Code. Amendments noted where applicable.]

§ 253-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

§ 253-2. Definitions~~Public nuisance defined.~~

As used in this chapter, the following terms shall have the meaning provided:

PUBLIC NUISANCE — A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.
- C. Greatly offend the public morals or decency.
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

§ 253-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 253-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.

- E. Privy vaults and garbage cans. Privy vaults and garbage cans which are not ~~flytight~~fly-tight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one foot.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- J. Unsightly debris.
 - (1) Prohibited. No person shall accumulate or store unsightly debris on any lot or parcel of land within the Village, except by special permit issued under § 175.25, Wis. Stats.
 - (2) Definition. Without limitation because of enumeration, unsightly debris is defined as including the following items: junked automobiles and parts thereof; old automobiles, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof; rubbish, garbage, refuse, junk, bricks, cement blocks or other similar items and waste materials such as may tend to depreciate property values in the area, or create a nuisance or hazard.
 - (3) Order by Building Inspector. The Building Inspector shall examine any premises concerning which there has been a complaint of violation of this subsection, and if he believes this subsection has been violated, the Building Inspector may, in writing, order the premises cleaned, placed in order or made sightly within 10 days. Failure of the property owner to comply with such order shall be a violation of this subsection.

§ 253-4. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 253-2:

- A. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- B. Gambling devices. All gambling devices and slot machines.
- C. Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt

beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

- D. Continuous violation of Village ordinances. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

§ 253-5. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 253-2:

- A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree limbs and/or shrubbery. All limbs of trees or shrubbery which project over and less than 10 feet above any public sidewalk, street or other public place.
- F. Dangerous trees and/or shrubbery. All trees or shrubbery which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. Wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly

annoy or disturb a neighborhood or any considerable number of persons within the Village.

- K. Obstructions of streets; excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.
- L. Unlawful assembly. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

§ 253-6. Abatement of public nuisances.

- A. Enforcement. The Chief of Police, the Chief of the Fire Department ~~and~~, the Building Inspector ~~and Health Officer~~ shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- B. Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement after notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed as provided in Subsection B.
- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.
- E. Court order. Except when necessary under Subsection B, an officer hereunder shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

§ 253-7. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the

Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

§ 253-8. Violations and penalties.

Except as otherwise provided, any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 264

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 8.11, 8.12, 10.01 to 10.08, 10.10, 10.13 to 10.16, 10.18, 10.20 to 10.23, 10.25, 10.26, 10.30 and 10.32 of the 2011 Code. Amendments noted where applicable.]

§ 264-1. Offenses against state laws subject to forfeiture.

- A. Statutory provisions adopted by reference. The statutory provisions describing and defining regulations with respect to crimes against public health and safety, property, sexual morality, government and administration, and peace and order in the sections of the Wisconsin Statutes, as revised, and as enumerated in Subsection B of this section, are adopted and by reference made a part of this section as if fully set forth herein.
- B. Statutory provisions enumerated. The following statutory sections are adopted by reference and conduct which is the same or similar to that prohibited by such statutory provisions is prohibited in the Village:
 - (1) General.
 - (a) Section 101.123, Smoking prohibited.
 - (2) Chapter 939, Crimes “ General Provisions.
 - (a) Section 939.05, Parties to crime.
 - (3) Chapter 940, Crimes Against Life and Bodily Security.
 - (a) Section 940.19(1), Battery, simple.
 - (b) Section 940.225(3m) and (4) to (7), Fourth degree sexual assault.
 - (c) Section 940.34, Duty to aid victim or report crime.
 - (d) Section 940.42, Intimidation of witnesses.
 - (e) Section 940.44, Intimidation of victims.
 - (4) Chapter 941, Crimes Against Public Health and Safety. [Amended 12-19-2011 by Ord. No. 7-11; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (a) Section 941.10, Negligent handling of burning materials.
 - (b) Section 941.12, Interfering with firefighting ~~fire fighting~~.
 - (c) Section 941.13, False alarms.
 - (d) Section 941.20, Endangering safety by use of dangerous weapon (excluding felony provisions).

- (e) Section 941.23, Carrying concealed weapon.
- (f) Section 941.235, Carrying firearm in public building.
- (g) Section 941.237, Carrying handgun where alcohol beverages may be sold and consumed.
- (h) Section 941.~~24, Possession of switch blade knife.~~
- ~~(i) Section 941.2965, Restrictions on use of facsimile firearms. [Amended 12-19-2011 by Ord. No. 7-11]~~
- (ij) Section 941.36, Fraudulent tapping of electric wires or gas or water meters or pipes.
- (jk) Section 941.37, Obstructing emergency or rescue personnel.
- (5) Chapter 942, Crimes Against Reputation, Privacy and Civil Liberties.
 - (a) Section 942.05, Opening letters.
- (6) Chapter 943, Crimes Against Property.
 - (a) Section 943.01, Damage to property.
 - (b) Section 943.11, Entry into locked vehicle.
 - (c) Section 943.125, Entry into locked coin box.
 - (d) Section 943.13, Trespass to land.
 - (e) Section 943.14, Criminal trespass to dwellings.
 - (f) Section 943.15, Entry onto construction site or into a locked building, dwelling or room.
 - (g) Section 943.20, Theft (under \$500).
 - (h) Section 943.21, Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station (under \$500).
 - (i) Section 943.22, Use of cheating tokens.
 - (j) Section 943.23, Operating vehicle without owner's consent.
 - (k) Section 943.24, Issue of worthless check.
 - (l) Section 943.34, Receiving stolen property (less than \$500).
 - (m) Section 943.37, Alteration of property indemnification marks.
 - (n) Section 943.45, Theft of telecommunications service (excluding felony provisions).
 - (o) Section 943.46, Theft of video service.
 - (p) Section 943.50, Retail theft; theft of services.

- (q) Section 943.61, Theft of library material.
- (7) Chapter 944, Crimes Against Sexual Morality.
 - (a) Section 944.20, Lewd and lascivious behavior.
 - (b) Section 944.21, Obscene material or performance.
 - (c) Section 944.23, Making lewd, obscene or indecent drawings.
 - (d) Section 944.30, Prostitution.
 - (e) Section 944.31, Patronizing prostitutes.
 - (f) Section 944.33, Pandering (excluding felony provisions).
- (8) (Reserved)
- (9) Chapter 946, Crimes Against Government and Its Administration.
 - (a) Section 946.40, Refusing to aid officer.
 - (b) Section 946.41, Resisting or obstructing officer.
 - (c) Section 946.42, Escape (excluding felony provisions).
 - (d) Section 946.44, Assisting or permitting escape (excluding felony provisions).
 - (e) Section 946.67, Compounding crime.
- (10) Chapter 947, Crimes Against Public Peace, Order and Other Interests.
 - (a) Section 947.01, Disorderly conduct.
 - (b) Section 947.012, Unlawful use of telephone.
 - (c) Section 947.013, Harassment.
 - (d) Section 947.02, Vagrancy.
 - (e) Section 947.06, Unlawful assemblies.
- (11) Chapter 948, Crimes Against Children.
 - (a) Section 948.01, Definitions.
 - (b) Section 948.09, Sexual intercourse with a child ~~age~~Age 16 or ~~older~~Older.
 - (c) Section 948.10, Exposing genitals, pubic area or intimate parts.
 - (d) Section 948.12, Possession of child pornography.
 - (e) Section 948.21, Neglecting a child (excluding felony provisions).
 - (f) Section 948.40, Contributing to the delinquency of a child (excluding felony provisions).
 - (g) Section 948.45, Contributing to truancy.

- (h) Section 948.55, Leaving or storing a loaded firearm within the reach or easy access of a child.
 - (i) Section 948.60, Possession of a dangerous weapon by a person under 18 (excluding felony provisions).
 - (j) Section 948.605, Gun-free school zones (excluding felony provisions).
 - (k) Section 948.61, Dangerous weapons other than firearms on school premises (excluding felony provisions).
 - (l) Section 948.63, Receiving property from a child.
 - (m) Section 948.70, Tattooing of children.
- (12) Chapter 951, Crimes Against Animals.
- (a) Section 951.02, Mistreating animals.
 - (b) Section 951.03, Dognapping and catnapping.
 - (c) Section 951.06, Use of poisonous and controlled substances.
 - (d) Section 951.13, Providing proper food and drink to confined animals.
 - (e) Section 951.14, Providing proper shelter.
 - (f) Section 951.15, Abandoning animals.
- C. References to Wisconsin Statutes. The statutory provisions adopted by reference herein shall mean the Wisconsin Statutes as from time to time amended, repealed and recreated or modified by the Wisconsin Legislature and shall be deemed to refer to the most recent enactments of such statutory provisions by the Wisconsin Legislature.
- D. Penalty for violation. The penalties prescribed for violation of any of the provisions of this section shall be limited to a forfeiture. This forfeiture shall be levied upon anyone violating any of the provisions of this section pursuant to § 1-4 of the Code of the Village of Williams Bay, as the same may be amended, repealed and ~~re-created~~recreated from time to time, and such reference shall be deemed to refer to the most recent enactment of § 1-4.

§ 264-2. Discharging firearms and guns. [Amended 12-19-2011 by Ord. No. 7-11]

- A. No person except a sheriff, constable, police officer or their deputies or other law enforcement officer shall fire or discharge any firearm, rifle, or spring or air gun within the Village. The Chief of Police may further grant a permit for the discharge of a firearm and gun for any lawful purpose such as pest extermination to any adult resident of the Village for a period of not more than 30 days.
- B. No person shall, in the territory adjacent to the Village, discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- C. This section shall not apply to the following:
 - (1) Persons engaging in hunting in full compliance with § 264-6 of this chapter.

- (2) The discharge of the firearm is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in § 939.45, Wis. Stats.

§ 264-3. Firearms in public buildings. [Added 8-15-2011 by Ord. No. 2-11]

- A. Pursuant to § 943.13(1m)(c)4, Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the state or local governmental unit if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or specific type of firearm.
- B. The Village Administrator shall cause signage to be erected at all entrances to all buildings owned, occupied or under the control of the Village of Williams Bay providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- C. Nothing in this section shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding § 939.22(22), Wis. Stats., for purpose of this subsection, "peace officer" does not include a commission warden who is not a state-certified commission warden.
- D. Nothing in this section shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to § 941.23 or 941.235, Wis. Stats.

§ 264-4. Carrying concealed weapon. [Added 12-19-2011 by Ord. No. 7-11]

- A. Carrying a concealed weapon; possession and display of license document or authorization.
 - (1) Unless a licensee or out-of-state licensee is carrying a concealed weapon in his or her own dwelling or place of business or on land he or she owns, leases, or legally occupies, a licensee shall have with him or her his or her license document and photographic identification card and an out-of-state licensee shall have with him or her his or her out-of-state license and photographic identification card at all times during which he or she is carrying a concealed weapon.
 - (2) Unless the licensee or out-of-state licensee is carrying a concealed weapon in his or her own dwelling or place of business or on land he or she owns, leases, or legally occupies, a licensee who is carrying a concealed weapon shall display his or her license document and photographic identification card and an out-of-state licensee who is carrying a concealed weapon shall display his or her out-of-state license and photographic identification card to a law enforcement officer upon the request of the law enforcement officer while the law enforcement officer is acting in an official capacity and with lawful authority.
- B. Definitions. For purposes of this section, the terms as defined in § 175.60(1), Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made a part of this section as if fully set forth herein.
- C. Penalty. Any person who violates any provision of this section shall be subject to forfeiture of not more than \$25, except that the person shall be exempt from the forfeiture if the

person presents, within 48 hours, his license document or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

§ 264-5. Throwing or shooting of arrows, stones and other missiles. [Amended 3-17-2014]

Except as provided in § 264-6 of this chapter, no person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at or into any building or any street, sidewalk, alley, highway, park, playground or other property owned by the Village.

§ 264-6. Hunting.

- A. Entry upon Village owned property for hunting. The Village Board may authorize and permit certain types of special hunting for certain types of game animals or birds on certain specified portions of Village owned property from time to time, provided any person wishing to engage in such specially permitted hunting fully complies with the following requirements:
 - (1) All Wisconsin game laws.
 - (2) Registration at the Village Police Department prior to engaging in such hunting.
 - (3) All conditions, rules and regulations as established by the Village Board for such special hunting.
- B. Possession of a bow or crossbow on Village owned property prohibited. No person may possess or have under his/her control on Village owned property a bow or crossbow unless the person has registered at the Village Police Department as a hunter and received permission to hunt prior to entry upon Village owned property.
- C. Hunting upon private property. A person hunting on private property within the Village with a bow and arrow or crossbow must do so in a manner which results in the discharge of the arrow or bow from the respective weapon toward the ground. Further, a person hunting with a bow and arrow or crossbow on private property may not do so within 100 yards of a building located on another person's land unless the person who owns the land on which the building is located allows the hunter to hunt within a closer distance so specified by the landowner. [Amended 3-17-2014]

§ 264-7. Sale and discharge of fireworks.

Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.

§ 264-8. Obstructing streets and sidewalks.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or

egress to or from any place of business or amusement, church, public hall or meeting place.

§ 264-9. Loud and unnecessary noise. [Amended 2-2-2015]

- A. General. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence, except as may be permitted in Subsections C and F. Any such sound or noise which can be heard outside a seventy-five-foot radius of the source from which it is projected shall be prima facie evidence of a violation of this section.
- B. Sound amplification. No person or persons owning, operating, or having the care, custody, or control of any set, instrument, phonograph, machine or sound amplification device shall be permitted to be operate any musical instrument or other entertainment device including the human voice, using amplification outside of a totally enclosed structure between the hours of 11:00 p.m. and 7:00 a.m.
- C. Power equipment. No person or persons shall operate or allow others to operate lawn mowers, tractors, leaf blowers, any other power lawn and garden equipment, vehicles or machinery, or any construction equipment, vehicles or machinery (including both commercial and residential construction or remodel projects), prior to 7:00 a.m. on regular weekdays (Monday through Friday) or 8:00 a.m. on Saturdays, Sundays and holidays or after 8:00 p.m. on any day of the week. No person or persons shall operate or allow others to operate other noise producing power equipment (other than items already mentioned herein) outside of a totally enclosed structure prior to 7:00 a.m. on regular weekdays (Monday through Friday) or 8:00 a.m. on Saturdays, Sundays and holidays or after 8:00 p.m. on any day of the week. These restrictions shall not apply to the operation of snow removal equipment, including but not limited to snowplows and snow blowers.
- D. Motor vehicles. No person shall use a motor vehicle, motor driven cycle or motor driven machinery to cause a disturbance of the public peace by spinning the wheels and tires or accelerating the motor causing excessive or unnecessary noise.
- E. As used in this section, the term "totally enclosed structure" means a permanent structure consisting of walls, roof and floor, the windows and doors of which are closed.
- F. Exceptions. The provisions of this section shall not apply to:
 - (1) Any vehicle of the Village while engaged in necessary public business.
 - (2) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, state or private utilities at night when public welfare and convenience render it impossible to perform such work during the day.
 - (3) Live music provided, sponsored or funded, in whole or in part, by a governmental entity.
 - (4) Activities allowed by permission of the Village.

§ 264-10. Emergency alarms.

See Chapter 125, Alarms Systems, of this Code.

§ 264-11. Gambling, lotteries and fraudulent devices and practices. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village, except as provided by state statute. Any police officer ~~or policeman~~ of the Village shall seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

§ 264-12. Loitering.

- A. Loitering or prowling. No person shall loiter or prowl in a place, at a time or in a manner not usual for law ~~abiding~~ individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- B. Obstruction of highway by loitering. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- C. Obstruction of traffic by loitering. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public places within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, [alleys](#), sidewalks, ~~streets~~, street crossings and bridges or other public places by persons passing along and over the same. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- D. Loitering after being requested to move. No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such places.

§ 264-13. Indecent advertising.

No person shall within the Village display any indecent advertisement.

§ 264-14. Littering.

No person shall throw any glass, rubbish, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village or upon any private property or upon the surface of any body of water within the Village.

§ 264-15. Open cisterns, wells, basements or other dangerous excavations.

- A. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings.
- B. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

§ 264-16. Abandoned or unattended ice boxes.

No person shall leave or permit to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

§ 264-17. Use of lake shore path restricted.

No person shall operate a bicycle or motor vehicle or ride, lead or drive a horse or pony on the path around the lake shore. These restrictions shall not apply to police officers acting in their official capacity.

§ 264-18. Sleeping in motor vehicles.

No person shall sleep in a motor vehicle on any public street, highway, park or other public place in the Village.

§ 264-19. Attempted vandalism, theft or battery.

- A. No person shall attempt to commit vandalism, theft or battery as defined or described in §§ 940.19(1), 943.01, and 943.20, Wis. Stats. [Amended at time, and § 10.35 of adoption of this Municipal Code (see Ch. 1, General Provisions, Art. II)].
- B. Defined. An attempt to commit vandalism, theft or battery as enumerated in Subsection A above requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of § 943.01, 943.20 or 940.19(1), respectively, of the Wisconsin Statutes.
- C. Penalty. Any person violating Subsection A shall, upon conviction thereof, forfeit not less than \$5 nor more than \$200, together with the cost of prosecution, and in default of such payment, shall be imprisoned in the county jail ~~County Jail~~ until payment is made but not exceeding six months.

§ 264-20. Conspiracy to commit vandalism, theft or battery.

- A. Conspiracy defined. A conspiracy is defined as a combination or agreement between two or more persons for the purpose of correlation, by their joint or several efforts, of some unlawful act or acts.
- B. Prohibited. Any person who conspires to violate § 943.01, 943.20 or 940.19(1), respectively, of the Wisconsin Statutes, with intent that such a violation be committed, shall ~~may~~, if one or more of the parties to the conspiracy does an act to effect its object, shall ~~be~~ ordered to pay a forfeiture of not less than \$5 nor more than \$200, together with cost of prosecution, and in default of such payment, shall be imprisoned in the county jail ~~County Jail~~ until payment is made but not exceeding six months. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 264-21. Possession of controlled substances; drug paraphernalia.

- A. No person shall knowingly possess, keep or maintain any narcotic drugs, marijuana or stimulant, depressant or hallucinogenic drugs, or any substance defined as a controlled substance in the Uniform Controlled Substance Act, Ch. 961, Wis. Stats., unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.
- B. The following provisions of the Wisconsin Statutes describing and defining regulations with respect to drug paraphernalia within the Village are hereby adopted and by reference made a part of this section as if fully set forth herein: §§ 961.571, 961.572, 961.573, 961.574, 961.575, 961.576.

§ 264-22. Synthetic cannabinoids. [Added 1-3-2012]

- A. Possession, use, and sale. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals whether under the common street or trade names of "Spice," "K2," "Genie," "Yucatan Fire," "fake" or "new" marijuana, or by any other name, label, or description.
- (1) Salvia divinorum ~~Salviadivinorum~~ or salvinorum A; all parts of the plant presently classified botanically as Salviasalvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
 - (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol; some trade or other names: HU-210;
 - (3) 1-Pentyl-3-(1-naphthoyl) indole; -some trade or other names: JWH-018\spice;
 - (4) 1-Butyl-3-(1-naphthoyl) indole; -some trade or other names: JWH-073;
 - (5) 1-(3 trifluoromethylphenyl) piperazine; -some trade or other names: TFMPP; or
 - (6) Any similar structure analogs.

- B. Medical or dental use. Acts otherwise prohibited under Subsection A shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.
- C. Penalties. Any person violating this section shall be subject to a forfeiture of not less than \$100 nor more than \$500, exclusive of costs, and upon failure to pay the same, shall be confined in the county jail for not more than 30 days.

§ 264-23. Items designed or marketed for use with illegal cannabis or drugs.

No person shall sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs as defined by the Wisconsin Statutes.

§ 264-24. Unauthorized presence in public school buildings or on grounds.

- A. Prohibited. No person shall visit or loiter in any public school building or on public school district property without the permission of the administrator, custodian or other person in charge of such school.
- B. Exceptions. The provisions of Subsection A shall not include students regularly enrolled in such school, unless ordered to leave by the administrator or custodian or other person in charge, or parents or legal guardians of students who may be required to register at the office of the school.
- C. Defined. As used herein, the term loiter shall mean to stray aimlessly and idly within a public school building or on public school district property without permission or to be in the building or on the property for some illegal purpose.
- D. Penalty. Any person who violates any provision of this section shall, upon conviction thereof, be subject to a forfeiture of not less than \$50 nor more than \$500, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail for not to exceed six months.

§ 264-25. Theft or damage to property by minors; liability.

- A. Statutory provisions adopted by reference. The statutory provisions describing and defining regulations with respect to crimes against property in the sections of the Wisconsin Statutes, as revised, and as enumerated in Subsection B of this section are adopted and by reference made a part of this section as if fully set forth herein.
- B. Statutory provisions enumerated.
 - (1) The following statutory sections, exclusive of the penalty provisions contained therein, are adopted by reference and conduct which is the same or similar to that prohibited by such statutory provisions is prohibited in the Village:
 - (a) 943.01, Damage to property.
 - (b) 943.20, Theft.

- (2) References to Wisconsin Statutes. The statutory provisions referred to or adopted by reference by this section shall mean the Wisconsin Statutes as from time to time amended, repealed and re-created or modified by the Wisconsin Legislature and shall be deemed to refer to the most recent enactments of such statutory provisions by the Wisconsin Legislature.
- C. Parents or guardians liability for minors violating this section. The following persons shall be additionally liable for the violation of this section if a person under the age of 18 years of age violates this section: both parents if both parents have custody of the minor, the parent having custody of the minor if only one parent has custody, or if neither parent has custody of the minor, then the person or guardian having such custody of the minor or the minor's foster parent or parents. It shall be no defense to a violation of this section that the parent or guardian was not the person actually committing the violation or that the parent or guardian had no knowledge that the violative behavior of the minor was to occur.
- D. Penalty for violation. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required to be performed or prohibited by this section. The penalties prescribed for violation of any of the provisions of this section shall be limited to a forfeiture. The forfeiture shall be levied upon anyone violating any of the provisions of this section. The amount of the forfeiture shall be in the amount as set forth in § 1-4 of this Code. The persons liable for each offense of this section shall be jointly and severally liable for the payment of the forfeiture and costs. Forfeitures imposed upon minors shall be subject to the requirements of Ch. 48, Wis. Stats.
- E. Restitution. In addition to the imposition of a forfeiture as a penalty for a violation of this section, the Municipal Court shall order restitution under the authority granted it pursuant to § 800.093, Wis. Stats., which is adopted by reference and made a part of this section as if fully set forth herein.

§ 264-26. Group activities on municipally owned property.

- A. Approval required. No business of any type or business related activity shall be permitted on municipally owned property without prior approval of the Village Board.
- B. Permit required. Whenever any group, association or organization desires to use municipally owned facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of such group, association or organization shall first obtain a permit from the Village Board for such purposes.
- C. Fees. Fees for the use of municipally owned property shall be determined by the Village Board.

§ 264-27. Violations and penalties. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

[Except as otherwise provided in this chapter, any](#)Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

Chapter 270

PLUMBING STANDARDS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 14 of the 2011 Code. Amendments noted where applicable.]

§ 270-1. Definitions.

As used in this chapter the following terms shall have the meanings indicated:

PLUMBING

- A. As is stated in § 145.01(10), Wis. Stats.
- B. The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater, or industrial waste from a point three feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.

§ 270-2. State code adopted.

The provisions and regulations of Chapter 145, Plumbing and Fire Protection Systems, of the Wisconsin Statutes and Chapter SPS 305, Licenses, Certifications and Registrations, and Chapters SPS 381 to SPS 384, Wisconsin State Plumbing Code, of the Wisconsin Administrative Code are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village.

§ 270-3. Inspection and supervision.

The Plumbing Inspector shall be the Building Inspector and appointed by the Village Board. He shall perform such duties as are provided for in § 145.05(1), Wis. Stats., and shall make monthly and annual permit reports to the appointing body.

§ 270-4. Authority of Plumbing Inspector.

- A. The Plumbing Inspector shall be permitted access to all premises during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.
- B. The Plumbing Inspector may withhold approval of an application for a plumbing permit from any person who has not complied with a lawful order of the Plumbing Inspector. The person refused such a permit may appeal within 10 days to the Village Board.
- C. The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for

inspection (i.e., soil, vent, waste, underground drain, final inspection). All plumbing work shall be left exposed until such time as the Plumbing Inspector has completed his examination and inspection. When in the opinion of the Plumbing Inspector a test in addition to requisites of § SPS 382.21, Wis. Adm. Code, is necessary, he may require a water or air test on any part of or the entire installation.

§ 270-5. Applications and permits.

- A. No plumbing shall be installed in the Village without first filing an application and receiving a permit from the Building Inspector. Under no circumstances shall a permit be granted for connection to the Village sewer and water system from any structure located outside Village corporate boundaries. Each application shall be approved by the local Plumbing Inspector before a permit to install plumbing is issued. Only licensed master plumbers may receive permits, except a permit may be issued to a property owner to install plumbing in a single-family residence owned and occupied by such owner as his home, as long as the work complies with the aforementioned codes.
- B. A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing and the applicant shall furnish a bond as provided for in § 270-7.

§ 270-6. Permit fees.

Plumbing permit fees shall be as follows and must be paid at the time the permit is issued:

- A. The plumbing permit fee and inspection fee is updated annually and is on file at the Village Clerk's office.
- B. All connections to the sanitary sewer: [in such amount as provided in Village Fee Schedule](#)~~\$500~~ plus those residential equivalency charges of the Walworth County Metropolitan Sewerage District in effect at the time of such connection. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

§ 270-7. Bond required.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying shall execute to the Village and deposit with the Village Clerk a corporate surety bond, approved by the Village Attorney, in the sum of \$2,000, conditioned that he will perform faithfully all work with due care and skill in accordance with the laws, rules and regulations of plumbing. The bond shall state the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this chapter. Such bond shall be executed and remain in force for one year, except on expiration it shall remain in force as to all penalties, claims and demands accrued thereunder prior to expiration.

§ 270-8. Street openings.

- A. No openings in streets, alleys or other public ways to install plumbing will be permitted

when the ground is frozen, except when necessary. In opening any street or other public way, all materials for paving or ballasting shall be removed with the least possible injury or loss and together with the excavated material from the trenches shall be placed where the least practicable inconvenience to the public will be caused, and permit free passage of water along the gutters.

- B. All openings made in the public streets or alleys in accordance with permission given pursuant hereto shall be enclosed with sufficient barriers and flashing amber lamps shall be maintained upon the same at night and all other necessary precautions shall be taken to guard the public against accidents from the beginning to the completion of the work. Sewers and drains may be laid only on condition that the excavator or plumber is bonded as hereinbefore mentioned for all damages that may result from his neglect of necessary precaution against all accidents to persons or property of others.
- C. In opening a trench on any street, lot or sidewalk, the sidewalk materials, sand, gravel and earth, or whatever material is removed or penetrated, must be replaced in precisely the same condition and relation to the remainder as it was before. All rubbish must be removed at once, leaving the street or sidewalk in perfect repair and must be so maintained for a period of one year thereafter. All gas, water and electric lines or conduits must be protected from injury or settling in a manner approved by the Plumbing Inspector.
- D. When any excavation is made in a permanently paved road or street, or in any road, street or sidewalk which is to be permanently paved, all clay or hard pan must be removed and the excavation entirely backfilled with sand or gravel thoroughly wet and consolidated. Any tunnel dug in a road or street shall be backfilled with concrete in a manner approved by the Plumbing Inspector.
- E. See also § 314-7, Underground transmission lines, of this Code.

§ 270-9. Specifications for laterals and lateral connections. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Sewer laterals shall be PVC, ABS, vitrified or concrete pipe with approved type joints of either pre-moulded slip-on or compression gaskets as set forth in the Village standard specifications for main sewer pipe and installation. ~~shall be used.~~ All flexible compression joints shall conform with the latest revision of [ASTMA.S.T.M.](#) Specification C-425. Laterals may be four ~~inch-inches~~ cast ~~iron~~ pipe of "service weight" or better with lead or flexible compression joints. All adapters connecting the lateral to the sanitary sewer shall be four by six PVC, ABS, clay or cast iron.

§ 270-10. Tapping existing pipe.

Whenever it becomes necessary to tap an existing pipe, such connection shall be made with approved type saddle fitting, and whenever a transition is made from one type of material to another or a change in size is made, it shall be done with proper approved adapter fittings.

A. Connections can be made in two different manners:

- (1) An in-line "Y" or "T" can be placed by removal of an existing section of pipe, insertion of a "Y" or "T" and reconnection by means of Fernco fitting or equal, then encasement in concrete.

(2) A saddle connection, either a "Y" or "T," can be placed over a carefully cut opening centered in the upper quadrant of the sewer, then bonded with stainless steel straps, "Sealtite" or equal.

B. Under no circumstances shall any connection be made allowing any protrusion of the lateral pipe into the sanitary sewer main.

§ 270-11. Violations and penalties.

Except as otherwise provided, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 276

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 9.09 and 9.12 of the 2011 Code. Amendments noted where applicable.]

§ 276-1. Policy and purpose.

- A. It is hereby found and declared that there exist in the Village residential structures and nonresidential structures which are, or may become in the future, substandard with respect to structure, upkeep or maintenance.
- B. Such conditions, including, but not limited to, structural deterioration, lack of maintenance, poor exterior appearance, infestation and the existence of fire and health hazards, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the Village and may further result in the deterioration of property values. If such conditions are not curtailed and removed, they will grow and spread and necessitate future expenditures of large amounts of public funds to correct and eliminate. The purpose of this chapter is to protect the public health, safety, morals and welfare and retain property values by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises. Further, this chapter authorizes and establishes procedures for the inspection of residential and nonresidential premises and establishes penalties for violations of its contents.

§ 276-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

BLIGHTING INFLUENCE — A condition having an adverse effect on surrounding properties. An adverse effect upon surrounding properties is created when the value of surrounding properties is deteriorated, however slightly, by the condition of the subject property.

DEBRIS — Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; lumber (new or used), posts, sticks or other wood; paper; rags, including old clothing or discarded clothing; cardboard; excelsior; rubber; plastic; wire, tin and metal items; discarded furniture, household goods or appliances; junk lawn mowers; tar paper; residues from burning; or any similar materials which constitute health, fire or safety hazards or a blighting influence upon surrounding properties, the neighborhood or the Village in general.

GARBAGE — Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food or from the handling, storage, and sale of food products or produce. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

JUNK — Any old or scrap metal, metal alloy, synthetic or organic material or waste or any

junked, ruined, dismantled, or wrecked motor vehicle or machinery or any part thereof, whether salvageable or not or inoperable.

NONCOMBUSTIBLE MATERIAL — Material that cannot be burned.

PREMISES — A lot, plot or parcel of real estate or land including all buildings and structures thereon.

REFUSE — Debris as defined above.

RUBBISH — Combustible and noncombustible waste materials, except garbage, and the term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass crockery, dust and other similar materials.

§ 276-3. Applicability.

- A. Every residential, nonresidential or mixed occupancy premises located within the corporate limits of the Village used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this chapter, whether or not the buildings and structures thereon were constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which have been issued for the use or occupancy of the premises, for the construction or repair of the premises or for the installation or repair of equipment or facilities upon such premises prior to the effective date of this chapter.
- B. In any case where the requirements~~commands~~ of this chapter create a higher standard than set by any other Village ordinance or under the laws of the state, the standards set forth herein shall prevail. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. No license, permit or other certification or indication of compliance with this chapter shall constitute a defense against violations of any other local ordinance applicable to any structure or premises nor shall any provision herein relieve any owner, operator or occupant from complying with any such other ordinance or preclude any official of the Village from enforcing any such other ordinance.

§ 276-4. Exterior of premises.

The owner, occupant or lessee of every premises shall keep the exterior of such premises and all structures thereon in a clean and sanitary condition, free from any accumulation of combustible or noncombustible debris, junk, rubbish or refuse or any similar material which could or may cause fire, safety or health hazards or constitute a blighting influence upon surrounding properties and free of all nuisances and of any hazards to the safety of the occupant, pedestrians or other people utilizing the premises. Further, the exterior of every structure within the boundaries of the Village shall be maintained in good repair by the owner, occupant or lessee. Such maintenance shall include, but not be limited to, the avoidance of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint, loose boards, exposed insulation or exposed tar paper or other conditions reflective of deterioration or inadequate maintenance. The purpose of such required maintenance is to eliminate safety and fire hazards, preserve the

property and its value and protect adjoining properties from blighting influences and deteriorating values.

§ 276-5. Litter control.

- A. Litter shall mean and include any uncontainerized waste which, if not deposited in a litter receptacle, tends to create a danger to public health, safety and welfare or impairs the environment of the people of the Village. Litter includes, but is not limited to, garbage, trash, refuse, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic, paper, motor vehicle parts or other nauseous and offensive matter.
- B. Every owner, occupant or lessee of a premises used for residence, business or commercial purpose shall maintain litter collection and storage areas if present on the premises in a clean condition and ensure that all litter is properly stored in containers. Such litter containers shall have sealed covers to avoid distribution of the litter by animals or the elements.
- C. The owner or person in control of any public premises, including, but not limited to, restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements to adjoining premises.

§ 276-6. Maintaining sidewalks and alleys.

Persons owning, occupying or in control of premises shall keep the sidewalks and alleys adjacent to such premises free of litter, refuse, garbage and other debris. Owners, occupants or those in control of such premises shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk reasonably free from such materials.

§ 276-7. Enforcement.

- A. This chapter shall be enforced by the Building Inspector, who may investigate potential violations of this chapter upon complaint or upon his own observation. Upon presentation of proper credentials, the Building Inspector may enter at any reasonable time any building, structure or premises to investigate potential violations of this chapter or enforce the provisions of this chapter.
- B. If any owner, occupant or other person in charge of a building, structure or premises refuses, impedes, inhibits, interferes with, restricts or obstructs entry or free access to any part of the structure or premises upon the request of the Building Inspector, he may apply for and obtain a special warrant pursuant to § 66.0119, Wis. Stats. Nothing in this chapter should be read to limit the Village's powers under § 66.0413, Wis. Stats. Prior to commencement of legal proceedings to enforce the provisions of this chapter, the Building Inspector shall, as a condition precedent, issue a warning letter to a person in violation of this chapter, which letter shall state the violation and advise that unless the violating condition is remedied within 14 days from the date of the letter, legal process will issue for the enforcement thereof. Each day a violation continues shall constitute a separate offense.

§ 276-8. Violations and penalties.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 281

PUBLIC WATERS AND BEACHES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

General Regulations

[Adopted as Ch. 12 of the 2011 Code]

§ 281-1. Boating regulations; water and ice traffic and activities.

A. Introduction.

- (1) Applicability. The provisions of this section are adopted in the interest of public health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake within the jurisdictions of the city, villages and towns which are all the municipalities surrounding, riparian to and having jurisdiction over such lake.
- (2) Enforcement. This section shall be enforced by the officers, employees and agents of the Geneva Lake Law Enforcement Agency and by the properly designated and authorized officers and agents of such municipalities.
- (3) Water Safety Patrol. The Geneva Lake Water Safety Committee, Inc., through its Water Safety Patrol, shall:
 - (a) Promote water safety upon Geneva Lake, including water rescue, promulgating and encouraging practices conducive to the safety of persons and property incident to the use and enjoyment of water traffic, pleasure and sports.
 - (b) Educate in promoting water safety in all of its aspects.

B. State boating and water safety laws and administrative orders and rules adopted.

- (1) Statutes adopted. The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice activities in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this section.

30.50	Definitions
30.501	Capacity plates on boats
30.51	Certificate of number and registration; requirements; exemptions

30.52	Certificate of number and registration; application; certification and registration period; fees; issuance
30.523	Certification or registration card to be on board; display of decals and identification number
30.53	Certificate of origin; requirements; contents; guaranteed asset protection waivers
30.531	Certificate of title; requirements; exemptions
30.533	Application for certificate of title; hull and engine identification numbers
30.539	Contents of certificate of title
30.54	Lost, stolen or mutilated certificates
30.541	Transfers of boat titles
30.543	Report of stolen or abandoned boats
30.544	Inspection of boats purchased out-of-state
30.549	Transfer of ownership of boats with a certificate of title, certificate of number or registration
30.55	Notice of abandonment or destruction of boat or change of address
30.60	Classification of motorboats
30.61	Lighting equipment
30.62	Other equipment
30.63	Sale and use of certain outboard motors restricted
30.64	Patrol boats
30.65	Traffic rules
30.66	Speed restrictions
30.67	Accidents and accident reports
30.675	Distress signal flag
30.68	Prohibited operation
30.681	Intoxicated boating
30.682	Preliminary breath screening test
30.683	Implied consent
30.684	Chemical tests
30.686	Report arrest to Department
30.687	Officer's action after arrest for violating intoxicated boating law
30.69	Water skiing
30.70	Skin diving
30.71	Disposal of waste from boats equipped with toilets

- (2) Administrative Code provisions adopted. All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR 5, Wis. Adm. Code, modifying or supplementing the foregoing provisions of state law or which may be adopted or made in the future are hereby incorporated in and made a part of this section by reference as though fully set forth herein.
- (3) Changes in state laws adopted. All deletions, additions and amendments which may be made to the sections of the state laws enumerated under Subsection B(1) above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.

(4) Speed limits.

- (a) In accordance with the Joint Uniform Lake Law, no person shall operate any boat powered by an engine or any other boat in or upon the waters of Geneva Lake at a speed in excess of the following speeds:
 - [1] Forty-five miles per hour on weekdays (Monday to Friday 12:00 noon).
 - [2] Thirty-five miles per hour on weekends (Friday 12:00 noon to Sunday).
 - [3] Thirty-five miles per hour on all holidays.
 - [4] Fifteen miles per hour at night (sunset to sunrise).
- (b) The speed limit in Subsection B(4)(a) above shall not apply to police patrol boats in situations involving emergencies or while engaged in law enforcement nor to boats participating in an authorized race, regatta or water ski meet authorized by a permit while operating in the designated area authorized by such permit. The speed limit in Subsection B(4)(a) above shall not apply to Water Safety Patrol boats in situations involving emergencies.

C. Zones, lanes and restrictions.

(1) Zones and lanes defined.

- (a) All areas marked by buoys or regulatory markers as swimming zones are so designated as swimming zones.
- (b) Traffic lanes for boats shall be those areas designated as such by identifying buoys or other aids to navigation.
- (c) Where the traffic lane is not so identified, a traffic lane is hereby established and shall be the greater distance between the shoreline and a line parallel to and 200 feet distant from it and 100 feet from any dock, raft, pier, structure, mooring area or buoyed restricted area.

(2) Restrictions.

- (a) Any municipality may install and operate boat traffic lights and when so installed and operating they shall be obeyed by all boat or other watercraft operators using such traffic lane.
- (b) No water traffic outside the traffic lane shall exceed the "slow-no-wake" speed limit.

D. Additional safety regulations.

- (1) Right-of-way at docks, piers and wharves. Boats leaving or departing from a pier, dock or wharf shall have the right-of-way over all other boats approaching such dock, pier or wharf.
- (2) Right-of-way of sailboats over rowboats. Boats propelled entirely by muscular power shall yield the right-of-way to sailboats when necessary to avoid risk of collision.

- (3) Mooring lights. No person shall moor or anchor any boat, raft, buoy or other floating object or permit the same to drift in the traffic lane above described between sunset and sunrise unless there is prominently displayed thereon a white light of sufficient size and brightness to be visible from any direction for a distance of two miles on a dark night with clear atmosphere. This provision shall not apply to authorized structures within the pierhead line nor to boats or objects moored or anchored in mooring areas.
- (4) Rafts and platforms. No person shall place or maintain any raft or platform more than 50 feet from the shore unless it is so anchored that it has at least six inches of freeboard above the waterline and has attached thereto not less than 12 inches from each corner or projection a red reflector not less than three inches in diameter.
- (5) Swimming regulations.
 - (a) Swimming from boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.
 - (b) Swimming in traffic lane. No person shall swim in the traffic lane unless accompanied by a boat manned by a competent person. Such boat shall stay within 50 feet of and guard such swimmer. This subsection is subject to the provisions set forth in Subsection D(5)(c) below.
 - (c) Hours. No person shall swim in the traffic lane from sunset to sunrise.
- (6) Water skiing.
 - (a) All water skiing is forbidden outside the traffic lane.
 - (b) No watercraft which shall have in tow a person or persons on water skis, surfboards or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least two competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.
 - (c) The drivers or operators of all watercraft by means of which aquaplanes, water skis or similar devices are being towed and the riders of such devices shall conform to the same rules and clearance as provided in this section for motorboats.
 - (d) Any person using water skis, an aquaplane or a similar device or any person who is towed in any manner by a watercraft or other means shall wear or have on his person a United States Coast Guard approved personal flotation device.
- (7) Shooting of projectiles prohibited. No person by use of a contrivance or device or otherwise in any manner shall throw, propel, send forth or shoot any missile, projectile or object toward or in the direction of a person, watercraft or other property.
- (8) Buoys to be out by the first day of winter.
 - (a) All buoys shall be removed from the water by the first day of winter of each year.

- (b) Every municipality, the Water Safety Patrol and the Geneva Lake Law Enforcement Agency may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

E. Littering or polluting.

- (1) No person shall deposit, place or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.
- (2) Overboard discharge inactivation. No boat equipped with a means of discharging sewage directly from a toilet or holding tank into the water upon which the boat is moored or is moved shall enter inland or outlying waters of the state until such means of discharge is inactivated. An owner or operator of a boat equipped with such means of discharge shall contact a representative of the Department of Natural Resources or a local law enforcement official with respect to inactivation before entering state waters. Overboard discharge inactivation shall include, as a minimum, either disconnection of the toilet piping, removal of the pumping device, securely plugging the discharge outlet, sealing of the toilet bowl with wax or other method approved by the official contacted. The inspecting official shall provide the boat owner or operator with a signed written statement as to the method of inactivation accepted. The owner or operator shall give information as to the inland or outlying waters he plans to navigate and as to the time of stay on such waters. (Pursuant to § SPS 386.07, Wis. Adm. Code.)

F. Markers and navigation aids.

- (1) Duty of Director and Manager. The Director of the Water Safety Patrol and the Manager of the Geneva Lake Law Enforcement Agency are authorized and directed to place and maintain suitable regulatory markers, navigation aids and signs and waterway markers in such areas of the lake as shall be necessary under this section, state law and State Administrative Code provisions and to advise the public of the provisions of this section and such state law and State Administrative Code provisions and they shall post and maintain a copy of this section at all public access points to the lake.
- (2) Standard markers. All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources (DNR).

G. Skin diving and swimming; scuba diving and swimming; skin fishing.

- (1) Subsurface activities.
 - (a) In the interest and protection of the public health, safety and general welfare, the Village Board deems the area comprising Geneva Lake north of a line drawn from the most southerly point of Conference Point on the west and the most southerly point of Cedar Point on the east and the Village Board of Fontana-on-Geneva Lake deems the area comprising such lake west of a line

drawn from the north line of Belvidere Park on the north shore and the eastern edge of the public road east of the Club Unique Subdivision on the south shore in the Village and the City Council of Lake Geneva deems the area of Geneva Bay from Geneva Bay Estates east to the lakefront of the Somerset Condominium Association as being highly congested and hazardous for all kinds of water traffic, especially motor-powered watercraft of all kinds, sailboats, water skiers and fishermen, and subsurface activities are especially dangerous in such areas because persons engaged in such activities cannot be seen by observers on the surface of the water.

- (b) All skin and other underwater diving and swimming used or performed with self-contained underwater breathing apparatus (scuba diving) or similar devices are hereby forbidden during the period from May 20 to September 15 of each year within the above -described areas, except to recover personal property, bodies and to examine the bottom of the lake for some public authority and then only after making application for and receiving permission from the Water Safety Patrol in writing.
- (2) Registration required. No person shall engage in underwater diving and swimming with self-contained under water breathing apparatus without first having registered and been issued a permit card provided by the Water Safety Patrol.
- (3) Unassisted scuba diving prohibited. No person shall scuba dive underwater, unless assisted by another competent, properly equipped scuba diver.
- (4) Boat required. A scuba diver shall be accompanied when in the water by a boat equipped with an approved dive flag as provided in § 30.70, Wis. Stats. The boat shall be anchored and shall be manned by a competent person.
- (5) Scuba diving areas restricted. No person shall scuba dive at any of the public beaches nor shall scuba diving be done in such a way as to interfere with fishermen and their lines or with boats and their anchors.
- (6) Prohibited areas. Restricted areas on the lake other than those above designated may be out of bounds for scuba divers as determined by the Water Safety Patrol. These areas shall be properly marked and designated.
- (7) Recovered articles. All scuba divers and other users of Geneva Lake who find articles of any value on the bottom of the lake shall deliver them to the Water Safety Patrol for return to their proper owners and, if such owners cannot be found, then for disposal according to law.
- (8) Hours. Scuba diving is forbidden between the hours of sunset and sunrise, unless for some emergency and then only if properly authorized as above provided.

H. Establishment of ~~pierhead~~pier head line and wharf regulations.

- (1) Definitions. The definitions as set forth in § 30.01, Wis. Stats., are hereby adopted and incorporated herein by reference the same as if set forth at length herein. Any future amendment, revision or modification of the statutes incorporated herein is intended to be made a part of this subsection.

- (2) Establishment of ~~pierhead~~pier-head line.
- (a) Pursuant to §§ 30.11 and 30.13(3), Wis. Stats., and in the interest of the preservation and protection of the public's rights in the waters of Geneva Lake, the Village, within its boundaries, does hereby establish a ~~pierhead~~pier-head line on Geneva Lake which shall be at a distance of 100 feet water ward from the shoreline. The shoreline, for the purpose of this subsection, shall be at the elevation of the spillway crest on the Geneva Lake Dam, which is at the elevation of 864.3 feet mean sea level datum. The ~~pierhead~~pier-head line shall run parallel to the shoreline.
- (b) The map pursuant to § 30.11, Wis. Stats., approved by the Wisconsin Department of Natural Resources, indicating the existing shore and ~~pierhead~~pier-head line established in Subsection H(2)(a) above, is incorporated herein and made a part of this section.
- (3) Unlawful obstruction prohibited.
- (a) Interference with public rights. No wharf or pier shall interfere with public rights in navigable waters. A wharf or pier which interferes with public rights in navigable waters constitutes an unlawful obstruction of navigable waters unless a permit is issued for the wharf or pier by the Wisconsin Department of Natural Resources under § 30.12, Wis. Stats., or unless authorization for the wharf or pier is expressly provided.
- (b) Interference with riparian rights. No wharf or pier shall interfere with the rights of other riparian proprietors. A wharf or pier which interferes with rights of other riparian proprietors constitutes an unlawful obstruction of navigable waters, unless a permit is issued for the wharf or pier by the Wisconsin Department of Natural Resources under § 30.12, Wis. Stats., or unless authorization for the wharf or pier is expressly provided.
- (c) Extension beyond ~~pierhead~~pier-head line; exception.
- [1] No wharf or pier shall extend beyond the ~~pierhead~~pier-head line which has been established under Subsection H(2)(a) above. A wharf or pier which extends into navigable waters beyond the ~~pierhead~~pier-head line established above constitutes an unlawful obstruction of navigable waters, unless a valid permit, license or authorization for the wharf or pier is granted or unless it is a permissible preexisting wharf or pier.
- [2] A wharf or pier is a permissible preexisting wharf or pier if it existed prior to the establishment of the ~~pierhead~~pier-head line, is not extended or expanded after that date and if the ownership of the land to which it is attached did not change after that date, except that a wharf or pier continues its status as a permissible preexisting wharf or pier for one year after the date of the change of ownership is recorded. The seasonal removal of a wharf or pier does not affect its status as a permissible preexisting wharf or pier if it is reestablished in substantially the same form. The owner of a wharf or pier may submit evidence to the Village

that it is a permissible preexisting wharf or pier at any time after the effective date of this subsection.

- [3] All piers including removable piers (non-cribbed) are permissible preexisting piers if they existed prior to the enactment of the Joint Uniform Lake Law Ordinance (adopted 1971, as amended), have not been extended or expanded after that date and do not extend beyond the ~~pierhead~~~~pier-head~~ line. The seasonal removal of the permissible preexisting pier not extending beyond the ~~pierhead~~~~pier-head~~ line does not affect its status as a permissible preexisting pier not extending beyond the ~~pierhead~~~~pier-head~~ line, if it is established in exactly the same form and place, irrespective of a change in ownership of the riparian parcel. Status as a permissible preexisting pier not extending beyond the ~~pierhead~~~~pier-head~~ line does not imply that authorization for the wharf or pier is provided for the purposes of Subsection H(3)(a) and (b). The owner of a pier may submit evidence to the Village that it is a permissible preexisting pier not extending beyond the ~~pierhead~~~~pier-head~~ line that existed prior to the enactment of the Joint Uniform Lake Law Ordinance in 1971.
- (d) Free movement of water. Any wharf or pier shall be constructed so as to allow the free movement of water underneath and in a manner which will not cause the formation of land upon the bed of the water.
- (e) Location of wharves and piers regulated.
- [1] No wharf or pier shall be located, built, constructed or maintained on a lot or parcel within a distance of 12.5 feet from a riparian proprietor's property line, where such property line intersects the shoreline as defined in Subsection H(2)(a) above.
- [2] This restriction shall not apply to permissible preexisting wharves or piers as defined in Subsection H(3)(c)[2] and permissible preexisting piers not extending beyond the pierhead as defined in Subsection H(3)(c)[3] above.
- (4) Removal of unlawful obstructions. The Village Board may remove a wharf or pier which constitutes an unlawful obstruction of navigable waters as set forth in Subsection H(3) above as provided under § 30.13(5m), Wis. Stats.
- (5) Dilapidated structures in navigable waters prohibited.
- (a) Any wharf or pier in navigable waters which is so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use may be proceeded against by the Village Board or designated officer thereof in the manner and pursuant to the procedure as provided in § 30.13(5m), Wis. Stats.
- (b) Any wharf or pier in navigable waters which is declared so old, dilapidated or in need of repair that it is dangerous, unsafe or unfit for use under § 30.13(5m)(a)2, Wis. Stats., or repair is determined unreasonable under that section is a public nuisance and may be proceeded against under Ch. 823, Wis. Stats.

(6) Wharf and pier permit required.

(a) Permits required.

[1] Riparian proprietors who construct or place a wharf or pier or cause the same to be done shall prior thereto obtain a permit therefor from the Village Board. Once a permit is issued by the Village Board, no future permit is required so long as the structure remains in substantially the same form and location. This subsection shall not apply to a permissible preexisting wharf or pier as defined in Subsection H(3)(c)[2] and permissible preexisting piers not extending beyond the ~~pierhead~~pier head line as defined in Subsection H(3)(c)[3] above.

[2] No person shall erect, construct, place, extend or maintain any wharf or pier in such a manner that it violates any of the provisions of this section, any applicable laws of the state or any rule, order or regulation of the State DNR. However, any permit granted to a riparian proprietor by the State DNR pursuant to § 30.12, Wis. Stats., shall deem such pier or wharf to be in compliance with this section to the extent of the permit so granted. A copy of any application for a permit from the State DNR pursuant to § 30.12, Wis. Stats., shall be filed with the Village Clerk at the same time such application is filed with the DNR.

(b) Application. The application for such permit shall describe the real estate and the location of the wharf or pier or extension or modification thereof in detail with regard to such real estate, shoreline and ~~pierhead~~pier head line and setting forth the distances of the wharf or pier to the property lines of any abutting riparian lands, giving the details of the dimensions and kinds of materials to be used in the construction of the same, together with any additional details and specifications which the Village Board may require. Such application shall also state the name and permanent residence or post office address of the applicant.

(c) Investigation and report. Upon filing of such application, the Village Clerk shall refer the same immediately to the Building Inspector or such other person as may be designated by the Village Board for investigation and report, which such report shall indicate that all of the requirements of this section, applicable laws of the state and rules and orders of the Wisconsin Department of Natural Resources will be complied with. The Building Inspector or other designated official shall thereafter file with the Village a report of his findings, which such report shall also include a recommendation and the reasons therefor.

(7) Issuance, denial or revocation of permits; appeals; fees.

(a) After the filing and review of the application by the Building Inspector or other designated person, the Village Board shall act on the application. No permit shall be granted until the Village Board determines all requirements of this section and all the applicable laws of the state and rules and orders of the Wisconsin Department of Natural Resources have been complied with. The reasons for the granting or denial of such permit shall be stated in the minutes.

- (b) If the wharf or pier for which a permit has been granted is not erected, constructed or placed in accordance with the application, plans, specifications, details and drawings submitted by the applicant therefor or if the wharf or pier for which a permit has been issued violates any laws of the state or rules or orders of the Wisconsin Department of Natural Resources, the Village Board may revoke such permit. The provisions of this subsection shall not affect the Village Board's rights to pursue any other legal remedies it may have as provided in this section or otherwise by law.
 - (c) Any person having a substantial interest which is adversely affected by a decision of the Village Board or an officer, employee or agent thereof relating to the issuance, denial or revocation of a permit as provided in this subsection may have such determination reviewed pursuant to the provisions of Chapter 5, Administrative Review, of the Code of the Village of Williams Bay.
 - (d) The Village Board may provide for the payment of a reasonable fee for the issuance of a permit under this subsection.
- (8) Marinas and lagoons. No lagoon or marina shall be constructed or expanded unless a permit for the same has been obtained from the Wisconsin Department of Natural Resources as provided by law. At the time an application is filed with the Department of Natural Resources, a copy of such application shall be filed with the Village Clerk.
- I. Safety regulations affecting the use of water circulators and protection against dangers created by ice openings.
- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

ICE OPENING — Any opening in the ice caused by cutting or sawing or by use of a water circulator to remove the ice or prevent it from forming in order to reach and use the water in Geneva Lake for the purpose of fishing, obtaining minnows or other bait, scuba diving, or to protect a boat, pier, wharf, seawall or other structure from possible ice damage.

WATER CIRCULATOR — A motor, pump or other device which rotates a propeller or other apparatus which causes the circulation of water used to keep the ice from forming around a boat, pier or other structure.

- (2) No person shall operate a water circulator in the waters of Geneva Lake without first obtaining a permit therefor from the municipal authority within which the area where the circulator to be used is located.
- (3) No such circulator shall be used unless the owner or operator places around the margin of the opening made by such circulator and maintains at a place where the ice is sufficiently thick to hold at least 300 pounds per square foot a snow fence or its equivalent with closely spaced slats extending not less than 3 1/2 feet above the surface of the ice, and shall place signs on the same at intervals of not less than 25 feet within the word "Danger" in red letters at least one foot high.
- (4) Ice openings caused by methods other than the use of a water circulator, when not covered by a building, enclosure, shelter, tent, shanty, or similar structure, shall be

protected against accidents by a notice and warning by using fencing, wooden horses, "Danger" signs, warning flags or similar devices to alert the general public of the opening until such time as the water in the opening has frozen to a thickness sufficient to hold 300 pounds per square foot at which time such notice and warning shall be removed to prevent accidents by collision. Such warning devices shall have on them the name of the person who caused the opening.

J. Regulation of snowmobiles and other motor vehicles on the ice. In the interest of public health and safety, the following laws and regulations are adopted:

- (1) State snowmobile laws adopted. Except as otherwise specifically provided in this article, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section:

167.31	Safe use and transportation of firearms and bows
350.01	Definitions
350.02	Operation of snowmobiles on or in the vicinity of highways
350.03	Right-of-way
350.04	Snowmobile races, derbies and routes
350.045	Public utility exemption
350.047	Local ordinance to be filed
350.05	Operation by youthful operators restricted
350.055	Safety certification program established
350.07	Driving animals
350.08	Owner permitting operation
350.09	Head lamps, tail lamps and brakes, etc.
350.10	Miscellaneous provisions for snowmobile operation
350.12	Registration of snowmobiles; trail use stickers
350.13	Uniform trail signs and standards
350.15	Accident and accident reports
350.17	Enforcement
350.18	Local ordinances
350.19	Liability of landowners

- (2) Operation forbidden on public property. Except as provided in §§ 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile upon the path around the lake or any other public right-of-way, or street, or in any public park or on any other public property unless the same or any parts of them have been designated as snowmobile routes and the trails have been clearly marked by municipal authorities.
- (3) Rules of road adopted. If snowmobile routes are designated over public highways, operators of vehicles upon them shall observe the rules of the road for motor vehicles set forth in Ch. 346, Wis. Stats., in addition to any special rules adopted by this section, and where operated over parks or other recreational areas, the speed shall not be in excess of the posted speed limit.

- (4) Unattended vehicles. No person shall leave or allow a snowmobile owned or operated by him to remain unattended while the motor is running or with the starting key left in the ignition.
 - (5) Operation on private premises restricted. No person shall operate a snowmobile on any private property not owned or controlled by him without the express consent and permission of the owner or occupant of such land.
 - (6) Restricted use on lake. No person shall operate or ride upon a snowmobile on Geneva Lake at any time or place when the ice is unsafe.
 - (7) Accidents and accident reports.
 - (a) Definition. "Snowmobile accident" means a collision, accident or other casualty involving a snowmobile.
 - (b) Rendering help. If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident on Geneva Lake shall stop his snowmobile and render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name, address and identification of his snowmobile to any person injured and the owner of any property damaged in the accident.
 - (c) Reporting accident.
 - [1] If the snowmobile accident results in death or injury to any person or total property damages in excess of \$200, every operator of a snowmobile involved in such accident shall as soon as possible notify the police department having jurisdiction over the area in which the accident occurred of the accident and shall, within 10 days after the accident, file a written report thereof with such department on forms prescribed by it.
 - [2] If the operator of a snowmobile is physically incapable of making the report required by this subsection and there is another occupant in the snowmobile at the time of the accident capable of making it, he shall make such report.
- K. Right-of-way. Every pedestrian, skater, ice-boater and operator of a vehicle which is not motor-driven shall have the right-of-way over a snowmobile and other motor vehicles. The operator of a snowmobile or other motor vehicle shall yield the right-of-way to all pedestrians, skaters, ice-boaters and operators and occupants of vehicles which are not motor-driven. Every pedestrian shall have the right-of-way over a skater and ice-boater. Every skater shall have the right-of-way over ice-boaters.
- L. Penalties.
- (1) Any person convicted of a violation of Subsection B(1) of this section as described in § 30.67(1) or (2) or 30.68(2), Wis. Stats., shall forfeit not more than \$200, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail not exceeding six

- months. Any person convicted of a violation of Subsection B(1) of this section as described in § 30.68, Wis. Stats., shall, in addition to the penalties above, be required to obtain a certificate of satisfactory completion of a safety course under § 30.74(1), Wis. Stats.
- (2) Any person convicted of a violation of Subsection B(1) of this section as described in § 30.681(1) or 30.684(5), Wis. Stats., shall forfeit not less than \$150 nor more than \$300, together with the costs of prosecution and penalty assessment, and shall be required to obtain a certificate of satisfactory completion of a safety course under § 30.74(1), Wis. Stats., and in default of payment of such forfeiture and costs shall be imprisoned in the county jail not exceeding six months.
 - (3) In addition to any other penalty imposed, any person convicted of a violation of Subsection B(1) of this section as described in § 30.681(1) or 30.684(5), Wis. Stats., shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substances. Intentional failure to comply with an assessment ordered under this subsection constitutes contempt of court, punishable under Ch. 785, Wis. Stats.
 - (4) Any person convicted of a violation of Subsection B(1) of this section as described in § 30.71, Wis. Stats., or any rule promulgated under that section, shall forfeit not more than \$100 for the first offense and not more than \$200 upon conviction of the same offense a second and subsequent time within one year, together with the costs of prosecution and penalty assessment, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail not exceeding six months.
 - (5) Except as otherwise provided above, any person convicted of a violation of Subsections B through G of this section shall forfeit not more than \$50 for the first offense and not more than \$100 upon conviction of the same offense a second and subsequent time within one year.
 - (6) Penalties for violations involving the use of snowmobiles are set out in § 350.11, Wis. Stats., but forfeitures for such offenses shall be as set out in § 1-4 of this Code.
 - (7) Violations of any provision of this section not described in Subsection L(1) through (6) above shall be as provided in § 1-4 of this Code.

M. Establishment of bulkhead line.

- (1) The bulkhead line along the north shore of Williams Bay of Geneva Lake, described as follows and as shown by the map on file with the Village Clerk, is established subject to the approval of the Department of Natural Resources:
 - (1) Located in the South 1/2 of the Northwest 1/4 and the Northeast 1/4 of Section 6, Town 1 North, Range 17 East, in the Village of Williams Bay, County of Walworth, State of Wisconsin, described as follows:
 - (1) Commencing at a 2 inch iron pipe in the Southwest 1/4 of the Northeast 1/4 of said Section 6, said pipe marking the Northwest corner of "Cedar Point Park Second Addition", a recorded subdivision; thence South 71° 21' 00" West along the North line extended of Cedar Point Park Second Addition, 21.16 feet to the Point of

Beginning of the following bulkhead line; thence North 64° 21' 59" West, 111.27 feet; thence North 67° 34' 48" West, 204.27 feet; thence North 72° 37' 20" West, 233.08 feet; thence North 78° 06' 06" West, 384.28 feet; thence North 82° 12' 33" West, 290.00 feet; thence South 89° 32' 35" West, 487.10 feet; thence South 81° 59' 29" West, 154.20; thence South 75° 49' 55" West, 137.83 feet; thence South 68° 41' 44" West, 64.16 feet; thence South 65° 27' 35" West, 135.85 feet; thence South 61° 46' 44" West, 139.39 feet; thence South 49° 49' 39" West, 83.88 feet; thence South 36° 03' 40" West, 125.72 feet to the point of ending of said bulkhead line.

- (2) This subsection shall become effective and said bulkhead line shall be established upon approval of the Department of Natural Resources, and upon the filing of the approved ordinance and map with the Department of Natural Resources, the Clerk of the Village of Williams Bay and the Register of Deeds for Walworth County.

§ 281-2. Boat docking and launching.

A. Docking.

- (1) Docking of a boat or vessel as specified herein or for a period longer than as specified herein, except by those persons holding valid leases as tenants and only for the slip described in their respective leases, is prohibited:
 - (a) Maximum 15 minutes on the east side of the Center Municipal Pier (also known as the "T" Pier).
 - (b) Maximum two hours on the east sides of both the East Municipal Pier and the West Municipal Pier.
 - (c) No docking at any time upon any portion of the East, Center or West Municipal Piers not referred to in Subsection A(1)(a) and (b) above, including specifically any part of the south and west sides to include all slips or portions of slips.
- (2) Pulling alongside or docking on the south end of the Center Municipal Pier to put on or discharge passengers is permitted. Docking for a period longer than is necessary to put on or discharge passengers is prohibited.
- (3) Docking of a boat on any municipally owned pier after 11:00 p.m. and prior to sunrise is prohibited.
- (4) Penalties.
 - (a) Penalties shall be as follows:
 - [1] For a violation of Subsection A(1)(a) and (b) above: a minimum forfeiture of \$25.
 - [2] For a violation of Subsection A(1)(c) above: a minimum forfeiture of \$25 unless docked in a slip or portion of a slip which shall be subject to a minimum forfeiture of \$50.
 - [3] For a violation of Subsection A(2): a minimum forfeiture of \$25.

[4] For a violation of Subsection A(3): a minimum forfeiture of \$50.

- (b) Persons cited for violation of docking offenses described and defined in this subsection may discharge their penalty and avoid court prosecution by forwarding within 72 hours of the issuance of the citation to the Village Police Department the minimum penalty specified for the violation. When payment is made as provided in this subsection, no court costs shall be charged.
 - (c) If the alleged violator does not deliver or mail a deposit as provided in Subsection A(4)(b) as specified in the citation, the Chief of Police shall proceed with prosecution pursuant to law.
 - (d) Citations for violations of Subsection A, Docking, may be issued by the Chief of Police or his designate, the Harbor Master or the Village Board or its designate.
- (5) Definitions. As used in this Subsection A, the following terms shall have the meanings indicated:

BOAT or VESSEL — Every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fish raft.

DOCKING — A boat that is alongside and physically attached to any portion of a municipally owned pier by any means including, without limitation, ropes, lines, wires, straps, bumpers or manually being held to the pier by the boat's occupants.

- (6) Removal of illegally moored boats.
- (a) Hazard to public safety. Any boat moored in violation of any of the provisions of this Subsection A is declared to be a hazard to marine traffic and public safety.
 - (b) Removal by operator. Such boat shall be removed by the operator in charge, upon request of a Village officer having authority to issue citations herein, to a position where docking is permitted or to a private or public mooring premises.
 - (c) Removal by Village officer. Any Village officer, after issuing a citation for illegal mooring of an unattended boat in violation of this Subsection A, is authorized to remove such boat to a position where mooring is permitted.
 - (d) Removal by private service. The officer may order a marine service which performs boat towing and storage services to remove and store such boat in any facility of the person providing the marine towing and storage services.
 - (e) Towing and storage charges. In addition to other penalties provided by this Subsection A, the owner or operator of a boat so removed shall pay the actual cost of moving, towing and storage. If the boat is moved or towed by the Village official, a charge as set forth on a schedule of charges established by the Village Board shall be paid. If the boat is towed or stored by a private marine service, actual charges regularly paid for such services shall be paid.
 - (f) Registration record of boat as evidence. When any boat is found in violation of

any provision of this Subsection A regulating the docking of boats and the identity of the operator cannot be determined, the owner, as shown by the registration of the boat supplied by the Wisconsin Department of Natural Resources or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Subsection A and shall be subject to the applicable forfeiture penalty, provided that the defenses defined as described in § 346.485(5)(b), Wis. Stats., shall be defense for an owner charged with such violation with references therein to "vehicle" to refer to "boat" throughout.

(7) Fueling regulations. [Amended 7-15-2013; 6-20-2016 by Ord. No. 2016-7]

- (a) No person shall fuel watercraft with gasoline by pouring gasoline from a portable can or container into the watercraft's fuel tank while being located at the Village ~~owned~~ lakefront or at any municipally owned pier in the Village. Watercraft with on-board gasoline fuel tanks must be removed from the water for fueling or be fueled at a commercial gasoline facility.
- (b) This subsection is adopted pursuant to the police power of the Village and is designed to prevent hazardous and dangerous conditions that are created by persons fueling their watercraft with ~~handheld~~~~hand held~~ gasoline cans, thus exposing themselves to the presence of gasoline fumes and the potential for the pollution of Geneva Lake by spillage of gasoline into the lake.

- B. Launching. Launching of any boat or any type of water vehicle from any part of the Village ~~owned~~ shoreline, including those areas that have been leased by the Village, except in the areas provided especially for launching by the Village, is hereby prohibited. [Amended 5-16-2016 by Ord. No. 2016-5]
- C. Temporary mooring/anchoring. No one may attach or tether their watercraft to any Village property, including, but not limited to, benches, trees, signs, and monuments.
- D. Operator or owner responsible.

- (1) Definitions. As used in this Subsection D, the following terms shall have the meanings indicated:

OPERATE — When used with reference to a motorboat, means the manipulation of any of the boat controls which would be used to put the boat in motion or engage the motor in operation.

OWNER — The person who has lawful possession of a motorboat by virtue of legal title or equitable interest therein which entitles him to such possession.

REGISTRATION — The registration card and sticker or decal issued by the Wisconsin Department of Natural Resources or a comparable authority of any other state or country. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~lawfully within the jurisdiction of the Village.~~

- (2) Violation. Whenever a motorboat, boat or any other type of water vehicle is found within the jurisdiction of the Village in violation of any provision of this section and the identity of the operator cannot be determined, the owner as shown by the

ownership registration of the boat supplied by the Wisconsin Department of Natural Resources or a comparable authority of any other state or country shall be deemed to have committed the violation for purposes of enforcement of this section and shall be subject to the applicable forfeiture provisions as provided for in this section.

§ 281-3. Placing of buoys and markers.

- A. No person other than duly authorized and constituted governmental personnel shall place a bathing beach marker, speed zone marker, information marker, mooring buoy, fishing buoy or any other type of marker or buoy in the waters of Lake Geneva within the boundaries of the Village without making a written application and receiving a permit therefor.
- B. Any person desiring to place a marker or buoy described above in the waters of Lake Geneva within the boundaries of the Village shall first make a written application therefor to the Village Board which shall be referred to the Village Harbor Commission for examination, inspection and approval or rejection, and if approved, a permit shall be issued by the Harbor Commission.
- C. Any marker or buoy placed in areas described above shall be deemed to be an unlawful obstruction to navigation and as trespassing and may be summarily removed by any duly constituted authority representing the Village, county or state.

§ 281-4. Swimming beaches.

- A. Lifeline required. There shall be established upon every public or quasi-public beach or area upon Geneva Lake within the limits of the Village a lifeline throughout the length of such beach in such manner and at such direction as the Trustees may from time to time determine. Such lifeline shall consist of a rope of a diameter of not less than one inch and shall be securely fastened at each end opposite each end of such beach or area and shall be kept afloat by floats strung or otherwise fastened thereto at the intervals of not more than 20 feet.
- B. Floats.
 - (1) All public and quasi-public swimming beaches and areas shall be marked upon the water by floats painted or colored white which may bear the emblem consisting of the Red Cross of the American National Red Cross painted thereon.
 - (2) Such floats to be securely anchored to the bottom of the lake at intervals of not less than 300 feet between the ends of such beaches and areas parallel to the direction of such beach and not more than 200 feet on the ~~lake-ward~~ [lakeward](#) side of and parallel to the lifelines upon such beaches and areas. There shall be similarly anchored not less than one float marked as aforesaid between the mean water level of such beach and the float at each end of the above ~~described~~ floats marking the length of such beach parallel to the shore.
 - (3) Littering of beaches prohibited. No person shall place, deposit or leave upon any public beach within the limits of the Village any paper, garbage, refuse, trash or other discarded thing, substance or article.

- (4) Operation of boats within swimming areas prohibited. No person shall moor, anchor, operate, propel, or cause to be moored, anchored, operated, or propelled any boat in any manner within any or upon any part of Geneva Lake lying within the boundaries of the Village designated and marked as a swimming beach. A Water Safety Patrol boat may enter a swimming area at any time.
- (5) Water Safety Patrol boats. Every boat assigned to or used by any officer, employee, or lifeguard of the Geneva Lake Water Safety Patrol upon any beach within the Village shall have conspicuously painted or marked thereon the words "Water Safety Patrol" or other similar words designating that such boat is in the use or control of the Geneva Lake Water Safety Patrol, and no unauthorized person shall use, operate or occupy any such boat.
- C. Qualification of lifeguards. No person shall be eligible for employment as a lifeguard upon any public or quasi-public beach within the Village until they shall have taken and passed the senior life saving test, so called, as the same is now or may hereafter from time to time be prescribed by the American National Red Cross or tests prescribing equal standards by the Director of the Geneva Lake Water Safety Patrol. The Village Trustees may require proof of this certification.
- D. Lifeguards hours of duty. The schedule for lifeguards on duty at the beach shall be published on an annual basis at the beach house where the public may view it.
- E. Swimming prohibited except in designated areas. No person shall swim in Geneva Lake within the Village except within the limits of a designated swimming area. This subsection does not apply to an owner, occupant, licensee, or lessee, or guest of any thereof, of any privately owned real estate abutting upon said lake, the frontage of which private owner, lessee, or occupant is not marked and designated as a quasi-public beach, nor to any lifeguard acting in the line of duty.

§ 281-5. Slips not in cribs, shore stations, ramps and mooring whips.

- A. Shoreline established. The shoreline of Geneva Lake is established and determined as set forth on the Official Shoreline Map on file with the State Public Service Commission, which is adopted by reference and made a part of this section.
- B. Permit required. No person shall hereafter construct, place, extend, modify or change the location of a slip not in cribs, shore station, ramp or mooring whip on, into or over the water of Geneva Lake without first applying for and obtaining a permit from the Village.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

MOORING WHIP — A spring loaded device, one end of which is secured to a wharf, pier, or slip and the other end is secured to a vessel so as to hold the vessel away from the wharf, pier, or slip. Used in pairs.

RAMP — A structure installed on the lake shore not exceeding eight feet in width along the shore and 16 feet in length extending from the shore toward the lake, constructed of wood, metal or similar framing with a deck of wood or similar planking material and inclined toward the water surface or into the water upon which a vessel is pulled from the water and stored thereon,

generally installed on the shore toward or in the water in the spring and removed in the fall. A ramp may exceed eight feet in width but each eight feet or portion thereof constitutes a separate ramp.

SHORE STATION — A boat cradle or other lifting or holding device for vessels placed directly on the lake bed or lake shore.

SLIP — A three-sided part or portion of a wharf or pier or dock extending out into the water from the wharf or pier to serve as a landing or mooring place for vessels.

- D. Application and plans. Any person desiring to erect, construct, place, extend, modify, change the location of or add any slip, shore station, ramp or mooring whip in or upon Geneva Lake along or beyond the shore line as it is defined in § 281-1H(2)(a) and shown in § 281-1H(2)(b) of this article shall make and file in the office of the Village Clerk a written application for a permit. The application shall state the name, address and telephone number of the applicant, describe the riparian real estate owned or occupied by the applicant, together with a plan showing the proposed location, extension or modification of the said slip not in cribs, shore station, ramp or mooring whip in detail, together with its location with regard to the shore line, the pierhead line and with the distances to the property lines of the abutting neighboring riparian lands giving the details of the dimensions and kinds of materials proposed together with drawings and any additional details and specifications the Building Inspector and Harbor Commission might require. It shall also state the name, post office address and telephone number of any lessee proposed by the applicant to rent the applied for slip, shore station, ramp or mooring whip.
- E. Delegation of authority to Harbor Commission to issue permits and the Building Inspector to enforce the provisions of said permits.
 - (1) The Village Board does delegate to the Harbor Commission of the Village of Williams Bay the authority to issue permits and authorize the Building Inspector to enforce the provisions of the permits for the construction, placement or modification of slips, shore stations, ramps or mooring whips in accordance with the provisions of this section.
 - (2) No permit shall be granted until the Harbor Commission determines that all requirements of this section, applicable laws of the State of Wisconsin and rules and orders of the State DNR have been complied with. The Harbor Commission shall state the reasons for denying said permit, which shall be stated in writing and mailed by U.S. mail to the applicant and which shall also be stated in the minutes of the meeting. The Harbor Commission may also place restrictions or conditions on any permit so issued under this section in order to effectuate the provisions of this section.
- F. Placement requirements. The following requirements shall control the placement and location of slips, shore stations, ramps and mooring whips:
 - (1) A side line shall be established on Geneva Lake between the riparian property of the applicant and that of the abutting riparian properties as fairly as possible considering the curvature of the shoreline.
 - (2) No part of any slip not in cribs, shore station or ramp shall extend to within 12.5 feet

of such established side lines. Mooring whips shall not be located so as to permit boats moored thereto to extend within 12.5 feet of such established side lines.

- (3) In establishing the side lines between adjacent riparians, the guidance in § NR 326.07, Wis. Adm. Code, will be used.
 - (4) If applicable, permissible preexisting wharves or piers as defined in § 281-1H(3)(c)[2] and permissible preexisting piers not extending beyond the pierhead line as defined in § 281-1H(3)(c)[3] of this article may create an exception to this subsection if a slip was a portion of such a wharf or pier at the time it qualified as such a wharf or pier.
- G. Revocation of permit. The Building Inspector or Harbor Commission shall revoke a permit if the permittee's placement of the permitted structure or item subsequently violates the terms of the permit, is changed or modified as to location or placement without first obtaining a new permit, or violates any provision of this section.
- H. Duration of permit and permit fee. Each permit to be issued hereunder will be valid as follows: [Amended 12-21-2015]
- (1) For new placement of a slip on piles or cribs or modified or changed placement of a slip on piles or cribs, the permit shall be valid for as long as the placement location or configuration of the supporting piles into the lake does not change.
 - (2) For structures without piles or cribs that are required to be reinstalled annually to specifically include a slip not on piles or cribs (removable slips) and shore stations, ramps and mooring whips, the permit shall be valid for one seasonal year or portion thereof with such seasonal year to begin on the first day of spring or the date of the granting of the permit if later than the first day of spring and to end on the first day of winter for each year.
 - (3) Applications for permits shall be accompanied by a non-refundable permit fee in the amount to be determined by the Village Board from time to time by resolution, which charge shall be sufficient to defray the costs of processing of such applications and the issuance of permits. A late fee in the amount of two times the permit fee would be imposed for any permit fee not paid by the date specified in the permit application. The late fee is in addition to the application fee.

§ 281-6. Setback area.

A. Definitions. The following terms have the meanings indicated:

BOAT RAMP — An inclined platform without any roof or cover, extending to the edge, over or into the water of Lake Geneva, usually with rollers at the water's edge, to accommodate small boats during the boating season and removed when the boating season is over.

FENCE — An enclosed barrier made of wood, stone, wire, posts or other material or a planted hedge intended to prevent intrusion from without or straying from within or to obstruct vision.

PIER — A platform supported by a framework resting on the bottom of the lake extending into Geneva Lake for use as a landing place for and harboring of boats and for swimming and fishing

and may or may not be attached to the shore.

SEAWALL — A wall, embankment or piling used to resist the encroachment or washing by the waves or the wearing away of the shore.

SETBACK AREA — The land between the high waterline or mark of Geneva Lake and the setback line.

STAIRWAY — A number of steps built into the land itself or constructed of cement, stone, wood or other building material and uncovered for the purpose of reaching a pier or ramp from higher ground.

- B. Setback line. There is hereby established a setback line from the high waterline or mark of Geneva Lake in the Village which shall be at least 75 feet, or 25 feet from the public path away from the lake, whichever is greater, from the high watermark. The measurement shall be made in a horizontal plane from the nearest point of the structure to the high waterline extended vertically to meet the horizontal plane.
- C. Structures limited. Only piers, boats, ramps, seawalls and stairways may be built and/or located within the setback area, but not over or within two feet of the public path.
- D. Fences. If any fences are built, they must be kept five feet back of the setback line away from the lake.

§ 281-7. Geneva Lake Law Enforcement Agency. [Amended 1-21-2013]

- A. Pursuant to § 30.79, Wis. Stats., a Water Safety Patrol Unit to be known as the "Geneva Lake Law Enforcement Agency" is hereby created for the purpose of enforcing §§ 30.50 to 30.80, Wis. Stats., and the Uniform Geneva Lake Boating Regulations upon the waters of Geneva Lake.
- B. The Geneva Lake Law Enforcement Agency shall be governed by a Board of Administrators to consist of the respective Town Board Chairperson, Village President and Mayor from each of the municipalities. Each administrator may appoint one alternate official from his or her municipality to act on his or her behalf in the event of his or her absence at meetings of the Board of Administrators. The alternate elected official so designated shall be kept on file with the Board of Administrators. The Board of Administrators shall have the power to hire any personnel necessary for the operation of the unit. It shall also have the power to establish any staff to directly supervise the operation of the unit. Such staff shall be directly responsible to the Board of Administrators.

§ 281-8. Slow speed zone and slow-no-wake markers.

- A. Slow speed zone. No watercraft shall operate at a speed in excess of the slow-no-wake speed north of a line running from the southeast corner of Lot No. 6 of the plat of the original town on the west shore of Williams Bay as indicated by a post marker east to the northwest corner of Lot No. 191 in the Second Addition to Cedar Point Park Subdivision as indicated by a post marker on the east shore of Williams Bay.
- B. Slow-no-wake markers. Markers stating "Slow-No-Wake" shall be placed along such line

at intervals of approximately 200 feet.

- C. Penalties. Any person violating the provisions of this section shall be subject to the penalties set out in § 1-4 of this Code.

§ 281-9. Regulating the placement and use of moorings.

A. Moorings.

- (1) Intent. The intent of this section is to provide safe conditions for the mooring of boats consistent with public rights and interest and the capability of the water resource of Geneva Lake.
- (2) State mooring and safety laws adopted by reference. State mooring regulations and regulations applicable to moorings as found in the following sections of the Wisconsin Statutes are adopted by reference as if the same were set forth at length herein. Any future amendment, revision or modification of the statutes incorporated herein is intended to be made a part of this subsection and is automatically adopted by reference herein.

30.15	Penalty for unlawful obstruction of navigable waters
30.16	Removal of obstructions to navigation
30.74(2)	Uniform navigation aids
30.772	Placement and use of moorings; restrictions; permits
30.773	Designated mooring areas

- B. Moorings prohibited. No person shall place a mooring or moorings for boats or watercraft of any type upon those waters of Geneva Lake within the corporate limits of the Village without first obtaining a permit therefor from the Village in accordance with the provisions of this section.

- (1) Applications for buoys to be placed 200 feet or less from the ordinary high watermark of Geneva Lake are subject to the regulations of this section and are not required to be submitted to the Department of Natural Resources for approval.
- (2) Applications for buoys to be placed greater than 200 feet from the ordinary high watermark of Geneva Lake require the application to be acted on by the Village and the Department of Natural Resources. Applications for buoys greater than 200 feet from the ordinary high watermark of Geneva Lake will first be acted on by the Village to determine if a permit will be issued independent of the Department of Natural Resources investigation. If a permit will be allowed by the Village, then the conditionally granted permit by the Village will be submitted to the Wisconsin Department of Natural Resources for its investigation and approval. Upon DNR approval, the permit will become effective.

- C. Permits. Applications for permits shall be in the form prescribed by the Wisconsin Department of Natural Resources, Waterway Marker Placement Application - in Water, Form 8700-58, and necessary attachments thereto as prescribed by the Village to comply with the requirements of this section. Completed forms are to be filed with the Village Clerk and shall contain the following information:

- (1) Name, address and telephone number of the applicant.
 - (2) The name, address and telephone number of the owner of the land in front of which the mooring is to be placed.
 - (3) The description of the real estate in front of which the mooring is to be placed.
 - (4) The written consent of the aforesaid landowner to the placing of such mooring.
 - (5) A sketch or chart showing the proposed location of the mooring, its distance from the ordinary high watermark and its relationship, if any, to other existing mooring, established traffic lanes, marked swimming or bathing areas and structures, including piers, rafts, docks, shore stations, boat hoists and wharves located within the riparian space of the consenting riparian owner.
 - (6) A description of the type of mooring, including its physical description, markings, approximate depth of water and the approximate length of rope, cable or chain connecting the mooring buoy to its mooring anchor and connecting the mooring buoy to the boat to be attached thereto.
- D. Duration and conditions of permit to be issued; addendum to permit. Each permit to be issued hereunder will be valid for one seasonal year only or portion thereof with such seasonal year to begin on the first day of spring or the date of the granting of the permit if later than the first day of spring and end of the first day of winter for each year. Such permit's duration shall also be limited to that period during which the riparian owner's consent continues for the placement of such mooring in front of such riparian owner's property. A riparian owner can object and cancel his consent at any time during the permit term, at which point the permit will be immediately rendered null and void.
- E. Definitions.
- (1) The definitions as set forth in § 30.01, Wis. Stats., are hereby adopted and incorporated herein by reference as if the same were set forth at length herein. Any future amendment, revision or modification of the definitions incorporated herein is intended to be made a part of this subsection.
 - (2) In response to a complaint relating to the rights of an adjacent riparian, the guidance in § NR 326.07, Wis. Adm. Code, will be used.
 - (3) Ordinary high watermark as used herein is elevation 864.30 feet above sea level.
- F. Restrictions. No mooring permits shall be issued for any of the following:
- (1) Any mooring which obstructs or interferes with public rights or interests in the navigable waters.
 - (2) Any mooring for which the riparian owner has not given written permission for the placement and use.
 - (3) Any mooring which interferes with or encroaches upon the rights of adjacent riparian owners.
 - (4) Any mooring which adversely affects critical or significant fish or wildlife habitat.

- (5) Any mooring which is determined by the Village to be a safety hazard because of its proximity to any other mooring, any properly marked and established lane, any properly marked swimming or bathing area or any structure, including any pier, raft, dock, wharf, shore station or boat hoist.
 - (6) Any mooring which will have more than one boat attached. [Star docks](#)~~Star docks~~ are specifically excluded as moorings.
 - (7) Any mooring which would be in violation of or in conflict with the Uniform Navigation Aids rules established by the Department of Natural Resources.
- G. Delegation of authority to Harbor Commission to issue mooring permits in accordance with the provisions of this section. The Village Board does delegate to the Harbor Commission of the Village the authority to receive applications for and issue permits for moorings in accordance with the provisions of this section. No permit shall be granted until the Harbor Commission determines that all requirements of this section, applicable laws of the state and rules and orders of the Wisconsin Department of Natural Resources have been complied with. The Harbor Commission shall state the reasons for denying such permit, which shall be stated in writing and mailed by U.S. [Mail](#)~~mail~~ to the applicant and which shall also be stated in the minutes of the meeting. The Harbor Commission may also place restrictions or conditions on any permit so issued under this section in order to effectuate the provisions of this section.
- H. Applications for the placement of moorings more than 200 feet from the ordinary high watermark of Geneva Lake. No person shall place a mooring or moorings more than 200 feet from the ordinary high watermark of Lake Geneva within the corporate limits of the Village without first obtaining a permit therefor from the Village and the Department of Natural Resources. The procedure for the issuance of such permits shall be in accordance with Subsection B(2) and this subsection:
- (1) Pursuant to § 30.74, Wis. Stats., and the pertinent provisions of the Wisconsin Administrative Code pertaining thereto, no mooring buoy shall be installed or placed more than 200 feet from the ordinary high watermark of Geneva Lake, unless a permit is first conditionally granted for the placement and use of the mooring buoy by the Village and such conditionally granted permit is then subsequently approved by the Wisconsin Department of Natural Resources. If the Wisconsin Department of Natural Resources fails to subsequently approve such conditionally granted permit by the Village, such conditionally granted permit shall become null and void.
 - (2) Applications for more than 200 foot buoys shall be on forms prescribed and approved by the Wisconsin Department of Natural Resources in accordance with Subsection C.
 - (3) Such applications shall be initially filed with the Village and acted upon first by the Village in accordance with the requirements and procedures set forth in this section as far as practicable. A copy of the permit shall, after approval by the Village, be transmitted to the Department of Natural Resources for its consideration and investigation. If the Village fails to approve the application and conditionally grant the permit, such application shall not be forwarded to the Wisconsin Department of Natural Resources. The Department of Natural Resources will only review a

conditionally approved permit after favorable action by the Village.

- I. Revocation of permit. The Village Board may revoke a permit if the permittee's placement of a mooring buoy subsequently violates any provisions of this section or applicable laws of the state or rules and orders of the Wisconsin Department of Natural Resources.
- J. Appeals. Any person aggrieved by a decision of the Harbor Commission of the Village may appeal such decision to the Village Board for final determination. The procedure for such appeals shall be as follows:
 - (1) Within 30 days of the decision and the mailing of the letter stating the reasons for granting or denying such permit by the Harbor Commission regarding the placement of a mooring, such aggrieved applicant shall file with the ~~Chairperson~~Chairman of the Harbor Commission a request for a hearing on the matter. The ~~Chairperson~~Chairman of the Harbor Commission shall schedule a hearing of the Harbor Commission within a reasonable time of the filing of the request for same, but not later than 30 days after such filing, providing reasonable notice of the date, time and place of such hearing to the requesting applicant therefor. The Harbor Commission hearing will have as its objective the resolution of the matter. If the matter is resolved to the satisfaction of the applicant, then all matters including the findings and reasons of the Harbor Commission shall be turned over to the Village Board for appropriate action. The Village Board will review the findings and reasons of the Harbor Commission and make a final determination with regard thereto. The Village Board may at its sole option schedule a second hearing before it to attempt to resolve the matter.
 - (2) For any person aggrieved by a decision of the State DNR with regard to applications for buoy permits more than 200 from the high watermark, appeal rights will be satisfied by the issuance by the DNR of a notice of appeal rights substantially in the following form:

If you wish to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision, pursuant to §§ 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the DNR as the respondent. To request a contested case hearing, pursuant to § 227.42, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department to serve a petition for hearing on the Secretary of the DNR. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

This notice is provided pursuant to § 227.48(2), Wis. Stats.

- K. Permit fee. Applications for permits and addendums to permits shall be accompanied by a nonrefundable permit or addendum fee in the amount determined by the Village Board from time to time by resolution, which charge shall be sufficient to defray the costs of processing of such applications and the issuance of permits or the processing of addendums to such permits provided for in this section.

§ 281-10. Limitation on size of motorized watercraft launched from Village launch site.

No person shall launch at the Village launch site any motorized watercraft in excess of 30 feet in overall length.

§ 281-11. Trailer parking and boat launching for municipally sponsored functions or events.
[Amended 4-16-2018 by Ord. No. 2018-5]

Notwithstanding the general prohibition of trailer parking and boat launching, there is created an exception to such general prohibitions as follows:

- A. Trailer parking is permitted for vehicles and trailers engaged in Village-sponsored functions or events.
- B. Boat launching is permitted if such launching is being engaged in connection with a Village-sponsored function or event in Edgewater Park.

§ 281-12. Commercial use of launch area.

- A. Definition. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL USE — A person using the Village municipal launch parking area and ramp as a bulk handling area for the loading or unloading of construction materials from or onto watercraft from or to locations on Geneva Lake. Such construction materials include building materials, landscaping materials, earth, stone, timbers and pier lumber.

- B. Prohibition. The commercial use of the Williams Bay municipal launch parking area and ramp is prohibited without a permit. Every person shall obtain a permit prior to the commercial use of the Williams Bay municipal launch parking area and ramp. The permit shall be issued by the Village Clerk upon the filing of an application and the payment of the required fee. The application shall contain the name, address, telephone number and gross vehicle weight of the loads proposed to be handled by the commercial user at the municipal launch parking area and ramp. The exact nature, including the weight thereof, of the construction materials to be handled and the equipment proposed for handling, must be stated in the application. The applicant is responsible for all damage to the Village-owned launch facility, including the pier, parking lot and ramp area, and will promptly reimburse the Village for any such damages. Any violation of this provision will result in the immediate revocation of the permit, the commencement of an action for the imposition of the standard penalties of this Code and/or an action for money damages.

§ 281-13. Fishing tournaments or contests. [Amended 4-16-2018 by Ord. No. 2018-5]

- A. Fishing tournament or contest definition. Any event held at a Village facility in which caught fish are scored, weighed, tabulated or calculated on site, and/or a prize of any kind (monetary, merchandise or recognition by plaque or trophy) is given to a person or persons, and use of the facility requires any arrangements above and beyond the normal function of the facility (tent construction, extra electricity, etc.) shall be considered a fishing contest or tournament.
- B. Rules. The following rules apply to all fishing contests or tournaments involving up to 50

boats. For fishing tournaments or contests involving 51 boats and greater, additional rules apply as described in Subsection C(2). All fishing tournaments or contests held at any Village facility must abide by the rules set forth by the Village Parks and Lakefront Committee, Village staff and the Village Harbor Master.

- (1) Permit requirement. All individuals or groups hosting a fishing tournament or contest originating at the Williams Bay boat launch must apply for and receive a permit issued by the Village for each day the tournament or contest is held. This is required regardless of whether a DNR permit is required. All DNR regulations must be followed and a valid DNR permit is required when applicable.
- (2) Purpose and intent. The requirement of a permit is designed to minimize the impact to Village lakefront operations as well as to Village residents and guests using the lakefront. Issuance of a permit to an individual or group does not authorize deviation by the individual or group from instructions issued by an authorized Village representative, i.e., Village staff, police, trustees, etc. Any individuals or group members issued a permit who are not following all instructions and requirements of the Village will be asked to immediately cease their activities and exit Village property. All permit fees and launch fees are nonrefundable for any reason.

C. Village permit. The following permit requirements apply to fishing tournaments or contests:

- (1) Permit for up to 50 boats.
 - (a) Permits can be issued up to the day of the tournament or contest. A valid permit is required to use Village facilities during a tournament or contest. Permits can be obtained from the office of the Village Clerk or from the Harbor Master.
 - (b) Parking and weigh-in must be performed in such a manner as to limit the impact on residents, guests and members of the general public as well as normal launch operations at the Village boat launch. Complying with all Village launch staff instructions will ensure a pleasant outcome for all. Weigh-in areas will be assigned to the contact person designated in the permit application by the Harbor Master based on launch activities occurring on the day of the tournament or contest.
 - (c) The responsible person must be designated as the contact person for the persons or entity sponsoring the tournament or contest, on the permit application. The contact person will be held responsible for the implementation of all tournament or contest and park rules and regulations for all tournament or contest participants. Additionally, the contact person is expected to follow and share with the tournament or contest participants any requests made by Village staff.
- (2) Permit for 51 or more boats (large tournament or contest).
 - (a) Large tournaments or contests may not be held between the first Saturday in May and June 25 of any year. No tournament or contests of any size shall be held or permitted during the 4th of July holiday and during the three days constituting the Labor Day weekend. Permit applications must include a

detailed map of the proposed layout for all large tournament or contest activities.

- (b) Large tournament or contest permit applications must receive approval first from the Village Parks and Lakefront Committee and second from the Village Board. The process for approval can be time-consuming as both the Committee and Board review the applications. Tournament or contest contact persons are advised to submit their permit application at least 90 days prior to the date the tournament or contest is to be held.
 - (c) Permit applicants will be required to provide insurance indemnification to the Village in an amount determined based upon the size of the tournament or contest and the projected impact on normal operations of the Village boat launch, the adjacent parks and adjacent area used by the public. The contact person for the applicant is required to do a walk through of tournament or contest activities with Village staff or the Harbor Master no later than 24 hours prior to the start of the tournament or contest.
 - (d) No changes to permit requirements or other arrangements with the Village can be made without approval from the Harbor Master and a member of the Parks and Lakefront Committee.
- D. Permit fees. The permit fee shall be based upon the number of boats involved in the tournament or contest. The amount of the fees shall be as set forth on a schedule established by resolution of the Village Board.

§ 281-14. Regulations for lawn fertilizer and sales. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

This section is recommended by the Geneva Lake Environmental Agency and is adopted by the Village under the authority of § [61.3462.04](#), Wis. Stats.

- A. Purpose and intent. The Village finds that Geneva Lake and its streams are a natural asset which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Village further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the surface waters will improve and maintain lake and stream water quality.
- B. Applicability. This section applies in all areas of the Village of Williams Bay.
- C. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

AGRICULTURAL USE — Beekeeping; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, mint and seed crops; raising of fruits, nuts and berries; sod farming; and vegetable raising.

FERTILIZER — Has the meaning set forth in § 94.64(1)(e), Wis. Stats.

LAWN FERTILIZER — Any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant applications.

D. Regulation of the use and application of lawn fertilizer.

- (1) Effective October 1, 2008, no person shall apply any lawn fertilizer within the Village that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in the exemptions in this section.
- (2) No lawn fertilizer shall be applied when the ground is frozen.
- (3) No person shall apply fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

E. Exemptions. The prohibition against the use of fertilizer under Subsection D shall not apply to:

- (1) Newly established turf or lawn areas during their first growing season.
- (2) Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.
- (3) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.
- (4) Yard waste compost, ~~biosolids~~[bio-solids](#) or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

F. Sale of fertilizer containing phosphorus.

- (1) Effective October 1, 2008, no person shall sell or offer for sale any lawn fertilizer within the Village that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in the exemptions of this section.
- (2) Effective October 1, 2008, no person shall display lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by the exemptions of this section.
- (3) Effective October 1, 2008, a sign containing the regulations set forth in this section and the effects of phosphorus on Geneva Lake and its streams must be prominently displayed where lawn fertilizers are sold.

G. Enforcement. Violations of this section will be enforced by the Village Building Inspector or code enforcement officer.

- H. Penalty. Any person who violates this section in the application of fertilizer at his or her residence shall be subjected to a forfeiture of \$25 per violation. Any commercial fertilizer applicator, residential or commercial developer, industrial or commercial owner, or other person who violates Subsection D and any person who violates Subsection F shall be subject to a forfeiture of \$50 for the first violation within a twelve-month period, \$150 for the second violation within a twelve-month period, and \$300 for the third and each subsequent violations within a twelve-month period.
- I. Severability clause. If any subsection, provision or portion of this section is ruled invalid by a court, the remainder of the section shall not for that reason be rendered ineffective or invalid.

§ 281-15. Variances. [Added 8-19-2013]

- A. Purpose. The purpose of this section is to provide regulations that will enable the Harbor Commission to hear and decide requests for permitted variations from the placement requirements of § 281-1H(3)(e) for removable (non-cribbed) piers and § 281-5F as will not be contrary to the public interest where, due to special factors, literal enforcement of the provisions of § 281-1H(3)(e) for removable (non-cribbed) piers and § 281-5F would result in practical difficulty or unnecessary hardship, so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.
- B. Initiation of request. Proceedings for approval of a variance may be initiated by an application of the owner(s) of the subject property.
- C. Application. Variance applications shall be printed on an application form provided for that purpose and filed with the Village Clerk. The application shall be accompanied by a fee as may be established by resolution of the Village Board on file in the office of the Village Clerk. In addition to the information required on the application form, the applicant shall supply the following:
 - (1) A current survey prepared by a professional land surveyor of the subject property showing the location of any pier adjacent to the subject property, the side lines extending from the subject property, the proposed location for the structure for which the variance is requested and the location of piers and associated structures adjacent to the riparian properties on either side of the subject property. [Amended 8-7-2017 by Ord. No. 2017-6]
 - (2) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance appropriate, as evidenced by an application of the factors set out in Subsection D below.
- D. Factors.
 - (1) The following factors shall be considered by the Harbor Commission in evaluating a proposed variance:
 - (a) The hardship or difficulty peculiar to the subject property and different from that of other properties.
 - (b) The historical pattern of use of the subject property and neighboring riparian

properties.

(c) Whether the proposed variance would hinder the use of adjacent properties and/or their access to Geneva Lake.

(d) Such other factors as the Harbor Commission deems relevant.

(2) Self-imposed hardship shall not be grounds for a variance.

- E. Within 45 days of filing of a complete application, the Harbor Commission shall hold a public hearing to consider the request. Notice of the public hearing shall specify the date, time and place of the hearing and be published as a Class 1 notice. Copies of the notice shall be mailed to all adjacent property owners. [Amended 6-19-2017 by Ord. No. 2017-4]
- F. Within 30 days after the hearing, the Harbor Commission shall make its determination regarding the application for variance. The Harbor Commission may request further information from the applicant. Final action on the application for the variance may be taken at the time immediately following the public hearing or the proceedings may be continued from time to time for further consideration. The Harbor Commission shall make a written report of its determination on the application. If the Harbor Commission fails to make a determination within 30 days after the public hearing, the request for variance shall be considered denied.
- G. Effect of denial. No application for a variance that has been denied (either wholly or in part) shall be resubmitted for a period of three seasonal years from the seasonal year in which the application was denied, unless the application contains material changes from the application that was denied, as determined by the Harbor Commission. [Amended 6-19-2017 by Ord. No. 2017-4]
- H. Duration of variance. A variance shall remain in effect for so long as the applicant remains the principal property owner, provided that should the Harbor Commission receive a written complaint either that the applicant is not in compliance with any of the conditions attached to the variance or that there is a substantial change in circumstances such that the variance results in interference with the navigational rights of an adjacent riparian property owner, the Harbor Commission shall hold a hearing on whether to continue, terminate or modify the variance. Written notice of the hearing is to be given by the Harbor Commission to the applicant and to any party that has submitted a written complaint to the Harbor Commission of either the applicant's noncompliance with the conditions of the variance or of interference with the navigational rights of adjacent riparian property owners. Such notice is to be sent by mail at least 10 days prior to the hearing. The Harbor Commission shall issue a written decision on the complaint within 30 days of the hearing and provide a copy to the applicant and the complainant. This subsection shall apply to all variances issued and in effect as of June 19, 2017, in addition to all variances issued after that date. [Amended 6-19-2017 by Ord. No. 2017-4; 10-16-2017 by Ord. No. 2017-7]
- I. No precedential effect. An application for a variance is based on the unique factors associated with each application. The granting or denial of an application for a variance shall not have any precedential value in the consideration of any other application for a variance.

- J. Appeal. The determination of the Harbor Commission concerning the application for a variance may be appealed pursuant to Chapter 5, Administrative Review, of this Code.

§ 281-16. Violations and penalties.

Except as otherwise provided herein, any person found in violation of any provision of this article or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.

ARTICLE II
Village Launch Site
[Adopted as § 5.08 of the 2011 Code]

§ 281-17. Authorization to declare emergency.

Pursuant to the provisions of § 323.11, Wis. Stats., the Village President, the Chair of the Village Board Parks and Lakefront Committee and the Chief of Police, or each of them, are hereby authorized and empowered to declare an emergency existing within the Village whenever conditions arise at the Village launch site by reason of traffic congestion, impending riot or civil commotion, or acts of disorderly conduct, battery or other civil disobedience all occurring at the Village launch site. The period of the emergency shall be limited to the time during which the emergency conditions exist or are likely to exist.

§ 281-18. Powers.

During such emergency, the authorized and empowered Village officials shall have the general authority to order and bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from the area of the Village launch site, notwithstanding any provision of Chs. 341 to 349, Wis. Stats., or any other provisions of ordinance or law.

§ 281-19. Violations and penalties.

Any person violating the barring, restricting or removing of all unnecessary traffic, both vehicular and pedestrian, from the area of the launch site shall forfeit not less than \$10 nor more than \$100, plus penalty assessment and court costs, and upon failure to pay any forfeiture, penalty assessment and court costs imposed may be imprisoned not exceeding six months or until such forfeiture, penalty assessment and costs are paid.

ARTICLE III
Municipal Beach
[Adopted as §§ 10.315 and 10.32 of the 2011 Code]

§ 281-20. Official rules established.

The Village of Williams Bay has prepared a set of rules of conduct for persons entering upon and using the Village-owned municipal beach. These rules have been adopted by resolution by the Village Board. Such rules are on file with the Village Clerk, posted at the beach and are adopted herein by reference. Said rules may change from time to time by resolution of the Village Board.

§ 281-21. Conduct prohibited.

No person shall engage in conduct which is prohibited by the rules adopted by reference as part of § 281-20.

§ 281-22. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

ARTICLE IV
Geneva Lake
[Adopted 6-19-2017 by Ord. No. 2017-5]

§ 281-23. Applicability and enforcement.

- A. The provisions of this [articleordinance](#) are adopted in the interest of public health and safety and shall apply to persons, boats and other objects upon, in and under the waters and ice of Geneva Lake within the jurisdictions of the city, villages and towns above named,¹ which are all such municipalities surrounding, riparian to, and having jurisdiction over said lake.
- B. This [articleordinance](#) shall be enforced by the officers, employees and agents of the Geneva Lake Law Enforcement Agency, and by the properly designated and authorized officers and agents of said municipalities.
- C. Water [Safety Patrol](#).~~safety patrol~~. The Geneva Lake Water Safety Committee, Inc., through its Water Safety Patrol, shall:
 - (1) Promote water safety upon Geneva Lake in Walworth County, Wisconsin, including water rescue, promulgating and encouraging practices conducive to the safety of persons and property incident to the use and enjoyment of water traffic, pleasure and sports.
 - (2) Educate in promoting water safety in all of its aspects.

§ 281-24. State boating and water safety laws and administrative orders and rules adopted.

- A. The statutory provisions describing and defining regulations with respect to water and ice traffic, boats, boating and related water and ice activities in the following enumerated [§§ Sections](#) 30.50 through 30.81, inclusive, of the Wisconsin Statutes are hereby adopted and by reference made a part of this [articleordinance](#) as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any statute incorporated by reference herein is required or prohibited by this [articleordinance](#).
- B. All rules and orders created by the Wisconsin Department of Natural Resources designated Chapter NR 5 of the Wisconsin Administrative Code, modifying or supplementing the foregoing provisions of the state law or which may be adopted or made in the future are

1. Editor's Note: Reference is to the City of Lake Geneva, the Village of Williams Bay, the Village of Fontana-on-Geneva Lake, the Town of Linn and the Town of Walworth.

hereby incorporated in and made a part of this [article~~ordinance~~](#) by reference to the same as if they are or were to be set out herein verbatim.

- C. All deletions, additions and amendments which may be made to the sections of the state laws enumerated under § 281-24A above are hereby adopted and incorporated herein by reference as of the time of their respective effective dates, as if they were to be set out herein verbatim.
- D. Speed limits.
 - (1) No person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 45 miles per hour between sunrise and sunset; nor at a speed in excess of 15 miles per hour between sunset and sunrise, except as noted in § 281-24D(2) below.
 - (2) On weekends (from 12:01 p.m. every Friday to midnight Sunday) and on Memorial Day, July 3 to 5, and Labor Day of each year, no person shall operate any boat powered by an engine, or any other boat, in or upon the waters of Geneva Lake at a speed in excess of 35 miles per hour between sunrise and sunset.
 - (3) The speed limit set forth in § 281-24D(1) shall not apply to police patrol boats in situations involving emergencies, or while engaged in law enforcement, nor to boats participating in a duly authorized race, regatta or water ski meet duly authorized by a permit while operating in the designated area authorized by said permit. The speed limit set forth in § 281-24D(1) shall not apply to Water Safety Patrol boats in situations involving emergencies.
- E. Careless, negligent, or reckless operators. No person shall operate or use any boat powered by an engine or any other boat, or manipulate any water skis, aquaplane or similar device in or upon the waters of Geneva Lake in a careless, negligent, or reckless manner so as to endanger another person's life, safety or property of another.

§ 281-25. Zones, areas and restrictions.

- A. Zones and areas defined.
 - (1) All areas marked by buoys and/or regulatory markers and properly permitted by the DNR and local municipalities are so designated as swimming zones.
 - (2) The traffic area shall be beyond 200 feet distant and parallel to the shoreline, and 100 feet from any dock, raft, pier, structure, mooring area or buoyed restricted area.
- B. Restrictions.
 - (1) Traffic lights. Any municipality may install and operate boat traffic lights and when so installed and operating they must be obeyed by all boat or other watercraft operators using such traffic area.
 - (2) No water traffic outside the traffic area shall exceed the "slow-no-wake" speed limit.

§ 281-26. Additional safety regulations and rules.

A. Swimming regulations.

- (1) Swimming from boats. No person shall swim from any boat unless such boat is anchored or the boat is manned by a competent person.
- (2) Swimming in traffic area. No person shall swim in the traffic area unless accompanied by a boat manned by a competent person. Such boat shall stay within 50 feet of and guard such swimmer. This subsection is subject to the provisions set forth in Subsection A(3) below.
- (3) Hours limited. No person shall swim in the traffic area from sunset to sunrise.

B. Water skiing.

- (1) All water skiing is limited to the traffic area.
- (2) No watercraft which shall have in tow a person or persons on water skis, surfboards, or similar devices shall be operated upon Geneva Lake unless such watercraft shall be occupied by at least two competent persons. One person shall operate the boat and observe boat traffic at all times and the second shall observe the towed person.
- (3) The drivers or operators of all watercraft by means of which aquaplanes, water skis, or similar devices are being towed, and the riders of such devices, must conform to the same rules and clearance as provided in this [articleordinance](#) for motor boats.
- (4) Any person using water skis, an aquaplane or a similar device or any person who is towed in any manner by a watercraft or other means shall wear a United States Coast Guard approved personal flotation device.

C. Spearfishing. Under or in water spear fishing is prohibited within 100 feet of municipal piers, harbors, (Lake Geneva/Riviera, Williams Bay, Fontana, Linn Pier/Trinke Estates, Abbey Harbor) and marinas.

D. Buoys to be out by the first day of winter.

- (1) All buoys shall be removed from the water by the first day of winter of each year.
- (2) Every municipality or the Water Safety Patrol may remove all buoys, regulatory markers or aids to navigation being privately owned or placed which are not removed before the first day of winter of each year.

§ 281-27. Littering or polluting.

No person shall deposit, place or throw any cans, bottles, debris, refuse, garbage, solid or liquid waste, sewage or effluent into the waters of the lake or upon the ice when formed or cause or permit the same to be done by any agent or employee.

§ 281-28. Markers and navigation aids.

All regulatory markers, navigation aids and other waterway markers placed upon the waters of the lake shall comply with the regulations of the Department of Natural Resources and approval of the designee of the local government.

§ 281-29. Severability.

If any section, subsection, sentence, clause, phrase or portion of this [articleordinance](#) is for any reason held to be invalid or unconstitutional, by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board or Council hereby adopting this [articleordinance](#) declares that it would have passed this [articleordinance](#) and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

§ 281-30. Violations and penalties.

- A. Any person who shall violate § 30.67(1), Wis. Stats., which is adopted as local ordinances in § 281-24 of this article shall, upon conviction thereof, forfeit and be subject to the penalties as set forth in § 30.80, Wis. Stats., as amended from time to time and as set forth in the bond schedule as it is amended from time to time on file with the court having jurisdiction for the enforcement of this Joint Uniform Lake Law Ordinance for Geneva Lake.
- B. Any person violating § 30.67(2), Wis. Stats., shall forfeit the amounts set forth in § 30.80, Wis. Stats., as amended from time to time and as set forth in the bond schedule as it is amended from time to time on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance for Geneva Lake.
- C. Any person who shall violate § 30.681(1)(a) or (b) or 30.684(5), Wis. Stats., which are adopted as local ordinances in § 281-24 of this article shall, upon conviction thereof, forfeit and be subject to the applicable penalties as set forth in § 30.80(6)(a) to (e), Wis. Stats., as amended from time to time and as set forth in the bond schedule as it is amended from time to time on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance for Geneva Lake.
- D. Any person who shall violate those provisions set forth in § 281-24 of this article and for which penalties are not specifically provided for herein shall, upon conviction thereof, forfeit an amount as set forth in the bond schedule as it is amended from time to time on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance for Geneva Lake.
- E. Any person violating any provision of the Joint Uniform Lake Law Ordinance for which a penalty is not provided for herein or which is not provided for in the bond schedule as it is amended from time to time on file with the court having jurisdiction for the enforcement of the Joint Uniform Lake Law Ordinance of Geneva Lake shall forfeit not more than \$500 for the first offense and shall forfeit not more than \$1,000 upon conviction of the same offense a second or subsequent time within one year.

Chapter 295

SEWERS AND SEWAGE DISPOSAL

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Sewer Use

[Adopted as §§ 13.10 to 13.27~~35~~ of the 2011 Code]

§ 295-1. Creation.

The Village Board does hereby declare that the sewer system of the Village, consisting of the collection system, waste collection and disposal operations, system of sewerage and all other appurtenances and equipment used for such purposes or wastewater works shall be designated the "Village of Williams Bay Sewer Department" (hereinafter referred to as "Department") as of the date of this article.

§ 295-2. Management.

- A. The operation, management and control of the Department is hereby vested in the Village Board and is hereinafter referred to as the "Board" or the "Approving Authority." All records of the Department shall be kept by the Village Treasurer and the Director of Public Works.
- B. The rules, regulations and rates hereinafter set forth shall be considered part of the contract with every individual or entity connected to the sewer system. The rules, regulations and rates may be changed from time to time as determined by the Village Board and the right is reserved to make special rates and contracts in all proper cases.
- C. The Village Board shall cause an annual audit of the books of the Department made and shall make the books and records relating to the Department available for inspection during regular business hours.

§ 295-3. Application.

The application of this article, its rules, regulations and rates shall apply to all individuals, firms, corporations and institutions residing within the corporate limits of the Village and any person, firm or corporation by attachment to the sewer system or otherwise by contract or agreement coming within the Village sewer service area subsequent to the effective date hereof.

§ 295-4. Definitions.

The meaning of terms used in this article shall be as follows:

ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as amended by the

Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243 or modified by Ch. 283, Wis. Stats., or appropriate section of the Wisconsin Administrative Code adopted pursuant to Ch. 283, Wis. Stats.

APPROVING AUTHORITY — The Village Board or its duly authorized deputy, agent or representative.

BOD — The quantity of oxygen expressed in milligrams per liter (mg/l) utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20° C. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

BUILDING SEWER, LATERAL OR SERVICE PIPE — A sewer which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.

COLLECTION SYSTEM — The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.

DEBT RETIREMENT — All annual principal and interest requirements and obligations of the Village for the wastewater works.

DEPARTMENT — The Village Sewer Department established by this article.

DOMESTIC WASTEWATER — ~~Waterborne~~^{Water-borne} wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 200 mg/l and the BOD is established at or below 250 mg/l.

FLOW ~~PROPORTIONAL~~ COMPOSITE SAMPLE — A sample consisting of portions of waste taken in proportion to the volume of flow of such wastes.

INDUSTRIAL COST RECOVERY — Recovery by the grantee (Department) from the industrial users of a wastewater works of the grant amount allowable to the treatment of wastes from such users pursuant to § 204(b) of the Federal Act.

INDUSTRIAL USER

A. Any nongovernmental, nonresidential user of publicly owned wastewater works which discharges more than the equivalent of 2,000 ~~gallons~~^{gals.} per day (GPD) of sanitary wastes and whose activities are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A~~1~~² Agriculture, Forestry and Fishing.
- (2) Division B~~1~~² Mining.
- (3) Division D~~1~~² Manufacturing.
- (4) Division E~~1~~² Transportation, Communications, Electric, Gas and Sanitary Services.
- (5) Division I~~1~~² Services.

B. In determining the amount of a user's discharge for purposes of industrial cost recovery, the

Village may exclude domestic wastes or discharges from sanitary conveniences. After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding 2,000 GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 2,000 GPD of sanitary waste are considered industrial users. Sanitary wastes for purposes of this calculation of equivalency are the wastes discharged from residential users. Any nongovernmental user of a publicly owned wastewater works which discharges wastewater to the wastewater works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals; creates a public nuisance; creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, shall be an industrial user, even if it does not discharge the equivalent of 2,000 ~~gallons~~^{gals.} per day of sanitary wastes.

INDUSTRIAL WASTE — Any ~~waterborne~~^{water-borne} solids, liquids or gaseous wastes other than domestic wastewater resulting from, discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these with water or domestic wastewater.

INTERCEPTING SEWER — A sewer constructed to receive the dry water flow or untreated or inadequately treated sewage from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any waters of the ~~state~~^{State} and convey the flow to a treatment works or is to serve in lieu of an existing or proposed treatment works.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL SEWAGE — Sanitary sewage in which BOD, suspended solids or phosphorus concentrations do not exceed normal concentrations of:

- A. A five ~~-~~^{day} 20° C. BOD of not more than 250 parts per million;
- B. A suspended solids concentration of not more than 200 parts per million; or
- C. Phosphorus not more than 12 parts per million.

OPERATION AND MAINTENANCE COST — The actual sums spent by the Department in the operation and maintenance of its wastewater works consisting of, but not limited to, each and all of the following purposes:

- A. Wages, salaries and employee related expenses of operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the state workers' compensation coverage.
- B. Electrical power.
- C. Chemicals, fuel and other operating supplies.
- D. Repairs to and maintenance of the equipment associated therewith.

- E. Premiums for hazard insurance.
- F. Premiums for insurance providing coverage against liability for the injury to persons and/or property.
- G. Rents and leasing costs.
- H. Operation, licensing and maintenance costs for trucks and heavy equipment.
- I. Consultant and legal fees.

PERSONS — Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency or other entity and agents, servants or employees.

pH — The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in "Standard Methods."

PUBLIC SEWER — A sewer in which all owners or abutting properties have equal rights and is controlled or owned by public authority.

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL EQUIVALENCY CHARGE — A charge levied on users for debt retirement. The charge shall be based on the total debt retirement divided by the number of existing residential equivalent connections (RECs).

RESIDENTIAL EQUIVALENT CONNECTION — Shall be derived by dividing the total amount of sewage contributed to the system by the total number of residential equivalency units, hereinafter referred to as "RECs" defined as follows:

Water Meter Size (inches)	Number <u>No.</u> of RECs
5/8	1.0
3/4	1.0
1	2.5
1 1/4	3.5
1 1/2	5.0
2	8.0
3	16.0
4	25.0
6	50.0

SANITARY SEWER — A sewer that conveys domestic wastewater or industrial waste or a combination of both and into which storm, surface and ground waters~~groundwaters~~ or unpolluted industrial wastewater is not intentionally passed.

SEWER SYSTEM — All facilities for collecting, pumping, treating and disposing of domestic wastewater and industrial wastes.

SEWER USE CHARGE — A charge levied on users for operation, maintenance and

replacement costs based on a cost per 1,000 ~~gallons~~^{gals.} of flow.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS — The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, American Water Works Association and the Water ~~Environment Federation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~^{Environment Federation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]}~~Pollution Control Federation.~~

STORM SEWER — A sewer which carries storm and surface drainage, but excludes domestic wastewater and industrial wastes.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER — Any person discharging domestic wastewater or industrial wastes into the collection system.

WASTE — Any solid, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions and industrial establishments into the collection system or storm sewer.

WASTEWATER — A combination of the water ~~carried~~^{carried} waste discharged into the collection system from residences, business buildings, institutions and industrial establishments, together with such ground surface and stormwater as may be present.

WASTEWATER PUMPING STATION — A pumping facility utilized to pump wastewater within the collection system.

WASTEWATER TREATMENT FACILITIES — Any Department ~~owned~~^{owned} facility, devices and structures used for receiving and treating wastewater from the Department collection system.

WPDES PERMIT — A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES), pursuant to Ch. 283, Wis. Stats.

§ 295-5. Rules and regulations.

- A. Declaration of policy. The Village Board finds and declares that the public health, comfort and safety is preserved and enhanced by the provisions of the sewer system in the promotion of a clean and healthful environment and that the failure to connect to the sewer system is contrary to minimum health standards.

B. Connections.

- (1) To assure preservation of public health, comfort and safety, the owner of any houses, buildings or properties used for human occupancy, employment, recreation or other habitations situated within the Village and adjacent to a public sewer or in a block through which a public sewer extends is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within nine months after the public sewer first becomes operational or if an immediate health hazard exists within 30 days upon receipt of notice from the ~~Health Officer or~~ Plumbing Inspector. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) If a person fails to comply with the notice to connect within the given period of time, the Department may, at its option:
 - (a) Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner, within 30 days after the completion of the work, files a written option with the Village Clerk stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed five equal annual installments and the amount shall be so collected with interest at the rate of 10% per annum from the completion of the work, the unpaid balance to be a special tax lien; or
 - (b) Impose a standby charge for the period that such failure continues after 10 days' written notice to any owner failing to make a connection to the sewer system for an amount equal to 150% of the residential equivalency charge payable monthly for the period in which the failure to connect continues and, upon failure to make such payment, the charge shall be levied as a tax against the lot or parcel to which sewerage service was furnished.

C. Alternative disposal prohibited.

- (1) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of domestic wastewater if a public sewer is available.
- (2) No person shall discharge to any natural outlet within the Village in any area under the jurisdiction of the Village sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

D. Plumbers. No plumber, pipe fitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the wastewater works without first receiving a license from the ~~state~~State.

E. Maintenance of services. All street mains shall be maintained and repaired by the Department without expense to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner or occupant, they will be repaired at the expense of the property owner. All building sewers from the point of connection to the street main and all facilities throughout the premises served shall be

maintained free of defective conditions at the expense of the owner or occupant of the property served.

F. Users.

(1) Application for service.

- (a) Every person requesting connection to the sewer system shall file an application in writing to the Building Inspector in such form as is prescribed for that purpose. If any change in use from that in the application is contemplated, the user shall obtain further application and permission from the Department. If the applicant is not the owner of the premises, the owner's written consent shall accompany the application. If the service pipe from the street main to the premises to be served traverses a lot or otherwise legally described parcel of property other than the lot or otherwise legally described parcel of property on which the premises to be served is or will be located, there shall be obtained from the owner of the lot or otherwise legally described parcel of property across which the service pipe from the street main to the premises to be served is to traverse, an easement at least 20 feet wide for the purpose of maintaining such service pipe. The easement shall be granted to the property to be served by the service pipe and shall run with the land. This provision shall apply irrespective of ownership of the parcels of property.
- (b) The application may be for service to more than one building or more than one unit of service through one service connection and charges shall be made accordingly.
- (c) If it appears the service applied for will not provide adequate service for the contemplated use, the Department may reject the application. If the Department approves the application, it shall issue a permit for services as shown on the application.
- (d) All expenses relating to the connection to the wastewater works shall be paid by the applicant or owner.

(2) 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 shall obtain and exhibit the proper permit from the Department.

(3) User 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 of the sewer system. The user is responsible for their service pipe from the point of connection to the street main through their premises. The point of connection to the street main for which the user is responsible includes the saddle or tee connection which joins the service pipe to the street main.

(4) User use only. No user shall allow other persons to connect to or permit other uses to be made of the sewer system through his lateral.

(5) User to permit inspection. Every user shall permit the Department or its agent at all

reasonable hours to enter the 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 relative to its use.

(6) Responsibility.

(a) No claim shall be made against the Department, its agents or employees by reason of breaking, clogging, stoppage or freezing of any service pipe nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the Utility, absent gross negligence of the Department, its agents or employees.

(b) The Village may cut off the service at any time for repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it becomes necessary to shut off the sewer service within an area of the Village, the Department shall, if practicable, give notice to each affected user.

G. Excavations. Excavation requirements shall be as specified and required in Chapter 314, Streets and Sidewalks, of this Municipal Code.

H. Laterals.

(1) All laterals on private property will be installed in accordance with the Wisconsin Administrative Code, as from time to time amended.

(2) The building sewer shall be inspected by the Building Inspector or his designee upon completion of placement of the pipe and before backfilling and tested before and after backfilling.

I. Tapping the mains.

(1) No persons, except those having special permission from the Department or persons in their service and approved by them, will be permitted under any circumstances to tap the public sanitary sewers. The kind and size of the connection with the public sanitary sewers shall be that specified in the permit or order from the Department.

(2) Pipes should always be tapped at the top and not within six inches (15 ~~centimeters~~) of the joint or within 24 inches (60 ~~centimeters~~) of another lateral connection.

(3) When any building sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new building sewer shall be installed for each building.

§ 295-6. Sewer service charges and reserve capacity assessment.

A. Basis for sewer service charges. The sewer service charge shall be based on two parts, the residential equivalency charge plus the sewer use charge.

B. Residential equivalency charge.

- (1) A residential equivalency charge is hereby imposed upon each lot, parcel of land, building or premises served by the sewer system or otherwise discharging sewage, including ~~nondomestic~~~~non-domestic~~ and industrial wastes, into the system. Such residential equivalency charge shall be payable as provided in this section and shall be on the basis of one unit for each residential equivalency unit.
 - (2) On or before February ~~1st~~ of every year, the Village Treasurer shall ~~recompute~~~~compute~~ the assignment of residential equivalency units to all users within the system. The summation of residential equivalency units will then be divided into the yearly budget debt service and depreciation and as provided in § 295-7 to arrive at the charge per residential equivalency unit. The assignment method shall apply only to buildings that are attached to the sanitary collection system.
 - (3) Debt service shall include that of the sewer infrastructure owned by the Village of Williams Bay plus the allocable share of the Walworth County Metropolitan Sewerage District.
 - (4) Depreciation shall include that of the sewer infrastructure owned by the Village of Williams Bay plus the allocable share of the Walworth County Metropolitan Sewerage District.
- C. Sewer user charge. A sewer user charge is hereby imposed upon all users of the sewer system based upon operation, maintenance and replacement charges as defined in § 295-4 of this article less those costs defined in § 295-6B. The Village Treasurer shall ~~recompute~~~~compute~~ the sewer user charge annually by dividing the proposed net yearly operation, maintenance and replacement budget as provided in § 295-7 by the estimated annual metered water usage to determine a usage rate per 1,000 metered gallons.
- D. Industrial and commercial charges for other than domestic wastewater. Charges for wastewater other than domestic wastewater shall be based on flow, BOD, suspended solids, phosphorus and such other constituents which affect the cost of collection and treatment. All persons discharging wastes into the sewer system are subject to a surcharge in addition to any other wastewater service charge if their wastewater has a concentration greater than domestic wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption or the actual volume of waste as determined by an industrial waste meter installation. The amount of surcharge shall reflect the cost incurred by the Department in removing BOD, suspended solids, phosphorus and other pertinent constituents. The surcharge shall be computed on the basis of Model No. 2 contained on page 5270 of the Federal Register, Volume 39, No. 29, February 11, 1974.
- E. Reserve capacity assessments. There is hereby levied and assessed upon each lot or parcel of land currently within the Village, but not having an existing connection to the sewer system and upon land subsequently attached to the Village, a reserve capacity assessment (RCA). Such RCA charge shall be payable as herein provided and shall be on the basis of one RCA charge for each residential equivalent connection connected to the sewer system.
- (1) Existing and future connections. For the purpose of this article, sewer connections in the Village shall be classified as existing connections or future connections. Existing

connections shall be those in existence and connections for which a sewer connection permit has been issued and construction started as of the effective date of this article. Future connections shall be those not in existence as of 11:59 p.m. on the effective date of this article.

- (2) Schedule of charges. The reserve capacity assessment for a single-family residence shall be \$1,000, which shall also be the unit of charge for a residential equivalent connection. The Village Engineer shall determine the residential equivalency units for all other categories of buildings. Special charges may be determined by the approving authority for large commercial or industrial user. The RCA charge shall be increased as required from time to time by the Village Board.
 - (3) Payments. There shall be no RCA charge for existing connections. Payments of the RCA charge for future connections shall be made in full upon the issuance of a building permit.
- F. Ready-to-serve charge. The owner of each premises to which sewer service has been provided by the Department, but not connected to the sewer system for sewer service, shall pay for the availability thereof a ready-to-serve charge of 100% of the rate provided by Subsection B. Any ready-to-serve charge becoming effective during any year shall be charged on a pro rata basis for that year in which the charge becomes effective.
- G. Special rates. It is understood, however, that the approving authority may at any time hereafter set special rates for any large commercial service, industrial use or any other unique user that does not readily fit into other categories of users.

§ 295-7. Annual budget and method of payment of charges.

- A. Annually before December 1, the Village Treasurer shall prepare a budget for the following fiscal year.
- B. Revenues for the operation and maintenance budget shall include any projected year-end balance (excluding replacement funds), operating fund investment income, contract revenues, permit fees, special rates and sewer user charges.
- C. Expenditures for the operation and maintenance budget shall include all costs defined in § 295-4, in the term "operation and maintenance cost," plus any projected year-end deficit.
- D. Revenues for the debt service budget shall include any projected year-end balances in the special assessments funds, transfers from the tax incremental financing fund, projected residential equivalency charges, sinking fund interest income, reserve capacity assessments and property taxes.
- E. Expenditures for the debt service budget shall include annual expense for long-term debt including principal, interest, premiums, paying agency fees, depreciation expense and other expenses relating to debt. Any surpluses generated shall be restricted to capital improvements.
- F. Sewer service charges may be billed quarterly and shall be payable at the Village Treasurer's office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this article shall become due and

payable within 20 days from and after the date of the statement. In the event that any such statement or statements are not paid when due, a penalty of 3% will be added thereto.

- G. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature relative to the sewer service will be addressed to the owner and/or occupant and delivered to the address by first class mail.
- H. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- I. On October 15 of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The Department shall furnish the Village Treasurer with a list of all such lots or parcels of real estate and the notice shall be given by the Treasurer.
- J. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such Department, that unless the same is paid by within 20 days, a penalty of 10% of the amount of such arrears will be added thereto and that unless such arrears and penalty is paid within 20 days, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. The notice may be served by delivery to either the owner or occupant personally or by letter addressed to the owner or occupant at the post office address of the lot or parcel of real estate. After 20 days have passed from the date of mailing, the Treasurer issuing the notice shall certify and file a list of all lots or parcels of real estate, giving the legal description thereof and the amount of unpaid arrears and penalty. Each such delinquent amount, including the penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent and the Village ~~Clerk~~-Treasurer shall insert the same as a tax against the lot or parcel of real estate. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- K. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

§ 295-8. Accounts and funds.

- A. The operation and maintenance fund shall be used for payment of any items defined in § 295-4, in the term "operation and maintenance cost."
- B. The debt service fund shall contain all revenues transferred from special assessments, tax incremental financing funds, property taxes, residential equivalency charges, reserve capacity assessments and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to debt payment.
- C. The depreciation fund shall be used for the following purposes:

- (1) Cost of the replacement of existing sewer mains.
- (2) Cost of substitution of larger size for existing mains.
- (3) Cost of new primary sewer mains and installation of same in excess of such charge or cost payable by statutory assessment.
- (4) Cost of road repair required by such construction.
- (5) Cost of contracted engineering service to insure a planned program.
- (6) Renewals or expansion of the sewer system in excess of \$5,000.

§ 295-9. Prohibited discharges.

- A. No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, swimming pool or pond overflow into the collection system. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet.
- B. No person shall discharge or cause to be discharged to the collection system, either directly or indirectly, any of the following described wastes or wastewater:
 - (1) Any liquid having a temperature higher than 150° F. (65° C.).
 - (2) Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32° F. to 150° F. (0° C. to 65° C.).
 - (3) Any solids, liquids or gases which by themselves or by interaction with other substances may cause fire, explosion, hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the sewer system.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (5) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers (100% passing one-half-inch screen, 90% passing one-fourth-inch screen).
 - (6) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
 - (7) Any wastes or wastewater having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the sewer system.
 - (8) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the sewer system.

- (9) Any wastewater or wastes containing a toxic or poisonous substance, such as plating or heat treating wastes, in sufficient quantity to injure or interfere with wastewater treatment process, constitute a hazard to humans or animals, create any hazard in the sewer system or which would cause the Department wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.
- (10) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.
- (11) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either or both or combinations of free or emulsified oil and grease if, in the opinion of the [Director of Public Works](#)~~Superintendent~~, it appears probable that such wastes or wastewater:
 - (a) Can deposit grease or oil in the collection system in such manner to cause it to clog.
 - (b) Are not amenable to bacterial action and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes.
 - (c) Can have deleterious effects on the wastewater treatment process due to the excessive quantities.
- (12) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of 0.5 mg/l by weight as cyanide in the wastes.
- (13) Wastes or wastewater which:
 - (a) Cause unusual concentrations of solids or composition, for example, in total suspended solids of inert nature (such as Fuller's ~~earth~~[Earth](#)) and/or in total dissolved solids (such as sodium chloride or sodium sulfate).
 - (b) Cause excessive discoloration in the wastewater treatment facilities discharge.
 - (c) Has BOD in excess of 900 mg/l based upon a twenty-four ~~h~~-hour composite sample.
 - (d) Has a total BOD or suspended solids loading in excess of the wastewater discharge permit described in § 295-15.
 - (e) Is discharged without application for a wastewater discharge permit or contractual agreement as required under § 295-15.
 - (f) Cause damage to the collection system or impair the treatment process.
- C. No person shall allow the discharge of slugs, water or wastes to the collection system which may be harmful to the operation of the sewer system. Where in the opinion of the [Director of Public Works](#)~~Superintendent~~ slugging does occur, each person producing such

a discharge into the collection system shall construct and maintain at his own expense a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a twenty-four-hour period.

- D. No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of their WPDES permit.
- E. No person shall connect to and discharge to the collection system, unless there is capacity in all downstream components of the sewer system as determined by the Village Engineer.

§ 295-10. Accidental discharges.

Any person who accidentally discharges wastes or wastewater prohibited under § 295-9 into the storm sewer shall immediately report such discharge to the [Director of Public Works](#)~~Superintendent~~.

§ 295-11. Pretreatment facilities.

- A. The approving authority may require pretreatment facilities of any person discharging or planning to discharge industrial waste if the waste or wastewater could:
 - (1) Cause damage to the collection system.
 - (2) Impair the treatment process.
 - (3) Cause the Department to incur treatment costs exceeding those of domestic wastewater.
 - (4) Have any of the characteristics of the prohibited discharges described in § 295-9.
 - (5) Cause the wastewater treatment facilities to exceed its total design loading for volume, BOD, suspended solids or pollutant.
 - (6) Cause a particular industry to exceed its design allocation for volume, BOD, suspended solids or any other pollutant.
- B. Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.
- C. Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the [Director of Public Works](#)~~Superintendent~~ and Village Engineer prior to the start of construction.
- D. In accordance with Ch. NR 114, Wis. Adm. Code, all pretreatment facilities shall be operated by qualified personnel holding certificate of the proper class issued by the Wisconsin Department of Natural Resources.

§ 295-12. Sand and grease trap installations.

Grease, oil and sand interceptors shall be provided at repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful

ingredients. All interceptors shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All grease, oil and sand interceptors shall be maintained by the owner at his expense in continuous, efficient operation at all times.

§ 295-13. Wastewater measurement and sampling; control manholes.

- A. Wastewater flows shall be assigned in accordance with the residential equivalency connection provided in § 295-4, unless:
- (1) On any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system, the owner or occupant of such property shall cause to be installed necessary metering equipment as approved by the [Director of Public Works](#)~~Superintendent~~ to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so measured. Whenever the person fails to install such metering equipment or where it is not practicable to measure the water consumed on any premises by a meter or meters, the [Director of Public Works](#)~~Superintendent~~ shall determine the estimated volume of water discharged into the wastewater works.
 - (2) The [Director of Public Works](#)~~Superintendent~~ requires the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined or if the user discharges over 2,000 gallons on any day. The metering devices shall be owned and maintained by the person and may not be removed without consent of the [Director of Public Works](#)~~Superintendent~~.
- B. All persons discharging industrial wastes into the wastewater works shall construct and maintain control manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all their wastes or wastewater. Control manholes shall be located and constructed in a manner approved by the [Director of Public Works](#)~~Superintendent~~. Plans shall be submitted to the [Director of Public Works](#)~~Superintendent~~ prior to construction.

§ 295-14. Industrial waste analysis.

- A. The Village will collect samples and perform laboratory tests on industrial waste discharges as necessary to verify quantity of flow and character and concentration of an industrial waste. The Department test results shall be used to determine the applicable surcharge.
- B. Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative twenty-four hour composite sample. Samples shall be taken at intervals to be established by contractual agreement under § 295-15 or at intervals as determined by the [Director of Public Works](#)~~Superintendent~~.
- C. When Ch. NR 101 or NR 102, Wis. Adm. Code, require the submittal of the character and concentration of wastes, waste volume and production information to the Department or Wisconsin Department of Natural Resources (DNR), the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the

test results and DNR reports shall be submitted to the [Director of Public Works](#)~~Superintendent~~.

- D. All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with "Standard Methods."

§ 295-15. Wastewater discharge permit system.

A. Wastewater discharge permit.

- (1) A wastewater discharge permit is required under this section if a person's discharge into the Department wastewater works has any of the following:
 - (a) A BOD greater than 350 mg/l.
 - (b) A suspended solids concentration greater than 250 mg/l.
 - (c) A volume of 2,000 ~~gallons~~[gals](#) per day or greater is discharged by any user at one or more points of discharge.
 - (d) Any of the characteristics listed in § 295-9.
- (2) Any such persons planning to discharge, change the characteristics of their discharge or whose discharge permit has expired shall make application to the [Director of Public Works](#)~~Superintendent~~ within 60 days prior to the discharge. All persons currently discharging shall make application to the [Director of Public Works](#)~~Superintendent~~ within 60 days after passage of this article and must have an executed permit within 60 days of application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the Department wastewater works. No person shall discharge waste or wastewater into the Department wastewater works without a wastewater discharge permit, if required by this section.

- B. Permit application. Users seeking a wastewater discharge permit shall complete and file with the [Director of Public Works](#)~~Superintendent~~ an application on the form prescribed by the [Director of Public Works](#)~~Superintendent~~. In support of this application, the user shall submit the following information:

- (1) Name, address and standard industrial classification number of applicant.
- (2) Average daily volume of wastewater to be discharged.
- (3) Wastewater constituents and characteristics as determined by a method approved by the [Director of Public Works](#)~~Superintendent~~.
- (4) Time and duration of discharge.
- (5) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

- (7) Description of activities, facilities and plant processes on the premises, including all materials and types of materials which are or could be discharged.
 - (8) Each product produced by type, amount and rate of production.
 - (9) Number and type of employees and hours of work.
 - (10) Any other information as may be deemed by the [Director of Public Works](#)~~Superintendent~~ to be necessary to evaluate the permit application.
- C. Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article and all other regulations, user charges and fees established by the approving authority. The conditions of wastewater discharge permits shall be uniformly enforced by the [Director of Public Works](#)~~Superintendent~~ in accordance with this article and applicable ~~state~~[State](#) and federal regulations. Permit conditions will include the following:
- (1) The residential equivalency charge, sewer use charge and schedule for surcharge fees for the wastewater to be discharged to the wastewater works.
 - (2) The average and maximum wastewater constituents and characteristics.
 - (3) Limits on rate and time of discharge or requirements for flow regulations and equalization.
 - (4) Requirements for installation of control manholes.
 - (5) Pretreatment requirements.
 - (6) Requirements for maintaining plant records relating to wastewater discharges as specified by the [Director of Public Works](#)~~Superintendent~~ and affording the Village access thereto.
 - (7) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.
 - (8) All persons required to make application for a wastewater discharge permit shall before issuance of the permit enter into a contractual agreement with the Village. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges and other items deemed necessary by the approving authority.
 - (9) Other conditions as deemed appropriate by the [Director of Public Works](#)~~Superintendent~~ to insure compliance with this article.
- D. Duration of permits. A permit shall be issued for one year and shall be automatically renewed on a year ~~to~~[-to](#) year basis thereafter, unless the person is notified by the [Director of Public Works](#)~~Superintendent~~ within 60 days prior to the expiration of the permit or any renewal thereof. After such notification by the [Director of Public Works](#)~~Superintendent~~, the permit shall expire on the end of that year. The terms and conditions of the permit shall be subject to modification and change by the [Director of Public Works](#)~~Superintendent~~ during the life of the permit if so required because of any ordinances, statutes or rules and

regulations of the approving authority or any applicable ~~state~~State or federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- E. Transfer of a permit. Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.
- F. Revocation of permit. Any user who violates any of the conditions of his permit, contractual agreement or this article or of applicable ~~state~~State and federal regulations is subject to having his permit revoked.

§ 295-16. Admission to property.

The Village shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this article.

§ 295-17. Confidentiality of critical information.

When requested by the user furnishing a report or permit application or questionnaire, the portions of the report or other document which might disclose trade secrets or secret processes shall not be made available for use by the Village or any ~~state~~State agency in judicial review or enforcement proceedings involving the person furnishing the report.

§ 295-18. Violations and penalties.

- A. Any person who fails to comply with any of the provisions of this article or with an order of the approving authority issued in pursuance of this article or shall tamper with metering or sampling equipment shall be liable to the Village for any expense, loss or damage occasioned by such violation, including reasonable attorney's fees and other expenses of litigation and, upon conviction of any violation of this article, shall be subject to a forfeiture of not less than \$100 nor more than \$2,500 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this article shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this article shall not be cause for reducing or eliminating charges due and penalties for violations.
- B. Any user who discharges a waste or wastewater with a BOD concentration of 900 mg/l or greater as defined in § 295-9B(13)(c), shall pay a penalty of \$200 per violation. Each day a violation occurs shall constitute a separate violation. The penalty shall be added to the monthly or quarterly billing statement.
- C. In addition to the court proceedings and penalties described in Subsections A and B, whenever a person violates any provision of this article or fails to comply with any order of the approving authority, the approving authority may order an action be commenced on behalf of the Department in the Circuit Court for Walworth County for the purpose of obtaining an injunction restraining such person from making any further discharges into the

Village sewer system.

~~§ 295-19. State regulations.—~~

~~The Village shall operate the Sewer Department and enforce this article in accordance with § NR 128.13, Wis. Adm. Code. The main items included in § NR 128.13 are as follows:—~~

- ~~A.— The Village shall maintain a proportionate distribution of operation and maintenance costs among users and user classes.—~~
- ~~B.— The Village shall generate sufficient revenues to pay total operation, maintenance and replacement costs.—~~
- ~~C.— The Village shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.—~~
- ~~D.— All user charges specifically collected for replacement shall be deposited in a separate and distinct fund which shall be used exclusively for replacement.—~~
- ~~E.— Users discharging toxic pollutants shall pay for any increased operation, maintenance and replacement costs caused by toxic pollutants.—~~
- ~~F.— Users shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services.—~~
- ~~G.— This article shall take precedence over any terms or conditions of agreement or contracts between the Village and users which are inconsistent with the requirements of § NR 128.13, Wis. Adm. Code.—~~

~~§ 295-20. Violations and penalties.—~~

~~Except as otherwise provided, any person found in violation of any provision of this article or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 1-4 of this Code.—~~

ARTICLE II

Cleaning Dry Wells and Septic Tanks—
{Adopted as §§ 8.08 and 8.14 of the 2011 Code}—

~~§ 295-21. License required.—~~

~~Any person engaging in the business of cleaning dry wells and septic tanks in the Village shall first obtain a license from the Village Board.—~~

~~§ 295-22. Application.—~~

~~In the application for such license, the applicant shall state his name and address or, if a corporation, the names and addresses of the directors and officers, shall describe the equipment and shall accompany such application with the annual license fee and surety bond hereinafter mentioned, and also file a list of the charges made for service.—~~

~~§ 295-23. License fee.~~

~~Each license shall be an annual license and shall terminate on July 31 of each year. The annual fee shall be \$10, and if the license is for only part of a year, no proration of the fee shall be granted.—~~

~~§ 295-24. Surety bond.~~

~~Each applicant for such license shall obtain a surety bond from a reputable company in the amount of \$1,000 under which the company shall agree to save the customers and the Village harmless from any damages resulting from the operation of the equipment or the creating of any nuisance.—~~

~~§ 295-25. Violations and penalties.~~

~~Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code.—~~

Chapter 299

SEX OFFENDERS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 27 of the 2011 Code; amended in its entirety 9-18-2017 by Ord. No. 2017-8. Subsequent amendments noted where applicable.]

§ 299-1. Findings and intent.

- A. The Wisconsin legislature has provided for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community.
- B. The United States Supreme Court has recognized that the risk of recidivism posed by sex offenders is high, and when convicted sex offenders ~~reenter~~re-enter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. See *Smith v. Doe*, 538 US 84, 123 S.Ct. 1140, 155 L.Ed. 2d 164 (2003) and *McKune v. Lile*, 536 US 24, 34, 122 S.Ct. 2017, 153 L.Ed.2d 47 (2002), citing United States Department of Justice Bureau of Justice Statistics, Sex Offenses and Offenders, 27 (1997) U.S. Department of Justice Bureau of Justice Statistics Recidivism of Prisoners Released in 1983 (1997).
- C. The Eighth District has found that up to 2,000-~~foot~~feet restriction on the residence of sex offenders is reasonable given that reducing the frequency of contact between sex offenders and children is likely to reduce temptation and opportunity, which in turn is important to reducing the risk of harm to children. See *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005).
- D. The Village of Williams Bay Board finds that the negative consequences of failing to regulate the movement and residency of sex offenders is a hazard to children and the community. Thus, the Village of Williams Bay has a duty and need to regulate where sex offenders reside and loiter within the Village once they are reintegrated into the community. This chapter is a regulatory measure aimed at protecting the health and safety of the children in the Village of Williams Bay from the risk that convicted sex offenders may reoffend in locations close to their residences. It is the intent of this chapter not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing residence or loitering; and by regulating certain activities that may be used by sexual offenders to prey on children.
- E. The Village of Williams Bay finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is

important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day-care centers and other places children frequent. The Village finds and declares that in addition to schools and day-care centers, children congregate or play at public parks.

- F. The Village Board notes that § 61.34, Wis. Stats., authorizes the Village Board to enact legislation for the health, safety and welfare of the public. In addition, § 61.34(5), Wis. Stats., notes that the powers, rights and privileges accorded villages under said section are to be liberally construed in order to promote the general welfare, peace, good order and prosperity of the Village.
- G. This chapter will not apply to sexually violent persons, as defined in § 980.01(7), Wis. Stats., because those persons are controlled under the regulations of Ch. 980, Wis. Stats.

§ 299-2. Definitions.

As used in this chapter and unless the context otherwise requires, the following terms shall have the meanings indicated:

CHILD — A person under the age of 18.

CHILD SAFETY LOCATION — The site upon which any of the following are located:

- A. A public park, parkway, parkland, or park facility.
- B. A public beach.
- C. A public library.
- D. A recreational trail.
- E. A public playground.
- F. A school for children.
- G. Athletic fields used by children.
- H. A day-care center.
- I. A tutoring facility.
- J. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school.
- K. Any facility for children [which means a public or private school or a group home, as defined in § 48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in § 48.02(15d), Wis. Stats.; a shelter care facility, as defined in § 48.02(17), Wis. Stats.; a foster home, as defined in § 48.02(6), Wis. Stats.; a treatment foster home, as defined in § 48.02(17q),¹ Wis. Stats.; a day-care center licensed under § 48.65, Wis. Stats.; a day-care program established under § 120.13(14), Wis. Stats.; a day-care provider

¹. [Editor's Note: This provision was repealed by 2009 Act 28.](#)

certified under § 48.651, Wis. Stats.; or a youth center, as defined in § 961.01(22), Wis. Stats.].

CHILD SAFETY ZONE — Any place within the Village that is physically located within 1,500 feet of any child safety location.

CRIME AGAINST CHILDREN — Any of the offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

Wisconsin Statute Section	
940.225(1)	First _- degree sexual assault
940.225(2)	Second _- degree sexual assault
940.225(3)	Third _- degree sexual assault
940.22(2)	Sexual exploitation by therapist
940.30	False imprisonment - victim was minor and not the offender's child
940.31	Kidnapping - victim was minor and not the offender's child
944.01	Rape (prior statute)
944.06	Incest
944.10	Sexual intercourse <ins>Intercourse</ins> with a child (prior statute)
944.11	Indecent behavior with a child (prior statute)
944.12	Enticing child for immoral purposes (prior statute)
948.02(1)	First _- degree sexual assault of a child
948.02(2)	Second _- degree sexual assault of a child
948.025	Engaging in repeated acts of sexual assault of the same child
948.05	Sexual exploitation of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.075	Use of a computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.095	Sexual assault of a child by a school staff person or a person who works or volunteers with children
948.11(2)(a) or (am)	Exposing a child to harmful material or harmful descriptions or narrations - felony sections
948.12	Possession of child pornography
948.13	Child sex offender working with children
948.30	Abduction of another's child
971.17	Commitment of persons found not guilty by reason of mental disease or mental defect - of an included offense
975.06	Sex Crimes Law commitment

RESIDENCE — A structure where a person sleeps, which may include more than one location and may be mobile or transitory.

SEX OFFENDER — A person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

SEXUALLY VIOLENT OFFENSE — Shall have the meaning as set forth in § 980.01(6), Wis. Stats., as amended from time to time.

§ 299-3. Residency restrictions.

- A. Child safety zone restriction. Subject to the definitions in § 299-2 above and the exemptions set forth in § 299-4 below, no sex offender shall reside within a child safety zone.
- B. Measurement/distance. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of real property that supports or upon which there exists any of the applicable above-enumerated uses.

§ 299-4. Residency restriction exemptions.

A person residing within a child safety zone does not commit a violation of this chapter if any of the following apply:

- A. During a person's incarceration, if the person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- B. The person is a minor or ward under guardianship.
- C. The person established a residence prior to the effective date of this chapter which is within a child safety zone.
- D. The applicable enumerated use identified in § 299-2, in the definition of "child safety location," above, is newly established after the effective date of this chapter and it is located within such 1,500 feet of a residence of a person which was established prior to the newly established enumerated use.

§ 299-5. Renting real property.

No person shall let or rent any place, structure, or part thereof, trailer, or other conveyance with the knowledge that it will be used as a permanent or temporary residence by a sex offender contrary to the provisions of § 299-3 above, unless said individual is exempted under § 299-4 above.

§ 299-6. Holiday events and public gatherings.

- A. It is unlawful for a sex offender to actively take part in any public holiday event involving children under 18 years of age where the distributing of candy or other items to children takes place, including but not limited to holiday parades or similar gatherings, Halloween trick ~~or~~ treating, wearing a Santa Claus costume in a public place in relationship to Christmas, wearing an Easter Bunny costume in a public place in relationship to Easter, or wearing any other costume reasonably expected to attract children in a public place, or other similar activities that may, under the circumstances then present, tend to entice a child to have contact with a sex offender.

- B. Exception. This section does not apply to any event in which the sex offender is the parent or guardian of the child(ren) involved, and the sex offender's child(ren) are the only child(ren) present.

§ 299-7. Loitering.

- A. It shall be unlawful for any sex offender, as defined in § 299-2, above, to loiter or prowls within a child safety zone at a time or in a manner not usual for law-abiding individuals and under circumstances that warrant alarm for the safety of children in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object.
- B. Unless flight by an actor or other circumstances make it impractical, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by law enforcement at the time, would have dispelled the alarm.
- C. An offender does not commit a violation of loitering in a child safety zone as stated above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:
- (1) The property supporting an enumerated use also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
 - (a) Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; ~~and~~
 - (b) Written advance notice is made from the person to an individual in charge of the church, and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
 - (c) The person shall not participate in any religious education programs which include individuals under the age of 18.
 - (2) The property supporting an enumerated use also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
 - (a) Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
 - (b) Written advance notice is made from the person to an individual in charge of the use upon the property, and approval from an individual in charge of the use

upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.

- (3) The property supporting an enumerated use also supports a polling location in a local, state or federal election, subject to the following conditions:
 - (a) The person is eligible to vote; ~~and~~
 - (b) The designated polling place for the person is an enumerated use; and
 - (c) The person enters the polling place property and proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.
- (4) The property supporting an enumerated use also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

§ 299-8. Child safety zone map.

The Village Clerk's office shall maintain an official map showing the child safety zones within the Village. The Village Clerk's office shall update the map at least annually to reflect any changes in the location of child safety zones. The map is to be displayed in the office of the Village Clerk. In the event of a conflict, the terms of this chapter shall control. In no event shall a failure to update the map in compliance with this section preclude the prosecution or conviction of any sex offender under this chapter.

§ 299-9. Violations and penalties.

- A. Any violation of this chapter shall be subject to the general penalty provisions set forth in § 1-4 of this Code. Each day of each violation shall constitute a separate offense.
- B. Violation of this chapter shall constitute a public nuisance which, in addition to monetary forfeitures, shall be subject to action by the Village to abate and enjoin such nuisance.
- C. If a person violates any residency provision of this chapter, without any applicable exceptions set forth in this chapter, the Village Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the purpose of this chapter such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health or safety of another or others, shall bring an action in the name of the Village in the Circuit Court for Walworth County to permanently enjoin such residency as a public nuisance.

§ 299-10. Appeal.

The above restrictions in this chapter may be waived upon approval of the Village of Williams Bay Village Board through appeal by the affected party if clear and convincing evidence can be

| provided which shows the affected party has a substantially reduced risk of ~~re-offending~~reoffending when compared to other sexual offenders and that an undue hardship would fall on the affected party if no waiver is provided. Such appeal shall be made to the Village Clerk's office, which shall forward the request to the Village Board President, who shall receive reports from the Police Department on such appeal. The Village Board shall convene and consider the public interest, risk to the public, as well as the affected party's presentation and concerns. After deliberation, the Village Board shall forward its decision in writing to the Police Department for its information and action. A written copy of the decision shall be provided to the affected party.

Chapter 308

SOLID WASTE AND RECYCLING

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 22 of the 2011 Code. Amendments noted where applicable.]

§ 308-1. Definitions.

As used in this chapter, the following terms have the meanings indicated:

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

ELECTRONIC DEVICE — Has the meaning specified in § 287.17(1)(gm), Wis. Stats.

ELECTRONIC WASTE — Those electronic devices as specified in § 287.07(5), Wis. Stats., as from time to time amended or renumbered, and includes, but is not limited to, televisions, computers, desktop printers, computer monitors, and other computer accessories (including mice, keyboards, speakers, external hard drives, and flash drives), DVD players, VCRs and other video players, fax machines, and cell phones.

FOAM POLYSTYRENE PACKAGING — Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- A. Is designed for serving food or beverages.
- B. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- C. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE — High density polyethylene, labeled by the SPI Code No. 2.

LDPE — Low density polyethylene, labeled by the SPI Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

~~NONRESIDENTIAL~~NON-RESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not

include multiple-family dwellings.

OFFICE PAPER — High ~~grade~~ printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

OTHER RESINS ~~or~~OR MULTIPLE RESINS — Plastic resins labeled by the SPI Code No. 7.

PERSON — Includes any individual, corporation, partnership, association, local governmental unit, as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI Code No. 1.

PLASTIC CONTAINER — An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

POST-CONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene, labeled by the SPI Code No. 5.

PS — Polystyrene, labeled by the SPI Code No. 6.

PVC — Polyvinyl chloride, labeled by the SPI Code No. 3.

RECYCLABLE MATERIALS — Includes lead ~~acid~~ batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bimetal containers.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 308-2. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer

waste:

- A. Lead ~~acid~~ batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines.
- K. Newspaper.
- L. Office paper.
- M. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- N. Steel containers.
- O. Waste tires.
- P. Electronic waste.

§ 308-3. Separation requirements exempted.

The separation requirements of § 308-2 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the State DNR that recovers the materials specified in § 308-2 from solid waste in as pure a form as is technically feasible.
- B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in § 308-2E through O for which a variance has been granted by the DNR under § 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.
- D. Eligible electronic devices exempted by a rule promulgated under § 287.17(10)(i), Wis. Stats.

§ 308-4. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 308-2

shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other ~~nonrecyclable~~~~non-recyclable~~ materials, including but not limited to household hazardous waste, medicinal waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

§ 308-5. Management of lead ~~acid~~ batteries, major appliances, waste oil, and yard waste and electronic waste.

Occupants of single-family and two- to four-unit residence, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste and electronic waste as follows:

- A. Lead ~~acid~~ batteries with intact cases shall be placed next to the recycling bin.
- B. Major appliances shall be taken to the Village Garage during its hours of operation only. Freon must be removed from freezers, refrigerators or dehumidifiers in a legally permissible manner by an appropriate licensed facility or handler with the appropriate written certification provided to the Village that the ~~Freon~~~~freon~~ has been legally removed prior to placement at the Village Garage.
- C. Waste oil shall be placed in a clean covered receptacle and placed next to the recycling bin.
- D. Yard waste to include only leaves, grass clippings, yard and garden debris but excluding all brush, woody vegetative material no greater than six inches in diameter, shall be taken to the Village designated compost site during its hours of operation only.
- E. Clean woody vegetative material no greater than six inches in diameter (this material includes branches and small limbs not greater than six inches in diameter) may be put out for collection by the Village crew at curbside by appointment only. Occupants must call the Village Hall and make an appointment for the placement of this type of material at curbside. The Village crew will then pick up the material and chip it, placing the chipped material at the Village designated compost site.
- F. As an alternative to the occupant taking major appliances to the Village Garage, the occupant may purchase from the office of the Village Clerk, a major appliance sticker at a fee to be established from time to time by the Village Board and affix the sticker to the major appliance at the occupant's residence. Thereafter, the Village crew will pick up the major appliance and transport the major appliance to the Village Garage.
- G. As an alternative, occupants may wish to utilize the leaf collection program to be run by the Village each fall and spring as will be announced in the local official newspaper. Leaves will be collected by Village personnel and thereafter taken to the Village designated compost site.
- H. The Village designated compost site's hours of operation will be established from time to time by the Village Board. ~~[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]At the time of the adoption of this ordinance, the hours of operation are Wednesdays from 7:00 a.m. to 3:00 p.m. and Saturdays from 8:00 a.m. to 4:00 p.m. Future hours of operation changes will be made by the Village Board by resolution.~~
- I. Electronic waste shall be taken to the location of a collector registered with the Wisconsin

Department of Natural Resources as required under § 287.17(7), Wis. Stats. to be recycled.

§ 308-6. Preparation and collection of recyclable materials.

Occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in § 308-2E through O:

- A. Aluminum containers shall be placed in the recycling bin.
- B. Bimetal containers shall be placed in the recycling bin.
- C. Corrugated paper or other container board shall be placed in the recycling bin.
- D. Foam polystyrene packaging shall be placed in the recycling bin.
- E. Glass containers shall be placed in the recycling bin.
- F. Magazines shall be placed in the recycling bin.
- G. Newspaper shall be placed in the recycling bin.
- H. Office paper shall be placed in the recycling bin.
- I. Rigid plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE shall be placed in the recycling bin.
 - (2) Plastic containers made of HDPE shall be placed in the recycling bin.
 - (3) Plastic containers made of PVC shall be, beginning January 1, 1996, placed in the recycling bin.
 - (4) Plastic containers made of LDPE shall be, beginning January 1, 1996, placed in the recycling bin.
 - (5) Plastic containers made of PP shall be, beginning January 1, 1996, placed in the recycling bin.
 - (6) Plastic containers made of PS shall be, beginning January 1, 1996, placed in the recycling bin.
 - (7) Plastic containers made of other resins or multiple resins shall be, beginning January 1, 1996, placed in the recycling bin.
- J. Steel containers shall be placed in the recycling bin.
- K. Waste tires shall be taken to the Village Garage during its hours of operation only. As an alternative, the occupant may purchase a tire removal sticker from the office of the Village Clerk at a price to be established by the Village Board from time to time and thereafter affix the sticker to the tire at the occupant's residence. Village personnel will then pick up the waste tire from the occupant's residence and transport it to the Village Garage.

§ 308-7. Responsibilities of owners or designated agents of multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to

recycle the materials specified in § 308-2E through O:

- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least ~~semiannually~~~~semi-annually~~ thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in § 308-2E through O from solid waste in as pure a form as is technically feasible.

§ 308-8. Responsibilities of owners or designated agents of nonresidential facilities and properties.

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 308-2E through P:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least ~~semiannually~~~~semi-annually~~, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in § 308-2E through P from solid waste in as pure a form as is technically feasible.

§ 308-9. Prohibitions on disposal of recyclable materials separated for recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in § 308-2E through P which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility, and except that a person may dispose of a microwave oven in a solid waste disposal

facility if the capacitor has been removed and disposed of in accordance with § 299.45(7), Wis. Stats.

§ 308-10. Enforcement.

- A. For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the Village may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this chapter may be issued a citation by the Village to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- C. Penalties for violating this chapter may be assessed as follows:
 - (1) Any person who violates § 308-9 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this chapter, except § 308-9, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

§ 308-11. Antiscavenging or unlawful removal of recyclables.

It shall be unlawful for any person, unless under contract with or licensed by the Village, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling. It shall be unlawful for a person, unless under contract with or licensed by the Village, to collect or remove any recyclable material from the Village designated compost site.

§ 308-12. No dumping.

- A. It shall be unlawful for any person to dispose of or dump solid waste, post-consumer waste, garbage, refuse or recyclable materials in any street, alley or other public place within the Village or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this chapter.
- B. The owner of solid waste, post consumer waste, garbage or refuse deposited or discharged in violation of this chapter shall be liable for a violation hereof as provided in this section. It shall be presumptive evidence that solid waste, waste, garbage or refuse containing

indicia of ownership, such as name labels, mail containing names and addresses or other printed or written names that are consistent throughout is owned by the person or persons whose names are found therein.

- C. No person shall place for collection any garbage at the curb not owned or occupied by such person.

§ 308-13. Nondisposable materials.

It shall be unlawful for any person to place for disposal any of the following wastes: ~~hazardous~~^{Hazardous} and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes.

§ 308-14. Garbage from outside of Village.

It shall be unlawful to bring refuse for disposal (and recyclables) from outside the corporate limits into the Village unless authorized by agreement with the Village.

§ 308-15. Hauler restrictions.

- A. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Village that have been separated for recycling.
- B. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.

§ 308-16. Right to reject materials.

The Village has the right to reject any recyclable material that is not prepared according to the specifications in this chapter or in education material provided by the Village from its Village designated compost site or the Village designated collection center at the Village Garage for major appliances and tires. The Village may also reject any branches placed at curbside that are not properly prepared or are too large for the Village chipper to handle. The recyclable hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications in this chapter or in education material provided by the contractor to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper container, or are not designated recyclable materials for collection. The solid waste hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler or attendant shall notify the generator of the materials about the reasons for rejecting either in writing or verbally. The hauler shall also keep a list of such occurrences and provide it to the Village on a monthly basis.

§ 308-17. Hauler licensing.

Haulers who collect solid waste or recyclables in the Village for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal and state permits, licenses and approvals prior to collecting any materials in the Village.

§ 308-18. Reporting requirements.

The recycling haulers and processors operating in the Village are required to maintain records and report in writing to the Village Clerk at least monthly. Reports shall include the amount of solid waste and recyclables collected and transported from the Village; the amount of solid waste and recyclables processed and/or marketed by item type from the Village; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.

§ 308-19. Ownership of recyclables and post-consumer waste.

Recyclable materials and refuse, upon placement at the curb, shall become the property of the collector. Recyclable materials, upon collection by any permitted collector, shall become the property of the collector. Post-consumer waste, upon placement at the curb, shall become the property of the collector.

§ 308-20. Exemptions.

The Village reserves the right to designate additional post-consumer waste as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the municipality or its contractors. The municipality shall provide written notice to its service recipients of this declaration.

§ 308-21. Collection schedule.

The Village shall establish the time of collection of post-consumer waste and the Clerk shall publish and provide written notice of the collection schedule at least once at the beginning of each year and at any time when the collection schedule is changed.

§ 308-22. Specified containers.

- A. Solid waste shall be placed for collection in adequate garbage containers or disposable plastic bags not to exceed 50 pounds per container or 33 gallons, and contained in a manner to avoid litter.
- B. Recyclables shall be placed in the recyclable bins to be furnished by the collector contractor. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials can be placed on top of or adjacent to the recycling container, clearly separated from the garbage.
- C. No solid waste and recyclables shall be placed as herein required at the specified collection point sooner than 24 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter.

§ 308-23. Placement of post-consumer waste for collection.

Except as otherwise specifically directed or authorized by the Village, post-consumer waste shall be placed at the curblane or mail box, adjacent to the premises owned or occupied by the person, or the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the Village.

§ 308-24. Special materials.

Residents shall contact the collector contractor when they have couches, bulky items, and construction material from household remodeling or repair and arrangements for collection will be made. Major appliances that do not have the Freon~~freon~~ legally removed therefrom are special materials.

Chapter 314

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 7.01 to 7.03, 7.05 to 7.07 and 7.10 of the 2011 Code. Amendments noted where applicable.]

§ 314-1. Street, sidewalk and driveway approach construction standards.

- A. Adoption. The minimum requirements for the construction of new public streets, the reconstruction of existing streets and the construction or reconstruction of sidewalks and driveway approaches within the Village shall be as set forth in the Specifications for Street Construction as adopted by the Village Board and on file in the office of the Clerk. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~]-Treasurer.~~
- B. Street reconstruction and improvement program. Each year the Director of Public Works, in consultation with the Village Engineer, shall review the condition of all public streets within the Village.
- C. Financing. All construction or reconstruction work performed in connection with this section shall be paid for as decided by resolution of the Village Board.

§ 314-2. Official Map.

- A. The official map, as amended, for the streets and highways in the Village is hereby adopted as the Official Map of the Village pursuant to § 62.23(6), Wis. Stats. There is also adopted an Official Zoning Map and an Official Address Map for the Village. All three official maps shall be permanently on file at all times in the office of the Village Clerk.
- B. The Village Clerk is hereby authorized and directed to file with the Register of Deeds a certificate showing that the Village has established such Official Map, together with a copy of the same.
- C. For the purpose of preserving the integrity of the Official Map, as amended, no permit shall hereafter be issued for any building in the bed of any street or highway shown or laid out on the map, except as provided in § 62.23(6)(d), Wis. Stats. Any person desiring to construct a building in the bed of a street or highway so shown may apply for a building permit and unless such application is made and the permit granted or not denied within 30 days, such person shall not be entitled to compensation for damage to such building in the course of construction of the street or highway.
- D. No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until such street or highway is placed on the Official Map.
- E. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been placed on the Official Map.

- F. The official street and highway map shall additionally show thereon whether a street as designated thereon is publicly or privately owned and such designation shall be conclusive on such question. Any street designated as a private street on such Official Map shall not receive any maintenance or improvements, including snow removal, at public expense.
- G. The Official Address Map shall control the assignment and use of street names and numbers in the Village. Any attempted use of nonofficial numbers or nonofficial street names shall be unlawful.

§ 314-3. Excavations and openings.

- A. Permit required. No person shall make or cause to be made any construction opening or excavation or any other type of opening in any street, alley, highway, sidewalk or other public way within the Village without first obtaining a street opening permit.
- B. Fee. The fee for such permit shall be as set forth on the then current fee schedule approved by the Village Board and shall be paid to the ~~Clerk~~-Treasurer who shall issue a receipt. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- C. Regulations governing street and sidewalk openings.
 - (1) Frozen ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Village Board or in an emergency by the Director of Public Works.
 - (2) Removal of paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated materials from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
 - (3) Protection of public.
 - (a) Every person shall enclose with sufficient barriers each opening which he may make in the streets, sidewalks or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees.
 - (b) Warning lights or torch lamps are to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Village Board, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 50 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action against it for damages, as well as the cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property

of any kind.

- (4) Replacing street surface. In opening streets or sidewalks, the openings must be saw cut before the surface repair process begins and the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible to their original condition or position and the same location to the remainder as before. Any excavated materials shall be replaced with compacted granular backfill materials. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches deep and each layer rammed, tamped or flushed to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

§ 314-4. Sidewalk maintenance.

- A. The owner or occupant of any lot abutting a sidewalk in the Village shall keep the same clear of snow and ice at all times at his or her own expense. The owner or occupant of any lot abutting a sidewalk in the Village shall keep the same in good repair at his or her own expense.
- B. Any person failing to remove snow or ice from the sidewalk within 24 hours after a snowfall or sleet storm shall be subject to a forfeiture and the Village may have the sidewalk cleared and the cost thereof levied as a special tax against the property. Any person, upon notification from the Village Public Works Director, failing to keep their abutting sidewalk in good repair shall be subject to a forfeiture and the Village may have the sidewalk repaired and the cost thereof levied as a special tax against the property.
- C. No person clearing snow or ice shall place, deposit or cause to be placed or deposited any snow or ice upon any public street in the Village.

§ 314-5. Snow and ice removal.

- A. No person shall place, or cause to be placed, snow or ice that is being removed from his or her property into any street or alley or onto any other public property.
- B. No person shall place, or cause to be placed, snow or ice that is being removed from his or her property onto the property of another person unless prior permission has been obtained from the owner of that property. Snow or ice being so removed shall not be placed in such a way as to block or obstruct access to adjacent parcels of property, mailboxes, fire hydrants, sidewalks, or driveways.
- C. All individuals and/or companies performing snow and or ice removal services shall comply with the above regulations.

§ 314-6. Uniform numbering system.

- A. Address map.

- (1) The Village has caused a survey to be made and there is hereby assigned to each house and building located on any street, alley, highway or avenue in the Village its respective number under the uniform system provided for in this section as shown on the map designated as the "Official Address Map of the Village of Williams Bay," adopted herein by reference and kept on file in the office of the Clerk. This map shall be opened to inspection by all persons during the office hours of the Clerk. Within 60 days after the effective date of this chapter, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided for in this section.
 - (2) The cost of such number or numbers shall be paid for by the property owner.
 - (3) The number shall be conspicuously placed immediately above, on or at the side of the property door of each building so that the number can plainly be seen 75 feet from the street. Whenever any building is situated more than 75 feet from the street line, the number of each building shall be conspicuously displayed on an appropriate post within 75 feet from the street line so as to be easily discernible.
- B. Multiunit dwellings.
- (1) Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any part of such house or building fronting on any street, the suffix "A," "B," "C," etc., may be used.
 - (2) Where only one number is assigned to a group of buildings such as a cluster development, the owner, occupant or agent of such group of buildings, who shall desire distinctive numbers for each building, may use the suffix "Bldg. 1," "Bldg. 2," etc., as may be required. Where separate unit numbers are desired within a building within a group, the suffix "Bldg. 1, Unit A," "Bldg. 1, Unit B," etc., may be used as required.
- C. Responsibility of Building Inspector. It shall be the duty of the Building Inspector to inform any party of the number or numbers belonging to or embraced within the limits of the lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Building Inspector shall determine such number.
- D. Responsibility of owner.
- (1) Whenever any house, building or structure shall hereafter be erected or located in the Village, it shall be the duty of the owner to produce the number so assigned upon the building as provided by this section. No building permit shall be issued for any house, building or structure until the owner has procured from the Building Inspector the official number of the premises.
 - (2) If the owner or occupant of any building required to be numbered by this section shall neglect for more than 30 days to attach and maintain the proper number of such building, the Building Inspector shall cause to be served upon him the notice requiring such owner or occupant to properly number the same and, if he neglects to do so for 10 days after the serving of such notice, he shall be deemed to have violated

this section. Upon conviction thereof, he shall be subject to a penalty as provided in § 314-8 of this chapter.

§ 314-7. Underground transmission lines.

A. Purpose and scope. The Village Board does hereby declare it to be the policy of the Village to require underground transmission facilities. The purpose of this chapter is to create the legal framework for a comprehensive and balanced exercise of police power to facilitate greater harmony between people and their environment and to prevent and remedy the exposure of the people to the hazards of overhead public utility or cable television transmission lines. This section is adopted to require the underground construction of certain future transmission lines. With this purpose in mind, it is the intent of this section to preserve and to protect the following values and benefits that the Village Board finds will be harmed in the absence of this section:

- (1) Scenic, aesthetic and other recreational values.
- (2) The improvement of general civic appearance.
- (3) Harmony between man's surroundings and activities.
- (4) The removal of safety hazards to pedestrians and motorists.
- (5) Protecting the integrity of trees and other vegetation.
- (6) Overcoming the loss of service and the attendant hazard to people and wildlife because of downed lines due to windstorm, ice, accident or equipment failure.
- (7) Eliminating damage to overhead lines and poles caused by vandalism, wildlife or accident.
- (8) Eliminating damage to wildlife caused by the presence of poles and overhead lines.

B. Definitions. All terms are to be broadly construed to effectuate the purposes of this section.

CONSTRUCT — The building, erection or placement of a transmission line, but shall not be construed to mean:

- (1) Maintenance and repair activity on a transmission line, including the replacement of part of the transmission line for maintenance or repair purposes.
- (2) The addition of an overhead transmission line to poles which already exist.

CONVENTIONAL CONSTRUCTION METHODS — The use of a machine for trenching, ~~back-hoeing~~~~backhoeing~~ or plowing or for tunneling or boring under existing highway pavements or railroad tracks to excavate for the installation of an underground transmission line.

ECONOMICALLY UNFEASIBLE CONSTRUCTION — Construction requiring excavation by other than conventional construction methods.

OVERHEAD — Above ground level.

POLE — Any tower or other structure of any material designed for the purpose of supporting aloft overhead transmission lines.

PUBLIC UTILITY — The meaning prescribed in § 196.01, Wis. Stats., and shall not be construed to include the operations conducted under Chapter 160, Cable Television, of this Code.

RECONSTRUCT — To substitute a new transmission line for an already existing transmission line.

REINFORCE — To increase the capacity of existing transmission lines to existing transmission poles.

TRANSMISSION LINES — Any wire or coaxial cable used for the transmission of electrical energy, radio or television signals or telephone or other voice communication and any equipment appurtenant thereto, except a conductor of energy which with associated facilities is designed for operation at a nominal voltage of 138 kilovolts or more, but shall not mean wire, coaxial cable or appurtenant equipment between a distribution transmission line and a customer's premises.

UNDERGROUND — Below the surface of the earth in conformity with any other applicable ordinance or statute.

UNUSUAL SOIL CONDITIONS — Any natural undisturbed soil conditions where underground transmission facilities cannot reasonably be installed by trenching, back-hoeing or plowing or where the following depths of workable soil do not exist above the water table or above the top of an area previously used for waste disposal:

Voltage	Depth (inches)
120 to 240 volts	24
7.2 kilovolts	36
12.4 kilovolts	36
13.8 kilovolts	36
69 kilovolts	72

UTILITY — See "public utility."

C. Area of application. All territory within the corporate limits of the Village shall be subject to the provisions of this section.

D. Underground construction required.

(1) All transmission lines hereinafter constructed in the Village shall be constructed underground and no person shall construct any transmission line in the Village above the ground level or maintain a transmission line constructed in violation of this section; provided, however, that the grantee of the franchise described in Chapter 160, Cable Television, of this Code shall be permitted to construct overhead facilities where such installation is permitted by Chapter 160, Cable Television, and agencies of the Village shall be permitted to construct overhead facilities where such construction is installed on an existing pole or poles.

(2) Provided further, the provisions of this subsection shall not apply:

(a) Where the construction of a temporary overhead transmission line is necessary to restore service to one or more customers in the event the loss of service was caused by defective plant, but this exception shall not apply for longer than five

months.

- (b) Where an existing transmission line is being reinforced.
 - (c) Where unusual subsoil conditions restrict underground transmission line construction using conventional construction methods and render underground construction economically unfeasible.
 - (d) Where overhead service is needed to provide temporary service to construction sites until an occupancy permit is issued for the premises served or until the construction work performed on the construction site is substantially completed.
 - (e) Where it has been determined by the Village Board or its designee that such underground construction will have an adverse environmental or economic impact upon a part or all of the Village.
- E. Location and construction of transmission lines to be approved by the Village or its designee.
- (1) No person shall construct any overhead transmission line or its appurtenant poles, pipes or conduits therefor within the Village unless they shall have first submitted to the Village Clerk an application therefor showing the precise route of the proposed transmission line or its appurtenant poles, pipes or conduits and stating precisely the proposed area to be occupied; a description of the construction work; and the estimated duration thereof, and no such transmission line or its appurtenant poles, pipes or conduit therefor shall be constructed or laid until a permit for such construction work shall have been first obtained from the Village Board or its designee.
 - (2) The Director of Public Works is hereby designated to act for the Village Board on all such applications filed. The Director of Public Works shall review, approve, conditionally approve or reject all such applications.
 - (3) The administrative determination of the Director of Public Works as provided herein shall be set forth in writing and if such determination either conditionally approves or denies the application, the reasons therefor shall be set forth in writing upon such conditional approval or denial which shall be delivered in person or mailed by first class mail to the applicant. Any administrative decision of the Director of Public Works as provided for herein shall be reviewable in accordance with the provisions of Chapter 5, Administrative Review, of this Code.

§ 314-8. Violations and penalties.

Except as otherwise provided in this chapter, any person who shall violate any provision, rule or order hereunder, upon conviction thereof, shall be subject to a penalty as provided in § 1-4 of this Code.

Chapter 327

TRANSIENT MERCHANTS

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 8.02 of the 2011 Code. Amendments noted where applicable.]

§ 327-1. Registration required.

No transient merchant shall engage in sales within the Village without being registered for that purpose as provided herein.

§ 327-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION — Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

CLERK — The Village Clerk.

MERCHANDISE — Includes personal property of any kind, and shall include merchandise, goods or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

PERMANENT MERCHANT — Any merchant who, for at least one year prior to the consideration of the application of this chapter to the merchant, has continuously operated an established place of business in the local trade area among the communities bordering the place of sale or has continuously resided in the local trade area among the communities bordering the place of sale and now does business from his residence.

TRANSIENT MERCHANT — Any individual who engages in the retail sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this definition, "sale of merchandise" includes a sale in which the personal services rendered upon or in connection with the merchandise constitute the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of this state.

§ 327-3. Exemptions.

The following shall be exempt from all provisions of this chapter:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- B. Any person selling merchandise at wholesale to dealers in such merchandise.

- C. Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business.
- D. Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by such person.
- E. Any person who has had or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- F. Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.
- G. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- H. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under § 202.12, Wis. Stats. [Any charitable organization not registered under § 202.12, Wis. Stats.](#), or which is exempt from the statute's registration requirements, shall be required to register under this chapter. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- I. Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk that such person is a transient merchant, provided that there is submitted to the Clerk proof that such person has leased for at least one year or purchased the premises from which he has conducted business in the market area for at least one year prior to the date the complaint was made.
- J. Any individual licensed by an examining board as defined in § 15.01(7), Wis. Stats.
- K. Transient merchants while doing business at special events authorized by the Village Board.

§ 327-4. Registration.

- A. Applicants for registration shall complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
 - (1) Name, permanent address and telephone number and temporary address, if any.
 - (2) Age, height, weight, and color of hair and eyes.
 - (3) Name, address and telephone number of the person, firm, association or corporation the transient merchant represents or is employed by or whose merchandise is being sold.
 - (4) Temporary address and telephone number from which business will be conducted, if any.
 - (5) Nature of business to be conducted and a brief description of the merchandise and any

services offered.

- (6) Proposed methods of delivery of merchandise, if applicable.
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
 - (8) Most recent cities, villages, and towns, not to exceed three, where applicant conducted his business.
 - (9) Place where applicant can be contacted for at least seven days after leaving this Village.
 - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years and the nature of the offense and the place of conviction.
- B. Applicants shall present to the Clerk for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required.
 - (2) A state certificate of examination and approval from the Sealer of Weights and Measures where applicant's business requires use of weighing and measuring devices approved by state authorities.
 - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law, such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for registration is made. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~license is made.~~
- C. At the time the registration is returned, a fee as established by the Village Board shall be paid to the Clerk to cover the cost of processing such registration.
- D. The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant in the event the applicant cannot, after reasonable effort, be served personally.
- E. Applicants shall be limited to registering as a transient merchant to one time within any one calendar year for a period of not more than 21 days.

§ 327-5. Investigation.

- A. Upon receipt of each application, the Village Clerk may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.
- B. The Village Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that:
- (1) The application contains any material omission or materially inaccurate statement.

- (2) Complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business.
- (3) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling.
- (4) The applicant failed to comply with any applicable provision of § 327-4B above.

§ 327-6. Appeal.

Any person refused or denied registration may appeal the denial under the applicable provisions of Chapter 5, Administrative Review, of the Code of the Village of Williams Bay.

§ 327-7. Prohibited practices; disclosure requirements.

A. Prohibited practices.

- (1) A transient merchant shall be prohibited from:
 - (a) Calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m., except by appointment.
 - (b) Calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning.
 - (c) Calling at the rear door of any dwelling place.
 - (d) Remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting, expressed as a percentage of the sale price of the merchandise.
- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

B. Disclosure requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of the merchandise or services he offers to sell.
- (2) A buyer shall have the right to cancel any sale of merchandise or any offer for the later delivery of merchandise taken by the seller if such transaction involves the extension of credit or is a cash transaction of more than \$25, in accordance with § 423.202, Wis. Stats. The seller shall give the buyer two copies of a typed or printed notice of that fact, which notice shall conform to the requirements of § 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, he shall at the time the order is taken provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made; the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

§ 327-8. Record of violations.

The Chief of Police shall report to the Clerk all convictions for violation of this chapter and the Clerk shall note any such violation on the record of the registrant convicted.

§ 327-9. Revocation of registration.

- A. Registration may be revoked by the Village Board after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this chapter or was convicted of any crime, ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.
- B. Written notice of the hearing shall be served personally or pursuant to § 327-4D above on the registrant at least 72 hours prior to the time set for hearing. Such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

§ 327-10. Violations and penalties. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

In addition to the suspension or revocation of a [registration](#)~~license~~ issued under this chapter, any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by § 1-4 of this Code.

Chapter 331

TREES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as §§ 7.04, 7.045, 7.10 and 11.055 of the 2011 Code. Amendments noted where applicable.]

§ 331-1. Tree Commissioner; permitted and prohibited activities.~~General provisions.~~

A. Tree Commissioner.

- (1) Creation. There is hereby created a position of Tree Commissioner. The position of Tree Commissioner shall be by annual appointment and Board ratification.
- (2) Powers and duties. The Commissioner shall, subject to the supervision and control of the Village Board and except as herein provided, have jurisdiction, direction, authority, control and supervision over all trees, vines, hedges and other plants planted and growing in and upon Village -owned property and that part of every street, the grade of which has been established lying between the lot line and the curb; trees, vines, hedges and other plants on any property which may in any way affect public property or the public welfare; and for the planting, care, maintenance, protection and removal thereof. The Commissioner shall have the authority to make such rules and regulations as the Commissioner may deem applicable for carrying out the purposes of this section.

B. Trimming of branches. Trees standing in and upon any public street or place or upon any lot or land adjacent thereto and having branches projecting into the public street or place shall under the supervision of the Commissioner be kept trimmed by the owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and over all other public places not less than 10 feet from the ground.

C. Planting of trees. No trees, except the types hereinafter named, shall be planted in or upon any public street or place. They shall be planted only after written permission has been received from the Commissioner, which permit shall state the name of the applicant, his address, the property on which the trees are to be planted and the type to be planted. No tree shall be planted where the distance between the outer line of the sidewalks and the curblin is less than five feet. The tree shall be planted equidistant between the curblin and the outer line of the sidewalk. The distance between trees shall be 25 feet and no tree shall be planted at the intersection of two or more streets within 12 1/2 feet of each intersection of the lot lines on any corner lot.

D. Permitted trees.

- (1) The following named trees and no others are recommended to be planted along the streets of the Village, namely: Schwedler ~~maple~~Maple (Acer ~~platanoides~~ SchwedleriPlatanoides—Schwedler), Norway ~~maple~~Maple (Acer

~~platanoides~~Platanoides), Sugar ~~maple~~Maple (Acer ~~saccharum~~), ~~Littleleaf linden~~Saccharum), ~~Little Leaf Linden~~ (Tillia ~~cordata~~Cordata), Ornamental ~~pear~~Pear (Pyrus ~~spp~~Spp.), Ornamental ~~crab~~Crab (Malus ~~spp~~Spp.), Honey ~~locust~~Locust (Gleditsia ~~truncanthos~~Truncanthos, Skyline ~~cultivar~~Cultivar), European ~~hornbeam~~Hornbeam, White ~~ash~~ (Fraxinus ~~americana~~Ash (~~Fraxemus Americana~~), Green ~~ash cultivars~~, Ginkgo ~~bicolor~~Ash Cultivars, ~~Ginko Bicolor~~ and Coffee ~~tree~~Tree (Gymnocladus ~~dioicus~~Dioecus).

- (2) In addition the following trees are also acceptable to be planted in the streets of the Village within the dedicated public right-of-way to include terraces: Red or ~~scarlet maple~~ (Acer ~~rubrum~~), ~~Scarlet oak~~Maple (~~Acer Vubrum~~), ~~Scarlet Oak~~ (Quercus ~~coccinea~~Palustria), Pin ~~oak~~Oak (Quercus ~~palustris~~Ooeciner), Red ~~oak~~Oak (Quercus ~~rubra~~Vubra), Swamp ~~white oak~~White Oak (Quercus ~~bicolor~~Bicolor), disease-resistant ~~elm~~Elm (Almus) ~~cultivars~~Cultivars, Hackberry (Celtis ~~occidentalis~~Occidentals) and American ~~beech~~Beech (Fagus ~~grandifolia~~Grandifolia), providing always, that the Commissioner shall have the right to allow planting of hybridized species or cultivars of the aforementioned trees. All of the foregoing named trees shall have a diameter of not less than 1 1/4 inches at a point three feet above the ground when planted.

E. Treatment and removal of dangerous or infected trees.

- (1) Any tree, plant, shrub or part thereof, which the Commissioner, upon examination, shall find to be infected or hazardous so as to endanger the safety, health or welfare of the public or other tree, plant or shrub, or shall be damaging or likely to damage sewers, curbs, sidewalks or other public premises, shall be treated or removed by the owner or by the abutting property owner if such tree, plant, shrub or part thereof is located upon public right-of-way upon which such owner's property abuts. If the owner or abutting owner shall fail to remedy the situation upon receipt of a fourteen-day written notice, either personal or by publication from the Commissioner, the Village shall treat or remove such tree or part thereof. The Village official or employee shall keep a strict and accurate record of the labor and cost of treatment or removal of the tree or part thereof and report the same to the Clerk, who shall thereupon enter the cost of such treatment or removal of the tree or part thereof and charge the same against the owner or abutting property owner and the cost thereof shall be entered as a special charge against the property.
- (2) Any owner or abutting owner given a notice as provided above may, by a written notice to the Commissioner, postpone the treatment or removal of the tree or part thereof by the Village and such owner or abutting owner shall have the right to appeal the order in the notice he received at the next regular session of the Village Board. The determination of the Village Board upon appeal of the order in the notice to the owner or abutting property owner shall be final. No damage shall be awarded to any owner or abutting property owner for the destruction of a tree or part thereof under this section.

F. Interference with Commissioner prohibited. No person shall delay or interfere with the Commissioner or any of the Village employees following lawful directions of the Commissioner in compliance with orders previously stated.

§ 331-2. Tree removal.

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

BUILDING ACTIVITY AREA — Upon issuance and for the duration of a [building permit](#)~~Building Permit~~, the entire minimum area necessary for the construction of a principal structure, permitted accessory structures, driveway, utility installation or subsequent permitted additions to each. This area shall be defined by the Tree Commissioner at the time of the issuance of the [building permit](#)~~Building Permit~~ and shall be the smallest possible area that permits the construction of the permitted building or improvement.

REPLACEMENT TREE — A tree of at least 1 1/2 inches diameter measured at a point on the tree four feet above grade level that is maintained in a healthy condition and survives one year after planting. This tree shall be of a similar or higher quality than the tree it is replacing.

SHORELAND AREA — A strip of land 35 feet wide inland from Geneva Lake's ordinary high water mark (864.30 feet MSL elevation) or any navigable stream's ordinary high water mark.

STEEP SLOPE AREA — Any area of the Village where the slope exceeds 12%.

TREE PRESERVATION AREA — The area of a lot not designated as the building activity area where all trees six inches in diameter or larger measured at a point on the tree four feet above grade level shall be preserved.

B. Purpose. The intent and purpose of this section is to preserve the Village's character as a natural vegetated and wooded community, to maintain property values by improving and preserving the aesthetic appeal of the Village, to preserve the natural resources of the Village, to reduce the amount of erosion in the Village, to protect the quality of the waters of the State and the Village and to protect and promote the health, safety and welfare of the people by minimizing the amount of sediment and other pollutants carried by [runoff](#)~~run-off~~ to surface waters due to the erosion of land not protected by a naturally vegetated and wooded environment.

C. Vegetation removal prohibited in shoreland or steep slope areas.

- (1) Vegetation removal is prohibited in the shoreland area. Natural shrubbery and all trees shall be preserved in the shoreland area. Where removed as a part of a landscaping plan approved by the Tree Commissioner, they shall be replaced with other vegetation or replacement trees that are equally effective in retarding [runoff](#)~~run-off~~, preventing erosion and preserving natural beauty. Any shoreland area vegetation removal shall be done during the growing season and shall be stabilized and revegetated or seeded within a two-week period of removal so as to produce a vegetative cover. The written permission of the Tree Commissioner shall be required prior to natural shrubbery and tree removal in the shoreland area.
- (2) Vegetation removal prohibited in steep slope areas. Vegetation removal is prohibited in the Village where the slope exceeds 12%. As a part of a landscaping plan approved by the Tree Commissioner, vegetation may be removed, but shall be replaced with other vegetation or replacement trees that are equally effective in retarding [runoff](#)~~run-off~~, preventing erosion and preserving natural beauty. Any steep slope vegetation removal shall be done during the growing season and shall be stabilized

- and ~~re-vegetated~~ revegetated or seeded within a two-week period of removal so to produce a vegetative cover. The written permission of the Tree Commissioner shall be required prior to natural shrubbery and tree removal in the steep slope area.
- D. Tree removal prohibited, exceptions and replacement trees.
- (1) Tree removal in tree preservation area prohibited. Except for the exceptions enumerated in the following Subsection D(2), it is prohibited to remove any tree or cause any trees to be removed from the tree preservation area of each lot. During construction, no equipment movement, construction or placement of equipment or material storage shall be permitted in the tree preservation area.
 - (2) Exceptions. Under the following conditions, trees may be removed from the tree preservation area after obtaining written permission from the Village Tree Commissioner:
 - (a) Removal of the tree will enhance the tree preservation area, the health of the remaining trees or be consistent with good arboricultural or silvicultural practices.
 - (b) Trees may be removed from a lot where said trees represent a danger to property or the health, safety or welfare of any person, or where said tree is dead, dying, diseased, severely damaged or injured to the extent that it is likely to die or become diseased.
 - (c) Trees may be removed from the building activity area as minimally necessary to undertake any permitted use by right, accessory use or approved conditional use.
 - (3) Replacement trees. Whenever possible and when in keeping with good arboricultural or silvicultural practices, replacement trees shall be planted for all removed trees. They may be planted in the tree preservation area or in the building activity area after the initial construction activities are completed. All replacement trees must be planted within 30 days of final grading.
- E. Public or utility easement tree trimming. Tree trimming on public rights-of-way, on public easements or on utility easement corridors in the Village shall be done in accordance with accepted arboricultural and silvicultural practices. Any person intending to conduct tree trimming on public rights-of-way, on public easements or on utility easement corridors must first obtain the written permission of the owner of the trees to be trimmed and the written permission of the Tree Commissioner prior to the commencement of such trimming.
- F. Soil compaction and earthen stockpiling prohibited. It is prohibited to compact soil or stockpile earthen material within the dripline of any tree six inches or larger measured at a point on the tree four feet above grade level.
- G. Management and care of removed trees or tree branches.
- (1) Removal. All trees and tree branches removed or trimmed pursuant to this section must be removed from the owner's property so as to not be allowed to rot or decay

upon the property. Such removal is required with 30 days of cutting or trimming.

- (2) Exception for firewood. Trees and branches intended for use as firewood may be cut and neatly stacked upon lots or parcels of real estate in the Village.

H. Standards and appeals.

- (1) The Tree Commissioner shall comply with good arboricultural or silvicultural practices, and the requirements of all applicable ordinances of the Village of Williams Bay, in granting or denying any permission required of the Tree Commissioner in this section.
- (2) Any applicant objecting to any decision of the Tree Commissioner has the right to appeal the decision of the Tree Commissioner to the Village Board. The objecting person must deliver a written appeal to the Village Clerk during ordinary business hours, and within 30 days of the decision of the Tree Commissioner. The Village Clerk will place the appeal upon the agenda of the next available regularly scheduled Village Board meeting, taking into consideration any notice requirements of any relevant open meetings law. The Village Board will review the decision of the Tree Commissioner. Within 60 days of the submission date of the appeal, the Village Board will either affirm the decision of the Tree Commissioner, or direct the Tree Commissioner to issue such permit with such conditions as may be appropriate.

§ 331-3. Threats to trees.

- A. Intent and purpose; ~~Dutch-of-section; dutch~~ elm disease, elm bark beetles, oak wilt, gypsy moths and emerald ash bore declared public nuisances. The Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village and that the health and life of such trees is threatened by a fatal disease. The Board hereby declares its intention to control and prevent the spread of such diseases and the insect pests and vectors which carry such disease and declares such diseases and insects to be public nuisances.
- B. Village ~~Tree Inspector~~~~tree-inspector~~. The office of Village Tree Inspector is hereby created to be filled by appointment by the Village President subject to confirmation by the Village Board. The Village Tree Inspector shall have the powers and perform the duties imposed by this section. He may also hold the office of Village Weed and Tree Commissioner. He shall work under the supervision of the Tree Commission.
- C. Definitions. As used in this section, unless otherwise clearly indicated by the context, the following terms shall have the meanings indicated:

PERSON — Person, firm or corporation.

PUBLIC NUISANCE

- (1) Dutch elm disease.
- (2) Elm bark beetles.

- (3) Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or in a weakened condition which harbors any of the elm bark beetles.
- (4) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
- (5) Infestation of ~~gypsy moths~~[Gypsy Moths](#).
- (6) Oak ~~wilt~~[Wilt](#) disease.
- (7) Infestation ~~by emerald ash borer~~[Emerald Ash Bore](#).

PUBLIC PROPERTY — Premises owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

D. Inspection.

- (1) The Village Tree Inspector shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.
- (2) Whenever necessary to determine the existence of Dutch elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Tree Inspector. The Tree Inspector shall forward them to the Wisconsin Department of Agriculture, [Trade and Consumer Protection](#) at Madison for analysis to determine the presence of such nuisances. He may, instead, submit the sample to the County Agent for analysis.
- (3) The Tree Inspector may enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this section.

E. Abatement of nuisances; duty of Tree Inspector.

- (1) The Tree Inspector shall order, direct, supervise and control the abatement of public nuisances as defined in this section by spraying, removal, burning or by other means which he determines to be necessary to prevent as fully as possible the spread of Dutch elm disease fungus or the insect pests or vectors known to carry such disease fungus.
- (2) Whenever the Tree Inspector after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.
- (3) When the Tree Inspector shall determine with reasonable certainty that a public

nuisance exists upon private premises (or upon the terrace strip between the lot line and the curb), he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property (or the abutting property), if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than 14 days after service of such notice, on the abatement action to be taken.

- (a) Such notice shall describe the nuisance and recommended procedure for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of elm trees in the Village, the Tree Inspector shall cause the abatement thereof at the expense of the property served (or abutting property). If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.
- (b) If after hearing held pursuant to this subsection it shall be determined by the Tree Inspector that a public nuisance exists, he shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within 24 hours after such hearing, the Tree Inspector shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this section. The Tree Inspector may extend the time allowed the property owner for abatement work but not to exceed 10 additional days.

F. Spraying.

- (1) Whenever the Tree Inspector shall determine that any elm tree or part thereof is infected with Dutch elm disease fungus or is in a weakened condition and harbors elm bark beetles, he may cause all elm trees within a ~~1,000~~^{one-thousand}-foot radius thereof to be sprayed with an effective elm bark beetle destroying concentrate.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this [section](#)~~ordinance~~, the Tree Inspector shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operation can be expected to be deposited on any public street, the Tree Inspector shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least 24 hours in advance of spraying operations.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection F(2), the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.

- (4) When trees on private property are to be sprayed, the Tree Inspector shall notify the owner of such property and proceed in accordance with the requirements of Subsection E(3).

G. Cost of tree care: special assessments.

- (1) The cost of abatement of a public nuisance at the direction of the Tree Inspector, if the nuisance is located on public property, shall be borne by the Village (except the cost of abating a public nuisance on the public street right-of-way which is the responsibility of the abutting ~~homeowner~~[homeowner](#)).
- (2) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Tree Inspector shall be assessed to the property on which such nuisance, tree or wood is located as follows:
 - (a) The Tree Inspector shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.
 - (b) Upon receiving the Tree Inspector's report, the Village Board shall hold a public hearing on such proposed charges, giving at least 14 days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.
 - (c) After the hearing, the Village Board shall affirm, modify or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
 - (d) The Village Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within 30 days' of the notice, such assessment shall bear interest at the rate of 6% per annum and will be entered on the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
 - (e) The Village hereby declares that in making assessments under this ~~section~~[ordinance](#), it is acting under its police power and no damage shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.
 - (f) The amount chargeable against any parcel or lot in any year under this section shall not exceed 10% of the assessed value of the premises, exclusive of improvements as shown on the year's tax roll. The portion of any assessment in

excess of such percentage amount shall be charged to the Village. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#) ~~and paid out of the Park's budget.~~

- H. Prohibited acts and penalties. Any person who does any of the following acts within the Village shall upon conviction thereof be subject to a forfeiture as provided in § 1-4 of this Code:
- (1) Transports any bark bearing elm wood, bark or material on public streets or highways or other public premises without first securing the written permission of the Tree Inspector.
 - (2) Interferes with or prevents any acts of the Tree Inspector or his agents or employees while they are engaged in the performance of duties imposed by this section.
 - (3) Refuses to permit the Tree Inspector or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this section.
 - (4) Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Tree Inspector to abate such nuisance.

§ 331-4. Violations and penalties.

Except as otherwise provided in this chapter, any person who shall violate any provision, rule or order hereunder, upon conviction thereof, shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

Chapter 342

VEHICLES, ABANDONED AND JUNKED

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 10.19 of the 2011 Code. Amendments noted where applicable.]

§ 342-1. Storage of junked vehicles.

- A. No person owning or having custody of any partially dismantled, ~~nonoperable~~^{non-operable}, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 72 hours or upon private property more than 10 days after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice which shall be red in color and by mailing to by certified mail or by serving upon the owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall read as follows:

WARNING: This vehicle is declared to be a public nuisance if not removed and it may be removed and disposed of by the Williams Bay Police Department all as provided in Chapter 342 of the Code of General Ordinances of the Village of Williams Bay. You must remove the vehicle from this location so as to make it in compliance with Chapter 342 within _____ hours/days.

- B. Any vehicle so tagged which is not removed within 72 hours after notice if upon any public highway, parking lot or ramp, or within 10 days if upon private property, is declared to be a public nuisance and may be removed and disposed of as provided for in this chapter.
- C. No person, after notification to remove any partially dismantled, ~~nonoperable~~^{non-operable}, wrecked, junked or discarded motor vehicle from any public or private property has been given pursuant to this section, shall remove such motor vehicle and thereafter return such motor vehicle to a location within the Village upon private property or onto any public highway or other public property so as to again make the vehicle in violation of this section. Whenever the Chief of Police or his authorized representative determines that any such vehicle has been so removed and thereafter returned so as to again be in violation of this section, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal and return. Upon the occurrence of a removal and return of a motor vehicle to the Village after notification is given as provided for herein, such removal and return shall not toll the running of the time limits as stated in the original notification so as to permit the Chief of Police or his authorized representative to immediately proceed with a removal and impoundment for sale of such removed and returned motor vehicle in accordance with the provisions of this chapter. In addition, such removal and return is a separate offense under this chapter.

§ 342-2. Exemptions.

Section 342-1 shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by this Municipal Code.

§ 342-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

VEHICLE or MOTOR VEHICLE — A motor vehicle, motor truck, automobile, motorcycle, motor bus, station wagon, truck tractor or semi-trailer, but does not mean a motor home, trailer or snowmobile, whether or not the vehicle or motor vehicle is registered under Ch. 341, Wis. Stats.

§ 342-4. Abandonment of vehicles prohibited.

No person shall abandon any vehicle unattended within the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

§ 342-5. Presumption of abandonment.

- A. Any vehicle left unattended for more than 72 hours on any public street or grounds or on private property where parking is prohibited, limited or restricted without the permission of the owner or lessee or for more than 10 days on private property is deemed abandoned and constitutes a public nuisance after notification thereof by the Police Department, provided that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property out of public view by permission of the owner or lessee.
- (1) Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice, which shall be red in color, and by mailing by certified mail or by serving upon the registered owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall read as provided in § 342-1A.
 - (2) Any vehicle so tagged which is not removed within 72 hours if upon any public highway, parking lot or ramp, or within 10 days if upon private property, is declared to be a public nuisance and may be removed and disposed of as provided in this chapter.
- B. No person, after notification to remove any abandoned motor vehicle from any public or private property has been given pursuant to this section, shall remove such motor vehicle and thereafter return such motor vehicle to a location within the Village upon private property or onto any public highway or other public property so as to again make the vehicle in violation of this section. Whenever the Chief of Police or his authorized representative determines that any such vehicle has been so removed and thereafter returned so as to again be in violation of this section, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal and return. Upon the occurrence of a removal and return of a motor vehicle to the Village after

notification is given as provided for herein, such removal and return shall not toll the running of the time limits as stated in the original notification so as to permit the Chief of Police or his authorized representative to immediately proceed with a removal and impoundment for sale of such removed and returned motor vehicle in accordance with the provisions of this chapter. In addition, such removal and return is a separate offense under this chapter.

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

§ 342-6. Removal and impoundment or sale.

Any vehicle found in violation of this chapter shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this chapter. Notwithstanding § 342-7 hereof, if the Chief of Police or his authorized representative determines that towing costs and storage charges for the 10 days would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the minimum impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason, provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with § 342-9 of this chapter.

§ 342-7. Minimum impoundment period.

The minimum period of impoundment or storage of a vehicle found in violation of this chapter shall be 10 days.

§ 342-8. Notice to owner.

- A. The Chief of Police shall, upon the removal and impoundment of any vehicle found in violation of this chapter, notify within 10 days of such removal the owner and lienholders of record by certified mail of the impoundment and of their right to reclaim the vehicle.
- B. The notice shall set forth the information contained in § 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

§ 342-9. Sale.

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

§ 342-10. Sale to bar claims against vehicle.

The sale of a motor vehicle under the provisions of this chapter shall forever bar all prior claims thereto and interest therein, except as hereinafter provided.

§ 342-11. Purchaser to remove vehicle. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

The purchaser of any vehicle on sealed bid or auction sale under § 342-9 shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee ~~of \$10~~ for each day, [as provided in the Village Fee Schedule](#), the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

§ 342-12. Request for list. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Any listing of vehicles to be sold pursuant to this chapter shall be made available by the Village Clerk to any interested person or organization who makes a written request therefor for a fee [as provided in the Village Fee Schedule](#).~~of \$10.~~

§ 342-13. Notice to Department of Transportation.

Within five days after sale or disposition of a vehicle under this chapter, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

§ 342-14. Owner may file.

At any time within two years after the sale of a motor vehicle as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the Village is satisfied as the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Village treasury as the result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

§ 342-15. Exemption.

- A. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall within 12 hours of such occurrence notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for such vehicle to the Village, together with a fee [as provided in the Village Fee Schedule](#)~~of \$10~~ to offset the cost of towing and junking charges, and shall be exempt from the provisions of this chapter [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- B. When so requested by the owner or person in charge of a vehicle, the Police Department shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Police Department or contractor engaged by the Village for towing of disabled vehicles. The provisions of § 342-6 shall apply to any vehicle removed under this subsection.

§ 342-16. Violations and penalties.

Any person who shall be in violation of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$100, together with the costs of prosecution, and in default of payment shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 10 days.

Chapter 345

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 6 and § 8.10 of the 2011 Code. Amendments noted where applicable.]

§ 345-1. State traffic laws adopted.

Except as otherwise specifically provided in this chapter, the statutory provisions in Chs. 340 to 348 and §§ 350.01 to 350.99, 941.01 and 23.33, Wis. Stats., describing and defining regulations with respect to vehicles, snowmobiles, traffic and all-terrain vehicles, including procedure for prosecution and penalties to be imposed, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of traffic on the highways, streets and alleys of the ~~state~~[State](#).¹

§ 345-2. Through streets designated. [Amended 4-18-2016 by Ord. No. 2016-3]

- A. Through highways. In the interest of public safety and pursuant to authority granted by Wisconsin law, the following highways or portions thereof are declared to be through highways:

Name of Street
All state trunk highways
Cedar Point Drive
Cherry Street
Conference Point Drive
Congress Street
Collie Street at its intersection with Congress Street
Geneva Street
Walworth Avenue
Williams Street at its intersection with Cherry Street

- B. Stop signs. In the interests of public safety, stop signs shall be installed by the Chief of Police in conformity with the Wisconsin ~~Manual on Uniform~~[Official Traffic Control Devices](#) ~~Device Manual~~ at all controlled intersections. Placement and location of stop signs shall be enumerated by Village resolution and adopted by the Village Board. All motor vehicles shall stop at the posted stop signs pursuant to § 346.46, Wis. Stats.
- C. Duty of the Chief of Police to erect and install uniform traffic control devices. Whenever

1. Editor's Note: Original § 6.02, Speed limits, which immediately followed this section, was repealed 3-6-2017 by Ord. No. 2017-1.

traffic regulations created by this chapter, including a Wisconsin traffic regulation adopted by reference herein, require the erection of traffic control devices for enforcement, the Director of Public Works, with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the [Manual on Uniform Traffic Control Devices](#) promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever ~~state~~[State](#) law grants discretion to local authorities in erecting or placement of a uniform traffic code device, devices shall be erected in such locations and in such a manner as in the judgment of the Chief of Police will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village.

- D. Operators to obey traffic control devices. Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats.
- E. Prohibited signs and markers in highways. No person other than an officer authorized by this chapter to erect and maintain official traffic control devices, or his or her designee, shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Department of Public Works, in consultation with the Chief of Police, or, where applicable, the State [Department of Transportation](#).~~Highway Commission~~. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection F of this section.
- F. Removal of unofficial signs, markers, signals, and traffic control devices. The Department of Public Works or Chief of Police, or their designee, may remove any sign, signal, marking, item or other device which is placed, maintained or displayed in violation of this chapter or ~~state law~~[State Law](#).

§ 345-3. One-way streets.

Name of Street	Direction	Location
Walworth Avenue	Northerly	Between Geneva Street and Cherry Street

§ 345-4. Parking restrictions.

- A. Restrictions.
 - (1) Boat launch parking. No person shall park or leave standing a vehicle or trailer in the boat launch parking lot in a manner that is contrary to the restrictions that the Village Board may impose on the parking of vehicles and trailers and which are listed on the official signs that are posted in that parking lot by the Village of Williams Bay.
 - (2) Penalty for violation of § 345-4A(1) shall be as follows: the penalty provisions of this Code of Ordinances, § 1-4 herein, shall apply except for a violation of § 345-4A(1) a

minimum forfeiture of \$25.

- B. Walworth Avenue parking. No person shall park a vehicle on Walworth Avenue between Geneva Street and Cherry Street except at an angle on the east side of the street and parallel to the west side of the street between the marked lines. Parking on Walworth Avenue between Geneva Street ~~and~~ and Cherry Street shall be limited to not more than one hour in duration and shall be marked by official "one ~~hour~~ parking zone" signs.
- C. Other regulations.
- (1) Parking meters. When any vehicle is parked in a parking meter zone, the vehicle operator shall deposit or cause to be deposited a coin of the denomination indicated and put such meter in operation. Failure to deposit such coin and put the meter in operation is prohibited.
 - (2) One ~~hour~~ or two ~~hour~~ zones. When signs have been erected upon any street indicating that stopping, standing and parking is limited to one hour, limited to two hours or is prohibited during designated hours as specified thereon, no person shall park any vehicle on such street in violation of any such signs.
 - (3) Double parking. No operator of any vehicle shall stop, stand or double park in a roadway other than parallel with the edge of curb of the roadway headed in the direction of lawful traffic movement.
 - (4) Blocking alley. No operator of any vehicle shall stop, stand or park such vehicle within an alley in such position as to block the driveway or entrance to any abutting property.
 - (5) Blocking driveway. No operator of any vehicle shall stop, stand or park at any place where the standing of any vehicle will block the use of any driveway.
 - (6) Wrong side of street. No person shall stand or park a vehicle in a roadway other than parallel with the edge of curb of the roadway headed in the direction of lawful traffic movement.
 - (7) Winter night parking restrictions. No person shall park, stop or leave standing any vehicle on any Village street between 2:00 a.m. and 6:00 a.m. from November 15 of each year to April 15 of the following year. Signs shall be erected at or reasonably near the corporate Village limits as provided in § 349.13, Wis. Stats., advising of the existence of this subsection. Permission for parking for guests of residents may be granted by the Police Department on a per ~~night~~ basis for not more than 14 consecutive days for any one person or vehicle. Such permission may be granted by the Police Department upon a phone notification for not more than three days. If request is made for permission to park for more than three days, applicant shall complete an appropriate application at the Police Department for such purpose.
 - (8) Parking during snow emergencies. Whenever the Chief of Police shall, by reason of heavy snow storm or blizzard, proclaim a snow emergency pursuant to § 323.11, Wis. Stats., no person shall park, stop or leave standing any vehicle upon the streets or any portions of the streets during the hours as set forth in the proclamation.

- (9) Fire hydrant. No operator of any vehicle shall stop, stand or park such vehicle at any curb within 1015 feet of a fire hydrant. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (10) No parking zone. No operator of any vehicle shall stop, stand or park at any place where official signs have been erected indicating a no-parking zone.~~No Parking Zone.~~
- (11) Improper parking. No person shall park any vehicle upon a street in such manner or under such conditions as to leave available less than 18 feet of the width of the roadway for free movement of vehicular traffic on a two-way street or less than 10 feet of the width of the roadway for free movement of vehicular traffic on a one-way street.
- (12) Yellow line. No operator of any vehicle shall stop, stand or park in any area along the curbing that has been striped yellow.
- (13) Official signs. No person shall park a vehicle contrary to the notice specified on such sign.
- (14) Parking on crosswalk or intersection. No operator of any vehicle shall stop, stand or park within 15 feet of a crosswalk or intersection, except in a roadway marked with lines designating parking spaces.
- (15) Parking at or opposite fire station. No operator of any vehicle shall stop, stand or park such vehicle at any place within 20 feet of the entrance to any fire station, and on the side of any lot opposite the entrance to any fire station within 75 feet of such entrance.
- (16) Parking on sidewalk. No operator of any vehicle shall stop, stand or park such vehicle on any sidewalk.
- (17) Parking in private parking lot. No person not so entitled shall park a vehicle in a private parking lot unless authorized by order of the custodian.
- (18) Parking in public parking lot. No person shall park a vehicle upon any property owned by a company or the Village and used for the transaction of public business where such parking is prohibited by order of the custodian of such property.
- (19) Parking obstructing traffic. The operator of a vehicle shall not operate such vehicle to allow the same to remain upon any street in such a manner as to form an unreasonable obstruction to the traffic thereon.
- (20) Handicapped parking. Except for a motor vehicle used by a physically disabled person as defined under § 346.503(1), Wis. Stats., no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued under § 341.14(1), (1a), (1e), (1m), ~~(1q)~~ or (1q1r)(a), Wis. Stats., or a special identification card issued under § 343.51, Wis. Stats., or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a

- physically disabled person. The penalty provisions of this Code ~~of Ordinances~~, § 1-4 herein, shall apply, except the minimum forfeiture upon conviction of this § 345-4C(20) shall be \$150 and the maximum forfeiture shall be \$300,400 together with cost of prosecution. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (21) Semi-tractor, trailer parking. Semitrailers, tractor semitrailers or truck tractors, as defined in § 340.01, Wis. Stats., shall not park on any Village street, except that such vehicles may park on the street for the purpose of loading or unloading and only during such time while actively engaged in loading or unloading the vehicle.
- (22) Payment of municipal fees required. No person shall park or leave standing any vehicle on any street or public parking area belonging to or leased by the Village after having obtained a municipal benefit or a municipal service without first paying the required fee for the use or benefit thereof. The owner of a vehicle involved in a violation of this subsection shall be liable for a violation hereof subject to the defenses to the owner defined and described in § 346.485(5)(b), Wis. Stats. This subsection shall be enforced using the nonmoving traffic violation procedure set forth in § 345.28, Wis. Stats., with the forfeiture to be \$55 for a violation of this subsection.
- (23) Terrace or parkway. No person shall park, stop or leave standing any vehicle or trailer on any Village terrace or parkway where curb and gutter are installed. "Terrace or parkway" is defined as the area between the curb and the sidewalk or, if sidewalk is not installed, the area between the curb and the abutting property line.
- (24) Street maintenance.
- (a) Whenever it is necessary to maintain, repair or restore a Village street or highway or any part thereof, the Chief of Police shall post appropriate signs bearing the words "No Parking - Street Maintenance Work."
- (b) Such signs shall be erected at least two hours prior to the time street or highway maintenance, repair or restoration work is to be commenced and shall remain in place until all maintenance, repair or restoration work is completed. The street or highway shall include the berm, shoulder, terrace and all areas within the public right-of-way involved in the maintenance, repair or restoration of the street or highway. No person shall park a motor vehicle in violation of such signs.
- (25) Resident parking lots. No person shall park a vehicle in a parking lot or other parking area marked by official signs indicating that lot or parking area is restricted for use by residents vehicles properly displaying resident parking permits. Resident parking permits shall be affixed to the vehicle for which they are issued in the manner prescribed by the Village at the time of issuance.
- (26) Extended parking of trailers prohibited. No person shall park, stop, or leave standing a trailer as defined by § 340.01(71), Wis. Stats., on any Village street for a period of time in excess of 24 hours.
- D. Parking permitted along Collie Street adjacent to school. Parking in designated parking

spots along the west side of Collie Street is permitted during the hours of 7:30 a.m. to 4:30 p.m. during school days from the intersection of Hickory Street north to a point 139 feet south of the intersection of Collie Street and Congress Street.

E. Removal of illegally parked vehicles.

- (1) Hazard to public safety. Any vehicle parked, stopped or standing in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- (2) Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (3) Removal by traffic officer. Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (4) Removal by private services. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (5) Towing and storage charges. In addition to other penalties provided by this chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed by the Police Department, a charge as set forth on a schedule of charges established by the Village Board shall be paid for such towing. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

F. Registration record of vehicle as evidence. When any vehicle is found in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other ~~state~~[State](#), shall be deemed to have committed the violation for purposes of enforcement of this chapter and shall be subject to the applicable forfeiture penalty; provided, the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

G. Removal of parking citations prohibited. No person, other than the owner or operator thereof, shall remove a parking violation or citation from a motor vehicle.

§ 345-5. Erection of official traffic signs and signals.

A. The Chief of Police is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving such notice of the provisions of this chapter as

required by ~~state~~State law.

- B. Signs shall also be erected in such locations and manner as authorized by the governing body as to give adequate warning to users of the street, alley or highway in question.

§ 345-6. Unnecessary acceleration prohibited. [Amended 2-2-2015]

No person shall start or accelerate any motor vehicle, motor ~~_-~~driven cycle or motor ~~_-~~driven machinery with unnecessary exhibition of speed or power on any public or private way within the Village.

- A. Prima facie evidence of such unnecessary exhibition of speed or power shall be unreasonable squealing or screeching sounds emitted by the tires, the throwing of sand or gravel by the tires, the spinning of tires, or excessive noise of the engine.
- B. An "unnecessary exhibition of speed" shall mean speed greater than needed to accelerate into the traffic flow.

§ 345-7. Snowmobiles, all-terrain vehicles and other recreational vehicles.

In addition to the ~~state~~State snowmobile laws adopted by § 345-1 of this chapter, the following special provisions are hereby adopted:

- A. Operation of snowmobiles and recreational vehicles prohibited. No person shall operate a minibike, all-terrain vehicle (ATV) or any other recreational vehicle not registered as a motor vehicle within the Village. Snowmobiles may be operated upon a snowmobile trail or route as designated herein.
- B. Snowmobile routes designated. Operation of snowmobiles within the Village limits is prohibited except as provided in §§ 350.02 and 350.04, Wis. Stats., or for snowmobile events authorized in accordance with § 350.04, Wis. Stats., and only upon the following designated routes of travel for snowmobiles:
 - (1) On the official snowmobile trail or route as established, properly marked and shown on the snowmobile trail or route map on file with the Village Clerk and approved by the Village Board.
 - (2) On a private snowmobile trail located upon private property with the annual consent of the owner or lessee as provided herein and approved by the Village Board. The private snowmobile trail permitted herein must be conspicuously marked at all times as a private trail for use only by consent of owner. Written consent of owner required under § 350.10(1)(f), (k), (l) and (m), Wis. Stats., shall be an annual consent, dated and limited to the season for which the consent is given. If the property is owned or leased by more than one person, the consent of each shall be obtained. All such consents shall be approved by the Village Board.
- C. Additional regulations applying to the operation of snowmobiles within the Village limits.
 - (1) Unattended snowmobiles. No person shall leave or allow a snowmobile to remain unattended on any public highway or property while the motor is running or with the starting key in the ignition.

(2) Snowmobile renter's license.

- (a) No person shall engage in the business of renting or leasing of snowmobiles to the public, or of renting or leasing the use of a snowmobile track or other private property to the public for the operation of snowmobiles thereon, unless he has a license therefor as provided in this section.
- (b) The application for a snowmobile renter's license shall be filed with the Village Clerk and shall include the name of the owner of the premises upon which such business will be conducted, the proposed period and hours of operation, the name of the person who will conduct the business, the ~~state~~[State](#) registration of such commercial owner, if any, and the registration number of any snowmobiles to be leased by such operators and such information as the Village Board may require. The application shall be accompanied by a fee [as provided in the Village Fee Schedule](#),²~~of \$25~~, which shall be refunded to the applicant in the event a license is denied. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (c) No license shall be issued unless approved by the Village Board after a public hearing on the application. Notice of such hearing shall be given by publication of a Class 1 notice under Ch. 985, Wis. Stats. The Village Board shall approve issuance of a license only if it determines that the public health, safety and welfare will not be adversely affected thereby, and that the following terms and conditions are met:
 - [1] The applicant must file proof of liability insurance in force covering the premises to be licensed and any snowmobiles to be rented or offered for use to the public, with limits of \$50,000/\$300,000/\$10,000.
 - [2] The use of the premises must conform with the requirements of the Village Zoning and Building Codes and be approved by the Building Inspector.
 - [3] The licensing period shall be for one year or portion thereof, expiring June 30, with no proration of the fee for a period of less than one year.
 - [4] The Clerk shall issue a new license to any person holding a valid license for the preceding season under this section upon payment of the annual license fee;³ provided, however, that any such applicant has not been convicted within the preceding 12 months of violation of this section or any ~~state statute~~[State Statute](#) regulating or restricting the use of snowmobiles or snowmobile renters. If any such applicant has been so convicted, he will have to make a new application for consideration.

§ 345-8. **Absolute sobriety.** [Amended 2-19-2018 by Ord. No. 2018-2]

Repealed in 2010. See § 345-1.

[2. Editor's Note: The current Fee Schedule is on file in the Village office.](#)

§ 345-9. Motor-driven cycles.

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

MOTOR-DRIVEN CYCLE — Every two -wheeled and three -wheeled vehicle in or upon or by which any person may be transported or drawn upon any public highway or street except devices moved by human power or used exclusively upon stationary rails or tracks.

B. License required. No person shall rent or offer to rent any motor -driven cycle within the Village without first having obtained a license to rent the same as hereinafter provided.

C. Application. Application for such license shall be made to the Village Clerk upon forms furnished by the Village requiring the full name and address of the applicant, the location at which the cycles will be kept, and the make, model and license number of each cycle to be rented out.

D. Insurance. Prior to the issuance of such license, the applicant shall file with the Village Clerk a policy of insurance by a company licensed to do business in Wisconsin covering the use, operation and maintenance of such cycles in the amount of \$10,000 because of bodily injury to or death of one person in any one accident, \$20,000 because of bodily injury or death of two or more persons in any one accident and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident.

E. Fees. The license fee shall be as provided in the Village Fee Schedule.³~~The license fee shall be \$50 per year for any licensee renting four or fewer cycles, \$100 per year for any licensee renting more than four but fewer than nine cycles and \$125 for any licensee renting nine or more cycles.~~ The license year shall commence June 1 of each year. If less than six months remain of the license year, the fee shall be reduced by 50%. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

F. Approval. The Village Clerk shall present each license application to the Village Board at its next regular meeting after the filing. The Board may approve such application, provided that the following tests are met:

- (1) That the applicant is financially responsible and has a written lease for or owns a site from which to operate a cycle rental business and that such site is zoned properly for such use. Copy of such lease or deed shall be filed with the application.
- (2) The applicant or one employee has a sound knowledge of the operation, repair and maintenance of motor -driven cycles.
- (3) The applicant agrees to properly instruct each prospective renter as to the use and operation of the cycles, all traffic and safety regulations and that cycles will not be rented to persons under 18 years of age or to persons not having a valid driver's license.

G. Conduct of renters. It shall be the responsibility of the licensee to ensure that all renters of such cycles operate the same only on public highways and in a prudent and safe manner. Repeated violations of any safety rule, regulation, ordinance or statute shall be grounds for

3. Editor's Note: The current Fee Schedule is on file in the Village office.

recision of the license. In addition, the Village Board may revoke such license for failure to maintain the cycles so licensed in good working condition.

- H. Records. The licensee shall prepare and maintain a registration card for each renter containing the license number, type of cycle, and name and address and driver's license number of each person renting the cycle. Such cards shall be available at all times for the inspection and information of the Police Department of the Village.

§ 345-10. Violations and penalties.

The penalty for violation of any provision of this chapter shall be a forfeiture and penalty assessment if required by § 757.05, Wis. Stats., a jail assessment if required by § 302.46, Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

- A. State forfeiture statutes. Forfeitures for violation of any statute adopted by reference for which the penalty is a forfeiture shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.
- B. State fine statutes. The forfeiture for violation of any statute adopted by reference hereunder for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.
- C. Local regulations. Except as otherwise provided in this chapter, the penalty for violation of this chapter shall be as provided in § 1-4 of this Code.
- D. Parking violations. Notwithstanding any other provision of this chapter or any other traffic regulation of the Village, the forfeiture for a violation of any parking regulation or restriction shall not be more than \$100, except for a handicapped parking violation. The person to whom the ticket has been issued may settle the Village's claim by paying the minimum forfeiture stated on the ticket to the Village within three days of issuance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Snowmobile violations. Any person who shall violate any provision of Ch. 350, Wis. Stats., except §§ 350.08 and 350.10(1)(c), shall, upon conviction thereof, forfeit not more than \$250 together with costs of prosecution, and in default of payment thereof may be imprisoned in the county jail not to exceed 90 days, and any person who shall violate §§ 350.07, 350.08 and 350.10(3), Wis. Stats., shall, upon conviction thereof, forfeit not more than \$200, together with the costs of prosecution, and in default of payment thereof may be imprisoned in the county jail not to exceed 90 days.

§ 345-11. Enforcement.

- A. Procedure. This chapter shall be enforced according to §§ 23.33, 66.0114, 345.11 to 345.61 and 350.17 and Ch. 800, Wis. Stats.
- B. Deposit.
 - (1) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station or at the office of the Clerk of Court or by mailing the deposit to such places. The arresting officer or the person

receiving the deposit shall notify the arrested person, orally or in writing, that:

- (a) If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by § 757.05, Wis. Stats., a jail assessment if required by § 302.46, Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in § 345.37, Wis. Stats.
 - (b) If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.
 - (2) The amount of the deposit shall be determined in accordance with the State of Wisconsin Revised Uniform State Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under § 757.05, Wis. Stats., jail assessment and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Police Chief, which shall include the penalty assessment established under § 757.05, Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.
 - (3) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by § 345.26(3)(b), Wis. Stats.
- C. Petition to reopen ~~judgment~~judgement. Whenever a person has been convicted in this ~~state~~State on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under § 345.27(1) and (2), Wis. Stats., the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under § 345.27(1) and (2), Wis. Stats., the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

Chapter 350

WATER

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Water Utility

[Adopted as §§ 13.01 to 13.07 of the 2011 Code]

§ 350-1. Water and Sewer Committee.

- A. There is hereby created a committee on public water and sewer to be known as the Water and Sewer Committee of the Village, which shall have charge of the Water Utility owned and operated by the Village. Such Committee shall have the powers and duties as other committees of the Village Board.
- B. Such Committee shall be governed by § 110-3 of this Code, including selection and number of members of such Committee.

§ 350-2. Control, facilities and ownership.

- A. Control of Water Utility. The Village hereby creates and establishes a Water Utility for the Village. The management, operation and control of such water system is vested in the Village Board, provided the management and operation of such water system shall be performed by the Water and Sewer Committee, subject to the ultimate control by the Village Board. All records, minutes, written proceedings and financial records shall be kept and maintained by the Village.
- B. Facilities and ownership. The Water Utility shall consist of deep wells; storage tanks; distribution facilities, including fire hydrants, fountains, softening facilities, filtration facilities; and other facilities required in connection therewith. The Village, acting through the Village Board and Water and Sewer Committee, shall have the power to lay mains through alleys and streets, acquire and install required facilities and to do all such work as necessary or convenient in the management of the water system. The President, Trustees or their officers, agents and employees shall have the right to enter upon any land to examine or supervise in the performance of their duties under this article without liability therefor. The Village Board shall have the power to purchase for the Village all real and personal property necessary for construction of the water system or for any repair, remodeling or additions thereto.
- C. Condemnation of real estate. Whenever any real estate or easements therein or use thereof shall in the judgment of the Village Board be necessary to the operation of the water system and whenever an agreement for purchase cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate or easement

by condemnation in accordance with state statutes.

- D. Title to real estate and personalty. All property, real, personal and mixed, acquired for construction of the water system, all plans, specifications, diagrams, papers, books and records connected therewith and all buildings, machinery and fixtures pertaining thereto shall be Village property.

§ 350-3. Consumer rules and regulations.

- A. The rules, regulations and water rates of the water system of the Village set forth herein shall be considered a part of the contract with each person who is supplied with water through the water system. Such person by taking water or connecting with such system shall be considered as expressing his assent and be bound thereby.
- B. Whenever any such rules and regulations or such conditions as the Village Board or Water and Sewer Committee may hereafter adopt are violated, the water shall be shut off from the building or place of such violation even though two or more parties are receiving water through the same pipe and shall not be turned on again except by order of the Water and Sewer Committee after payment of all arrears, expenses and established charges of shutting off, turning on and such other terms as the Committee may determine. These rules shall conform to the established rules and regulations of the State Public Service Commission or state statutes applicable thereto. In case of such violation, the appropriate authority may declare any payment made for the water by the party committing such violation to be forfeited. The Village Board or Water and Sewer Committee has the right to change such rules, regulations and water rates from time to time as it may deem advisable and to make special rates and contracts in all property cases, subject to the authority of the Wisconsin Public Service Commission.

§ 350-4. Operating rules.

- A. Establishment of service.
 - (1) Public Service Commission rules adopted. All persons now receiving a water supply from the Water Utility or who may hereafter make application therefor, providing that such application is for the provision of water supply to a structure located within the corporate boundaries of the Village, and any person, firm or corporation by attachment to the water system, or otherwise by contract or agreement coming within the Village water service area, shall be considered as having to be bound by all the rules and regulations as filed with the State Public Service Commission.
 - (2) Application. Application for water service shall be made in writing on a form furnished by the Water and Sewer Committee. The application shall contain a legal description of the property to be served, including tax key number, name of applicant, use to be made of service and such other information as the Utility may require.
 - (3) Conditions for service. Service shall be furnished only if the following conditions are met:
 - (a) Applicant has installed or agrees to install a service pipe from the water main in the street to the point of use in conformance with § 350-5 specifications.

- (b) Applicant pays required hookup charge.
- (c) Premises have adequate piping beyond metering point.
- (4) ~~Multiunit~~~~Multi-unit~~ metering.
 - (a) The owner of a ~~multiunit~~~~multi-unit~~ dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, shall provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units.
 - (b) Each meter and meter connection shall be a separate Water Utility customer for the purpose of the filed rules and regulations. The owner is responsible for and subject to § 350-3 of this chapter.
- (5) Division of water service prohibited. No division of water service of any lot or parcel of land shall be made for extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.
- (6) Approval may be withheld. The Committee is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly set forth by the applicant property owner.
- (7) Extraterritorial water service area delineated. The Water Utility is hereby authorized to provide water service to the following delineated areas only, located outside the corporate boundaries of the Village:

1. A part of the SW 1/4 of Section 30, T2N, R17E, Walworth County, Wisconsin, described as follows: Parcel more particularly described as commencing at the SW corner of Section 30, T2N, R17E; thence S 89° 57' 32" E, 60.00 feet to the place of beginning; thence N 0° 06' 28" E parallel to the West line of Section 30, 796.66 feet; thence S. 89° 53' 32" E, 155.76 feet to the center line of State Highway 50; thence S 37° 01' 32" E, along the center line of said Highway 50, 391.17 feet; thence S 0° 28' 32" E, 484.34 feet to the South line of said Section 30, thence N 89° 57' 32" W along the South line of said Section 30.396.72 feet to the place of beginning.

Excepting therefrom that part conveyed to the State of Wisconsin, Department of Transportation, by deed recorded February 13, 2003, as Document No. 543841.

Tax Key No. JG 3000010

2. Lots 1 and 2 of Certified Survey Map No. 1386, recorded September 7, 1984 in Volume 6 of Certified Surveys on page 243 as Document No. 107713, being located in the Northwest 1/4 of Section 31, T2N, R17E, Town of Geneva, County of Walworth and State of Wisconsin.

Tax Key No. JA 138600001 and JA 138600002

3. A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section Town 1 North, Range 16 East, Town of Walworth, County of Walworth, State of Wisconsin, described as follows, to wit:

Commencing at the East 1/4 Section corner of said Section 2; thence North 389.18 feet along the East line of Section 2; thence West 280.00 feet; thence South 389.18 feet; thence East 280.00 feet to the point of beginning.

Tax Key No. EW2000009

The Water Utility shall not provide water service to areas located outside the corporate boundaries of the Village other than the areas delineated above.

B. Service contract.

- (1) The minimum service contract period shall be one year, unless otherwise specified by special contract or in the applicable rate schedule. Where a customer requests that he be disconnected prior to expiration of his minimum contract period, where his account is not delinquent and where thereafter he requests the reconnection of service, a reconnection charge, as provided in the Village Fee Schedule, ~~of \$15~~ payable in advance shall be collected. The minimum contract period is renewed with each reconnection. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (2) There shall be a reconnection charge as provided in the Village Fee Schedule ~~of \$15~~ for consumers whose services are disconnected because of nonpayment of bills when due, including disconnection for failure to comply with deposit or guarantee rules. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (3) A person shall be considered as the same consumer provided the connection is required for the same premises by any member of the same family or, if a place of business, by any partner or employee of the same business.

C. Turning on water. Water cannot be turned on for a consumer, except by an authorized employee of the Utility during normal business hours. When a plumber has completed his work, he shall leave the water turned off. Such plumber may test his work, but when such testing is completed, he shall leave water shut off. A water service that is turned on without authorization shall subject the property owner to a forfeiture for such violation.

D. Stop boxes. The consumer shall protect the stop box on his property and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the consumer's premises. The consumer shall allow access to the stop box by and not interfere with Utility personnel.

E. Thawing frozen services.

- (1) Frozen services shall be thawed out by and at the expense of the Utility, unless freezing was caused by contributory fault or negligence by the consumer, such as reduction of grade, improperly installed consumer service pipe, etc.
- (2) Following freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to allow the water to flow to prevent refreezing. The consumer shall make provisions for proper disposal of the wastewater. The charge for water shall be adjusted to allow a credit for water permitted to run as a result of Utility instructions. Credit will not be allowed if ordered to run due to negligence or fault as stated in Subsection E(1) above.

F. Installation or removal of meters.

- (1) Meters shall be furnished and placed or removed by the Utility upon a minimum 24 hours' advance notice during normal business hours. The property owner or agent must be present when water is turned on by the Utility. Meters are not to be disconnected or tampered with by the consumer. All meters shall be located in the basement or other suitable place within the building so that they are protected from obstructions and permit ready access thereto for reading, inspection and servicing, such location to be designated or approved by the Director of Public Works. Outdoor meter pits shall not be acceptable. All piping within the building shall be supplied by the consumer. The consumer shall allow access to the meter by the Utility on a regular and reasonable basis in order to read the meter and perform maintenance.
- (2) There shall be only one meter permitted per residential Water Utility customer. A residential Water Utility customer shall not have the option of being served by more than one water meter.

G. Service piping for meter settings.

- (1) Where a new customer whose service is to be metered installs the original service piping, where an existing metered customer changes his service piping for his own convenience or where an existing flat rate customer requests to be metered, the customer shall at his expense provide a suitable location and proper meter connections.
- (2) The Director of Public Works shall be consulted as to the type and size of meter setting. For one-inch diameter meters, a ~~pre-assembled~~[preassembled](#) meter yoke shall be installed. For meters larger than one-inch diameter, the setting shall be designed by a master plumber and approved by the Director of Public Works. The setting shall include a valved bypass, meter isolation valves, an in-line tee to permit water diversion to a comparison meter and couplings that allow easy removal of the service meter.

H. Repairs to meters.

- (1) Meters shall be repaired by the Utility. The cost of such repairs caused by ordinary wear and tear shall be borne by the Utility.
- (2) Repair of any damage caused by carelessness of the owner of the premises, his agents or tenants or from the negligence of any of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises should the consumer fail to pay.

I. Charges for water wasted due to leaks. When the meter registers losses due to pipe leaks, the Utility shall determine whether the defect in the piping or equipment was known to the customer or, being known, he had used his best efforts to correct the conditions. If the Utility determines that the loss occurred without the consumer's knowledge or, having known about it, he had tried to correct the condition, the Utility may determine as nearly as possible what is the amount of loss by comparison with the use of the water during a like

period and the excess may be billed at the lowest step in the rates. However, if the consumer knew of the leak and failed to give proper attention to it, the Utility shall bill for the total consumption shown by the meter at regular rates.

J. Failure to read meters.

- (1) Where the Utility is unable to read a meter after two successive tries, that fact shall be indicated on the bill, the minimum charge applied and the difference adjusted when the meter is read again. The bill for the succeeding quarter shall be computed with the gallons in each block of the rate schedule doubled and credit shall be given on that bill for the amount of the minimum bill paid the preceding month.
- (2) Only in unusual cases or when approval is obtained from the consumer shall more than two consecutive estimated bills be rendered where the billing period is two months or more. A period of estimated billing shall not exceed one year.
- (3) If the meter fails to operate, the bill shall be based on average use during the corresponding quarter of the past year, unless there is some reason why the use was not normal. If the average use cannot be properly employed, the bill shall be estimated by some equitable method.

K. Repairs to mains. The Utility reserves the right to shut off water in the mains temporarily to make repairs, alterations or additions to the plant or system. When the circumstances permit sufficient delay, the Utility shall give notification by newspaper publication or otherwise of the discontinuance of the supply. No rebate or damages shall be allowed to consumers for such temporary suspension of supply.

L. Handling water mains and service pipes in trenches.

- (1) Where excavating machines are used in digging, all water mains shall be maintained at the expense of the contractor.
- (2) Contractors shall ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction, the contractor shall, at his own expense, cause them to be replaced or repaired at once. Such repair shall not cause water service to any consumer to be shut off more than six hours.

M. Settling main or service trenches. Trenches in streets shall be refilled with approved granular backfill in accordance with ~~state~~State highway specifications or Village specifications where more restrictive. The contractor shall be responsible for repair of all settled trenches for one year from date of completion.

N. Relief valves. On all closed systems (i.e., systems having a check valve, pressure regulator or reducing valve, water filter or softener) an effective pressure relief valve shall be installed, either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half-inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.

O. No claims for damages.

- (1) No person shall enter a claim for damages against the Village, the Water and Sewer Committee as a Utility or any officer thereof for damage to any pipe, fixture or appurtenances by reason of interrupted service, variation of pressure or for damage caused by turning off or turning on, whether wholly or partially, the water supply or for the discontinuance of the premises' water supply for violation of any rule or regulation of the Water Utility.
 - (2) No claims shall be allowed against the Village on account of the interruption of the water supply caused by the breaking of pipes or machinery or by stoppage for repairs from fire or other emergency. No claims shall be allowed for any damage caused by the breakage of any pipe or machinery.
- P. Purity of supply not to be impaired by cross-connections. Every person owning or occupying a premises receiving Village water supply shall maintain such water supply free from any connection, either of a direct or indirect nature, with a water supply from a foreign source or of any connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the Village water system. Installation shall be subject Article II, Cross-Connections, of this chapter, and must adhere to all the requirements of § NR 811.09, Wis. Adm. Code.
- Q. Operation of valves and hydrants. Any person who shall without authority of the Committee operate any valve connected with the street or supply mains, open any fire hydrant connected with the distribution system except to extinguish fire or who shall damage or impair the same shall be subject to a forfeiture as provided herein.
- R. Inspection of premises. Any officer or authorized employee of the Utility shall have the right of access during reasonable hours to any premises supplied with service for inspection or enforcement of the Utility's rules and regulations.
- S. Vacation of premises. Before premises are to be vacated, the Utility shall be notified so it may remove the meter and turn off the water at the curb valve. The owner of the premises shall be liable to prosecution for any damage to Utility property by failing to notify the Utility of vacancy.
- T. Tap permits.
- (1) After water connections have been made to any building or upon any premises, no person shall have any tap or connection with the pipe upon such premises for alterations, extensions or attachments, unless the person requesting such work shall have obtained and shall exhibit the proper permits therefor from the Village. All plumbing work shall be subject to the ~~state~~State and local regulations regarding plumbing.
 - (2) If any internal plumbing changes are required at the time of connection to the Utility, the cost of such changes and related permits are the responsibility of the property owner.
- U. Consumers to conserve water. Consumers shall keep the hydrants, taps, water closets, urinals, baths or other fixtures allotted to their use closed, except when obtaining water for

use, and shall be responsible for any damage or injury that may result to others from the improper use of such water.

V. Surreptitious use of water.

- (1) When the Utility has reasonable evidence that a consumer is obtaining his water supply, in whole or in part, by means of devices or methods used to stop or interfere with proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference. Such bill shall be payable subject to a twenty-four-hour disconnection of service. When the Utility has disconnected the consumer's service for such reason, the Utility shall reconnect the consumer's service upon the following conditions:
 - (a) The consumer shall deposit with the Utility an amount sufficient to guarantee payment of his bills for Utility service.
 - (b) The consumer shall pay the Utility for any damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
 - (c) The consumer shall agree to comply with reasonable requirements to protect the Utility against further losses including, but not limited to, inspections of the premises by the Utility.
- (2) Sections 98.26 and 943.20, Wis. Stats., relating to water service are hereby adopted by reference and made a part of these rules.

W. Consumer to keep in repair.

- (1) Consumers shall keep their own service pipes, stop cocks and apparatus in good repair and protected from frost at their expense and shall prevent any unnecessary waste of water and overburdening of the system. All expenses related to bringing water into buildings or private premises and connections with the system shall be paid by the applicant.
- (2) No charge shall be made for the services of the Utility employee to direct where and how the mains shall be tapped and excavations made in the street for laying pipe.

X. Consumer use only. No consumer shall supply water to others nor allow others to take it off his premises or to connect to the system.

Y. Consumer to permit inspection. Each consumer shall permit the Utility or its authorized agent at any reasonable hour to enter their premises or building to examine the water meter, pipes, fixtures and the manner in which water is used and drains operate. Such consumers shall answer all questions put to them relative to water consumption.

Z. Turning on services. Water shall not be turned on into any building or private service pipe without a written order of the authorized agent or employee of the Utility. Plumbers are hereby prohibited from turning water on into any service pipe, except with permission of the Utility or its agent. This rule shall not be construed to prevent any plumber from admitting water to the pipes. When the water has been turned off by order of the Utility or its agent, no consumer shall turn it on nor permit it to be turned on without written

permission of such Utility or agent thereof.

§ 350-5. Water lateral installation.

- A. Permit required. No person shall install water laterals unless he is a master or journeyman plumber licensed by the State ~~Department~~Board of ~~Health~~Safety and Professional Services and shall have obtained a permit from the Village Clerk.
- B. Bond required. No plumber shall be issued a permit hereunder unless he shall have filed with the Village Clerk a bond in the amount of \$1,000 approved by the Village Attorney, conditioned that he will indemnify the Village for all damages arising from his work and that he will restore the streets, sidewalks and pavements to as good a condition as when he found them, which includes proper backfilling and settling.
- C. Tapping mains.
 - (1) No person, except a master plumber with the Water and Sewer Committee's special permission or persons in the Committee's service and approved by it, shall tap into mains or distribution pipes or insert stop cocks or ferrules therein. The kind and size of connection with the mains shall be those specified in the permit or order from such Committee. The expense thereof shall be paid by the permittee. This function shall include the tapping of the main, the placing of the corporation cock and the inspection of the line before the ditch is backfilled.
 - (2) Mains shall be tapped on the side and not within 24 inches of any joint nor within 12 inches of another tap. Taps less than three feet apart shall be staggered from each other at a minimum angle of 30°. The minimum diameter standard tap service shall be one inch.
- D. Notice of tapping. The Utility shall be given at least 24 hours' notice by the permittee before the time when the tap is desired to be made.
- E. Quality of materials and work. All materials used by the permittee must be as specified by the Utility.
- F. Excavations.
 - (1) In making excavations in streets or highways to lay service pipes or make repairs, paving and earth removed shall be deposited to cause the least inconvenience to the public and provide for passage of water along gutters.
 - (2) No person shall leave any open excavation without barricades in any street or highway. At night, warning lights shall be maintained at such excavations.
 - (3) In backfilling the opening after the service pipes are laid, the earth shall be laid in layers of not more than nine inches in depth with each layer thoroughly rammed or puddled to prevent settling. Backfill shall be as specified by the Utility.
 - (4) This work, together with replacing sidewalks, ballast and paving, shall be done to make the street as good as before it was disturbed and to the satisfaction of the Director of Public Works. No excavations shall be made in the right-of-way without

first obtaining a street opening permit in compliance with Chapter 314, Streets and Sidewalks, of this Municipal Code. All sidewalks and pavements shall be saw cut to provide a neat edge.

G. Depth of pipe.

- (1) All pipes shall be laid in the ground at a depth which will provide not less than six feet of cover. Water services shall be insulated where a six-foot depth of cover is impossible and actual depth of cover is less than five feet or where a service passes within two feet of an underground structure which may experience freezing temperatures.
- (2) Insulation shall be closed-cell expanded polystyrene boards with a minimum two-inch thickness and one-foot width. Insulating boards shall be placed over a six-inch deep layer of leveled and compacted bedding material placed over the top of the pipe. Insulating boards shall be placed with the long side parallel to the center line of the water pipe at a minimum width of outside diameter plus 24 inches. Total insulating board thickness shall be two inches for every foot less than five feet of cover. Boards shall be positioned to minimize continuous joints.
- (3) The first lift of backfill material over the boards shall consist of a six-inch depth of bedding material which shall be dumped and spread in a manner that avoids displacement and damage to the insulating boards. It shall be compacted with equipment that exerts a contact stress of 75 psi. The remaining layers of backfill shall be placed using conventional procedures.

H. Laying of pipe. The pipe shall be laid in such a manner and be of such surplus length as to prevent breakage or rupture by settlement. This shall be accomplished by leaving not less than 18 inches of surplus length. A horizontal gooseneck shall be formed at the corporation cock at the main. Such gooseneck shall be in addition to the surplus length of pipe above mentioned. Pipe shall be installed without any coupling or joint from the corporation cock to the curb stop.

I. Stopcock. Each service must have a "T" handle roundway stopcock inserted into the service pipe one foot from the property line and off the main traveled way or easement. Such stopcock must be protected with a cast iron adjustable "Buffalo" stop with box at least five feet long and 2 1/2 inches in internal diameter with the word "water" cast on the cover and include a thirty-nine-inch extension rod.

J. Pipe material and size. No pipe of a different material or size than herein specified shall be used and all service pipe less than two-inch internal diameter must be of [ASTMA.S.T.M. B-88](#), type "K" soft annealed seamless copper tubing. The minimum diameter standard water service shall be one inch.

K. "Mueller" brand to be standard. No nipple, ferrule or union shall be used, unless they be of the best quality brass, free from defects and equal to the brand known to the trade as "Mueller." All corporation cocks and roundway curb cocks shall be of the best quality brass, free from defects and equal to the brand known to the trade as "Mueller."

§ 350-6. Water service rates.

Water rates and regulations will be as established by the State Public Service Commission and the rates and regulations so ordered are adopted as the rates and regulations of the Village and incorporated in this article as part hereof. Any further changes in rates and regulations ordered from time to time to time by the Public Service Commission are adopted by the Village and incorporated in this article as a part hereof.

- A. Charges to be lien on real estate. All water services, charges and special assessments shall be a lien on the lot, part of a lot or real estate on which service is supplied or available for service. All charges accrued during the preceding year not paid by October 15 of the following year shall be certified to the Village Clerk and placed upon the real estate tax roll for collection as provided by state statutes.
- B. Special assessments. There may be levied from time to time special assessments against certain properties benefited by public work or improvements to the Water Utility.
- C. Mandatory hookup.
 - (1) The owner of each parcel of land presently occupied and serviced or capable of being serviced by such water system shall be hooked up to the water system within 30 days after notification by the Committee. If unoccupied, hookup shall be before occupancy. Such mandatory hookup shall apply to all buildings located within the Village capable of being served if such property is not served by a private well which tests safe according to standards of the Wisconsin Department of Natural Resources.
 - (2) The owner of each parcel of land required to hookup under Subsection C(1) which is not hooked up to such water system shall be subject to a forfeiture for such violation. In addition to such forfeiture, he shall pay the Village Treasurer upon billing therefor an amount equal to 100% of the minimum quarterly charge for water service of the required size to be collected in the event of nonpayment as a special assessment on the real estate tax bill.
- D. Maintenance of services. All water services within the Village from the street main to the curb stop, including all controls between the same, shall be maintained by the Utility without expense to the property owner, except when damaged as a result of negligence or carelessness of the property owner, tenant or owner's agent, where they shall be repaired at the property owner's expense. All water services from the point of maintenance by the system to and throughout the premises shall be maintained free of defective conditions by and at the expense of the property owner or occupant. If the property owner does not repair a leak between the curb stop and building within 24 hours, the water shall be shut off until the repair is made.
- E. Use of private wells upon connection to municipal water service.
 - (1) Restricted. Since it is recognized that the entire private water supply in the Village has the potential for pollution, the building distribution system upon connection to the municipal water system shall be completely severed from the private well. Well owners shall comply with Article III, Private Wells, of this chapter. Thereafter, such private well shall be restructured to be used only for sprinkling lawns, washing cars and other outside uses not involving human consumption. If such private well does not test safe according to standards of the State Department of Natural Resources,

such well shall be permanently sealed and abandoned in accordance with § NR 811.13, Wis. Adm. Code.

(2) Reconnection.

- (a) Once the private water supply has been severed from the municipal system, there shall be no reconnection of such private supply to the municipal system.
- (b) After severance of the private well, no cross-connection between the public and private system will be allowed.

(3) Permit procedure for new wells. New wells will be permitted to be constructed only under the following conditions:

- (a) Such new well must be located in an area where municipal water service is not available and cannot readily be made available.
- (b) The new well is constructed in complete conformity with state and local regulations and codes.

F. Billing and payment.

- (1) Billing. Billing for water service shall be on a quarterly basis with quarters ending March 31, June 30, September 30 and December 31. The property owner is held responsible for all water bills on the real estate he owns. All water bills and notices relative to water service shall be addressed to the owner and mailed to the address of the premises referred to on such bill or notice.
- (2) Failure to receive bill no excuse. Reasonable care shall be exercised in proper delivery of water bills. Failure to receive a water bill shall not relieve any owner of responsibility for payment of a water bill within the prescribed period and not exempt any person from any penalty imposed for delinquency in the payment thereof.

G. Penalty for polluting water or injuring waterworks. No person shall willfully pollute or otherwise injure any water supplied by the system in any tunnel, aqueduct, reservoir, pipe, etc.; willfully injure or cause damage to the system, building, machinery or fixture pertaining thereto; willfully and without authority of the Water and Sewer Committee impede or divert the flow of water in any tunnel, aqueduct, pipe, etc., belonging to such system; or willfully and without authority of such Committee bore or otherwise cause to leak any tunnel, aqueduct, reservoir, pipe, etc., used in the system to hold, convey or distribute water.

H. Damage recovery.

- (1) The Utility shall have the right to recover from any person any expense incurred by such Utility for repair or replacement of any water pipe, curb cock, gate valve, hydrant or valve box damaged in any manner by any person by reason of operation of any electrical system, performance of any work under their control or by negligence.
- (2) Owners or operators of motor vehicles shall be liable for the cost of repair of any hydrant damaged by such vehicle. The Utility or the Village shall not be responsible for the damage caused to the motor vehicle by reason of such accident.

§ 350-7. Violations and penalties.

Any person who shall violate any provision of this article or rules or regulations established by the Village or Water and Sewer Committee relating to the Village water system, any person who shall turn on the water into any premises from which the water has been shut off or has not yet been turned on, any person who shall connect any water main or service pipe without a permit therefor or any person who shall violate any provision of state statutes applicable hereto, Wisconsin Administrative Code or any other provisions which are incorporated by reference shall upon conviction thereof be subject to a penalty as provided in § 1-4 of this Code.

ARTICLE II
Cross-Connections

[Adopted as §§ 9.03 and 9.12 of the 2011 Code; amended in its entirety 4-15-2019 by Ord. No. 2019-01]

§ 350-8. Definition of cross-connection.

A cross-connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village's public water system and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

§ 350-9. Unprotected cross-connections prohibited.

No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross-connection. Cross-connections shall be protected as required in Ch. SPS 382, Wisconsin Administrative Code.

§ 350-10. Inspection.

The Water Utility may inspect, or arrange for an inspection of, property served by the public water system for cross-connections. The frequency of inspections shall be established by the Water Utility in accordance with Wisconsin Administrative Code. Any unprotected cross-connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross-connection shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided in § 350-13 below.

§ 350-11. Right of entry.

Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross-connections. Refusing entry to such Utility representative shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided in § 350-13 below. If entry is refused, a special inspection warrant under § 66.0119, Wis. Stats., may be obtained.

§ 350-12. Provision of requested information.

The Water Utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the Water Utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the Water Utility to discontinue water service to the property, as provided under § 350-13 below.

§ 350-13. Discontinuation of water for violation.

The Water Utility may discontinue water service to any property wherein any unprotected connection in violation of this article exists and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 5, Administrative Review, of the Municipal Code of Williams Bay, except as provided in § 350-14 below. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.

§ 350-14. Emergency discontinuance.

If it is determined by the Water Utility that an unprotected cross-connection or emergency endangers public health, safety, or welfare and requires immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 5, Administrative Review, of the Municipal Code of Williams Bay within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.

§ 350-15. Violations and penalties.

Except as otherwise provided in this article, any person who shall violate any provision of this article or any rule, regulation or order made hereunder shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

ARTICLE III

Private Wells

[Adopted as § 9.07 of the 2011 Code]

§ 350-16. Private wells to be sealed and filled.

All private wells located on any premises which is served by the public water system of the Village shall be properly sealed and filled as hereinafter provided by July 1, 1985. Only those wells for which a well operation permit has been granted by the Village Clerk may be exempted from this requirement, subject to conditions of maintenance and operation.

§ 350-17. Well operation permits.

A renewable permit may be granted to a well owner to operate a well for a period not to exceed five years if the following requirements are met. (Application shall be made on forms provided by the Village Clerk.)

- A. The well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
- B. The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.
- C. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
- D. No physical connection shall exist between the piping of the public water system and the private well.

§ 350-18. Method of abandonment.

Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 812, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

§ 350-19. Reports and inspection.

A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency (available at the office of the Village Clerk). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the Village.

§ 350-20. Violations and penalties.

Any well owner violating any provision of this article shall, upon conviction, be punished by a forfeiture of not less than \$10 nor more than \$100, together with the cost of prosecution. Each twenty-four-hour period during which a violation exists shall be deemed and constitute a separate offense.

Chapter 364

COMPREHENSIVE PLAN

[HISTORY: Adopted by the Village Board of the Village of Williams Bay 9-20-2010 by Ord. No. 7-10 (Ch. 26 of the 2011 Code). Subsequent amendments noted where applicable.]

§ 364-1. Adoption of Comprehensive Plan.

The Village Board of the Village of Williams Bay, Wisconsin, does, by enactment of this ~~chapter, formally adopts ordinance, formerly adopt~~ the document titled "Village of Williams Bay Comprehensive Plan" on file in the office of the Village Clerk.

Chapter 371

IMPACT FEES

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as Ch. 25 of the 2011 Code. Amendments noted where applicable.]

§ 371-1. Establishment of service areas.

There are hereby established geographically defined zones. These zones shall be known as service areas within which it will be necessary to install new public facilities or expand existing public facilities as a result of land development. The service areas which are to be served by public water facility improvements are shown in Exhibit A (not included herein).¹

§ 371-2. Standard for impact fees.

A. In accordance with state statutes, the Village of Williams Bay does adopt the following standards for impact fees imposed under this [chapter ordinance](#). Impact fees adopted by the Village of Williams Bay:

- (1) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.
- (2) [May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed. \[Added at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (3)(2) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the [municipality](#). [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)~~political subdivision.~~
- (43) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.
- (54) Shall be reduced to compensate for other capital costs imposed by the [municipality](#)~~political subdivision~~ with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Ch. 236, Wis. Stats., or any other items of value. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- (65) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide [or pay](#) for ~~payment of~~ the public facilities for which the impact fees are imposed. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

1. Editor's Note: Exhibit A is on file in the Village Clerk's office.

(76) May not include amounts necessary to address existing deficiencies in public facilities.

(8) May not include expenses for operation or maintenance of a public facility. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

(9(7) Shall be payable by the developer to the ~~municipality~~political subdivision, in full, before a building permit may be issued or other required approval may be given by the municipality. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~political subdivision.~~

- B. Impact fees shall be determined upon a residential unit basis with a single-family residence being a unit of one. The number of residential units for all properties shall be assigned in accordance with the schedule contained in Exhibit B.²

§ 371-3. Amount.

- A. Based on the foregoing zones and standards, the impact fees are adopted in the following amounts:
- (1) Water supply and storage: \$635 per residential unit, Zone 1 and 2.
 - (2) Water main oversizing: \$129 per residential unit, Zone 2 only.
- B. These fees are to be adjusted annually and approved by the Village Auditor, effective each January 1, based on the lesser of the actual cost of the improvements or updated estimates thereof. In updating such estimates, the Village may use its prior year's average investment rate less 2% as an escalator in lieu of new engineering estimates.

§ 371-4. Payment of impact fees.

Impact fees shall come due and payable either in full or in installment payments as approved by the Village Board before a building permit may be issued.

§ 371-5. Low-cost housing.

No exemption or reduction in the amount of said fee shall be made on land development that provides for low-cost housing.

§ 371-6. Separate funds established.

There are hereby established impact fee funds for each of the categories of impact fees. Revenues from said funds shall be placed in segregated, interest bearing accounts and shall be accounted for separately from all other funds of the Village. Revenues from said funds, including impact fee revenues and interest earned on impact fee revenues, may be expended only for capital costs for which the impact fees were imposed.

§ 371-7. Refund of impact fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions,

2. Editor's Note: Exhibit B is included as an attachment to this chapter.

[Art. II\]](#)

Impact fees that are imposed and collected by the Village of Williams Bay but not used within a reasonable time period after which they are collected shall be refunded to the current owner of property with respect to which the impact fees were imposed. The Village hereby determines that a reasonable time period for improvements shall be considered as ~~eight~~²⁰ years.

§ 371-8. Appeal.

A developer upon whom an impact fee is imposed has the right to contest the amount, collection, or use of the impact fee to the Village Board of the Village of Williams Bay. The appeal process shall be as follows:

A. Review of initial determination.

- (1) Any developer wishing to contest the amount, collection, or use of the impact fee imposed upon him or her as a condition of obtaining a building permit shall, within 30 days of the imposition of the impact fee upon the developer by the Village of Williams Bay, file with the Building Inspector a request for review of such impact fee imposition. The request for review shall state the ground or grounds upon which the developer contends that the imposition of the impact fee in amount, in collection, or in use is improper. The Building Inspector shall review the initial determination to impose the impact fee that is the subject of contest within 30 days of receipt of a request for review. The Building Inspector shall ascertain and determine whether the initial imposition of the impact fee in amount, collection, or use thereof was made in accordance with this ~~chapter ordinance~~ and shall mail or deliver to the person contesting the said impact fee a copy of the Building Inspector's determination.
- (2) The Building Inspector shall also file a copy of his determination with the Village Board. If the Building Inspector determines the imposition of the impact fee was not made in accordance with this ~~chapter ordinance~~, he shall correct the imposition of the impact fee as necessary to conform to this ~~chapter ordinance~~. The determination shall advise the person aggrieved of the right to appeal the determination. Appeal from a determination on review under this subsection shall be taken within 30 days of notice of such determination.

B. Appeal to Village Board. An appeal of the amount, collection or use of the impact fee and the review of the initial determination made by the Building Inspector and the Building Inspector's determination to the Village Board may be taken by filing with or mailing to the office of the Village Clerk within 30 days of notice of the Building Inspector's determination a written notice of appeal. The building builder or developer contesting the amount, collection or use of the impact fee may file with the notice of appeal written evidence and argument in support of the builder's or developer's position with regard to the imposition of the impact fee. The Village shall provide the appellant a hearing before the Village Board within 30 days of receipt of the notice of appeal filed or made in accordance with the requirements of this subsection and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing.

C. Conduct of hearing. At the hearing, the appellant and the Village may be represented by an

attorney and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the Village Clerk. The hearing will be held before the Village Board which shall make the decision on appeal. The Village Board may issue subpoenas. An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. The proceedings shall be taken by a recording device, the expense thereof to be paid by the Village.

- D. Final determination. Within 30 days of completion of the hearing and the filing of briefs, if any, the Village Board shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- E. Judicial review. Any party to a proceeding resulting in a final determination may seek review thereof by certiorari to the Circuit Court within 30 days of receipt of the final determination. The Court may affirm or reverse the final determination, or remand to the Village Board for further proceedings consistent with the [Court's](#) decisions. If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. By stipulation, the Court may order a synopsis of the proceedings in lieu of a transcript. The Court may otherwise limit the requirement for a transcript.

371 Attachment 1

Village of Williams Bay

Exhibit B
Number of Residential Units and Related Impact Fees
for the Various Water Meter Sizes in the Village

Meter Size (inches)	Residential Units	Supply and Storage Impact Fee	Main Oversizing Impact Fee
5/8	1.0	\$635	\$129
3/4	1.0	\$635	\$129
1	2.5	\$1,588	\$323
1 1/4	3.7	\$2,350	\$477
1 1/2	5.0	\$3,175	\$645
2	8.0	\$5,080	\$1,032
3	15.0	\$9,525	\$1,935
4	25.0	\$15,875	\$3,225
6	50.0	\$31,750	\$6,450

Chapter 375

LAND DIVISION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay 2-16-1987 (Ch. 17 of the 2011 Code); amended in its entirety 11-7-2011 by Ord. No. 4-11. Subsequent amendments noted where applicable.]

ARTICLE 1 Introduction

§ 375-0101. Authority.

These regulations are adopted under the authority granted by § 236.45, Wis. Stats.

§ 375-0102. Purpose.

The purpose of this [chapterOrdinance](#) is to regulate and control the division of land within the corporate limits of the Village of Williams Bay, Wisconsin, and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Village and its environs.

§ 375-0103. Intent.

It is the general intent of this [chapterOrdinance](#) to regulate the division of land so as to:

- A. Obtain the wise use, conservation, protection, and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
- B. Lessen congestion in the streets and highways;
- C. Further the orderly layout and appropriate use of land;
- D. Secure safety from fire, panic, and other dangers;
- E. Provide adequate light and air;
- F. Facilitate adequate provision for housing, transportation, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services;
- G. Secure safety from flooding, water pollution, disease, and other hazards;
- H. Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;
- I. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters;
- J. Preserve natural vegetation and cover and promote the natural beauty of the Village;

- K. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
- L. Facilitate the further division of larger tracts into smaller parcels of land;
- M. Ensure adequate legal description and proper survey monumentation of subdivided land;
- N. Provide for the administration and enforcement of this [chapterOrdinance](#) and provide penalties for its violation; and
- O. Implement those municipal, county, watershed, or regional Comprehensive Plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local Comprehensive Plans, adopted plan components, [Chapter 390,Village Zoning-Ordinance](#), and Village Building Code¹ of the Village of Williams Bay, Wisconsin.

§ 375-0104. Abrogation and greater restrictions.

It is not intended by this [chapterOrdinance](#) to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this [chapterOrdinance](#) imposes greater restrictions, the provisions of this [chapterOrdinance](#) shall govern.

§ 375-0105. Interpretation.

In their interpretation and application, the provisions of this [chapterOrdinance](#) 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.

§ 375-0106. Severability.

If any section, provision, or portion of this [chapterOrdinance](#) is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this [chapterOrdinance](#) shall not be affected thereby.

§ 375-0107. Disclaimer of liability.

The Village does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the [chapterOrdinance](#) are the only unsuited soils within the jurisdiction of this [chapterOrdinance](#); and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this [chapterOrdinance](#).

§ 375-0108. Repeal.

1. Editor's Note: See Ch. 153, Building Construction.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this [chapterOrdinance](#), to the extent of the inconsistency only, are hereby repealed.

§ 375-0109. Title.

This [chapterOrdinance](#) shall be known as, referred to, or cited as the "Land Division Ordinance, Village of Williams Bay, Walworth County, Wisconsin."

ARTICLE 2
General Provisions

§ 375-0201. Jurisdiction.

Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Williams Bay, Wisconsin, and those lands within the extraterritorial jurisdiction of the Village as established in §§ 61.35 and 62.23(2), 66.0105, and 236.10, Wis. Stats. The provisions of this [chapterOrdinance](#) as it applies to divisions of tracts of land into less than five parcels shall not apply to:

- A. Transfers of interests in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages, or easements.
- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, Chapter 390, Zoning, or other applicable laws or ordinances.
- D. Cemetery plats made under § 157.07, Wis. Stats.
- E. Assessors' plats made under § 70.27, Wis. Stats., but such [assessors'Assessors'](#) plats shall comply with §§ 236.15(1)(ag) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

§ 375-0202. Compliance.

No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision plat, minor land division (certified survey map), replat, or condominium plat as defined herein; no such subdivision plat, minor land division, replat, or condominium plat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this [chapterOrdinance](#) and the following documents in effect at the time of the application for land division:-

- A. Chapter 236, Wisconsin Statutes.
- B. Rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland, and shoreland areas.
- E. Duly approved Comprehensive Plan or Comprehensive Plan component of the Village of Williams Bay, Wisconsin.
- F. The Village of Williams Bay zoning ordinance and all other applicable local and county ordinances.
- G. Subdividers shall also refer to the Official Map for site-specific standards related to intersection and driveway placement and spacing; right-of-way dedications and general street and pedestrian facility routing; stormwater management facility locations; and planned community facility locations.

§ 375-0203. Dedication and reservation of lands.

- A. Streets, highways, and drainageways. Whenever a tract of land to be divided within the jurisdiction of this [chapterOrdinance](#) encompasses all or any part of an arterial or collector street, drainageway, or other public way which has been designated on a duly adopted Village or regional Comprehensive Plan or Comprehensive Plan component, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in Article 7 of this chapter.
- B. Parks and playgrounds. Whenever a tract of land to be divided within the Village of Williams Bay encompasses all or any part of a park or playground which has been designated on a duly adopted Village or regional Comprehensive Plan or Comprehensive Plan component, said park or playground shall be made a part of that plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in § 375-0709 of this chapter.

§ 375-0204. Improvements.

Before final approval of any plat or certified survey map located within the jurisdictional limits of this [chapterOrdinance](#), the subdivider shall, subject to the requirements of § 375-1001 of this chapter, install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Village Board after review and recommendation by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. If the plat is developed in phases, the amount of the bond or letter of credit shall be limited to the phase currently being constructed. In addition:

- A. Contracts and contract specifications for the construction of street and utility improvements, as well as the contractors and subcontractors providing such work shall be subject to review by the Plan Commission upon approval of the Village Engineer and the Village Attorney.
- B. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- C. Plats outside the corporate limits. Before final approval by the Village of any plat or certified survey map located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.
- D. Survey monuments. Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Village Engineer.

§ 375-0205. Variances.

Where, in the judgment of the Village Plan Commission, it would be inappropriate to apply literally the provisions of Articles 7 and 8 of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Village Plan Commission may grant a variance from any requirement to the extent deemed just and proper.

- A. No variance to the provisions of this ~~chapterOrdinance~~ shall be granted unless the Village Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
 - (1) Exceptional circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this ~~chapterOrdinance~~ would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed.)~~);~~
 - (2) Preservation of property rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
 - (3) Absence of detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ~~chapterOrdinance~~ or the public interest.
- B. A minimum of five affirmative Village Plan Commission member votes shall be required to grant any variance of this ~~chapterOrdinance~~.
- C. The Village Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time, not to exceed one year on condition that the

subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

§ 375-0206. Land suitability.

No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Village Plan Commission, upon the recommendation of the Village Engineer or any other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Village. In addition:

- A. Floodlands. No lot served by public sanitary sewerage facilities shall have less than 50% of its required lot area below an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record. No lot one acre or less in area served by an on-site~~onsite~~ sanitary sewage disposal (septic tank) system shall include floodlands. All lots more than one acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least two feet above the elevation of the 100~~one-hundred~~-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.
- B. Lands made, altered, or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil _-bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. Lands made, altered, or filled with earth within the preceding seven years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil _-bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- D. Lands having a slope of 12% or more shall be maintained in permanent open space use. No lot shall have more than 50% of its minimum required area in slopes of 10% or greater.

- E. Lands having bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by ~~on-site~~ onsite soil absorption sewage disposal systems.
- F. Lands having groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- G. Lands covered by soils having a percolation rate slower than 60 minutes per inch or faster than 10 minutes per inch shall not be divided into building sites to be served by ~~on-site~~ onsite soil absorption sewage disposal systems.
- H. Land drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by ~~on-site~~ onsite soil absorption sewage disposal systems.
- I. The Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

§ 375-0207. Violations.

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this ~~chapter~~ Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Village of Williams Bay authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium plat within the jurisdiction of this ~~chapter~~ Ordinance not of record as of the effective date of this ~~chapter~~ Ordinance until the provisions and requirements of this ~~chapter~~ Ordinance have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this ~~chapter~~ Ordinance or the applicable Wisconsin Statutes.

§ 375-0208. Violations and penalties; remedies.

- A. Any person, firm or corporation who violates or fails to comply with the provisions of this ~~chapter~~ Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:
 - (1) Recordation improperly made carries penalties as provided in § 236.30, Wis. Stats.
 - (2) Conveyance of lots in unrecorded plats carries penalties as provided for in § 236.31, Wis. Stats.
 - (3) Monuments disturbed or not placed carries penalties as provided for in § 236.32, Wis. Stats.
- B. An Assessor's plat made under § 70.27, Wis. Stats., may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

§ 375-0209. Appeals.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in § 236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

§ 375-0210. Lot line adjustments between adjoining parcels.

- A. Notwithstanding the exemption stated in § 375-0201C, the Village Engineer and the Village Building Inspector shall require the owners of the adjoining property who have sold or exchanged parcels of land between themselves so as to effect a lot line adjustment, to furnish evidence that the resulting lots have not been reduced below the minimum sizes required by these regulations, Chapter 390, Zoning, or other applicable laws or ordinances. [Amended 8-18-2014]
- B. The evidence shall be in the form of either a plat of survey or a print of the area marked to show the new lot line stakes and the dimensions of the resulting lots, stamped by a ~~professional~~registered land surveyor and that the new lot has been staked on the ground by the ~~professional~~registered land surveyor. Such evidence shall be submitted no later than 30 days following the written request thereof made by the Village Engineer or Village Building Inspector to the owners. No person, firm, or corporation shall sell or exchange parcels of land between adjoining property if additional lots are created without complying with this ~~chapter~~ordinance or if the lots resulting are reduced below the minimum sizes required by these regulations, Chapter 390, Zoning, or other applicable laws and ordinances.

§ 375-0211. Conflicting provisions.

- A. Conflict with state or federal regulations. If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.
- B. Conflict with other Village regulations. If the provisions of this chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Village, the more restrictive provision will control.
- C. Conflict with private agreements and covenants. This chapter is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship. The Village is responsible for enforcing this chapter; it does not enforce private agreements.

ARTICLE 3
Land Division Procedures

§ 375-0301. Site assessment checklist and concept plan review.

- A. Preliminary procedure. Before filing application for approval of a minor or major

subdivision, or condominium plat, the subdivider or condominium developer shall prepare the items listed in Subsection A(1) through (3) below, unless exempted by other sections of this chapter. Minor subdivisions of less than five acres in total size, where no land dedications or new streets are proposed, are exempt from these requirements.

- (1) Site assessment. Except as indicated in § 375-301D below, the subdivider or condominium developer shall complete a site assessment checklist (see Appendix E²) per the requirements of § 375-0301D. A site assessment report per the requirements of § 375-0301E may also be required, following Village staff review of the site assessment checklist.
 - (2) Concept plan. For all land divisions including condominium plats, the subdivider or condominium developer shall prepare a concept plan per the requirements of § 375-0301F. Concept plans are not required for ~~planned developments~~. ~~Planned Developments~~. Instead, an approved PDO Concept Plan per § 390-0709F shall substitute for a concept plan.
 - (3) Project list. A signed statement listing development projects for which the applicant has received Village approval in the last five years and indicating any outstanding performance or financial obligations on such projects. If this statement is found to contain information that is contrary to fact or to omit the listing of such projects or obligations on which performance or payment is delinquent, the application may be dismissed without prejudice until the application is corrected and/or the delinquency is resolved.
- B. ~~Preapplication~~~~Pre-application~~ meeting. Upon the completion of the documents specified in § 375-0301A(1) through (3) above, a ~~preapplication~~~~pre-application~~ meeting may be required by the Zoning Administrator to ensure the subdivider or condominium developer is apprised of the objectives of these regulations, the Village's Comprehensive Plan and elements thereof, the Village's Official Map and any pertinent ordinances and plans, and to reach conclusions regarding the objectives and general program for the proposed development.
- C. Additional review; Plan Commission review. The Zoning Administrator may require, or the subdivider or condominium developer may request, Plan Commission review and comment on the submitted site assessment checklist and/or concept plan. Twenty copies of all documents shall be submitted by the subdivider or condominium developer to the Zoning Administrator who shall distribute the copies to the Plan Commission for review and comment. Said copies must be submitted at least 60 business days prior to the date of the Plan Commission meeting at which the matter is to be reviewed.
- D. Site assessment checklist requirements.
- (1) Purpose. The purpose of the site assessment checklist is to provide the basis for an orderly, systematic review of the effects of new land divisions, including condominium plats, upon the community in accordance with the principles and procedures of § 236.45(1), Wis. Stats.

2. Editor's Note: Appendix E is available at the Village office.

- (2) Coverage. The site assessment checklist requirement shall apply to all major subdivisions and condominium plats as described in § 375-0301A. Condominium conversions are exempt from this requirement.
- (3) Site assessment checklist form. The subdivider or condominium developer shall complete the site assessment checklist form in Appendix E and deliver it to the Village Clerk.

E. Site assessment report requirements.

- (1) Determination of need for site assessment report. Prior to accepting a preliminary plat or certified survey map for review, the Plan Commission or Village staff may, for reasons stated in a written correspondence setting forth specific questions on which it requires research, data, and input from the subdivider or condominium developer and other affected persons, decide that the site assessment checklist raises unusually significant questions on the effects on the environment and/or that review by other Village committees and commissions is required. The written request shall set a reasonable date for the return of the requested data and information from the subdivider, or condominium developer and it may specify the format in which the data is to be presented.
- (2) Hearing on site assessment report. Following response to the written request to the Zoning Administrator, the Village shall distribute the report to all interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. If scheduled, the hearing shall be preceded by a Class 1 notice under Ch. 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.
- (3) Review of site assessment report. The Plan Commission shall review the site assessment report, with supporting data, department and committee reviews, and any other data required for determining the suitability of the land for the proposed development. Within 30 days after submission of the site assessment report by the subdivider or condominium developer, the Plan Commission shall decide whether the affected land is suitable for development per § 375-0206, Land suitability. If determined unsuitable, the Plan Commission shall provide its reasons in writing, and subdivider or condominium developer shall have the opportunity to remedy the reasons before a certified survey map, preliminary plat, or condominium plat may be filed.

F. Concept plan requirements. If required under § 375-0301A, the subdivider or condominium developer shall prepare a concept plan for review by Village staff. At its option, Village staff may choose to present the concept plan to the Plan Commission for its review and comment prior to the filing of a preliminary plat or condominium plat.

- (1) Purpose. The purpose of the concept plan is to depict the general intent of the subdivider or condominium developer in terms of general layout of the subdivision or condominium and its relationship to nearby properties, roads, utilities and other public facilities. In conjunction with the site assessment checklist, the concept plan provides an opportunity to review the general intent and impact of the proposed

subdivision, or condominium plat, without the need for detailed engineering, surveying, and other time ~~consuming~~ and costly processes associated with the preparation of a preliminary plat.

- (2) Coverage. The concept plan shall indicate a proposed subdivision or building placement pattern for all lots owned or controlled by the subdivider or condominium developer. The Plan Commission may waive this requirement in the case where the remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the Village's Comprehensive Plan, and the subdivider or condominium developer demonstrates an intent to subdivide or develop according to that plan or to a concept plan, general development plan, or preliminary plat previously submitted and reviewed by the Village.

§ 375-0302. Preliminary plat/condominium plat review procedure.

- A. Application. Prior to submitting a final plat or condominium plat for approval, the subdivider or condominium developer shall prepare a preliminary plat and file a written application for its approval with the Village Clerk, along with 20 copies of the preliminary plat. The submittal shall include all data required by this section. A preliminary plat shall not be submitted prior to Village review of the site assessment checklist, the site assessment report when required, or the concept plan. The preliminary plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which action is expected to allow adequate time for review and recommendation by appropriate agencies, staff, commissions, consultants, and nearby property owners.
- B. Coverage of preliminary plat. The subdivider or condominium developer shall in all cases submit a preliminary plat for the lands to be included in the first phase of the final plat. The preliminary plat shall include the entire adjacent area owned and controlled by the subdivider or condominium developer. The Plan Commission may waive this second requirement in the case where the remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the Village's Comprehensive Plan, and the subdivider or condominium developer demonstrates intent to subdivide or develop according to that plan.
- C. Review by agencies. The subdivider shall transmit an adequate number of copies of the preliminary plat to all reviewing agencies as required under Chapter 236, Wisconsin Statutes. Agency review is not required for condominium plats.
- D. Plan Commission action. The Plan Commission, at its earliest available scheduling, but no longer than 90 days from the date of filing of a complete preliminary plat with the Village Clerk, shall take action to approve, conditionally approve, or reject the preliminary plat. In the case of a rejection, the Plan Commission shall list reasons for said recommendation. The time period within which Plan Commission action is required shall not commence until the Village has received all maps, plans, drawings, and related data necessary for review of the latest version of the preliminary plat. Failure of the Plan Commission to act within 90 days shall be interpreted as a recommended approval of the preliminary plat except where the ninety-day period has been extended by written agreement of the

subdivider or condominium developer.

- E. Notification. The Village Clerk shall notify the subdivider or condominium developer, in writing, of the Plan Commission action within 10 business days.
- F. Effect of preliminary plat approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. If the final plat is submitted within 36 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.
- G. Copies to utility providers. The subdivider or condominium developer shall provide, via certified mail, two copies of the approved preliminary plat to all local utility providers (i.e., natural gas, telephone, cable television, telecommunications, water, sanitary sewer, and electric company) so that they may identify appropriate locations for facilities and easements.

§ 375-0303. Preliminary plat requirements.

- A. The preliminary plat shall be submitted at a scale of not more than 100 feet to one inch, and shall show correctly on its face the information listed below. The Village may waive one or more of these requirements based on a formal written request from the subdivider or condominium developer. A request for an exception or waiver of conditions of the requirements of this § 375-0303 shall be submitted in writing by the subdivider or condominium developer when the preliminary plat is filed. The request shall state fully the reasons for the exception or waiver. A 3/4 vote of the entire membership of the Plan Commission shall be required to grant any exceptions or waivers to this section, except for ~~planned developments~~[Planned Developments](#) for which consent of the regular majority of the membership is required.
- B. Description.
 - (1) Name of the proposed subdivision or condominium plat.
 - (2) Name, address and telephone number of the owner, subdivider or condominium developer, engineer, land surveyor and land planner.
 - (3) Date, graphic scale, and ~~North~~[north](#) arrow.
 - (4) Location of the proposed subdivision or condominium plat by government lot, quarter section, township, range and county.
 - (5) Location map showing the relationship between the preliminary plat and surrounding area.
 - (6) Proposed number of lots, number of dwelling units if different, and land use types.
 - (7) A vicinity sketch or small ~~scale~~[scale](#) drawing of the section or government subdivision or

condominium plat of the section in which the subdivision or condominium plat lies, with its approximate location indicated.

C. Existing conditions.

- (1) Contours at verticals of not more than two ~~feet~~foot.
- (2) A scaled drawing of the exterior boundaries of the proposed subdivision or condominium plat referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
- (3) Location of existing property lines, buildings, drives, streams and watercourses, dry runs, lakes, marshes, wetlands, floodplains, shoreland zoning areas, rock outcrops, wooded areas (including individual trees with a diameter at breast height of six inches or more), environmental corridors, and other similar significant features within the parcel being subdivided.
- (4) Location; right-of-way width; and names of any easements or rights-of-way for existing streets, alleys, or other public ways; and railroads and utilities within or adjacent to the proposed subdivision or condominium plat.
- (5) Type and width of any adjacent existing street pavements, together with any legally established center line elevations for streets located outside the Village limits.
- (6) Water elevations of adjoining lakes, streams, or ~~drainageways~~drainage ways at the date of the survey, and known or determined high- and low -water elevations and boundaries of the ~~100one hundred~~-year flood-fringe, ~~floodway~~flood way, and/or general ~~floodplain~~flood plain.
- (7) Subsurface soil, rock, and water conditions including depth to bedrock and average depth to ~~groundwater~~ground water table. Where a subdivider or condominium developer's subsoil investigation indicates potential for groundwater less than 10 feet from the proposed street center -line elevation, the subdivider or condominium developer shall so note on the face of the plat and indicate the lots affected.
- (8) Location, size, and invert elevation of any existing sanitary and storm sewers, culverts, or drain pipes, and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to and the size of those nearest and the invert elevations of sewers shall be indicated.
- (9) Location of private wells and electric infrastructure.
- (10) Locations of filling and grading.
- (11) Location and names of adjacent subdivision or condominium plat, parks, and cemeteries.
- (12) Names and addresses of adjacent property owners.
- (13) Existing land use and zoning within 300 feet of the proposed subdivision or condominium plat.

D. Proposed conditions.

- (1) Location, width, and names of all proposed streets and walkways.
- (2) Layout and scale dimensions of all lots and proposed lot and block numbers.
- (3) Draft of proposed covenants (if any) to be imposed.
- (4) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways, or other public uses.
- (5) Location and approximate dimensions of any sites reserved for the private use of subdivision or condominium plat residents and the conditions and terms of all applicable deed restrictions applying to these sites.
- (6) Location and approximate dimensions of any sites that are to be used for [group developments](#)~~Group Developments~~ or [planned developments](#)~~Planned Developments~~ as defined in §§ 390-0821C and 390-0709 of Chapter 390, Zoning, respectively.
- (7) Plans showing the proposed locations for streets, walkways, [drainageways](#)~~drainage ways~~, and public easements, including extensions for reasonable distance beyond the limits of the proposed subdivision or condominium plat when requested.
- (8) After consultation with Village staff, proposed street tree type, location, and size.
- (9) After consultation with Village staff, proposed sanitary sewer, water, and stormwater facilities type, location, and size. The submittal shall specifically address in a supplemental memo how the proposed sanitary sewer system maximizes the area served by gravity flow or otherwise optimizes gravity service.
- (10) Locations of filling and grading.
- (11) Proposed building setback lines.
- (12) Any other information deemed necessary by Village staff to assist in the review and evaluation of the preliminary plat.

§ 375-0304. Final plat review and approval procedure.

For all major subdivisions and condominium plats, the subdivider or condominium developer shall prepare and file a final plat and written application for its approval with the Village Clerk, along with 20 copies of the final plat. The submittal shall include all data required by this section, along with verification, such as a certified mail receipt, that the subdivider or condominium developer submitted the approved preliminary plat to utility providers as required under § 375-0302G. A final plat shall not be submitted prior to Village Board approval of the preliminary plat. The final plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which a recommendation is expected. In the case of condominium plats that contain over five individual building sites, a condominium plat that conforms to § 703.11, Wis. Stats., shall substitute for a final plat.

A. Coverage of final plat. The final plat shall include the entire area owned or controlled by

the subdivider, condominium developer or association, within the phase of development for which final approval is sought.

- B. Submittal of covenants and deed restrictions. The subdivider or condominium developer shall submit any protective or restrictive covenants or deed restrictions pertaining to lot and street dimensions or other physical design specifications that may attach to the property being subdivided.
- C. Review by agencies. The Plan Commission secretary shall transmit an adequate number of copies to the Plan Commission and all affected Village boards, commissions, or departments for their review and recommendations concerning matters within their jurisdiction. For the final plat, the subdivider shall be responsible for making all written requests for approval and findings of no objections of the final plat to the State of Wisconsin, in accordance with § 236.12, Wis. Stats.
- D. Plan Commission recommendation. Within 45 days of receiving a complete final plat application and all associated documents, the Plan Commission shall recommend approval, denial, or approval with conditions of the final plat and transmit that recommendation to the Village Board. Such time may be extended by written agreement of the subdivider or condominium developer.
- E. Village Board action. The Village Board shall, at its earliest available scheduling, but no longer than 60 days from the date submitted, approve, approve conditionally, or reject the final plat based on its determination of conformance with the intent and provisions of this chapter and all related plans and ordinances and recommendations of appropriate Village committees and commissions. If the final plat meets the requirements of this section, has been submitted within 36 months from the approval date of the preliminary plat, substantially conforms to the approved preliminary plat, and meets all conditions of preliminary plat approval, the Board shall approve the final plat. The final plat is considered filed when the Village has received all maps, plans, drawings, and related data necessary for plat review of the latest version of the final plat as outlined herein. Such time may be extended by written agreement of the subdivider or condominium developer. If the Village Board fails to act within 60 days, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the Village Clerk.
- F. Development agreement required. Upon the filing of a preliminary plat with the Village, the subdivider or condominium developer and Village shall begin negotiations on a development agreement specifying responsibilities of both parties. Prior to approval of the final plat by the Village Board, the subdivider or condominium developer and Village shall be in substantial agreement as to the terms of the development agreement. Village Board approval shall be conditioned upon the execution of the development agreement. Prior to Village signing and recording of the final plat, the development agreement shall be signed by both parties and all conditions of final plat approval shall be satisfied to the extent possible. Prior to the signing of said agreement by the Village President and the Village Clerk, the subdivider or condominium developer shall pay the Village all required fees, charges, and deposits, and provide any required performance guarantees, except as otherwise provided for in the development agreement.

- G. Recording of final plat. The surveyor shall record a copy of the approved final plat with the register of deeds, but only after certificates of the ~~State~~ of Wisconsin, Village Board, surveyors, and others required by § 236.21, Wis. Stats., are placed on the face of the plat. The plat shall be offered for record within 12 months after the date of the last approval of the plat and within 36 months after the first approval, per § 236.25(2)(b), Wis. Stats.

§ 375-0305. Final plat requirements.

The final plat shall meet all technical requirements of Chapter 236, Wisconsin Statutes. In addition, the subdivider or condominium developer shall furnish the following information with respect to the approved, recorded version of the final plat.

- A. If the final plat or condominium plat contains private road(s), the following note shall be added to the plat:

NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES
THIS PLAT CONTAINS PRIVATE ROAD(S), AND, AS A RESULT, CERTAIN
PUBLIC SERVICES MAY BE LIMITED. THE EXTENT OF THESE LIMITATIONS MAY
BE SPELLED OUT IN A DOCUMENT CALLED A DEVELOPMENT AGREEMENT,
WHICH DIRECTLY RELATES TO THIS PLAT AND IS FILED AS A PUBLIC DOCUMENT
IN THE OFFICE OF THE VILLAGE CLERK FOR THE VILLAGE OF WILLIAMS BAY.

- B. Final plats shall contain the following note regarding utility easements:

THE FINAL GRADE ESTABLISHED BY THE SUBDIVIDER ON THE UTILITY
EASEMENT SHOWN SHALL NOT BE ALTERED BY MORE THAN SIX INCHES BY THE
SUBDIVIDER, HIS AGENT, OR BY SUBSEQUENT OWNERS OF THE LOTS ON WHICH
SUCH UTILITY EASEMENTS ARE LOCATED, EXCEPT WITH WRITTEN CONSENT OF
THE UTILITIES INVOLVED.

- C. A duplicate reproducible copy of the approved and recorded plat and in a digital format to be determined by the Village.
- D. Proof that all local utility providers have been notified of, and afforded the opportunity to comment on, the preliminary plat as required under § 375-0302G.
- E. With the submittal of the final plat, the subdivider or condominium developer shall submit preliminary engineering design plans to be approved by the Village prior to the installation of public improvements within the plat area. The plan shall indicate but not be limited to the following: elevation of streets, existing and proposed topography, proposed yard swales, proposed finished first floor elevation ranges for each lot, areas reserved for stormwater detention/retention, and indications of the direction of all drainage including intra-block drainage. Said plans shall also show:
- (1) The approximate radii of all curves, length of tangents, and central angles on all streets.
 - (2) Preliminary engineering plans for water, stormwater facilities, sanitary sewer, natural gas, and other public improvements as required by the Village.

- (3) A surface water drainage plan for the plat.
- F. Final engineering design plans shall be submitted and approved by the Village prior to signing of the certificates on the final plat by the Village for recording of the final plat.

§ 375-0306. Minor land division (certified survey map).

- A. Application. For all subdivisions classified as minor subdivisions under this chapter, the subdivider shall file an application for certified survey map approval with the Village Clerk, along with 20 copies of the certified survey map. The submittal shall include all data required by this section. A certified survey map shall not be approved prior to Plan Commission review of the site assessment checklist, except as exempted under § 375-0301A and D(2). The certified survey map shall be filed at least 14 days prior to the date of the Plan Commission meeting at which a recommendation is expected.
- B. Plan Commission action (no land dedication). The Plan Commission, at its earliest available scheduling, but no longer than 60 days from the date submitted, shall approve, conditionally approve or reject those certified survey maps not involving the dedication of public lands. Said determination shall be based on the conformance with the intent and provisions of this [chapter ordinance](#) and all related plans and ordinances, and recommendations of appropriate Village committees and commissions. In all cases, the time period within which Plan Commission action is required shall not commence until the Village has received all maps, plans, drawings, and related data necessary for review of the latest version of the certified survey map as outlined herein. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within 60 days and the period of time has not been extended by agreement, the certified survey map shall be deemed approved.
- C. Plan Commission recommendation (land dedication). The Plan Commission, at its earliest available scheduling, but no longer than 60 days from the date submitted, shall recommend to the Village Board approval, conditional approval, or rejection of certified survey maps that involve the dedication of public lands. Such recommendation shall be based on the conformance with the intent and provisions of this [chapter ordinance](#) and all related plans and ordinances, and recommendations of appropriate Village committees and commissions. All dedicated lands shall be accompanied by an environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental mitigation or remediation measures. Said environmental assessment shall be produced at the subdivider's expense. In all cases, the time period within which Plan Commission recommendation is required shall not commence until the Village has received all maps, plans, drawings, and related data necessary for review of the latest version of the certified survey map as outlined herein. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within 60 days and the period of time has not been extended by agreement, it shall be interpreted that the Plan Commission recommends approval of the certified survey map to the Village Board.
- D. Village Board action. Where a certified survey map involves the dedication of public lands, the Village Board shall, within 30 days from the date of the Plan Commission recommendation, approve, conditionally approve, or reject the certified survey map. If the

Village Board fails to act within the thirty-day period, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the certified survey map shall be deemed approved.

- E. Development agreement. The Village Board may require the execution of a development agreement for a certified survey map involving public improvements.
- F. Recording of certified survey map.
 - (1) The surveyor shall record a copy of the approved certified survey map with the register of deeds, but only after the following have occurred:
 - (a) Certificates of the Village Board and/or Plan Commission, of the surveyors and those certificates required by § 236.21, Wis. Stats., are placed on the face of the plat.
 - (b) All conditions of approval have been satisfied.
 - (2) Upon recordation by the subdivider, two copies of the recorded document shall be furnished to the Village Clerk along with a digital copy in the format determined by the Village.
- G. Zero ~~lot~~ line land divisions. Zero lot line land divisions designed to put each dwelling unit of a side-by-side duplex on a separate lot, where the lot line will be placed along the common wall or walls of the duplex, shall adhere to the same procedures required for all other certified survey maps, as outlined in § 375-0306A through F, above. This process will result in the creation of a "twin house~~Twin House~~" as defined in § 390-0306C of Chapter 390, Zoning. Section 390-0306C of Chapter 390, Zoning, should be reviewed to determine if additional requirements will be imposed as conditions of CSM approval.
- H. Certified survey map requirements.
 - (1) The certified survey map (CSM) shall be prepared by a professional~~registered~~ land surveyor and shall comply with the provisions of § 236.34, Wis. Stats., and of this section.
 - (2) The certified survey map shall comply with all design standards, required improvements, and general provisions of this section.
 - (3) The certificate of approval shall be placed on the face of the map.
 - (4) If the certified survey map contains private roads, the following note shall be added to the certified survey map:

NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES:

THIS CERTIFIED SURVEY MAP CONTAINS PRIVATE ROAD(S), AND, AS A RESULT, CERTAIN PUBLIC SERVICES MAY BE LIMITED. THE EXTENT OF THESE LIMITATIONS MAY BE SPELLED OUT IN A DOCUMENT CALLED A DEVELOPMENT AGREEMENT, WHICH DIRECTLY RELATES TO THIS CSM AND IS FILED AS A PUBLIC DOCUMENT IN THE OFFICE OF THE VILLAGE CLERK FOR THE VILLAGE OF WILLIAMS BAY.

- (5) Parkland dedication monies in lieu of parkland dedication and park improvement fees shall not be required where the CSM does not result in the addition of any residential unit.
- (6) The certified survey map shall be offered for record within ~~12~~^{six} months after the date of the last approval of the map and within ~~36~~²⁴ months after the date of the first approval of the map, per § 236.34(2)(b)1, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 375-0307. Replat.

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the areas dedicated to the public, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in §§ 375-0301 through 375-0305.

§ 375-0308. Condominium plats.

A condominium plat prepared pursuant to § 703.11, Wis. Stats., shall be reviewed in the same manner as a subdivision plat as set forth in §§ 375-0301 through 375-0305 of this chapter.

ARTICLE 4 Preliminary Plat

§ 375-0401. General.

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a professional~~registered~~ land surveyor and the plat prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- A. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
- B. Property location of the proposed subdivision by: government lot, quarter-section, township, range, county and state;
- C. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section;
- D. Date, graphic scale and North~~north~~ arrow;
- E. Names and addresses of the owner, subdivider and land surveyor preparing the plat;
- F. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of the chapter~~Ordinance~~ and severe hardship would result from strict application thereof.

§ 375-0402. Plat data.

All preliminary plats shall show the following:

- A. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
- B. Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10%, and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);
- C. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
- D. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record;
- E. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;
- F. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established center line elevations, all to mean sea level (1929 datum);
- G. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;
- H. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.
 - (1) If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.
- I. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
- J. Location, width and names of all proposed streets and public rights-of-way such as alleys and easements;
- K. Approximate dimensions of all lots together with proposed lot and block numbers;
- L. Location and approximate dimensions and size of any sites to be reserved or dedicated for

parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting;

- M. Approximate radii of all curves;
- N. Existing zoning on and adjacent to the proposed subdivision;
- O. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;
- P. Any proposed lake and stream improvement or relocation;
- Q. Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. [Natural Resources](#)~~Soil~~ Conservation Service;
- R. Location of soil boring tests where required by Chapter SPS 385 of the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. ~~To systems are to be installed.~~ The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- S. Location of soil percolation tests where required by Chapter SPS 385 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per [three acres or one test per](#) lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

§ 375-0403. Street plans and profiles.

The Village Plan Commission, upon the recommendation of the Village Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the Village Engineer.

§ 375-0404. Testing.

- A. The Village Plan Commission, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- B. The Village does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this [chapterOrdinance](#). Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter SPS 385 of the

Wisconsin Administrative Code shall be complied with and the appropriate data submitted with the preliminary plat.

§ 375-0405. Soil and water conservation.

The Village Plan Commission, upon the recommendation of the Village Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the U.S. [Natural Resources](#)~~Soil~~ Conservation Service Technical Guide adopted by the Walworth County Land Conservation Committee, and shall be in accordance with standards set forth in § 375-0814 of this chapter.

§ 375-0406. Covenants.

The Village Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Village Attorney as to form.

§ 375-0407. Affidavit.

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this [chapter](#)~~Ordinance~~.

**ARTICLE 5
Final Plat**

§ 375-0501. General.

A final plat prepared by a [professional](#)~~registered~~ land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

§ 375-0502. 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 of all streets;
- B. Exact street width along the line of any obliquely intersecting street;
- C. Railroad rights-of-way within and abutting the plat;
- D. Setbacks or building lines;
- E. Utility and/or drainage easements;

- F. Street addresses on each lot as determined by the Village Clerk;
- G. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;
- H. Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.

§ 375-0503. Deed restrictions.

The Village Plan Commission may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

§ 375-0504. Survey accuracy.

The Village Engineer shall examine all final plats within the Village and may make, or cause to be made by a ~~professional~~registered land surveyor under the supervision or direction of the Village Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- A. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000 nor, in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000 or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- C. Where the plat is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Village of Williams Bay, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the tie required by § 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- D. The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat.

§ 375-0505. Surveying and monumenting.

All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

§ 375-0506. State plane coordinate system.

Where the plat is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and coordinated by the Village of Williams Bay, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

§ 375-0507. Certificates.

All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this [chapter.3](#) ~~Ordinance.~~

~~**§ 375-0508. Recordation.**~~

~~The final plat shall only be recorded with the county Register of Deeds after the certificates of 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 plat shall be recorded by subdivider with the County Register of Deeds within six months from the date of the last approval.—~~

ARTICLE 6
Certified Survey Map

§ 375-0601. General.

A certified survey map prepared by a [professional](#)~~registered~~ land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of § 236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in Articles 7 and 8 of this chapter.

§ 375-0602. Required information.

The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- A. All existing structures, watercourses, drainage ditches and other features pertinent to proper land division;

[3. Editor's Note: Original § 17.0508, Recordation, of the 2011 Code, which immediately followed this section, was repealed at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\).](#)

- B. Setbacks or building lines;
- C. Utility and/or drainage easements;
- D. Street addresses on each lot as determined by the Village Clerk;
- E. All lands reserved for future acquisition;
- F. Date of the map;
- G. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the ~~100~~[one hundred](#)-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record;
- H. Graphic scale and ~~North~~[north](#) arrow;
- I. Name and address of the owner, subdivider and surveyor.

§ 375-0603. Additional information.

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

- A. Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less 10%, and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
- B. Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. ~~Natural Resources~~[Soil](#) Conservation Service.
- C. Location of soil boring tests where required by Chapter SPS 385 of the Wisconsin Administrative Code, made to a depth ~~of six feet, unless bedrock is at a lesser depth.~~[of six feet, unless bedrock is at a lesser depth.](#) The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- D. Location of soil percolation tests where required by Chapter SPS 385 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.
- E. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development.

§ 375-0604. State plane coordinate system.

Where the map is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and coordinated by the Village of Williams Bay, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearing shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

§ 375-0605. Certificates.

The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this [chapterOrdinance](#). The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map. In addition, dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.⁴

~~§ 375-0606. Recordation.~~

~~The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Village Board and the surveyor are placed on the face of the map. The map shall be recorded by the subdivider with the County Register of Deeds within six months from the date of the last approval.~~

ARTICLE 7
Design Standards

§ 375-0701. Street arrangement.

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the Official Map, County jurisdictional highway system plan, Comprehensive Plan or plan component, or precise neighborhood unit development plan of the Village of Williams Bay, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams, to streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

- A. Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with

⁴ Editor's Note: Original § 17.0606, Recordation, of the 2011 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

existing or planned streets with which they are to connect.

- B. Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
- C. Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- D. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- E. Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.
- F. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than 1/2~~one-half~~ mile as required by § 236.16(3), Wis. Stats.
- G. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Plan Commission.
- H. Alleys shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Village Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street.
- I. Street names shall not duplicate or be similar to existing street names elsewhere in the Village, and existing street names shall be projected wherever possible.

§ 375-0702. Limited ~~access~~ highway and railroad right-of-way treatment.

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- A. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 20 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."

- B. Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- C. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- D. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

§ 375-0703. Street and ~~pedestrianway~~pedestrian-way design standards.

The minimum right-of-way and roadway width of all proposed streets shall be as specified by the Comprehensive Plan, Comprehensive Plan component, Official Map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as shown on Table 1.⁵ Street sections are for standard arterial streets only. Cross-sections for freeways, expressway and parkways should be based upon detailed engineering studies. In addition:

- A. Cul-de-sac streets designed to have one end permanently closed shall not exceed 750 feet in length. All urban cul-de-sac streets designed to have one end permanently closed without a center planting island shall terminate in a ~~teardrop turnaround~~teardrop ~~turn-around~~ having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet, and all urban cul-de-sac streets designed to have one end permanently closed with a center planting island shall terminate in a ~~teardrop~~teardrop ~~turn-around~~ having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet.
- B. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T"~~"T"~~ intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.
- C. Street grades.
 - (1) Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum center line grade of any street or public way shall not exceed the following:
 - (a) Arterial streets: 6%.
 - (b) Collector streets: 8%.

5. Editor's Note: Table 1 is included as an attachment to this chapter.

- (c) Minor streets, alleys and frontage streets: 12%.
 - (d) Pedestrianways~~Pedestrian ways~~: 12% unless steps or stairs of acceptable design are provided.
- (2) The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets, and 1/2 this minimum for all other streets.
- D. Radii of curvature.
- (1) When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
 - (a) Arterial streets and highways: 500 feet.
 - (b) Collector streets: 300 feet.
 - (c) Minor streets: 150 feet.
 - (2) A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- E. Half-streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

§ 375-0704. Street intersections.

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- B. The number of intersections along major streets and highways shall be held to a minimum. Whenever practicable, the distance between such intersections shall not be less than 1,200 feet.
- C. Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Village Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- D. Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within 250 feet of each other, measured along the center lines of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

§ 375-0705. Blocks.

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access; control and safety of street traffic; and the limitations and opportunities of topography. In addition:

- A. The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- B. ~~Pedestrian ways~~[Pedestrian ways](#) of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
- C. The width of blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- D. Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

§ 375-0706. Lots.

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- A. Interior side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- B. Double ~~frontage~~ and reverse ~~frontage~~ lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- C. Access. Every lot shall front or abut for a distance of at least 40 feet on a public street.
- D. Area and dimensions of all lots shall conform to the requirements of [Chapter 390, the Village of Williams Bay Zoning Ordinance](#) for the subdivisions within the Village, to the Village of Williams Bay extraterritorial Zoning Ordinance for the subdivisions within the Village's extraterritorial zoning area, and to the Walworth County Zoning Ordinance for the subdivisions within the remainder of the Village's extraterritorial limits. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an ~~on-site~~[onsite](#) soil absorption sewage disposal system designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code. The width and area of lots located on soils suitable for the use of an ~~on-site~~[onsite](#) soil absorption sewage disposal system shall not be

less than 150 feet in width and 40,000 square feet in area.

- E. Depth of lots shall be a minimum of 120 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- F. Width of lots shall conform to the requirements of [Chapter 390, the Village Zoning Ordinance](#), or other applicable ordinance.
- G. Corner lots shall have an extra width of 20 feet to permit adequate building setbacks from side streets.
- H. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

§ 375-0707. Building and setback lines.

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Village Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

§ 375-0708. Easements.

The Village Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on interior side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a subdivision is traversed by a watercourse, [drainageway](#)~~drainage way~~ channel or stream, an adequate drainageway or easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Village Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

§ 375-0709. Public sites and open spaces.

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the plat as stipulated in § 375-0203 of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic

and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines. Accordingly, each subdivider of land in the Village of Williams Bay shall, at the discretion and direction of the Village Plan Commission, either dedicate open space lands designated on the Village Comprehensive Plan or plan component or reserve such open space lands and pay a public site fee or, where no open space lands are directly involved, pay a public site fee. The Village Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval:

- A. Dedication of site option. Whenever a proposed playground, park, or other public open space land designated on the Village's Comprehensive Plan, neighborhood unit development plan, or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 50 proposed or potential dwelling units; and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the three-year period as set forth herein, the land will be released from reservation to the owner.
- B. Reservation of site option. Whenever a proposed playground, park, or other public open space land designated on the Village's Comprehensive Plan, neighborhood unit development plan, or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in § 375-0709C of this chapter. If the land is not acquired within the three-year time period as set forth herein, the land will be released to the owner from reservation.
- C. Public site fee option. If the proposed subdivision does not encompass a proposed public park, parkway, or other open space lands, or if the Village Plan Commission requires the reservation of land as set forth in § 375-0709B of this chapter, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount of \$750 for each proposed dwelling unit/lot within the plat. Public site fees collected by the Village Treasurer under the provisions of this ~~chapter~~[Ordinance](#) shall be placed in a ~~nonlapsing~~[non-lapsing](#) special fund for Village parks and shall be separate from the General Fund of the Village, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Village.

ARTICLE 8 Required Improvements

§ 375-0801. Survey monuments.

The subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Village Engineer.

§ 375-0802. Grading.

- A. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.
- B. Cut ~~and~~ filled lands shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

§ 375-0803. Surfacing.

After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the Comprehensive Plan or the Comprehensive Plan components of the Village. All roadways shall be surfaced with a ~~three-and-one-half-3 1/2~~-inch hot ~~mix~~ bituminous concrete pavement, made up of a two ~~inch~~ binder course and a ~~one-and-one-half-1 1/2~~-inch surface course, placed on an eight-inch ~~thick~~ gravel base. The bituminous pavement shall be constructed in stages, the binder course being placed initially upon completion of the utilities, and the surface course being placed at such time that 75% of the lots within the subdivision have been developed, but not sooner than one year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1 of any given year. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.

§ 375-0804. Curb and gutter.

In all subdivisions, the Village Board may require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the Village shall be borne by the subdivider.

§ 375-0805. Rural street sections.

When permanent rural street sections have been approved by the Village Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Plan Commission, as recommended by the Village Engineer and as set forth in § 375-0814 of this chapter.

§ 375-0806. Sidewalks.

In all subdivisions, the Village Board shall require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. In addition, wider ~~than~~ standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas, and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary in its opinion for safe and adequate pedestrian circulation.

§ 375-0807. Public sanitary sewerage.

When the proposed subdivision or certified survey map is located within the adopted sanitary sewer service area of the Village of Williams Bay, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- A. The Village Board shall require the installation of sewer laterals to the front or street side lot line for residential lots.
- B. The size, type, and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. The latest revision of the Standard Specifications for Sewer and Water Construction in Wisconsin shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications." However, upon written approval of the Village Engineer, the trenches may be backfilled with excavated material, meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Village Plan Commission, upon the recommendation of the Village Engineer.
- C. The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision. In addition, the subdivider shall pay to the Village a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area, which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

§ 375-0808. Stormwater drainage facilities.

The subdivider shall construct stormwater drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

- A. Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.
- B. Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.
- C. The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village, a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

§ 375-0809. Water supply facilities.

When the proposed subdivision or certified survey map is located within the adopted water service area of the Village of Williams Bay, or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:

- A. The Village Board shall require the installation of water laterals to the front or street side lot line.
- B. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.
- C. The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision.

§ 375-0810. Other utilities.

The subdivider shall cause gas, electrical power, cable TV, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such utilities shall be located on overhead poles. In addition, plans indicating the proposed location of all gas lines required to service the plat shall be approved by the Village Engineer.

§ 375-0811. Street lamps.

The subdivider shall pay to the Village the cost to install street lamps of a design approved by the Village Engineer, at the intersection of all streets to be dedicated and at such mid-block intervals as may be required by the Village Board.

§ 375-0812. Street signs.

The subdivider shall pay to the Village the cost to install street signs of a design approved by the Village Engineer at the intersection of all streets to be dedicated.

§ 375-0813. Street trees.

In all subdivisions with lots smaller than one acre, the Village Board shall, and in other subdivisions may, require the developer to plant at least one tree of an approved species and of at least 1 1/2 inches in diameter at breast height (dbh) for each 50 feet of frontage on all streets to be dedicated. The trees shall be planted within the curb lawn. In addition:

- A. In lieu of planting street trees, the subdivider may, at the time of final plat approval or certified survey map approval, pay a tree fee to the Village Treasurer in an amount provided in the Village Fee Schedule⁶ of \$100 for each tree to be planted. Monies collected for tree planting shall be kept in a special tree planting fund for that purpose. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Tree plantings shall be completed by the subdivider or by the Village, as determined by the Village Board, in accordance with plans and specifications approved by and at such time as directed by the Village Park and Memorial Advisory Committee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~Commission.~~

§ 375-0814. Sediment control.

The subdivider shall plant those grasses, trees, and vines, a species and size specified by the Village Board, necessary to prevent soil erosion and sedimentation. In addition:

- A. The Village Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- B. Tree cutting and shrubbery clearing shall not exceed 50% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users (see § 375-1005 of this chapter).
- C. Paths and trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Village Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.

6. Editor's Note: The current Fee Schedule is on file in the Village office.

- D. ~~Earthmoving~~~~Earth-moving~~, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography (see §§ 375-1004 and 375-1005 of this chapter).
- E. Review of the conduct of such cutting, clearing and moving may be requested of the Walworth County Land Conservation Committee, the State District Fish and Game Managers, and the State District Forester by the Village Engineer or Village Plan Commission, as they deem appropriate.

ARTICLE 9 Extraterritorial Land Divisions

§ 375-0901. Statutory authority.

The Village's authority to approve land division within its extraterritorial jurisdiction is granted by § 236.45(3) and Ch. 703, Wis. Stats. The following policy shall govern the Village's approval and regulation of divisions of land within its extraterritorial jurisdiction area in order to promote the intent and those purposes set forth in this chapter.

§ 375-0902. Village approval required.

No such land divisions will be permitted without approval of the Village in accordance with the procedures in this chapter as applicable to land divisions within the Village.

§ 375-0903. Review and approval of extraterritorial plats and certified survey maps.

When it is proposed to divide lands located in the unincorporated area within 1 1/2 miles of the corporate limits of the Village of Williams Bay, the subdivider shall proceed as specified in §§ 375-0301 through 375-0306 of this chapter, with the following exceptions or additions:

- A. Transmittal responsibility. The Town Clerk, or County ~~Land Use~~~~Planning, Zoning, and Resource Management~~~~Sanitation~~ Department, to whomever the plat or certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the Village assume the responsibility of transmitting all review copies. The subdivider shall specify in his letter of application to whom the original application was submitted. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Approval authorities include the Village Board, the applicable town board, and the county planning agency.
- C. The subdivider may proceed with improvements pursuant to regulations promulgated by approved agencies.
- D. All improvement requirements specified by the town board or any special improvement district in matters over which they have jurisdiction shall be met before filing of the plat or certified survey map.

§ 375-0904. Exurban residential areas.

For areas designated on the Village of Williams Bay's Comprehensive Plan Future Land Use Map as "Exurban Residential":

- A. Land divisions will be permitted if not exceeding an overall density of one dwelling unit per acre, except in areas subject to extraterritorial zoning, or where subject to conflicting provisions in an intergovernmental agreement to which the Village of Williams Bay is a party.

§ 375-0905. Agriculture/rural areas.

For areas designated on the Village of Williams Bay's Comprehensive Plan Future Land Use Map for future Village growth or as "Agriculture/Rural":

- A. Land divisions will be permitted if not exceeding an overall density of one buildable lot per 35 acres, exclusive of a farmstead demonstrated by the land divider to the satisfaction of the Village to have been existing as of the effective date of this chapter. The provisions of this subsection shall not apply in areas subject to extraterritorial zoning, or where subject to conflicting provisions in an intergovernmental agreement to which the Village of Williams Bay is a party.
- B. The minimum lot size shall be one acre and the maximum lot size shall be 100,000 square feet. A smaller lot size may be allowed if also approved by the respective town board. In all instances, the density provisions of Subsection A, immediately above, shall also apply. The provisions of this subsection shall not apply in areas subject to extraterritorial zoning, or where subject to conflicting provisions in an intergovernmental agreement to which the Village of Williams Bay is a party.

§ 375-0906. Consistency between Village and town plans.

The Village will attempt to seek consistency between its plans and locally adopted town plans. To the extent that the policies of the Village are more restrictive in regard to the protection of the public health, safety, welfare, environmental quality, or in terms of implementing the Village's Comprehensive Plan or Official Map, the Village's policies shall prevail. All land divisions within the extraterritorial limits will be subject to the following land reservation or dedication requirements:

- A. Any public right-of-way area identified in the Village's Comprehensive Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
- B. Any waterway or stormwater management area identified on the Village's Comprehensive Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
- C. All parklands proposed in adopted elements of the Village's Comprehensive Plan or Official Map shall be reserved or dedicated to the extent allowed under this chapter.

§ 375-0907. Review fees.

Such land divisions shall pay the required review fees contained in this chapter prior to initial placement on the Plan Commission agenda.

§ 375-0908. Contents of plat or map.

The plat or certified survey map shall include the entire original parcel of land from which any new lots or parcels are created, and a note shall be placed on the face of the plat or certified survey map indicating areas necessary for compliance with the density standard established herein.

§ 375-0909. Requirements for Village's extraterritorial land division jurisdiction.

In addition to the procedures for land divisions within the Village limits, land divisions in the Village's Extraterritorial Land Division Jurisdiction shall also meet the following requirements:

- A. In all cases, the time period within which action is required shall not begin until the town board, the staff serving the Walworth County Zoning Agency, and the Village of Williams Bay have received all maps, drawings, and data required for plat or certified survey map approval.
- B. No person shall divide any land located within the Village's extraterritorial jurisdiction without first filing an application and paying the Village's standard land division review fees. The timing for filing the application and paying the Village's review fees shall be the same as otherwise required per land division within the Village.
- C. Submittal requirements for land divisions within the Village's Extraterritorial Land Division Jurisdiction shall be identical to those required for land divisions within the Village limits.

**ARTICLE 10
Construction**

§ 375-1001. Commencement.

No construction or installation of improvements shall commence in a proposed subdivision until the final plat or certified survey map has been approved by the Plan Commission and the Village Engineer has given written authorization and the required surety must have been given to the Village. Inspection fees shall be required as specified in Article 11 of this chapter.

§ 375-1002. Building permits.

No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this [chapterOrdinance](#) have been met.

§ 375-1003. Plans.

The following plans and accompanying construction specifications shall be required by the Village Plan Commission and reviewed by the Village Engineer before authorization of construction or installation of improvements:

- A. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
- B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and

materials of required facilities.

- C. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- D. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- E. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed, and plans to protect existing vegetation (fences, tree wells, etc) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the publication, U.S. [Natural Resources](#)~~Soil~~ Conservation Service Technical Guide adopted by the Walworth County Land Conservation Committee, as amended.
- F. Planting plans showing the locations, age, diameter at breast height (dbh), and species of any required grasses, vines, shrubs, and trees.
- G. Additional special plans or information as required.

§ 375-1004. Erosion control.

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. In addition:

- A. All erosion control plans shall incorporate best management practices to reduce soil loss during construction to 10% of the gross soil loss as estimated by the universal soil loss equation.
- B. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- C. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- D. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- E. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

§ 375-1005. Existing flora.

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices,

including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

§ 375-1006. Inspection.

The subdivider, prior to commencing any work within the subdivision, shall notify the Village Clerk to make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or, where a [development agreement](#)~~Development Agreement~~ has been entered into with the Village, prior to the release of the sureties.

ARTICLE 11

Fees

§ 375-1101. General.

The subdivider shall pay the Village all fees to the Village Treasurer as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

§ 375-1102. Preliminary plat or certified survey map review fee. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

The subdivider shall pay a fee [as provided in the Village Fee Schedule](#)~~amounting to \$15 plus \$2~~ for each lot or parcel within the preliminary plat or certified survey map to the Village ~~Clerk~~/Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review. The subdivider shall pay a fee [as provided in the Village Fee Schedule](#)~~amounting to \$15 plus \$2~~ per dwelling unit within a condominium plat. A reapplication fee [as provided in the Village Fee Schedule](#)~~amounting to \$5~~ shall be paid to the Village ~~Clerk~~/Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

§ 375-1103. Improvement review fee.

The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to 1% of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Village Engineer.

§ 375-1104. Inspection fee.

The subdivider shall pay a fee to the Village ~~Clerk~~/Treasurer equal to the actual cost to the Village for such inspections as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.

§ 375-1105. Final plat review fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The subdivider shall pay a fee as provided in the Village Fee Schedule~~amounting to \$5 plus \$1~~ for each lot or parcel within the final plat to the Village ~~Clerk~~/Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review. The subdivider shall pay a fee as provided in the Village Fee Schedule~~amounting to \$5 plus \$1~~ per dwelling unit within a condominium plat. A reapplication fee as provided in the Village Fee Schedule~~amounting to \$5~~ shall be paid to the Village ~~Clerk~~/Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.⁷

§ 375-1106. ~~Public site fee.~~

~~If the subdivision does not contain lands to be dedicated as required in §§ 375-0203 and 375-0709, the Village Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision. Said fee shall be paid to the Village Clerk at the time of first application for approval of a final plat of said subdivision in the amount of \$750 for each dwelling unit/lot within the plat, certified survey map, or condominium plat. Public site fees shall be placed in a separate non-lapsing special fund by the Village Clerk to be used only for the acquisition and development of park sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.~~

§ 375-~~1107~~1108. Engineering fee.

The subdivider shall pay to the Village ~~Clerk~~/Treasurer a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat. In addition:

- A. Engineering work shall include the preparation of construction plans and standard specifications. The Village Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
- B. Inspection, checking and reviewing work has fees provided for in §§ 375-1103 and 375-1104 of this chapter.

§ 375-~~1107~~1108. Administrative fee.

The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

Legal work shall include the drafting of contracts between the Village and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board or Plan Commission in connection with the land division being considered. Also see § 390-1107 of Chapter 390, Zoning, of the Code of the Village of Williams Bay.

⁷. Editor's Note: Original § 17.1106, Public site fee, of the 2011 Code, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE 12
Terminology~~Definitions~~

§ 375-1201. Word usage.

For the purposes of this chapter~~Ordinance~~, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

§ 375-1202. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS — A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

ALLEY — A special public way affording only secondary access to abutting properties.

BLOCK — A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of navigable waters, and municipal boundaries.

BUILDING LINE — A line on a lot, generally parallel to a lot line or public or private street right-of-way line, located a sufficient distance from either to comply with the provisions of this chapter and Chapter 390, Zoning. The building lines on a lot determine the area in which buildings are allowed to be developed subject to all applicable provisions of this chapter and Chapter 390, Zoning. Building lines are also referred to as "setbacks."

CERTIFIED SURVEY MAP (CSM) — A method of permitting and recording a minor subdivision.

COLLECTOR STREET — A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

COMMUNITY — A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

COMPREHENSIVE PLAN — The extensively developed plan, also called a master plan, adopted by the Village Plan Commission and certified to the Village Board pursuant to §§ 61.35, 62.23, and 66.1001, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities.

CONDOMINIUM — A development of privately owned housing on unsubdivided land held in common ownership.

CONDOMINIUM PLAT — A legal instrument of recordation as defined in § 703.11, Wis. Stats.

COUNTY PLANNING AGENCY — Any agency created by a county board and authorized by statute to plan land use such as a rural planning committee, a park commission, or a zoning committee.

COVENANT — A binding agreement that limits the property rights of the owner.

CUL-DE-SAC — A local street with only one outlet and having an appropriate ~~turnaround~~~~turn-around~~ for the safe and convenient reversal of traffic movement.

DEVELOPMENT AGREEMENT — A contract for improvements negotiated between the subdivider or condominium developer and the Village as a condition of final plat, condominium plat or CSM approval.

DRIVEWAY — An area defined by gravel, limestone, or paving located wholly within the boundaries of privately held property and intended as an access from the public right-of-way to an allowed parking space or area. The term "driveway" shall not include parking spaces or areas, or turnarounds.

EASEMENT — Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the landowner's property for a specified purpose.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — The unincorporated area within 1 1/2 miles of a fourth-class city or a village and within three miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one community exercises extraterritorial powers over any area.

FINAL PLAT — A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this ~~chapter~~~~Ordinance~~ for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

FLOODLANDS — Those lands, including the floodplains, floodways, and channels subject to inundation by the one-hundred-year recurrence interval flood or, where such data is not available, the maximum flood of record.

FRONTAGE — The length of the front or street side property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.

FRONTAGE STREET — A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

HIGH GROUNDWATER ELEVATION — The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a ~~multicolored~~~~multi-colored~~ effect.

HIGH WATER ELEVATION (SURFACE WATER) — The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

IRREVOCABLE LETTER OF CREDIT — An agreement guaranteeing payment for subdivision

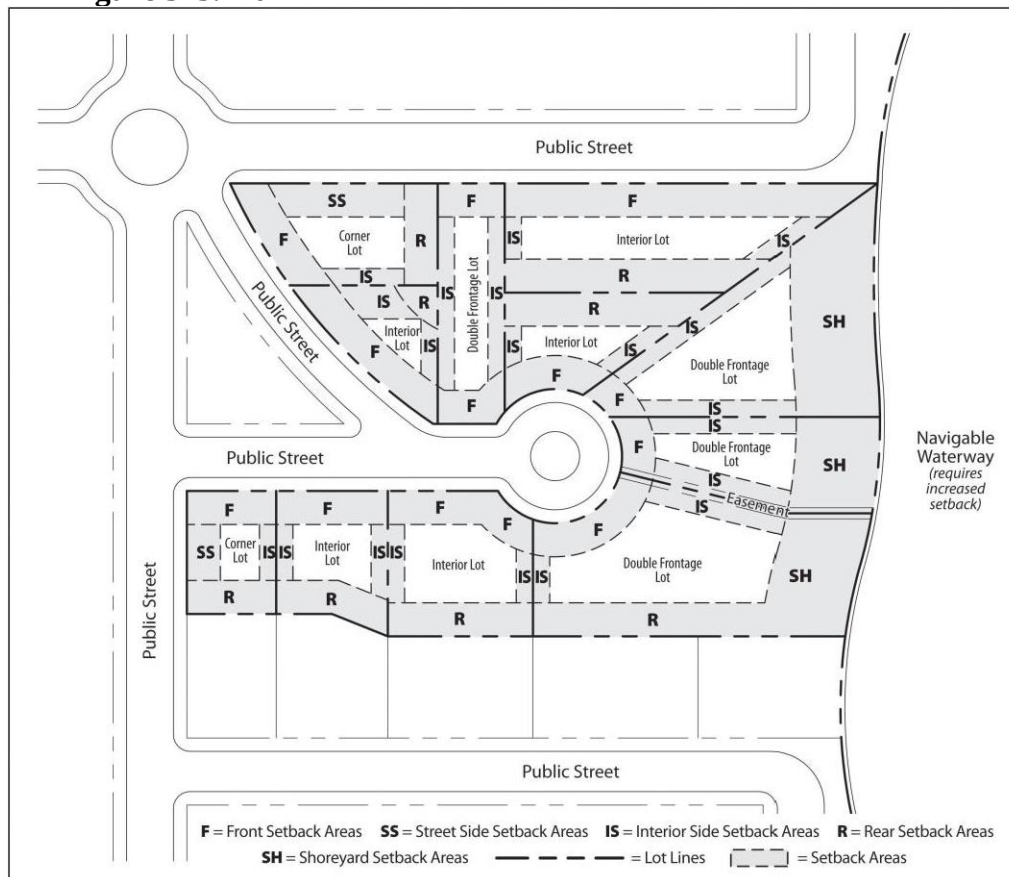
improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this [state](#) and which has a financial standing acceptable to the Village, and which is approved, as to form, by the Village Attorney.

LIMITED ACCESS HIGHWAY — A highway with full or partial control of driveway and intersecting road access, and generally with grade separations at major intersections.

LOT — A piece of land that meets the following criteria:

- A. Undivided by any street or private road;
- B. Is occupied by, or designated to be developed with one building or principal use, as defined in § 390-0114 in Chapter 390, Zoning, of the Code of the Village of Williams Bay (except in the case of a group development under § 390-0821);
- C. Contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this chapter and Chapter 390, Zoning, for such building, use, or development; and
- D. Has been described in a subdivision plat, certified survey map, or in a metes and bounds description approved by the Village or by Walworth County and recorded in the office of the Register of Deeds. (See Figure 375.1202.)

Figure 375.1202



LOT, CORNER — A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135°, measured on the lot side. (See Figure 375.1202.)

LOT DEPTH — The average distance between the front lot line and the rear lot line of a lot.

LOT LINE — The line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying the regulations of this chapter.

LOT LINE, FRONT — A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also "lot line, street side.") For double frontage lots, there shall be two front lot lines, or one front lot line and one shore lot line, and no rear lot lines.

LOT LINE, INTERIOR SIDE — Any boundary of a lot that is not a front lot line, street side lot line, or a rear lot line.

LOT LINE, REAR — In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there shall be no rear lot line.

LOT LINE, SHORE — The lot line that abuts a navigable waterway.

LOT LINE, STREET SIDE — For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line (also see "Lot line, front").

LOT OF RECORD — A platted lot or lot described in a certified survey map or in a metes and bounds description that has been approved by the Village or by Walworth County; and has been recorded in the office of the Register of Deeds.

LOT WIDTH — The maximum horizontal distance between the side lot lines, measured parallel to the front lot line and at the rear of the required front yard.

LOT, DOUBLE FRONTAGE — A lot, other than a corner lot, with frontage on more than one street, or with frontage on a street and a navigable waterway. Double frontage lots shall normally be deemed to have two front yards, or one front yard and one shore yard, and no rear yard. Double frontage lots shall not generally be permitted except where the lot abuts an arterial highway or a navigable waterway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. (See Figure 375.1202.)

LOT, REVERSE FRONTAGE — A double frontage lot that takes access from a local street that is typically to the rear side of the building.

MATURE WOODLAND — Land that is covered with largely mature trees as defined by the Regional Planning Commission as part of its delineation of environmental corridors.

MEANDER LINE — A line run in surveying particular portions of the public lands which

border on navigable rivers or lakes. In preparing an official plat from the field notes, the meander line is represented as the border line of the stream, and shows that the watercourse, and not the meander line, as naturally run on the ground, is the boundary.

MEDIAN — The dividing area, either paved or landscaped, between opposing lanes of traffic on some streets.

MINIMUM SETBACK — The shortest distance allowed between a lot line and a structure.

MINOR LAND DIVISION — Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two, but not more than four, parcels or building sites, any one of which is less than five acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor land divisions shall be made by a certified survey map.

MINOR STREET — A street used, or intended to be used, primarily for access to abutting properties.

MUNICIPALITY — An incorporated village or city.

NATIONAL MAP ACCURACY STANDARDS — Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

NAVIGABLE WATER — Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

OUTLOT — A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either ~~re-divided~~ redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

PLAT — A map representing a tract of land or subdivision, showing the boundaries and locations of individual properties and streets, and shall include condominium plats.

PRELIMINARY PLAT — A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

PUBLIC LANDS — Publicly owned and maintained properties that include, but are not limited to, rights-of-way, parks, and open space.

PUBLIC WAY — Any public road, street, highway, walkway, drainageway, or part thereof.

REPLAT — The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

SHORELANDS — Those lands, in the unincorporated areas of Walworth County, lying within the following distances: 1,000 feet from the high water elevation of navigable lakes, ponds, and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

SOIL MAPPING UNIT — Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. [Natural Resources](#)~~Soil~~ Conservation Service.

STREET, ARTERIAL — A street that provides primary access to and through an area.⁸

~~**STREET, COLLECTOR** — A street that disperses traffic throughout an area.~~

STREET, LOCAL — A street that provides access to individual properties.

STREET, LOCAL RESIDENTIAL — A local street that primary serves to provide access directly to residential driveways and private residential courts and streets.

STREET, RESIDENTIAL COLLECTOR — A collector street serving primarily residential land uses and that primarily serves to connect local residential streets to collector or arterial streets.

SUBDIVIDER — Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

SUBDIVISION — The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area; or where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area by successive division within a period of five years.

SURETY BOND — A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

WETLAND — An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

WISCONSIN ADMINISTRATIVE CODE — The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

ARTICLE 13 Adoption and Effective Date

⁸. [Editor's Note: The original definition of "street, collector," of the 2011 Code, which immediately followed this definition, was repealed at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\).](#)

§ 375-1301. Plan Commission recommendation.

The Village Plan Commission recommended the adoption of this Land Division Ordinance at a meeting held on the 25th day of November; 1986.

§ 375-1302. Public hearing.

The Village Board held a public hearing on this proposed Land Division Ordinance on the 15th day of December; 1986.

§ 375-1303. Village Board approval.

The Village Board of Trustees of the Village of Williams Bay concurred with the recommendations of the Plan Commission and proceeded to adopt the Land Division Ordinance at a meeting held on the 16th day of February; 1987.

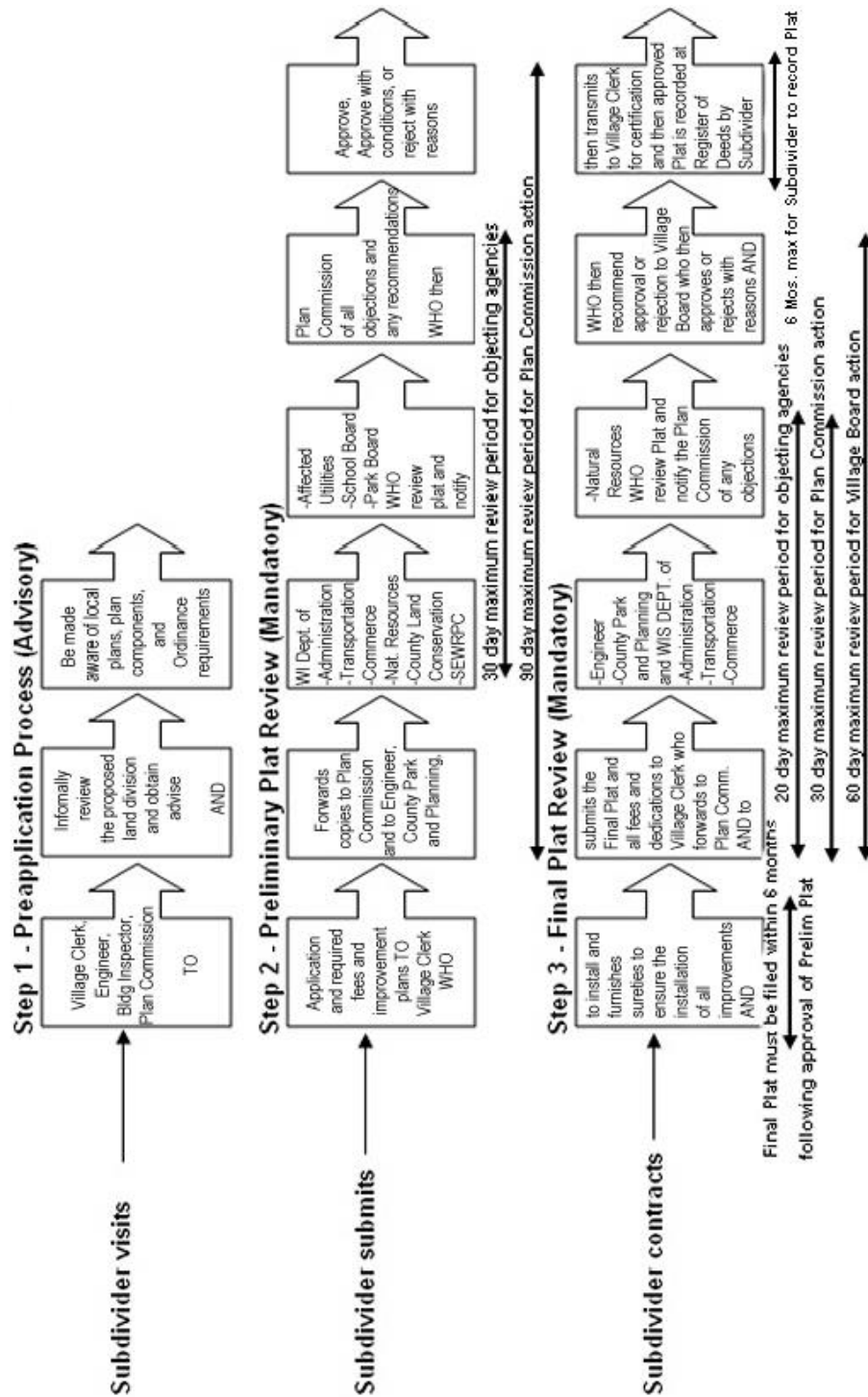
§ 375-1304. When effective~~Effective date~~.

This Land Division Ordinance shall take effect upon passage and adoption by the Village Board and the filing of proof of posting or publication in the office of the Village Clerk.

375 Attachment 1

Village of Williams Bay

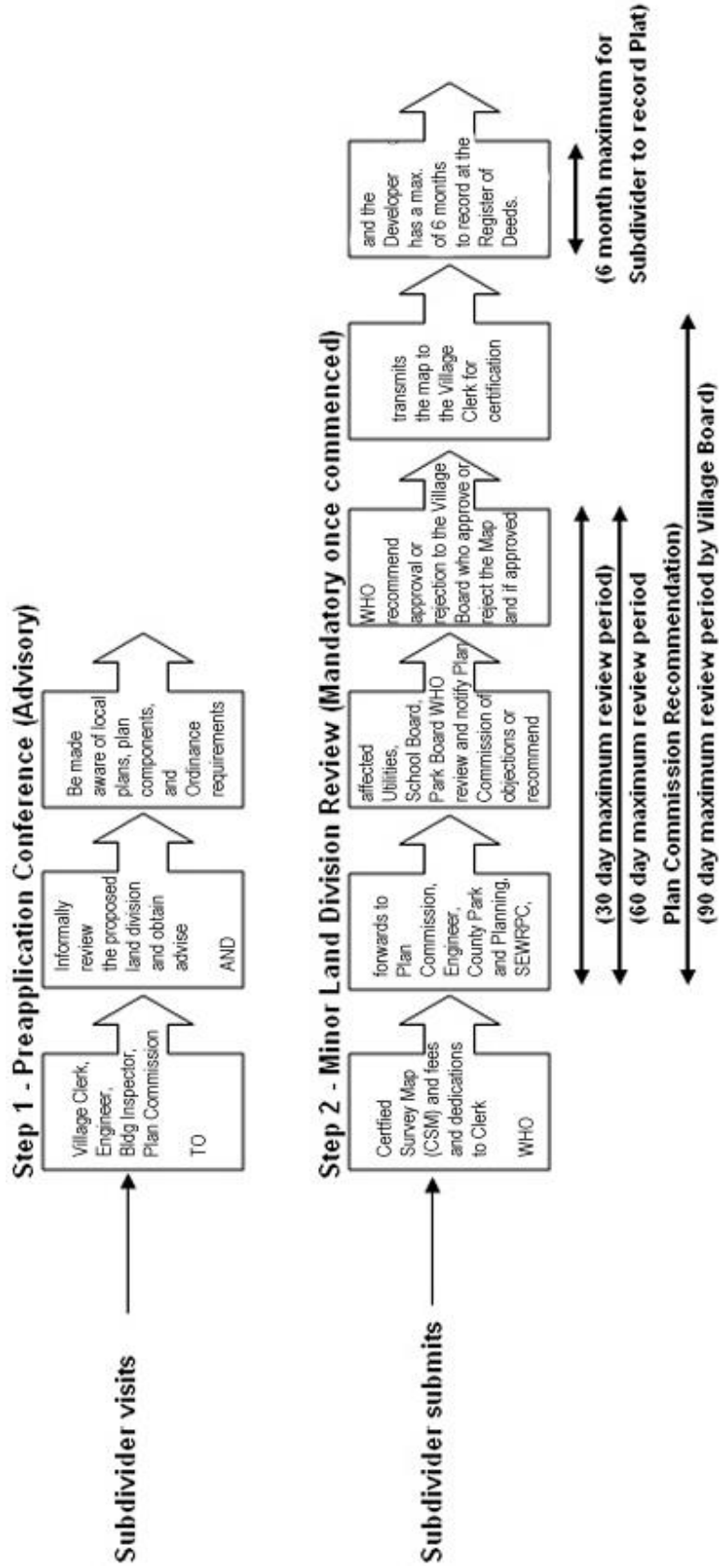
Appendix 1
Land Platting Procedures and Time Schedule For Preliminary Plats and Final Plats



375 Attachment 2

Village of Williams Bay

Appendix 2
Land Platting Procedures and Time Schedule For Minor Land Divisions



375 Attachment 3

Table 1
Required Street Cross-Sections in the Village of Williams Bay and in the Village's Extraterritorial Plat Review Jurisdiction

Type of Street or Public Way	Urban Street Sections		Rural Street Sections	
	Minimum Right-Of-Way To Be Dedicated	Minimum Dimensions	Minimum Right-Of-Way To Be Dedicated	Minimum Dimensions
Arterial streets (four-lane)	120 feet	+ Dual 36-foot pavement (face of curb to face of curb) + 24-foot median + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	130 feet	+ Dual 24-foot pavements + 18-foot median + 10-foot outside shoulders + 6-foot inside shoulders + 16-foot roadside ditches
Arterial streets (two-lane)	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	100-foot	+ 24-foot pavement + 10-foot shoulders + 28-foot roadside ditches
Collector streets	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	None	None
Minor streets	60 feet	+ 36-foot pavement (face of curb to face of curb) + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavement + 6-foot shoulders + 16-foot roadside ditches

Type of Street or Public Way	Urban Street Sections		Rural Street Sections	
	Minimum Right-Of-Way To Be Dedicated	Minimum Dimensions	Minimum Right-Of-Way To Be Dedicated	Minimum Dimensions
Minimum cul-de-sac (without center island; teardrop design)	60-foot radius	+ 48-foot radius pavement + 7-foot tree bank (curb lawn) + 4-foot sidewalk + 1-foot outside sidewalk	66-foot radius	+ 45-foot radius pavement + 6-foot shoulder + 16-foot roadside ditch
Minimum cul-de-sac with center island; teardrop design)	60-foot radius	+ 24-foot radius median + 24-foot circumferential pavement + 7-foot tree bank (curb lawn) + 4-foot sidewalk + 1-foot outside sidewalk	—	—
Cul-de-sac barrel	60 feet	+ 32-foot-pavement (face of curb to face of curb) + 9-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavement + 6-foot shoulders + 16-foot roadside ditches

Chapter 386

WELLHEAD PROTECTION

[HISTORY: Adopted by the Village Board of the Village of Williams Bay as § 9.11 of the 2011 Code. Amendments noted where applicable.]

§ 386-1. Purpose and authority.

- A. The residents of Williams Bay depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the Village of Williams Bay to promote the public health, safety and general welfare of the residents.
- B. Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983 Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection in § 62.23(7)(c), Wis. Stats., to the statutory authorization for municipal planning and zoning to protect the public health, safety and welfare.

§ 386-2. Applicability.~~Application of regulations.~~

The regulations specified in this Wellhead Protection Ordinance shall apply to the areas of the Village of Williams Bay that lie within the wellhead protection area for Well No. 3 as shown in Attachment A,¹ and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the zoning ordinance in effect, the more restrictive provision shall apply.

§ 386-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AQUIFER — A saturated, permeable geologic formation that contains and will yield significant quantities of water.

CONE OF DEPRESSION — The area around a well, in which the water level has been lowered at least one foot by pumping of the well.

FIVE-YEAR TIME OF TRAVEL — The recharge area upgradient of the cone of depression, from the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.

MUNICIPAL WATER SUPPLY — The municipal water supply of the Village of Williams Bay.

¹. Editor's Note: Attachment A is on file in the Village office.

RECHARGE AREA — The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supply groundwater to a well.

THIRTY-DAY TIME OF TRAVEL — The recharge area upgradient of a well, or its cone depression, from the outer boundary of which it is determined or estimated that groundwater will take 30 days to reach a pumping well.

ZONE OF SATURATION — The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

§ 386-4. Wellhead protection area (WHPA).

This wellhead protection area (WHPA) is intended to protect the groundwater recharge area for Well No. 3 from contamination. The WHPA is necessary to institute land use regulations and restrictions within the area which contributes water directly to the municipal water supply, so as to promote public health, safety and welfare in the Village and to minimize public costs. The boundary of the WHPA is shown in Attachment A.

§ 386-5. Permitted uses.

Permitted uses within the WHPA are subject to the separation distance requirements set forth in § 386-6, Separation distance requirements, and the prohibition of uses, activities or structures designated in § 386-7, Prohibited uses, and include:

- A. Public and private parks provided there are no on-site wastewater disposal systems or holding tanks.
- B. Playgrounds.
- C. Wildlife areas and natural areas.
- D. Trails such as biking, hiking, skiing, nature, equestrian, and fitness trails.
- E. Residential which is municipally sewered.
- F. Agricultural activities which are conducted in accordance with USDA-[NRCSSCS](#) Wisconsin Field Office Technical Guide Specification 590 nutrient management standards.
- G. Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the county and state health standards for the effluent, and is in conformance with § SPS 302.65, Wisconsin Administrative Code.
- H. Commercial establishments which are municipally sewered.
- I. Industrial establishments which are municipally sewered.

§ 386-6. Separation distance requirements.

The following separation distances as specified in § NR 811.12(5)(d), Wisconsin Administrative Code, shall be maintained:

- A. Fifty feet between Well No. 3 and stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications.
- B. Two hundred feet between Well No. 3 and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
- C. Four hundred feet between Well No. 3 and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.
- D. Six hundred feet between Well No. 3 and any gasoline or fuel oil storage tank installation that has received written approval from the Department of [Agriculture, Trade and Consumer Protection](#)~~Commerce~~ or its designated agent under [§ ATCP 93.110](#)~~Comm 10.10~~, Wisconsin Administrative Code.
- E. One thousand feet between Well No. 3 and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
- F. One thousand two hundred feet between Well No. 3 and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Department of [Safety and Professional Services](#)~~Commerce~~ or its designated agent under [§ ATCP 93.110](#)~~Comm 10.10~~, Wisconsin Administrative Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

§ 386-7. Prohibited uses.

The method of regulation by prohibition of certain uses is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur. Since such an event would result in almost certain contamination of the public water supply, and costly mitigation or remediation for which liability is difficult or impossible to establish. The prohibited uses, activities or structures inside the WHPA include:

- A. Above- and below-ground hydrocarbon or petroleum storage tanks.
- B. Cemeteries.
- C. Chemical manufacturers (Standard Industrial Classification Major Group 28).
- D. Coal storage.
- E. Dry cleaners.
- F. Hazardous, toxic or radioactive materials transfer and storage.
- G. Industrial lagoons and pits.
- H. Landfills and any other solid waste facility, except post-consumer recycling.
- I. Manure storage.

- J. ~~Non-metallic~~[Nonmetallic](#) earthen materials extraction or sand and gravel pits.
- K. Pesticide and fertilizer dealer, transfer or storage.
- L. Railroad yards and maintenance stations.
- M. Rendering plants and slaughterhouses.
- N. Salt or deicing material storage.
- O. Salvage or junkyards.
- P. Septage or sludge spreading, storage or treatment.
- Q. Septage, wastewater, or sewage lagoons.
- R. Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- S. Stockyards and feedlots.
- T. Stormwater infiltration basins without pretreatment.
- U. Vehicular services, including filling and service stations, repair, renovation, and body working.
- V. Wood preserving.

§ 386-8. Requirements for existing facilities which may cause or threaten to cause environmental pollution.

Existing facilities within the WHPA at the time of enactment which may cause or threaten to cause environmental pollution include, but are not limited to, the Wisconsin Department of Natural Resources' current list of "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution,"¹ Wisconsin Department of [Safety and Professional Services's](#)~~Commerce's~~ list of Underground Storage Tanks, list of facilities with hazardous solid waste permits, and all other facilities which are considered a prohibited use in § 386-7, Prohibited uses, all of which are incorporated herein as if fully set forth.

- A. Such facilities as above which exist within the WHPA at the time of enactment shall:
 - (1) Provide copies of all federal, state and local facility operation approval or certificates and ongoing environmental monitoring results to the Village.
 - (2) Provide environmental or safety structures/monitoring to include an operational safety plan, hazardous material containment, best management practices, stormwater runoff management and groundwater monitoring.
 - (3) Replace equipment, or expand on the site or property of record associated with the facility, in a manner that improves the environmental and safety technologies already being utilized.
 - (4) Have the responsibility of devising, filing and maintaining, with the Village, a contingency plan which details how they intend to respond to any emergency which

occurs at their facility, including notifying municipal, county and state officials.

- B. Such facilities as above cannot engage in or employ a use, activity, or structure listed in § 386-7, Prohibited uses, which they did not engage in or employ at the time of enactment, and can only expand those present uses, activities, or structures on the site or property of record associated with the facility at the time of enactment in a manner that improves the environmental and safety technologies already being utilized.

§ 386-9. Changing technology.

- A. The uses prohibited in the WHPA are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses changes to low or non-risk materials or methods, upon petition from such use, after conferring with the Department of Natural Resources, or other expert opinion, and after appropriate public notice and hearing, the Village, through appropriate procedures and actions to change these provisions of the Municipal Code, may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.
- B. In dealing with uses which attempt to become permissible, under the terms of this section in the WHPA, by continuing to produce pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until a technology of the use changes to low or non-risk the pollutant materials or processes deemed to be a groundwater hazard.

§ 386-10. Enforcement; violations and penalties.

All general and zoning enforcement, violation and penalty provisions set forth in the municipal ordinances apply to the enforcement of the provisions of this Wellhead Protection Ordinance. In addition, the following provisions apply:

- A. In the event any person, partnership, corporation, or other legal entity (hereinafter "individual") owns a facility, as defined in § 386-8, Requirements for existing facilities which may cause or threaten to cause environmental pollution, and that individual/facility causes, or is the site of, the release of any contaminants which endanger the municipal water supply associated with the WHPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.
- B. The individual/facility shall be responsible for all costs of cleanup, Village consultant or outside contractor fees, fees at the invoice amount plus administrative costs for oversight, review and documentation, plus the following:
 - (1) The cost of Village employees time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, workers' compensation, holidays, overtime, vacation, and similar benefits.
 - (2) The cost of Village equipment employed in the cleanup.

- (3) The cost of mileage incurred on Village vehicles used in any activity related to the cleanup, or of mileage fees reimbursed to Village employees attributed to the cleanup.

Chapter 390

ZONING

[HISTORY: Adopted by the Village Board of the Village of Williams Bay 11-7-2011 by Ord. No. 5-11 (Ch. 18 of the 2011 Code). Amendments noted where applicable.]

ARTICLE 1

Introduction and Definitions

§ 390-0101. Title.

This chapter shall be known, cited, and referred to as the "[Village of Williams Bay Zoning Ordinance](#)", except where as referred to herein, where it shall be known as "this chapter."

§ 390-0102. Authority.

This chapter is enacted pursuant to the authority granted by statutes of the State of Wisconsin. Specific statutory references are provided within the body of this chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed so as to limit the application or interpretation of this chapter. See §§ 62.23(7), 61.351 and 87.30, Wis. Stats.

§ 390-0103. Purpose.

This chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public.

§ 390-0104. Intent.

- A. In consonance with the basic purpose stated in [§ Section 390-0103](#) and to implement the same, the regulations herein are intended to provide a regulatory framework for land use within the Village, which will aid in achieving a harmonious and compatible relationship between various uses consistent with the rights of property ownership, the general public welfare, and the established goals for community development and character. To this intent, it is designed to relate realistically to those physical, economic, and environmental factors that would significantly influence the appropriate development and use of land and to provide maximum flexibility, adaptability, and responsiveness to changing physical and economic conditions and societal concerns.
- B. The regulations are designed to utilize performance standards wherever possible to evaluate the actual impact of uses or activities upon the community rather than to rely solely on preset and fixed [formulasformulae](#). Recognizing the unique character of the Village resulting from its topography, its location on the shores of Geneva Lake, and its development as a predominantly residential, lake-oriented community, these regulations are also specifically designed to preserve this character, to protect the waters of Geneva

Lake, and to effectively harmonize the rights and concerns of Village residents with those of the general public attracted by the resort and recreational facilities on the lake.

- C. Further, it is the intent of this ~~chapter~~ordinance to regulate the use of all structures, lands, and waters; regulate lot coverage, population distribution, and density; and regulate size and location of all structures so as to control and lessen congestion on 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; protect groundwater resources; prevent overcrowding of land; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar devices and other innovative development techniques; stabilize and protect property values; preserve and protect burial sites; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the goals and objectives of the Village of Williams Bay Comprehensive Plan.
- D. In addition, the ~~floodway~~Floodway and ~~floodplain fringe~~Floodplain Fringe overlay zoning regulations set forth in this chapter have been adopted to prevent and control erosion, sedimentation, and other pollution of surface waters; to further the maintenance of safe and healthful water conditions and prevent flood damage to persons and property; and to minimize expenditures for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- E. In addition, the Shoreland-Wetland Overlay zoning regulations set forth in this chapter have been adopted to preserve, protect, and enhance the ponds, streams, shorelands, and wetland areas to maintain safe and healthful conditions. To this end, it is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 390-0105. Jurisdiction.

This chapter is applicable to all territory located within the corporate limits of the Village of Williams Bay.

§ 390-0106. Separability and ~~nonliability~~non-liability.

- A. It is hereby declared to be the intention of the Village of Williams Bay Village Board that provisions of this chapter are separable in accordance with the following:
 - (1) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
 - (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- B. If any requirement or limitation attached to an authorization given under this chapter is found invalid, it shall be presumed that the authorization would not have been granted

without the requirement or limitation and, therefore, said authorization shall also be invalid.

- C. The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

§ 390-0107. Abrogation.

It is not intended that this chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, 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.

§ 390-0108. Rules of interpretation.

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Williams Bay.
- B. Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations that are more restrictive or that impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this chapter, the regulations that are more restrictive or that impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this chapter and any tables or figures of this chapter, the text shall prevail.
- C. No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g., swing set, clothesline, etc.), and without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.
- D. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter, and the construction of which shall have been started within one year from the date of such permit.
- E. Except as provided in this chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article 6), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this chapter. In cases of mixed occupancy or mixed use, the regulations

for each land use shall apply to the portion of the structure or land so occupied or so used.

- F. Except for outlots authorized under the Village land division regulations to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

§ 390-0109. Warning and disclaimer of liability.

The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and the associated flood damages, nor shall this chapter create a liability on the part of, or a cause of action against, the Village of Williams Bay or any officer or employee thereof for any flood damages that may result from reliance on this chapter.

§ 390-0110. Reenactment~~Re-enactment~~ and repeal.

- A. This chapter, in part, carries forward by reenactment~~re-enactment~~ some of the provisions of the regulations governing zoning and related matters previously known collectively as the "Zoning Ordinance," Chapter 18 of the Municipal Code for the Village of Williams Bay, adopted prior to the effective date of this chapter. It is not the intention of this chapter to repeal, but rather to reenact~~re-enact~~ and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter or altered by the Official Zoning Map.
- B. All provisions of Chapter 18 of the Village of Williams Bay Municipal Code that are not reenacted~~re-enacted~~ herein are hereby repealed.
- C. The adoption of this chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor Zoning Ordinance, provided the violation occurred while that chapter was in effect.

§ 390-0111. When effective.

This chapter shall become effective upon passage and posting according to law, following the date of repeal and reenactment~~re-enactment~~ of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this chapter, except where subject to developer agreement provisions.

§ 390-0112. Word usage.

The interpretation of this chapter shall abide by the provisions and rules of this section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this chapter.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.

- B. Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- C. The masculine gender shall include the feminine, and vice versa.
- D. The words "shall," "must," and "will" are mandatory.
- E. The words "may," "can," and "might" are permissive.
- F. The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- G. The word "Village" shall mean the Village of Williams Bay, Wisconsin.
- H. The word "county" shall mean the County of Walworth, Wisconsin.
- I. The word "state" shall mean the State of Wisconsin.
- J. The words "Plan Commission" shall mean the Village of Williams Bay Plan Commission.
- K. The words "Village Board" shall refer to the Village of Williams Bay Board of Trustees.
- L. If there is any ambiguity between the text of this chapter and any illustration or figure, the text shall control.

§ 390-0113. Abbreviations.

The abbreviations used in this chapter are intended to have the meanings listed in Figure 390-0113:

Figure 390-0113	
Abbreviation	Meaning
Ac	Acre
CUP	Conditional use permit
Db	Decibel
WisDNR	Wisconsin Department of Natural Resources
Du	Dwelling unit
Fc	Footcandles
FEMA	Federal Emergency Management Administration
ft	Foot
GSA	Gross site area
GSR	Green space ratio
ISR	Impervious surface ratio
LSR	Landscape surface ratio
Max	Maximum
MBS	Maximum building size
MGD	Maximum gross density
Min	Minimum
MH	Maximum height
MLA	Minimum lot area
N/A	Not applicable

NDA	Net developable area
RPA	Resource protection area
sf or sq. ft.	Square feet
Wis. Adm. Code	Wisconsin Administrative Code
Wis. Stats.	Wisconsin Statutes

§ 390-0114. Definitions.

The following words, terms, and phrases, wherever they occur in this chapter, shall have the meanings ascribed to them by this section. For definitions applicable to the Shoreland-Wetland and Floodplain overlay districts, see [§§ Sections 390-0706 and 390-0707](#).

ABUTTING — Having a common border with, or being separated from such common border by an alley or easement.

ACCESS — A means of providing vehicular or [nonvehicular](#)~~non-vehicular~~ egress from or ingress to a property, highway, or private roadway.

ACCESS, DIRECT — A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

ACCESSORY DWELLING UNIT (LAND USE) — See [§ Section 390-0315E](#).

ACCESSORY USE OR STRUCTURE — A use or structure subordinate to and serving the principal use or structure on the same lot, and customarily incidental thereto.

ACRE — 43,560 square feet.

ACTIVE OUTDOOR RECREATION (LAND USE) — See [§ Section 390-0309B](#).

ADDITION — Any walled and roofed expansion to the perimeter and/or height of a building to which the addition is connected by a common load-bearing wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be instead considered new construction.

ADDRESS SIGN — An accessory wall sign containing only the address of the premises on which it is located.

AGRICULTURAL SERVICES (LAND USE) — See [§ Section 390-0307G](#).

AIR RIGHT PADS — The area of land above which the property owner has the right to control, occupy, and use the vertical space (air space).

AIRPORT (LAND USE) — See [§ Section 390-0313D](#).

ALLEY — A public or private right-of-way, usually of reduced width as compared to a street, primarily intended to provide a secondary means of access to the side or rear of an abutting property fronting upon another street right-of-way. Alleys are not intended to be used for through traffic.

ANIMAL UNIT — A measure that represents a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the

maximum carrying capacity of one acre of land and is related to the amount of feed various species consume and the amount of waste they produce. Figure 390-0114A indicates the number of common farm species that comprise a single animal unit:

Figure 390-0114A: Species/Animal Unit Conversions

Type of Livestock	# of Animals/Animal Unit	Type of Livestock	# of Animals/Animal Unit	Type of Livestock	# of Animals/Animal Unit
Horse (>2 years ^{yr})	1	Calves (<1 year ^{yr})	5	Lambs	14
Colt (<2 years ^{yr})	2	Brood sow or boar	2	Chickens: -egg ^{-egg} layers	30
Cattle (>2 years ^{yr})	1	Hogs (up to 220 pounds)	3	Chickens: -fryers ^{-fryers}	60
Cattle (<2 years ^{yr})	2	Sheep	10	Turkeys	50

Source: The Stockman's Handbook

APARTMENT (LAND USE) — See ~~§ Section~~ 390-0306G.

APPEAL — A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of ~~§ Section~~ 390-1217.

ARTERIAL STREET — See "~~street~~^{Street}, arterial."

ARTISAN PRODUCTION WORKSHOP (LAND USE) — See ~~§ Section~~ 390-0310D.

ARTISAN STUDIO (LAND USE) — See ~~§ Section~~ 390-0310C.

ARTWORK — A sculpture, monument, or structure erected solely for aesthetic purposes, which in no way identifies a product or business or is used for commercial purposes.

AWNING — Roof-like cover, often made of fabric, metal, or glass, designed and intended for protection from the weather and/or as a decorative embellishment, and that projects from a wall or roof of a structure over a window, walk, or door.

BASEMENT — A portion of a building located below grade or partly below grade.

BATHHOUSE (LAND USE) — See ~~§ Section~~ 390-0315X.

BED-AND-BREAKFAST ESTABLISHMENT (LAND USE) — See ~~§ Section~~ 390-0310J.

BEDROOM — A room in a residence marketed, designed, or otherwise likely to function

primarily for sleeping.

BOARDING HOUSE (LAND USE) — See [§ Section 390-0310L](#).

[BUFFER YARD](#)~~[BUFFER YARD](#)~~ — Any permitted combination of distance, vegetation, fencing, and berming that results in a reduction of visual and other interaction with an adjoining property.

BUILDING — A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

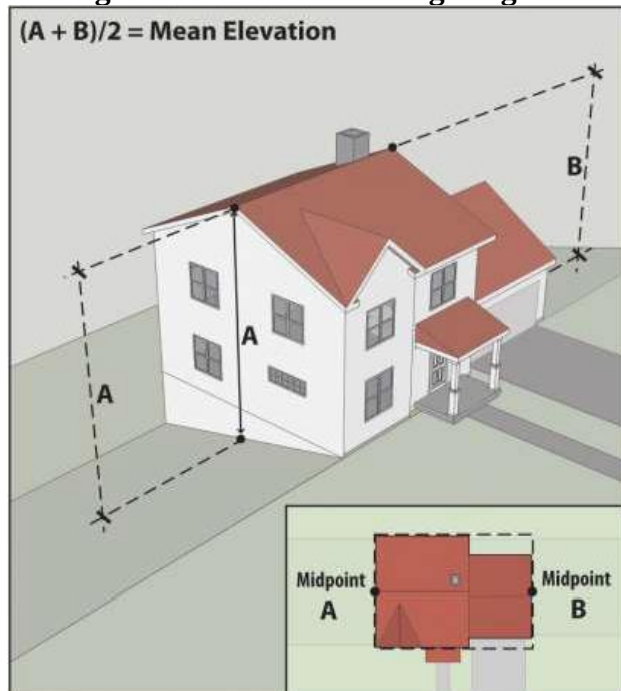
BUILDING COVERAGE — The percentage of a lot covered by principal and accessory buildings.

BUILDING ENVELOPE — A component of a group development (see [§ Section 390-0821](#)) that conforms to the lot lines that would otherwise be applicable for a development not considered a group development. To determine the area of a building envelope, required minimum setback distances must be met for each principal structure in the group development, as measured from the building to the building envelope "line."

BUILDING FRONT — The exterior wall of a building that faces the front lot line of the lot.

BUILDING HEIGHT — The vertical distance measured from the mean elevation of the finished lot grade to the highest point of the roof. Such measurement shall be taken from the side yards at the midpoint of the principal structure immediately adjacent to the building. The finished lot grade elevation shall be measured from the average of the two side yard elevations. See [§ Figure 390-0114B](#).

Figure 390-0114B: Building Height



BUILDING LINE — A line on a lot, generally parallel to a lot line or public or private street

right-of-way line, located a sufficient distance from either to provide the minimum yards required by this chapter. The building lines on a lot determine the area in which buildings are allowed to be developed subject to all applicable provisions of this chapter. Building lines are also referred to as "setbacks."

BUILDING SEPARATION — The narrowest distance between two buildings (see "minimum building separation").

BUILDING SIZE — The total gross floor area of a building (see "maximum building size").

BUILDING, ACCESSORY

A. A building that meets all of the following criteria:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure or use served, except as otherwise expressly authorized by provisions of this chapter; and
- (4) Is customarily incidental to the principal structure or use.

B. Any portion of a principal building devoted to or intended to be devoted to an accessory use shall be considered an accessory use and not an accessory building.

BUILDING, PRINCIPAL — A building in which the main or principal use of the lot is conducted.

BULK (OF A BUILDING) — The combination of building height, size, and location on a lot.

CALIPER — A measurement of the size of a tree equal to the diameter of its trunk measurement four feet above natural grade.

CAMPGROUND (LAND USE) — See [§ Section 390-0310N](#).

CANDLEPOWER — The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. The maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminary.

CANOPY (BUILDING) — A rigid multisided structure covered with fabric, metal, or other material and supported by a building.

CANOPY (FREESTANDING) — A rigid multisided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground.

CARETAKER HOUSE or GUESTHOUSE (LAND USE) — See [§ Section 390-0315F](#).

CARPORT — An open ~~u~~sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. The carport shall meet the building code.

CLEAR CUTTING (LAND USE) — See [§ Section 390-0307E](#).

COLLECTOR STREET — See "street, collector."

COMMERCIAL ANIMAL BOARDING (LAND USE) — See [§ Section 390-0310P](#).

COMMERCIAL GREENHOUSE/GARDEN CENTER (LAND USE) — See [§ Section 390-0310T](#).

COMMERCIAL INDOOR LODGING (LAND USE) — See [§ Section 390-0310K](#).

COMMUNICATION TOWER (LAND USE) — See [§ Section 390-0311E](#).

COMMUNITY CHARACTER — The overall impression a community or area of a community makes on a person as a function of the type, intensity, density, quality, appearance, age of development, and the relationship between the built and natural environment.

COMMUNITY GARDEN (LAND USE) — See [§ Section 390-0307H](#).

COMMUNITY LIVING ARRANGEMENT (LAND USE) — See [§§ Sections 390-0308F, 390-0308G and 390-0308H](#).

COMPANY CAFETERIA (LAND USE) — See [§ Section 390-0315M](#).

COMPANY ON-SITE RECREATION (LAND USE) — See [§ Section 390-0315N](#).

COMPOSTING (LAND USE) — See [§ Section 390-0314B](#).

COMPREHENSIVE PLAN — The Comprehensive Plan of the Village of Williams Bay, Wisconsin.

CONCESSION STANDS AND EQUIPMENT RENTAL (LAND USE) — See [§ Section 390-0315W](#).

CONDITIONAL USE — A land use that requires a conditional use permit in order to develop.

CONSTRUCTION, START OF — See "start of construction."

CULTIVATION (LAND USE) — See [§ Section 390-0307A](#).

DECK — A structure that has no roof or walls and is considered part of a building or structure.

DEDICATION — The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

DENSITY — A term used to describe the number of dwelling units per acre.

DEVELOPER — The legal or beneficial owner(s) of a lot of any land proposed for inclusion in a development.

DEVELOPMENT — The division of a parcel of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; and/or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

DEVELOPMENT AGREEMENT — An agreement by a developer with the Village that clearly establishes the developer's responsibility regarding project phasing, the provision of public and

private facilities and improvements, and any other mutually agreed to terms and requirements.

DEVELOPMENT PAD — The area of land where development will occur, including building areas, paved areas, yard and septic system areas, and other areas of ~~nonnative~~non-native vegetation.

DISTRIBUTION CENTER (LAND USE) — See ~~§ Section~~§ 390-0313B.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding [see also ~~stormwater facilities~~Stormwater Facilities (land use) in ~~§ Section~~§ 390-0315T].

DRIVE-THROUGH SALES AND SERVICE (LAND USE) — See ~~§ Section~~§ 390-0310I.

DRIVE-THROUGH SALES AND SERVICE INCIDENTAL TO ON-SITE PRINCIPAL LAND USE (LAND USE) — See ~~§ Section~~§ 390-0315U.

DUPLEX (LAND USE) — See ~~§ Section~~§ 390-0306D.

DWELLING — A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

DWELLING UNIT — A room or group of rooms providing or intended to provide permanent living quarters for not more than one "family," as defined in this section.

DWELLING UNIT SEPARATION — The narrowest distance between two dwelling units.

DWELLING, ATTACHED — A dwelling unit joined to another dwelling unit at one or more sides by a shared wall or walls.

DWELLING, DETACHED — A dwelling unit entirely surrounded by open space on the same lot.

EASEMENT — Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the landowner's property for a specified purpose.

ENCROACHMENT — Any fill, structure, building, use, or development that advances beyond proper limits.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

ESSENTIAL SERVICES — Facilities that meet the following criteria:

- A. Owned or maintained by public utility companies or public agencies;
- B. Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;
- C. Reasonably necessary for the furnishing of adequate water, sewer, gas, electric,

communication, or similar services to adjacent customers; and

D. Not including any cross-country line on towers.

EXTERIOR COMMUNICATIONS DEVICE (LAND USE) — See [§ Section 390-0315R](#).

EXTRACTION (LAND USE) — See [§ Section 390-0314A](#).

EXTRATERRITORIAL AREA — The area outside of the Village limits within which the Village of Williams Bay may exercise extraterritorial powers of planning, land division, and/or zoning review.

FACADE — The entire building front including the parapet.

FAMILY — One person~~An individual~~ or two or more persons, ~~each~~ related by blood, foster relationship, marriage, or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are guardianship, living together inas a single, nonprofit dwelling housekeeping unit and ; or a group of not more than four persons not so related, maintaining a common household with single cookingin which bathrooms, kitchen facilities. A roomer, boarder or lodger shall not be considered a member of the family. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)], and living quarters are shared.

FAMILY DAY-CARE HOME (LAND USE) — See [§ Section 390-0315B](#).

FARM BUILDING — Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

FARM RESIDENCE (LAND USE) — See [§ Section 390-0315G](#).

FARMERS MARKET (LAND USE) — See [§ Section 390-0316I](#).

FENCE — An artificially constructed barrier of any material used to enclose, screen, or separate areas.

FENCE, SOLID — Any fence that cannot be seen through. Such fences include basket-weave fences, stockade fences, plank fences, and similar fences.

FILLING (LAND USE) — See [§ Section 390-0315Y](#).

FLOOR AREA RATIO (FAR) — The ratio calculated by dividing the gross floor area of all buildings on a site by the gross site area (see "maximum floor area ratio").

FOOTCANDLE — A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FREIGHT TERMINAL (LAND USE) — See [§ Section 390-0313C](#).

GENERAL FLOOR PLANS — A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

GLARE — The brightness of a light source that causes eye discomfort.

GREEN SPACE RATIO (GSR) — The percentage of the gross site area that is preserved as permanently protected green space. The green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#) ~~(see "minimum green space ratio")~~.

GROSS DENSITY — The result of dividing the number of dwelling units located on a site by the gross site area (see "maximum gross density").

GROSS FLOOR AREA — The sum of the horizontal areas of all floors of a building, including interior balconies, mezzanines, attached accessory buildings, stairs, escalators, enclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, and inside off-street parking or loading space. Basements and unenclosed porches shall not be included in this calculation. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

GROSS SITE AREA (GSA) — The total area within a development site, including floodplain areas, wetlands, steep slopes, wooded areas, street rights-of-way, alleys, easements, stormwater management areas, parks, and dedicated open space areas.

GROUP DAY-CARE CENTER (LAND USE) — See [§ Section 390-03100](#).

HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Wis. Stats. A Class 1 notice, published once at least 10 days prior to public hearing, is the minimum required for appeals. A Class 2 notice, published twice, once each week consecutively, the last at least 10 days before the public hearing, is the minimum required for all zoning ordinances and amendments including map amendments.

HEAVY INDUSTRIAL (LAND USE) — See [§ Section 390-0311B](#).

HEIGHT — See "building height."

HOME OCCUPATION (LAND USE) — See [§ Section 390-0315A](#).

HUSBANDRY (LAND USE) — See [§ Section 390-0307B](#).

IDENTIFICATION SIGN — An accessory wall sign containing only the name of the premises on which it is located.

IMPERVIOUS SURFACE — Surfaces that prohibit infiltration of stormwater into the ground. Homes, buildings, and other structures with roofs, as well as concrete, brick, stone, asphalt, gravel, and similar paved surfaces, are considered impervious.

IMPERVIOUS SURFACE RATIO — A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

IN-HOME SUITE (LAND USE) — See [§ Section 390-0315D](#).

INCIDENTAL INDOOR SALES (LAND USE) — See [§ Section 390-0315P](#).

INCIDENTAL LIGHT INDUSTRIAL (LAND USE) — See [§ Section 390-0315Q](#).

INCIDENTAL OUTDOOR DISPLAY (LAND USE) — See [§ Section 390-0315O](#).

INDOOR AQUACULTURE (LAND USE) — See [§ Section 390-0311D](#).

INDOOR COMMERCIAL ENTERTAINMENT (LAND USE) — See [§ Section 390-0310G](#).

INDOOR INSTITUTIONAL “ GENERAL (LAND USE) — See [§ Section 390-0308A](#).

INDOOR INSTITUTIONAL “ INTENSIVE (LAND USE) — See [§ Section 390-0308B](#).

INDOOR MAINTENANCE SERVICE (LAND USE) — See [§ Section 390-0310Q](#).

INDOOR SALES AND SERVICE (LAND USE) — See [§ Section 390-0310E](#).

INDOOR STORAGE AND WHOLESALING (LAND USE) — See [§ Section 390-0312A](#).

INSTITUTIONAL RESIDENTIAL (LAND USE) — See [§ Section 390-0308E](#).

INTENSITY — A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross area of the lot or site.

INTENSIVE AGRICULTURE (LAND USE) — See [§ Section 390-0307F](#).

INTENSIVE OUTDOOR ACTIVITY (LAND USE) — See [§ Section 390-0309C](#).

INTERMEDIATE DAY-CARE HOME (LAND USE) — See [§ Section 390-0315C](#).

IRREVOCABLE LETTER OF CREDIT — An agreement entered into by a bank, savings and loan, or other financial institution that is authorized to do business in the State of Wisconsin and that has a financial standing acceptable to the Village of Williams Bay, and that is approved, as to form, by the Village Attorney.

JUNK OR SALVAGE YARD (LAND USE) — See [§ Section 390-0314D](#).

LAKE-RELATED RECREATION (LAND USE) — See [§ Section 390-0309D](#).

[LAKE SHORE](#)~~LAKE~~~~SHORE~~ — Those lands lying within the following distances from the ordinary high ~~water~~ mark of navigable waters: 1,000 feet from a lake, pond, or flowage; 300 feet from a river, stream or to a landward side of the floodplain, whichever distance is greater. [Lake shores](#)~~Lakeshores~~ shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river; those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and such lands are maintained in [nonstructural](#)~~non-structural~~ agricultural use.

LAND USE — The type of development and/or activity occurring on a piece of property.

LANDSCAPE SURFACE RATIO (LSR) — The percentage of the gross site area or lot area that is preserved as permanently protected landscaped area.

LANDSCAPED AREA — The area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced [ground covers](#)~~ground~~~~covers~~, shrubs, bushes, and trees. The landscaped area also includes any area located within planted and continually maintained landscaped planters.

LARGE SOLAR ENERGY SYSTEM (LAND USE) — See [§ Section 390-0311G](#).

LARGE WIND ENERGY SYSTEM (LAND USE) — See [§ Section 390-0311F](#).

LAWN CARE (LAND USE) — See [§ Section 390-0315S](#).

LIGHT INDUSTRIAL (LAND USE) — See [§ Section 390-0311A](#).

LOADING AREA — A completely off-street space or berth on the same lot as the principal use it serves intended for the loading or unloading of freight carriers. Loading areas shall have adequate ingress and egress to a public street or alley.

LOT — A piece of land that meets the following criteria:

- A. Undivided by any street or private road;
- B. Is occupied by, or designated to be developed with, one building or principal use (except in the case of a group development under [§ Section 390-0821](#));
- C. Contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this chapter for such building, use, or development; and
- D. Has been described in a certified survey map or in a metes and bounds description approved by the Village or by Walworth County and recorded in the office of the Register of Deeds.

LOT AREA — The area contained within the property boundaries of a recorded lot.

LOT DEPTH — The average distance between the front lot line and the rear lot line of a lot.

LOT FRONTAGE — The lot width as measured at the front lot line. For double [-frontage](#) lots and corner lots, lot width shall be measured and the minimum lot width required by this chapter shall be provided for both frontages.

LOT LINE — The line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying the regulations of this chapter.

LOT LINE, FRONT — A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also "lot line, street side.") For double [-frontage](#) lots, there shall be two front lot lines, or one front lot line and one shore lot line, and no rear lot lines.

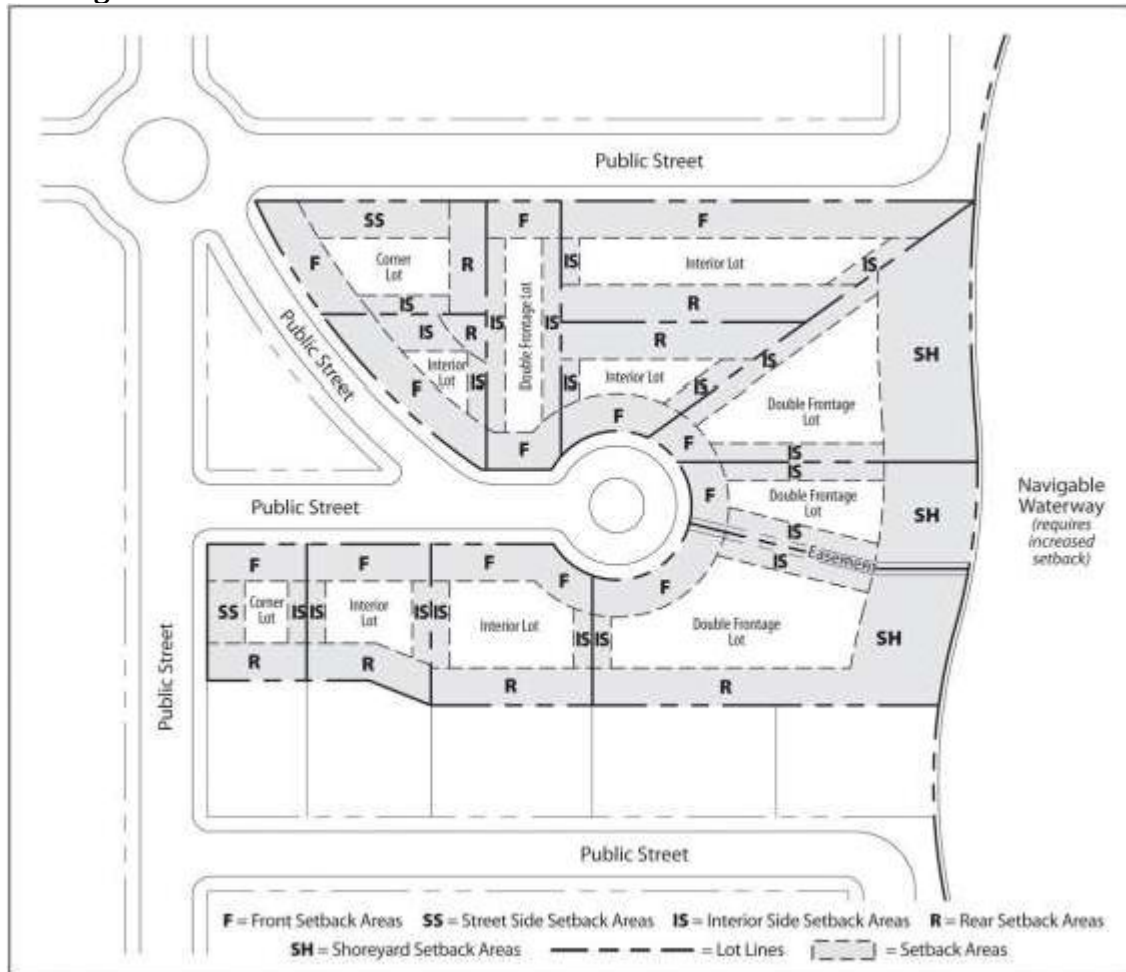
LOT LINE, INTERIOR SIDE — Any boundary of a lot that is not a front lot line, street side lot line, or a rear lot line.

LOT LINE, REAR — In the case of rectangular or most trapezoidal [-shaped](#) lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double [-frontage](#) lot, there shall be no rear lot line.

LOT LINE, SHORE — The lot line that abuts a navigable waterway.

LOT LINE, STREET SIDE — For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line. (See also "lot line, front.")

Figure 390-0114C



LOT OF RECORD — A platted lot or lot described in a certified survey map or in a metes and bounds description that has been approved by the Village or by Walworth County, and has been recorded in the office of the Register of Deeds.

LOT WIDTH — The maximum horizontal distance between the side lot lines, measured parallel to the front lot line and at the rear of the required front yard (see also "minimum lot width").

LOT, CORNER — A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135°. See Figure 390-0114C.

LOT, DOUBLE FRONTAGE — A lot, other than a corner lot, that has frontage on more than one street, or with frontage on a street and a navigable waterway. Double frontage lots shall have two front yards, or one front yard and one shore yard, and no rear yard. See Figure 390-0114C.

LOT, INTERIOR — A lot other than a corner lot. See Figure 390-0114C.

LOWEST FLOOR — The lowest enclosed floor (including a basement). Any unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in an area

other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable ~~nonelevation~~~~non-elevation~~ design requirements of this chapter.

MANUFACTURED HOME — A type of housing unit that is largely assembled in factories and then transported to sites of use.

MARKET GARDEN (LAND USE) — See ~~§ Section~~ 390-0307I.

MAXIMUM BUILDING SIZE (MBS) — The largest total gross floor area a building is allowed to contain (see "building size").

MAXIMUM FLOOR AREA RATIO (FAR) — The largest percentage of floor area allowed on a lot (see "floor area ratio").

MAXIMUM GROSS DENSITY (MGD) — The maximum number of dwelling units allowed per acre of gross site area (see "gross density").

MAXIMUM HEIGHT — The tallest allowable height of a structure (see "building height").

MIGRANT EMPLOYEE HOUSING (LAND USE) — See ~~§ Section~~ 390-0315H.

MINIMUM BUILDING SEPARATION — The narrowest allowable building separation.

MINIMUM DWELLING UNIT SEPARATION — The narrowest allowable dwelling unit separation.

MINIMUM LANDSCAPE SURFACE RATIO (LSR) — The smallest allowable landscape surface ratio (see "landscape surface ratio").

MINIMUM LOT AREA — The smallest allowable size of a lot.

MINIMUM LOT WIDTH — The smallest allowable lot width as measured at any point throughout the entire length of the lot, unless the lot has a specific building line assigned to it by this chapter, in which case such measurements shall be taken at the assigned building line.

MINIMUM REQUIRED YARD — The smallest yard depth allowable based on the setback regulations for the zoning district in which such lot is located.

MINIMUM SETBACK — The shortest distance allowed between a lot line and a structure.

MINOR STRUCTURES — Structures not requiring a building permit (e.g., swing set, clothesline, etc.). Such structures are ~~movable~~~~moveable~~ and shall be less than 12 feet in height.

MIXED USE — Some combination of residential, business, industrial, office, institutional, and/or other land uses within a district, development, or building.

MIXED USE DWELLING UNIT (LAND USE) — See ~~§ Section~~ 390-0306K.

MOBILE HOME (LAND USE) — See ~~§ 390~~~~Section 18~~ 390-0306H.

MOBILE HOME PARK (LAND USE) — See ~~§ Section~~ 390-0306J.

MOBILE HOME SUBDIVISION (LAND USE) — See ~~§ Section~~ 390-0306I.

MULTIPLEX (LAND USE) — See [§ Section 390-0306F](#).

MUNICIPAL WATER SUPPLY — The municipal water supply of the Village of Williams Bay.

NET DEVELOPABLE AREA (NDA) — The area of a site that may be disturbed by development activity. Net developable area is the result of subtracting required resource protection areas (RPA) from the gross site area.

NONCONFORMING BUILDING OR STRUCTURE — See [§ Section 390-0603](#).

NONCONFORMING SITE AND BUILDING DESIGN — See [§ Section 390-0605](#).

NONCONFORMING USE — See [§ Section 390-0602](#).

NOXIOUS MATTER OR MATERIALS — Material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects to the physical or economic well-being of individuals.

NURSERY — Any enterprise that conducts the sale of plants that are grown on the premises.

OFF-SITE PARKING (LAND USE) — See [§ Section 390-0313E](#).

OFFICE (LAND USE) — See [§ Section 390-0310A](#).

OFFICIAL MAP — The map adopted and designated by the Village as being the "Official Map" pursuant to § 62.23(6), Wis. Stats., which shows current and proposed municipal improvement sites and rights-of-way.

OFFICIAL ZONING MAP — The map adopted and designated by the Village as being the "Official Zoning Map."

ON-SITE — Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

ON-SITE AGRICULTURAL RETAIL (LAND USE) — See [§ Section 390-0307C](#).

ON-SITE PARKING (LAND USE) — See [§ Section 390-0315L](#).

OPACITY — The degree to which vision is blocked by a [buffer yard](#)~~buffer yard~~. Opacity is the proportion of a [buffer yard's](#)~~buffer yard's~~ vertical plane that obstructs views into an adjoining property.

OTHER PERMANENTLY PROTECTED GREEN SPACE — Permanently protected green space areas that are not constrained by one of the protected natural resources (i.e., wetlands, floodplains, steep slopes, [lake shores](#)~~lakeshores~~, and woodlands). Examples include portions of private lots or outlots commonly held by a property owners association and that are deed restricted from site disruption.

OUTDOOR DISPLAY (LAND USE) — See [§ Section 390-0307E](#).

OUTDOOR ENTERTAINMENT (LAND USE) — See [§ Section 390-0310H](#).

OUTDOOR MAINTENANCE SERVICE (LAND USE) — See [§ Section 390-0310R](#).

OUTDOOR OPEN SPACE INSTITUTIONAL (LAND USE) — See [§ Section 390-0308C](#).

OUTDOOR STORAGE AND WHOLESALING (LAND USE) — See [§ Section 390-0312B](#).

OVERLAY ZONING DISTRICT — A zoning district that imposes uniform restrictions on all properties within its mapped area and that are in addition to the restrictions specific to the base zoning district(s).

OWNER — The person, persons, or entity having the right of legal title to a lot or parcel of land.

PARAPET — The extension of a false front or wall above the roofline.

PARCEL — A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for the purposes of development.

PASSIVE OUTDOOR RECREATION (LAND USE) — See [§ Section 390-0309A](#).

PERFORMANCE STANDARD — Criterion established to control and limit the impacts generated by, or inherent in, uses of land or structures.

PERMANENTLY PROTECTED GREEN SPACE — An area in which site disruption and/or development is strictly limited.

PERSONAL OR PROFESSIONAL SERVICE (LAND USE) — See [§ Section 390-0310B](#).

PERSONAL STORAGE FACILITY (LAND USE) — See [§ Section 390-0312C](#).

PLAN COMMISSION — The Plan Commission of the Village of Williams Bay.

PLANNED DEVELOPMENT — See [§ Section 390-0709](#).

PORCH — A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room that is not heated or cooled and that is attached to the outside of a building.

PRINCIPAL BUILDING — See "building, principal."

PRINCIPAL USE — Any and all of the primary uses of a property treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

PRIVATE INSTITUTION — An established organization belonging to a particular person or persons or private entities dedicated to the advancement of interests or causes such as education or culture. [Added 5-2-2020 by Ord. No. 2020-01]

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term also means an alternative sewage system approved by the Department of [Safety Industry, Labor,](#) and [Professional ServicesHuman Relations](#) including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

PRODUCTION GREENHOUSE (LAND USE) — See [§ Section 390-0311C](#).

PUBLIC IMPROVEMENT — Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water

supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

PUBLIC INSTITUTION — An established organization which is a governmental entity dedicated to the advancement of interests or causes such as education or culture. [Added 5-2-2020 by Ord. No. 2020-01]

PUBLIC SCHOOL — An elementary or secondary school supported by public funds and providing free education for children of the Williams Bay School District. [Added 5-2-2020 by Ord. No. 2020-01]

PUBLIC SERVICES AND UTILITIES (LAND USE) — See [§ Section 390-0308D](#).

PUBLIC SEWER — Includes the Village of Williams Bay sewer system and other forms of sewer systems approved by the Wisconsin Department of Natural Resources and maintained by a public agency authorized to operate such systems.

RAILROAD RIGHT-OF-WAY — A strip of land that includes tracks and auxiliary facilities for track operation, but not including freight depots or stations, platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REAL ESTATE SIGN — A sign that is used to offer the sale, lease, or rent of the property upon which the sign is placed.

RECHARGE AREA — An area in which water reaches the zone of saturation by surface infiltration. This encompasses all areas or features that supply groundwater recharge to a well.

RECORDED LOT — See "lot of record."

RECYCLING AND WASTE DISPOSAL (LAND USE) — See [§ Section 390-0314C](#).

REQUIRED RESOURCE PROTECTION AREA (RPA) — The area of a site that may not be disturbed by development activity and that must also be reserved as permanently protected green space. The required resource protection area is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

RESIDENTIAL GARAGE OR SHED (LAND USE) — See [§ Section 390-0315I](#).

RESIDENTIAL KENNEL OR STABLE (LAND USE) — See [§ Section 390-0315K](#).

RESIDENTIAL [RECREATIONAL](#) RECREATION FACILITY (LAND USE) — See [§ Section 390-0315J](#).

RESTRICTIVE, MORE/LESS — A regulation imposed by this chapter is more/less restrictive than another if it prohibits or limits development to a greater/lesser extent or by means of more/less detailed specifications.

SCALE (OF DEVELOPMENT) — The gross floor area, height, or volume of a single structure or group of structures.

SEDIMENTATION — The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

SELECTIVE CUTTING (LAND USE) — See [§ Section 390-0307D](#).

SETBACK — The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line (see "minimum setback").

SEWER SERVICE AREA — Those areas in and around existing communities that are most suitable for urban development and capable of being provided with a full range of urban services.

SEXUALLY-ORIENTED LAND USE — See [§ Section 390-0310U](#).

SHADE TREE — A tree that would occupy the uppermost canopy of a forest in a natural ecological situation (e.g., hickory, oak, maple, etc.).

SHORELAND LOT — A lot abutting a navigable lake, stream, or watercourse.

SIGN — Any medium visible from a public way, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which information or message is made known.

SIGN COPY — The message or advertisement and any other symbols on the face of a sign.

SIGN FACE — The area or display surface used for the sign copy.

SIGN, AWNING — A sign that is mounted or painted on or attached to an awning, canopy, or marquee.

SIGN, GROUND — Any sign placed upon or supported by the ground independent of any other structure.

SIGN, PORTABLE — A sign that is not permanently placed, affixed to a building, structure, or to the ground. Such sign may be mounted on wheels to make it transportable.

SIGN, PROJECTING — A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

SIGN, ROOF — A sign erected upon or over the roof or parapet of any building.

SIGN, WALL — A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

SIGN, WINDOW — A sign located completely within an enclosed building and visible from a public way.

SINGLE-FAMILY (LAND USE) — See [§ Section 390-0306A](#).

SITE AREA — See "gross site area."

SMALL SOLAR ENERGY SYSTEM (LAND USE) — See [§ Section 390-0315V](#).

SOLID FENCE — See "fence, solid."

STANDARD ZONING DISTRICTS — Zoning districts that primarily regulate the use of land and intensity or density of such use. See Article 2.

START OF CONSTRUCTION — The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity

means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Construction activity does not include any of the following: land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

STEEP SLOPE — Areas that contain a gradient of 12% or greater.

STORMWATER FACILITIES (LAND USE) — See [§ Section 390-0315T](#).

STORY (BUILDING) — That portion of a building included between the surface of any building floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Basements shall not be counted as building stories.

STREET — Unless specifically designated otherwise by the Village, any public or private way that is dedicated or permanently open to pedestrian and vehicular use. Newly platted public and private streets shall be located on a right-of-way or easement with a minimum of 50 feet of width.

STREET, ARTERIAL — A street that provides primary access to and through an area.

STREET, COLLECTOR — A street that disperses traffic throughout an area.

STREET, LOCAL — A street that provides access to individual properties.

STREET, LOCAL RESIDENTIAL — A local street that primary serves to provide access directly to residential driveways and private residential courts and streets.

STREET, RESIDENTIAL COLLECTOR — A collector street serving primarily residential land uses and that primarily serves to connect local residential streets to collector or arterial streets.

STRING OF LIGHTS — Decorative lighting for store fronts, displays, or signage.

STRUCTURAL ALTERATIONS — Any change in the integral supporting or framing members of a structure or any change in the roof structure or in the exterior walls or any change in any interior walls. Structural alterations do not include the replacement of existing windows or doors with new windows or doors of the same size.

STRUCTURE — Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to ensure safe living conditions; or
- B. Any alteration of a structure or site documented as deserving preservation by the

Wisconsin State Historical Society or listed on the National Register of Historic Places.

SWALE — A linear depression in the land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse (also see bioswale in [§ Section-390-0911](#)).

TEMPORARY CONSTRUCTION STORAGE (LAND USE) — See [§ Section-390-0316F](#).

TEMPORARY FARM PRODUCT SALES (LAND USE) — See [§ Section-390-0316A](#).

TEMPORARY GARAGE OR ESTATE SALE (AUCTION) (LAND USE) — See [§ Section-390-0316H](#).

TEMPORARY OUTDOOR ASSEMBLY (LAND USE) — See [§ Section-390-0316C](#).

TEMPORARY OUTDOOR SALES (LAND USE) — See [§ Section-390-0316B](#).

TEMPORARY PORTABLE STORAGE UNIT (LAND USE) — See [§ Section-390-0316E](#).

TEMPORARY RELOCATABLE BUILDING (LAND USE) — See [§ Section-390-0316G](#).

TEMPORARY SHELTER STRUCTURE (LAND USE) — See [§ Section-390-0316D](#).

TEMPORARY USE — A land use that is present on a property for a limited and specified period of time.

TOURIST ROOMING HOUSE (LAND USE) — See [§ Section-390-0310M](#).

TOWNHOUSE (LAND USE) — See [§ Section-390-0306E](#).

TRANSIT CENTER (LAND USE) — See [§ Section-390-0313A](#).

TWIN HOUSE (LAND USE) — See [§ Section-390-0306C](#).

TWO-FLAT (LAND USE) — See [§ Section-390-0306B](#).

UNNECESSARY HARDSHIP — The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the [chapter ordinance](#).

URBAN SERVICES — Those additional public services normally provided or needed in urban areas, including public water supply and distribution systems, sanitary sewerage systems, police and fire protection, solid waste collection, urban storm drainage systems, streets with curbs and gutters, streetlighting, neighborhood facilities such as parks and schools, and urban transportation facilities such as sidewalks and trails, on-street bicycle lanes, taxi service, and mass transit.

USE — The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY — See "accessory use."

USE, CONDITIONAL — See "conditional use."

USE, PRINCIPAL — See "principal use."

VARIABLE MESSAGE SIGN — A sign that displays words, numbers, lines, logos, figures and/or symbols that can change electronically to provide different information. [Added 5-2-2020 by Ord. No. 2020-01]

VARIANCE — Permission to depart from the requirements of this chapter, granted pursuant to [§ Section 390-1215](#).

VEHICLE SALES (LAND USE) — See [§ Section 390-0310S](#).

VISITOR ENTRANCE — Entrance to an industrial, institutional, or business use for customers and visitors.

WELL FIELD — Land used primarily for the purpose of locating wells to supply a municipal water system.

WETLAND — An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions.

WOODLAND — Areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Williams Bay and its environs.

YARD — A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

YARD, FRONT — The yard between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots, the yard on which the property is addressed shall be the front yard. For double [frontage](#) lots in which the lot has frontage on more than one street (see "lot, double frontage"), there shall be two front yards.

YARD, INTERIOR SIDE — The yard between the front and rear lot lines extending from the interior side lot line to the nearest part of the nearest principal building.

YARD, REAR — The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building. For double [frontage](#) lots (see "lot, double frontage"), there shall be no rear yard.

YARD, SHORE — The yard between the side lot lines extending from the shore lot line to the nearest part of the nearest principal building.

YARD, STREET SIDE — For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

ZERO [LOT](#) [LINE](#) STRUCTURE — A structure that is built on the property line, such as a twin house, townhouse, or downtown unit.

ZONING ADMINISTRATOR — The person authorized and charged by the Village with the administration of this chapter.

ARTICLE 2 Standard Zoning Districts

§ 390-0201. Purpose.

The area located within the jurisdiction of this chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Village of Williams Bay Comprehensive Plan, and to achieve the other purposes of this chapter.

§ 390-0202. Standard zoning districts. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

For the purpose of this chapter, all areas within the jurisdiction of this chapter are hereby divided into the following standard zoning districts. Overlay zoning districts are listed and described in Article 7.

AH	Agricultural Holding
ER	Estate Residential
SF-1	Low Density Residential
SF-2	Large Lot Residential
SF-3	Suburban Residential
SF-6	Village Residential
SF-CPP	Cedar Point Park Residential
TF	Two-Family Residential
MF-12	Small Multifamily Multi-Family Residential
MF-18	Multifamily Large Multi-Family Residential
SB	Small Business
VC	Village Center
LSB	Lakeshore Business
CB	Community Business
LI	Light Industrial
GI	General Industrial
P&I	Public and Institutional
P&R	Parks and Recreation

§ 390-0203. Map of standard zoning districts. ¹

Zoning districts established by this chapter are shown on the Official Zoning Map of the Village of Williams Bay, which, together with all explanatory materials thereon, is hereby made part of this chapter.

§ 390-0204. Interpretation of zoning district boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Williams Bay:

1. Editor's Note: The Zoning Map is included as an attachment to this chapter.

- A. Zoning district boundaries shown as following or approximately following the limits of any village, city, town, or county boundary shall be construed as following such limits.
- B. Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the center line of such streets or railroad lines.
- C. Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Williams Bay or County of Walworth Tax Maps shall be construed as following such lines.
- D. Zoning district boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel center lines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel center line.
- E. Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- F. Zoning district boundaries shown as separated from any of the features listed in Subsections A through E above shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- G. Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

§ 390-0205. Vacations and annexations.

- A. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- B. Annexations that are fully in compliance with the Village annexation ordinance shall be automatically placed in the AH Agricultural Holding District, unless another zoning designation is determined through an annexation agreement. Annexations containing [lake shorelakeshore](#), as defined in this [chapterordinance](#), shall comply with § 59.692(7), Wis. Stats. Annexations or consolidations containing [flood landsfloodlands](#) shall be placed in one of the following overlay districts: FWO, FFO, and GFO.

§ 390-0206. Description and purpose of zoning districts.

The following sections specify the description and purpose of the standard zoning districts established by this chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Descriptions and standards for land use categories are provided in Article 3. Section 390-0305 includes a Tables of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right or allowed by conditional use permit, as an accessory use, or as a temporary use.

§ 390-0207. AH Agricultural Holding District.

- A. Description and purpose. This district is intended to permit agricultural land uses and development that is compatible with such uses. The land use standards for this district permit very low density, single-family, detached residential development at a density of one dwelling unit for every 35 gross acres, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development requiring even minimal urban services does not occur until such services are available. As such, the Agricultural Holding (AH) District shall serve either as a designation that preserves and protects agricultural activities or as a "holding zoning" that provides for an interim land use (agriculture) that can easily accommodate orderly future Village development (with rezoning to another district) at the appropriate time.
- B. Principal land uses permitted by right.
- (1) Single-family detached: 35 acre lot (per § Section 390-0306A).
 - (2) Cultivation (per § Section 390-0307A).
 - (3) On-site agricultural retail (per § Section 390-0307C).
 - (4) Selective cutting (per § Section 390-0307D).
 - (5) Public services and utilities (per § Section 390-0308D).
 - (6) Community living arrangement (one to eight residents) (per § Section 390-0308F).
 - (7) Passive outdoor recreation (per § Section 390-0309A).
 - (8) Active outdoor recreation (per § Section 390-0309B).
- C. Principal land uses allowed by conditional use permit (see § Section 390-1207).
- (1) Single-family detached: 40,000 square foot lot (for lots smaller than 35 acres, remainder of 35 acres must be deed restricted prohibiting subsequent development of additional principal structures unless rezoned for higher density development) (per Section 390-0306A).
 - (2) Husbandry (per § Section 390-0307B).
 - (3) Clear cutting (per § Section 390-0307E).
 - (4) Intensive agriculture (per § Section 390-0307F).
 - (5) Agricultural services (per § Section 390-0307G).
 - (6) Community gardens (per § Section 390-0307H).
 - (7) Market gardens (per § Section 390-0307I).
 - (8) Outdoor open space institutional (per § Section 390-0308C).
 - (9) Lake related recreation (per § Section 390-0309D).
 - (10) Bed-and-breakfast establishments (per § Section 390-0310J).

- (11) Campground (per [§ Section-390-0310N](#)).
- (12) Commercial animal boarding (per [§ Section-390-0310P](#)).
- (13) Production greenhouse (per [§ Section-390-0311C](#)).
- (14) Indoor aquaculture (per [§ Section-390-0311D](#)).
- (15) Large wind energy system (per [§ Section-390-0311F](#)).
- (16) Large solar energy system (per [§ Section-390-0311G](#)).
- (17) Extraction use (per [§ Section-390-0314A](#)).
- (18) Airport (per [§ Section-390-0313D](#)).
- (19) Composting (per [§ Section-390-0314B](#)).
- (20) Recycling and waste disposal (per [§ Section-390-0314C](#)).
- (21) Junk or salvage yard (per [§ Section-390-0314D](#)).
- (22) Large developments (per [§ Section-390-0821](#)).
- (23) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
- (3) In-home suite (per [§ Section-390-0315D](#)).
- (4) Farm residence (per [§ Section-390-0315G](#)).
- (5) Residential garage or shed (per [§ Section-390-0315I](#)).
- (6) Residential recreational facility (per [§ Section-390-0315J](#)).
- (7) On-site parking (per [§ Section-390-0315L](#)).
- (8) Exterior ~~communications~~[communication](#) devices (per [§ Section-390-0315R](#)).
- (9) Lawn care (per [§ Section-390-0315S](#)).
- (10) Stormwater facilities (per [§ Section-390-0315T](#)).
- (11) Small solar energy system (per [§ Section-390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
- (2) Incidental outdoor display (per [§ Section-390-0315C](#)).
- (3) Migrant employee housing (per [§ Section-390-0315H](#)).
- (4) Residential kennel or stable (per [§ Section-390-0315K](#)).

- (5) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (3) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (4) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (5) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (6) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (7) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (8) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the AH [Zoning District](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family and agricultural land uses are exempt from the landscaping requirements in this chapter. All other land uses in the AH [Zoning District](#) shall adhere to the applicable landscaping requirements listed in Article 9.
- J. Signage regulations. All signs in the AH [Zoning District](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the AH [Zoning District](#) are detailed in Figure 390-0207. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0207

Density, Intensity, and Bulk Regulations in the Agricultural Holding Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	35 acres 40,000 square feet (with	40,000 square feet

	conditional use permit)	
Maximum lot area	5 acres	5 acres
Maximum gross density	1 dwelling unit per 35 acres	N/A
Minimum gross floor area	900 square feet (excluding attached garage)	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	200 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	30 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	
Accessory structures	Refer to § Section 390-0303B for additional requirements	
Accessory structure setback from	10 feet	

principal building		
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft. ^{square foot} structure); 10 feet (more than 200 sq. ft. ^{foot} structure)	
Accessory structure rear yard setback	5 feet (less than 200 sq. ft. ^{square foot} structure); 10 feet (more than 200 sq. ft. ^{foot} structure)	
Maximum accessory structure height	15 feet	35 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0208. ER Estate Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a low density of less than one dwelling unit per acre. Density and intensity standards for this district are designed to ensure that the existing character of areas zoned Estate Residential is protected and preserved.
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section 390-0306A](#)).
 - (2) Selective cutting (per [§ Section 390-0307D](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).
 - (3) Community garden (per [§ Section 390-0307H](#)).
 - (4) Market garden (per [§ Section 390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section 390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).

- (8) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
- (9) Large developments (per [§ Section 390-0821](#)).
- (10) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Caretaker house or guesthouse (per [§ Section 390-0315F](#)).
 - (5) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (6) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (7) On-site parking (per [§ Section 390-0315L](#)).
 - (8) Exterior communications device (per [§ Section 390-0315R](#)).
 - (9) Lawn care (per [§ Section 390-0315S](#)).
 - (10) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Accessory dwelling unit (per [§ Section 390-0315E](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the ER ~~Zoning District~~~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the ER ~~Zoning District~~~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the ER ~~Zoning District~~~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the ER ~~Zoning District~~~~zoning district~~ are detailed in Figure 390-0208. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0208

Density, Intensity, and Bulk Regulations in the Estate Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	65,000 square feet	2 acres
Maximum gross density	0.7 du per acre	N/A
Minimum gross floor area	Total du: 1,500 square feet 2-story du, first 1st level: 900 square feet 3-story du, each level: 500 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	200 feet	
Minimum front and street side yard setback	30 feet* 100 feet from Cedar Point Drive*	
Minimum shore yard setback	150 feet	
Minimum interior	30 feet	

side yard setback	
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure) 60 feet (all accessory structures) from Cedar Point Drive
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#) 390-0315I.

§ 390-0209. SF-1 Low [Density](#) Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a low density of one dwelling per acre. Density and intensity standards for this district are designed to ensure that the existing character of areas zoned in ~~Low-Density~~~~Large-Lot~~ Residential are protected and preserved. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Principal land uses permitted by right.
- (1) Single-family (per ~~§ Section~~ 390-0306A).
 - (2) Selective cutting (per ~~§ Section~~ 390-0307D).
 - (3) Public services and utilities (per ~~§ Section~~ 390-0308D).
 - (4) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
 - (5) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
 - (6) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) Cultivation (per ~~§ Section~~ 390-0307A).
 - (2) Clear cutting (per ~~§ Section~~ 390-0307E).
 - (3) Community garden (per ~~§ Section~~ 390-0307H).
 - (4) Market garden (per ~~§ Section~~ 390-0307I).
 - (5) Indoor institutional “general” (per ~~§ Section~~ 390-0308A).
 - (6) Indoor institutional “intensive” (per ~~§ Section~~ 390-0308B).
 - (7) Outdoor open space institutional (per ~~§ Section~~ 390-0308C).
 - (8) Bed-and-breakfast establishment (per ~~§ Section~~ 390-0310J).
 - (9) Large developments (per ~~§ Section~~ 390-0821).
 - (10) Group developments (per ~~§ Section~~ 390-0821).
- D. Accessory uses permitted by right.
- (1) Home occupation (per ~~§ Section~~ 390-0315A).
 - (2) Family day-care home (four to eight children) (per ~~§ Section~~ 390-0315B).
 - (3) In-home suite (per ~~§ Section~~ 390-0315D).
 - (4) Residential garage or shed (per ~~§ Section~~ 390-0315I).
 - (5) Residential recreational facility (per ~~§ Section~~ 390-0315J).
 - (6) On-site parking (per ~~§ Section~~ 390-0315L).
 - (7) Exterior communications device (per ~~§ Section~~ 390-0315R).

- (8) Lawn care (per [§ Section 390-0315S](#)).
- (9) Stormwater facilities (per [§ Section 390-0315T](#)).
- (10) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SF-1 [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-1 [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-1 [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-1 [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0209. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0209

Density, Intensity, and Bulk Regulations in the Low - Density Residential Zoning District
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	Residential Uses	Nonresidential Uses
Minimum lot area	1 acre	2 acres
Maximum gross density	1 du per acre	N/A
Minimum gross floor area	Total du: 1,500 square feet 2-story du, first ^{1st} level: 900 square feet 3-story du, each level: 500 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	200 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	30 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	

Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0210. SF-2 Large Lot Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a density of two dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of areas zoned [Large LotLow-Density Residential](#) is protected and preserved. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section 390-0306A](#)).
 - (2) Selective cutting (per [§ Section 390-0307D](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).

- (3) Community garden (per [§ Section 390-0307H](#)).
 - (4) Market garden (per [§ Section 390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section 390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).
 - (8) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
 - (9) Large developments (per [§ Section 390-0821](#)).
 - (10) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (6) On-site parking (per [§ Section 390-0315L](#)).
 - (7) Exterior communications device (per [§ Section 390-0315R](#)).
 - (8) Lawn care (per [§ Section 390-0315S](#)).
 - (9) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (10) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more

overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the SF-2 ~~Zoning District~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-2 ~~Zoning District~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-2 ~~Zoning District~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-2 ~~Zoning District~~ are detailed in Figure 390-0210. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0210

Density, Intensity, and Bulk Regulations in the Large Lot Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	20,000 square feet	
Maximum gross density	2 du per acre	N/A
Minimum gross floor area	Total du: 1,200 square feet 2-story du, first level: 750 square feet 3-story du, each level: 400 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	120 feet	
Minimum front	30 feet*	

and street side yard setback	
Minimum shore yard setback	150 feet
Minimum interior side yard setback	20 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#)

390-0315I.

§ 390-0211. SF-3 Suburban Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a density of 3.5 dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of areas zoned Suburban Residential is protected and preserved.
- B. Principal land uses permitted by right.
 - (1) Single family (per [§ Section 390-0306A](#)).
 - (2) Selective cutting (per [§ Section 390-0307D](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).
 - (3) Community garden (per [§ Section 390-0307H](#)).
 - (4) Market garden (per [§ Section 390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section 390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).
 - (8) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
 - (9) Large developments (per [§ Section 390-0821](#)).
 - (10) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section 390-0315J](#)).

- (6) On-site parking (per [§ Section 390-0315L](#)).
- (7) Exterior communications device (per [§ Section 390-0315R](#)).
- (8) Lawn care (per [§ Section 390-0315S](#)).
- (9) Stormwater facilities (per [§ Section 390-0315T](#)).
- (10) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SF-3 [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-3 [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-3 [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-3 [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0211. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0211

Density, Intensity, and Bulk Regulations in the Suburban Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	12,000 square feet	20,000 square feet
Maximum gross density	3.5 du per acre	N/A
Minimum gross floor area	Total du: 1,200 square feet 2-story, first ^{1st} level: 750 square feet 3-story, each level: 400 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	90 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	15 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	

Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section-390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

* For additional setback standards applicable to residential garages, see [§ Section-390-0315I](#).

§ 390-0212. SF-6 Village Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development that has a moderate density of six dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of existing areas zoned Village Residential is protected and preserved. Subsequent to the adoption of this chapter, no new, undeveloped lands shall be rezoned to or placed in this SF-6 [Zoning Districtzoning-district](#).
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section-390-0306A](#)).
 - (2) Selective cutting (per [§ Section-390-0307D](#)).
 - (3) Public services and utilities (per [§ Section-390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Cultivation (per [§ Section-390-0307A](#)).
- (2) Clear cutting (per [§ Section-390-0307E](#)).
- (3) Community garden (per [§ Section-390-0307H](#)).
- (4) Market garden (per [§ Section-390-0307I](#)).
- (5) Indoor institutional “general” (per [§ Section-390-0308A](#)).
- (6) Indoor institutional “intensive” (per [§ Section-390-0308B](#)).
- (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (8) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (9) Tourist rooming house (per [§ Section-390-0310M](#)).
- (10) Large developments (per [§ Section-390-0821](#)).
- (11) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
- (3) In-home suite (per [§ Section-390-0315D](#)).
- (4) Residential garage or shed (per [§ Section-390-0315I](#)).
- (5) Residential recreational facility (per [§ Section-390-0315J](#)).
- (6) On-site parking (per [§ Section-390-0315L](#)).
- (7) Exterior communications device (per [§ Section-390-0315R](#)).
- (8) Lawn care (per [§ Section-390-0315S](#)).
- (9) Stormwater facilities (per [§ Section-390-0315T](#)).
- (10) Small solar energy system (per [§ Section-390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
- (2) Filling (per [§ Section-390-0315Y](#)).

F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section-390-0316D](#)).
- (3) Temporary portable storage unit (per [§ Section-390-0316E](#)).
- (4) Temporary construction storage (per [§ Section-390-0316F](#)).

- (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
- (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SF-6 [Zoning District](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-6 [Zoning District](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-6 [Zoning District](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-6 [Zoning District](#) are detailed in Figure 390-0212. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0212

Density, Intensity, and Bulk Regulations in the Village Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	7,200 square feet	12,000 square feet
Maximum gross density	6 du per acre	N/A
Minimum gross floor area	900 square feet/level	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	60 feet	
Minimum front	30 feet*	

and street side yard setback	
Minimum shore yard setback	150 feet
Minimum interior side yard setback	10 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	20 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#)

390-0315I.

§ 390-0213. SF-CPP Cedar Point Park.

- A. Description and purpose. This district is intended to permit single-family residential development in the Cedar Point Park Subdivision. The district regulations shall not apply to any lands, now or in the future, lying beyond this subdivision.
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section-390-0306A](#)).
 - (2) Selective cutting (per [§ Section-390-0307D](#)).
 - (3) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (4) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (5) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Large developments (per [§ Section-390-0821](#)).
 - (4) Group developments (per [§ Section-390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section-390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
 - (3) In-home suite (per [§ Section-390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (5) On-site parking (per [§ Section-390-0315L](#)).
 - (6) Exterior communications device (per [§ Section-390-0315R](#)).
 - (7) Lawn care (per [§ Section-390-0315S](#)).
 - (8) Stormwater facilities (per [§ Section-390-0315T](#)).
 - (9) Small solar energy system (per [§ Section-390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (2) Filling (per [§ Section-390-0315Y](#)).
- F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per ~~§ Section~~ 390-0316C).
 - (2) Temporary shelter structure (per ~~§ Section~~ 390-0316D).
 - (3) Temporary portable storage unit (per ~~§ Section~~ 390-0316E).
 - (4) Temporary construction storage (per ~~§ Section~~ 390-0316F).
 - (5) Temporary relocatable building (per ~~§ Section~~ 390-0316G).
 - (6) Temporary garage or estate sale (auction) (per ~~§ Section~~ 390-0316H).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. General conditions applicable to Cedar Point Park Subdivision and additions thereto.
- (1) Utility easements. The original subdividers, their successors and assigns, shall have the right to enter upon, over, and along a strip of land five feet in width off the rear or sides of all lots that do not abut upon a private alley as and where indicated upon the recorded plats of the subdivisions for the purpose of constructing, operating, and maintaining public utilities, with right of ingress and egress thereto for construction and maintenance purposes.
 - (2) Property ~~owners'~~owners association. All private parks, roads, parking spaces, and similarly commonly owned properties in the subdivisions are owned, controlled, and maintained by an association of the subdivision property owners to which all of the owners of lots in the subdivisions are paying for the maintenance assessments therefor in accordance with the By-Laws of Cedar Point Park Association.
 - (3) Private parks and ways. The private parks designated on the various plats of the subdivision are to be private parks as are also the privately owned roads and parking spaces so indicated and designated on the respective plats. The parks, groves, roads, and parking spaces are for the unreserved use of the owners and occupants of the subdivisions and all such owners and occupants have the unreserved use of the common properties, subject to the proper regulations of the association of the owners of lots, and shall be allowed the unobstructed and free foot passages from park to park across lots where the lake shore foot passage is indicated all in accordance with the By-Laws of Cedar Point Park Association.
 - (4) Where lot lines in the Cedar Point Park Subdivision have been changed subsequent to the original platting thereof, such changes are incorporated herein by reference and shall take precedence over the lot lines set forth herein, which are taken from the original plats of lots in Cedar Point Park original subdivision and the three additions thereto.
 - (5) Prior to filing an application for zoning permit to construct or structurally alter any building, structure or conditional use previously granted, the applicant shall submit a request for review to the Building Committee of the Cedar Point Park Association

(Building Committee). Such review shall be required with regard to construction, area, location on the lot, curbing, driveways, walls, fences, hedges, terracing, and the location on the lot of garages. The Building Committee shall issue a report containing its recommendations concerning the proposed construction or alteration. The applicant shall deliver the report of the Building Committee to the Building Inspector at the time of the application for a zoning permit. The Building Inspector shall consider such report and recommendation in imposing appropriate conditions on the zoning permit. However, nothing contained in this subsection is intended to delegate the authority of the Building Inspector to the Building Committee. All applications for a zoning permit, to include the construction of a conditional use if a conditional use permit has been granted by the Village Plan Commission, shall be accompanied by showing the location, actual shape, and dimensions on the lot of both existing and proposed improvements, including the dwelling, accessory buildings, fences, and conditional uses. In the case with an application for a zoning permit for a conditional use, the applicant shall specifically set forth any conditions imposed by the Plan Commission in granting a conditional use permit, and in the case of a swimming pool, the exact provisions required, specified or approved by the Plan Commission for the drainage thereof. No dwellings shall be erected containing less than 900 square feet on the first floor for lots 60 to 90 feet in width and wider, not including porches, breezeways or accessory buildings. No obstructions such as curbing, driveways, walls, fences, hedges, or terraces shall extend beyond lot lines into public roads or private roads of the Cedar Point Park Association. All dimensions shown relating to location and size of the lot shall be based on a survey certified by a surveyor licensed by the State of Wisconsin. The lot and location of the building thereon shall be staked out on the ground before construction is commenced.

(6) The building line as used relating to each lot in the SF-CPP Cedar Point Park District shall mean the required setback for the location of all structures in all cases. The exceptions stated in [§ Section 390-0505F\(3\)](#) and [I\(3\)](#) shall not apply in the SF-CPP [District](#)~~district~~.

- I. Performance standards. All allowed uses in the SF-CPP [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- J. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-CPP [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- K. Signage regulations. All signs in the SF-CPP [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- L. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- M. Density, intensity, and bulk regulations.
 - (1) Lot area and width. Each lot shall have the area and width specified on the approved Cedar Point Park Subdivision plat or additions thereto. Each lot shall have those

special conditions attributable specifically to it and the construction of all improvements thereon must observe the building lines as specifically assigned each lot as well as the general yard requirements which shall be applicable to all lots, all as set forth in this section and Articles 4 and 5. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)](G) and Sections (H) through (K), inclusive.

- (2) Building height and area. No building or parts of a building shall exceed 35 feet in height.
- (3) Setbacks and yards.
 - (a) Minimum setbacks shall be that distance specified as the "building line" as set forth in Subsection M(5)(e) through (h).
 - (b) Garages for parked vehicles may be attached to the house or detached from the house. It is desirable to minimize the visual impact of garage doors as seen from the public street in front of the house. If attached to the house, a preferred location for garage doors is on the side of the house. If located on the front of the house, garage doors shall be set back at least two feet behind the facade of the house.
- (4) See Sections 390-0504, 390-0505, and 390-0506 for additional requirements applicable to all zoning districts.
- (5) Yards.
 - (a) Rectangular lots 60 feet to 90 feet in width.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard setback: 30 feet.
 - [3] Minimum side yard setback: 10 feet.
 - (b) Rectangular lots 91 feet or greater in width.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard: 30 feet.
 - [3] Minimum interior side yard setback: 15 feet.
 - (c) Irregular lots.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard setback: 30 feet.
 - [3] Minimum interior side yard setback: each the greater of 1/2 the total footage of the front/street side and rear lot lines multiplied by 0.16 or 10 feet, whichever is greater.
 - (d) Garages.
 - [1] Garages shall have a maximum area of 720 square feet and shall not

occupy more than 20% of the rear yard area.

- [2] Garages attached to the dwelling or located in an interior side yard shall comply with the interior side yard setback requirement.
- [3] Detached garages shall not be less than 10 feet from the principal structure except as permitted in the Building Code of the Village of Williams Bay.²

(e) Special conditions in the original Cedar Point Park subdivision.

- [1] The building line on all lots shall be 30 feet from the front lot line with the exceptions of Lots 52 thru 57, 62 1/2, and 68 through 72.
- [2] The building line on Lots 52 to 57, inclusive, and Lots 67 through 69 shall be 40 feet from the front lot line and shall be 20 feet from the front lot line for Lots 70 through 72. The building line on Lots 62 and 62 1/2 shall be as originally placed and shown on the plat.

(f) Special conditions in the first addition to Cedar Point Park subdivision.

- [1] The building line for all lots shall be 22 feet from and parallel to the front lot line, excepting for Lots 19, 20, and 48 through 53, which shall be 30 feet, and excepting Lots 8 through 11, 29 through 38, 67, and 68, which shall be and remain as shown on the plat of the first addition by means of a dotted line.
- [2] Measurements are taken from north and south principal meridians shown on plat as recorded.
- [3] Lots 69, 70, 70 1/2, and 71 through 74 in the first addition shall also be exempt from the ~~twenty-two-foot~~22-foot building line.
- [4] The building line on Lot 74 shall be 20 feet from the front lot line.
- [5] The building line for Lots 69, 70, 70 1/2, and 71 through 73 shall be 50 feet from the front lot line.
- [6] No owner or occupant of Lots 8 through 11, 29 through 38, 67, and 68 shall in any manner obstruct free passage on the foot path described by dotted lines on the recorded plat of this addition, which follows the lake shore and crosses the lots.

(g) Special conditions in the second addition to Cedar Point Park subdivision.

- [1] The building line on all lots shall be 22 feet from and parallel to front lot lines, excepting Lots 111, 119 through 121, 166, and 191 through 193.
- [2] Lot 111 shall contain two building lines. The south building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line for Lot 111 shall be 70 feet from the rear lot line.

². [Editor's Note: See Ch. 153, Building Construction.](#)

- [3] On Lots 119, 120, and 121 in the addition, the front building line shall be on a line parallel to the building line specified, that is, 22 feet. The rear building line shall be 80 feet from the longest rear lot line.
- [4] On Lots 191 through 193, the building line shall be 75 feet from the rear lot lines.
- [5] On Lot 166 in the addition, the front and interior side building lines shall be 22 feet from the front and interior side lot lines.
- (h) Special conditions in the third addition to Cedar Point Park subdivision.
- [1] On Lots 201 through 204, the building line shall be a straight line across the above lots that shall start at a point 226 feet west of the rear northwest corner or road stake along the northern boundary line of Lot 201 to a point that shall be 153.65 feet west of the southeast corner or road stake of Lot 204 and along the southern boundary line of Lot 204.
- [2] On Lots 205 through 213, the building line shall commence at a point that shall be 153.65 feet west of the northern road stake of Lot 205 and shall continue in a straight line until it intersects the southern boundary line of Lot 213 at a point that shall be 158.40 feet in a westerly direction from the southeast corner or road stake of Lot 213.
- [3] On Lots 214 through 217, the building line shall be a straight line that shall start at a point 158.40 feet in a westerly direction from the northeast corner or road stake along the northern boundary line of Lot 214 and shall continue across Lots 214 through 217 until it intersects the southeastern boundary line of Lot 217 at a point that shall be 163.40 feet in a southwesterly direction from the eastern corner or road stake of Lot 217.
- [4] On Lot 218, the building line shall be a straight line across Lot 218 that starts at a point along the northwestern boundary line, which shall be 163.40 feet in a southwesterly direction from the northern corner or road stake of Lot 218 to a point on the southeastern boundary line of Lot 218 that shall be 174 feet in a southwesterly direction from the eastern corner or road stake of Lot 218.
- [5] On Lots 219 and 220, the building line shall be a straight line that shall start at a point along the northwestern boundary line of Lot 219, 174 feet in a southwesterly direction from the northern corner or road stake of Lot 219, across Lots 219 and 220 until it intersects the eastern boundary line of Lot 220 at a point that shall be 181.60 from the northwestern corner or road stake of Lot 220.
- [6] On Lots 221 through 223, the building line shall be a straight line that shall commence at a point on the western boundary line of Lot 221, 181.60 feet in a southwesterly direction from the northwestern corner or road stake of Lot 221 across Lots 221 through 223 to a point on the eastern boundary line of Lot 223, which shall be 189.50 feet in a southerly

direction from the northeastern corner or road stake of Lot 223.

- [7] On Lots 224, 225, and 226, the building line shall be a straight line that shall commence at the eastern boundary line of Lot 224 and shall be 189.50 feet in a southerly direction from the northwestern corner or road stake of Lot 224 across Lots 224, 225, and 226 to a point on the eastern boundary line of 226, which shall be 60 feet in a northerly direction from the southern corner or ~~lakefront~~^{lake front} stake of Lot 226.
- [8] The building line of Lots 231 to 271, inclusive, shall be parallel to and 30 feet back of the front line on Circle ~~Parkway~~^{Pkwy}.
- [9] The building on Lot 224 shall face in a westerly direction.
- [10] The building on Lot 245 shall face in an easterly direction.
- [11] The building on Lot 272 shall face in a southwesterly direction being not more than 30° southerly from the northern boundary line and 25 feet from Circle ~~Parkway~~^{Pkwy}.
- [12] The building on Lot 273 shall face a southeasterly direction, being not more than 30° southerly from the northern boundary line and 25 feet from Circle ~~Parkway~~^{Pkwy}.
- [13] The building line on Lot 330 shall be parallel to and a continuation of the building line of Lots 232 and 244. The building line on Lot 230 shall face in a westerly direction.
- [14] Garages, if any, on Lots 272 and 273 shall be along the north and south lot line that divides them.
- [15] Garages that may be erected on any of the lake shore lots numbered 201 to 226, inclusive, shall remain at least 25 feet from the lot line shown on the plat that borders on Circle ~~Parkway~~^{Pkwy}.
- [16] Garages that may be erected on Lots 227 to 273, inclusive, shall remain at least 30 feet back of the front lot lines on Circle ~~Parkway~~^{Pkwy}.

§ 390-0214. TF Two-Family Residential.

- A. Description and purpose. This district is intended to permit residential development that has a moderate density of 10 dwellings per acre. The land use standards for this district permit detached single-family homes, attached single-family units (i.e., townhomes/~~row~~^{homes}), and attached two-family units (i.e., two-flats, duplexes, twin houses). Higher ~~density~~^{density} multifamily residential uses are not permitted in this ~~district~~^{District}. Density and intensity standards for this district are designed to ensure that the character of areas zoned as Two-Family Residential is protected and preserved.
- B. Principal land uses permitted by right.
 - (1) Single-family (per ~~§ Section~~[§] 390-0306A).

- (2) Two-flat (per [§ Section-390-0306B](#)).
 - (3) Twin-house (per [§ Section-390-0306C](#)).
 - (4) Duplex (per [§ Section-390-0306D](#)).
 - (5) Townhouse (three to four unit building) (per [§ Section-390-0306E](#)).
 - (6) Selective cutting (per [§ Section-390-0307D](#)).
 - (7) Public services and utilities (per [§ Section-390-0308D](#)).
 - (8) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (9) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
 - (10) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (11) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section-390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section-390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
 - (8) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
 - (9) Tourist rooming house (per [§ Section-390-0310M](#)).
 - (10) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
 - (11) Large developments (per [§ Section-390-0821](#)).
 - (12) Group developments (per [§ Section-390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section-390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
 - (3) In-home suite (per [§ Section-390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (6) On-site parking (per [§ Section-390-0315L](#)).

- (7) Exterior communications device (per [§ Section 390-0315R](#)).
- (8) Lawn care (per [§ Section 390-0315S](#)).
- (9) Stormwater facilities (per [§ Section 390-0315T](#)).
- (10) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the TF [Zoning District zoning district](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the TF [Zoning District zoning district](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the TF [Zoning District zoning district](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the TF [Zoning District zoning district](#) are detailed in Figure 390-0214. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0214

Density, Intensity, and Bulk Regulations in the Two-Family Residential Zoning District
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	Residential Uses	Nonresidential Uses
Minimum lot area	SF: 6,000 square feet TF: 3,000 square feet <u>per</u> /dwelling unit Townhouse: 3,000 square feet <u>per</u> /dwelling unit	12,000 square feet
Maximum gross density	10 dwelling units per acre	N/A
Minimum gross floor area	900 square feet	N/A
Maximum building coverage of lot	40%	
Minimum landscape surface ratio	50%	
Minimum lot width	SF: 60 feet TF: 55 feet <u>per</u> /dwelling unit Townhouse: 30 feet <u>per</u> /dwelling unit	100 feet
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	8 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	16 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	

Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0215. MF-12 Small [Multifamily](#)~~Multi-Family~~ Residential District.

- A. Description and purpose. This district is intended to permit residential development that has a density of up to 12 dwelling units per acre. The land use standards for this district permit detached single-family homes, duplexes, two flats, twin homes, townhouses, multiplexes, and small-scale apartment buildings. Multifamily buildings containing more than four dwelling units and up to eight dwelling units require a conditional use permit. Density and intensity standards for this district are designed to ensure that the character of areas zoned Small [Multifamily](#)~~Multi-Family~~ Residential is protected and preserved.
- B. Principal land uses permitted by right.
- (1) Single-family (per [§ Section 390-0306A](#)).
 - (2) Two-flat (per [§ Section 390-0306B](#)).
 - (3) Twin house (per [§ Section 390-0306C](#)).
 - (4) Duplex (per [§ Section 390-0306D](#)).
 - (5) Townhouse (three ~~to~~ ~~four~~ ~~unit~~ building) (per [§ Section 390-0306E](#)).
 - (6) Multiplex (three ~~to~~ ~~four~~ ~~unit~~ building) (per [§ Section 390-0306F](#)).

- (7) Apartment (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306G).
- (8) Selective cutting (per ~~§ Section~~ 390-0307D).
- (9) Public services and utilities (per ~~§ Section~~ 390-0308D).
- (10) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
- (11) Community living arrangement (nine to 15 residents) (per ~~§ Section~~ 390-0308G).
- (12) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
- (13) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
 - (1) Townhouse (~~five-5 to-eight-8~~ unit building) (per ~~§ Section~~ 390-0306E).
 - (2) Multiplex (~~five-5 to-eight-8~~ unit building) (per ~~§ Section~~ 390-0306F).
 - (3) Apartment (~~five-5 to-eight-8~~ unit building) (per ~~§ Section~~ 390-0306G).
 - (4) Cultivation (per ~~§ Section~~ 390-0307A).
 - (5) Clear cutting (per ~~§ Section~~ 390-0307E).
 - (6) Community gardens (per ~~§ Section~~ 390-0307H).
 - (7) Market gardens (per ~~§ Section~~ 390-0307I).
 - (8) Indoor institutional ~~“~~ general (per ~~§ Section~~ 390-0308A).
 - (9) Indoor institutional ~~“~~ intensive (per ~~§ Section~~ 390-0308B).
 - (10) Outdoor open space institutional (see ~~§ Section~~ 390-0308C).
 - (11) Institutional residential (per ~~§ Section~~ 390-0308E).
 - (12) Community living arrangement (16+ residents) (per ~~§ Section~~ 390-0308H).
 - (13) Bed-and-breakfast establishments (per ~~§ Section~~ 390-0310J).
 - (14) Boarding house (per ~~§ Section~~ 390-0310L).
 - (15) Tourist rooming house (per ~~§ Section~~ 390-0310M).
 - (16) Group day-care center (9+ children) (per ~~§ Section~~ 390-0310O).
 - (17) Large developments (per ~~§ Section~~ 390-0821).
 - (18) Group developments (per ~~§ Section~~ 390-0821).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per ~~§ Section~~ 390-0315A).
 - (2) Family day-care home (four to eight children) (per ~~§ Section~~ 390-0315B).
 - (3) In-home suite (per ~~§ Section~~ 390-0315D).

- (4) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (6) On-site parking lot (per [§ Section 390-0315L](#)).
 - (7) Lawn care (per [§ Section 390-0315S](#)).
 - (8) Small solar energy system (per [§ Section 390-0315V](#)).__
 - (9) [Stormwater facilities. \[Added at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- E. Accessory uses allowed by conditional use permit (see Section 183.1207).
- (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Exterior ~~communication~~[communication](#) devices (per [§ Section 390-0315R](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the MF-12 ~~Zoning District~~[zoning district](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the MF-12 ~~Zoning District~~[zoning district](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the MF-12 ~~Zoning District~~[zoning district](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to

the MF-12 ~~Zoning District~~~~zoning district~~ are detailed in Figure 390-0215. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0215

Density, Intensity, and Bulk Regulations in the MF-12 Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	SF: 6,000 square feet TF: 6,000 square feet per dwelling unit Townhouse: 3,000 square feet per dwelling unit MF: 12,000 square feet	12,000 square feet
Maximum gross density	12 dwelling unit per acre	N/A
Minimum gross floor area	First level of principal structure: 1,000 square feet Efficiency du: 500 square feet 1-bedroom du: 600 square feet 2-bedroom du: 800 square feet 3-bedroom du: 1,000 square feet 4-bedroom + du: 1,200 square feet	N/A
Maximum building coverage of lot	40%	
Minimum landscape surface ratio	50%	
Minimum lot width	SF: 60 feet TF: 55 feet per dwelling unit Townhouse: 30 feet per dwelling unit MF: 100 feet	100 feet
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	SF/TF/ townhouse Townhouse 8 feet; MF: 25	25 feet
Minimum rear yard setback	30 feet	

Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	16 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft. square foot structure); 10 feet (more than 200 sq. ft. foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft. square foot structure); 10 feet (more than 200 sq. ft. foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#) 390-0315I.

§ 390-0216. MF-18 ~~Multifamily~~ [Multi-Family](#) Residential District.

- A. Description and purpose. This district is intended to permit residential development that has a density up to 18 dwelling units per acre. The land use standards for this district permit detached single-family homes, duplexes, two flats, twin homes, townhouses, multiplexes, and apartments. Multifamily buildings containing more than eight dwelling units and up to 16 dwelling units require a conditional use permit. Density and intensity standards for this

district are designed to ensure that the character of areas zoned as ~~Multifamily~~Multi-Family Residential is protected and preserved.

B. Principal land uses permitted by right.

- (1) Single-family (per ~~§ Section~~ 390-0306A).
- (2) Two-flat (per ~~§ Section~~ 390-0306B).
- (3) Twin house (per ~~§ Section~~ 390-0306C).
- (4) Duplex (per ~~§ Section~~ 390-0306D).
- (5) Townhouse (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306E).
- (6) Multiplex (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306F).
- (7) Apartment (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306G).
- (8) Selective cutting (per ~~§ Section~~ 390-0307D).
- (9) Public services and utilities (per ~~§ Section~~ 390-0308D).
- (10) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
- (11) Community living arrangement (nine to 15 residents) (per ~~§ Section~~ 390-0308G).
- (12) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
- (13) Active outdoor recreation (per ~~§ Section~~ 390-0309B).

C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).

- (1) Townhouse (five ~~to~~ eight ~~unit~~ building) (per ~~§ Section~~ 390-0306E).
- (2) Multiplex (five ~~to~~ sixteen ~~16~~ unit building) (per ~~§ Section~~ 390-0306F).
- (3) Apartment (five ~~to~~ sixteen ~~16~~ unit building) (per ~~§ Section~~ 390-0306G).
- (4) Mobile home subdivision (per ~~§ Section~~ 390-0306I).
- (5) Mobile home park (per ~~§ Section~~ 390-0306J).
- (6) Cultivation (per ~~§ Section~~ 390-0307A).
- (7) Clear cutting (per ~~§ Section~~ 390-0307E).
- (8) Community gardens (per ~~§ Section~~ 390-0307H).
- (9) Market gardens (per ~~§ Section~~ 390-0307I).
- (10) Indoor institutional ~~“~~ general (per ~~§ Section~~ 390-0308A).
- (11) Indoor institutional ~~“~~ intensive (per ~~§ Section~~ 390-0308B).
- (12) Outdoor open space institutional (see ~~§ Section~~ 390-0308C).
- (13) Institutional residential (per ~~§ Section~~ 390-0308E).

- (14) Community living arrangement (16+ residents) (per [§ Section 390-0308H](#)).
 - (15) Bed-and-breakfast establishments (per [§ Section 390-0310J](#)).
 - (16) Boarding house (per [§ Section 390-0310L](#)).
 - (17) Tourist rooming house (per [§ Section 390-0310M](#)).
 - (18) Group day-care center (9+ children) (per [§ Section 390-0310O](#)).
 - (19) Large developments (per [§ Section 390-0821](#)).
 - (20) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (6) On-site parking lot (per [§ Section 390-0315L](#)).
 - (7) Lawn care (per [§ Section 390-0315S](#)).
 - (8) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (9) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Exterior [communicationseommunication](#) devices (per [§ Section 390-0315R](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (Auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable

overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the MF-18 ~~Zoning District~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the MF-18 ~~Zoning District~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the MF-18 ~~Zoning District~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the MF-18 ~~Zoning District~~ are detailed in Figure 390-0216. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0216

Density, Intensity, and Bulk Regulations in the MF-18 Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	SF: 6,000 square feet TF: 6,000 square feet per dwelling unit Townhouse: 3,000 square feet per dwelling unit MF: 12,000 square feet	12,000 square feet
Maximum gross density	18 dwelling unit per acre	N/A
Minimum gross floor area	First level of principal structure: 1,000 square feet Efficiency dwelling unit: 500 square feet 1-bedroom dwelling unit: 600 square feet 2-bedroom dwelling unit: 800 square feet 3-bedroom dwelling unit: 1,000 square feet 4-bedroom + dwelling unit: 1,200 square feet	N/A
Maximum building coverage of lot	40%	

Minimum landscape surface ratio	50%	
Minimum lot width	SF: 60 feet TF: 55 feet per <u>per</u> dwelling unit Townhouse: 30 feet per <u>per</u> dwelling unit MF: 100 feet	100 feet
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	SF/TF/ townhouse <u>Townhouse</u> : 8 feet MF: 25	25 feet
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	16 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	
Accessory structures	Refer to § Section <u>§ Section</u> 390-0303B for additional requirements	
Accessory structure setback from principal building	10 feet	
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft. <u>sq. ft.</u> square foot structure); 10 feet (more than 200 sq. ft. <u>sq. ft.</u> foot structure)	
Accessory structure rear yard	5 feet (less than 200 sq. ft. <u>sq. ft.</u> square foot structure); 10 feet (more than 200 sq. ft. <u>sq. ft.</u> foot structure)	

setback	
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0217. SB Small Business District.

- A. Description and purpose. This district is intended to permit small-scale business development that is compatible with the overall Village character of Williams Bay and with adjacent residential development in particular. The desired development character is achieved through the application of landscape surface ratio (LSR) requirements, and by restricting the maximum building size (MBS) of all nonresidential buildings within each instance of this district. In order to ensure minimum disruption to adjacent or nearby residential development, business development within this district must take access from a collector or arterial street.
- B. Principal land uses permitted by right.
- (1) Single family (per [§ Section 390-0306A](#)).
 - (2) Two-flat (per [§ Section 390-0306B](#)).
 - (3) Twin-house (per [§ Section 390-0306C](#)).
 - (4) Duplex (per [§ Section 390-0306D](#)).
 - (5) Selective cutting (per [§ Section 390-0307D](#)).
 - (6) Public services and utilities (per [§ Section 390-0308D](#)).
 - (7) Indoor institutional “general” (per [§ Section 390-0308A](#)).
 - (8) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (9) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (10) Active outdoor recreation (per [§ Section 390-0309B](#)).
 - (11) Office (per [§ Section 390-0310A](#)).
 - (12) Personal or professional service (per [§ Section 390-0310B](#)).
 - (13) Indoor sales and service (per [§ Section 390-0310E](#)).
 - (14) Indoor maintenance service (per [§ Section 390-0310Q](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Mixed use dwelling unit (per [§ Section 390-0306K](#)).

- (2) Cultivation (per [§ Section-390-0307A](#)).
- (3) Clear cutting (per [§ Section-390-0307E](#)).
- (4) Community garden (per [§ Section-390-0307H](#)).
- (5) Market garden (per [§ Section-390-0307I](#)).
- (6) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (7) Institutional residential (per [§ Section-390-0308E](#)).
- (8) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
- (9) Community living arrangement (16+ residents) (per [§ Section-390-0308H](#)).
- (10) Artisan studio (per [§ Section-390-0310C](#)).
- (11) Outdoor display (per [§ Section-390-0310F](#)).
- (12) Indoor commercial entertainment (per [§ Section-390-0310G](#)).
- (13) Drive-through sales and service (per [§ Section-390-0310I](#)).
- (14) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (15) Boarding house (per [§ Section-390-0310L](#)).
- (16) Tourist rooming house (per [§ Section-390-0310M](#)).
- (17) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
- (18) Commercial greenhouse/garden center (see [§ Section-390-0310T](#)).
- (19) Off-site parking (per [§ Section-390-0313E](#)).
- (20) Large developments (per [§ Section-390-0821](#)).
- (21) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
- (3) In-home suite (per [§ Section-390-0315D](#)).
- (4) Residential garage or shed (per [§ Section-390-0315I](#)).
- (5) Residential recreational facility (per [§ Section-390-0315J](#)).
- (6) On-site parking (per [§ Section-390-0315L](#)).
- (7) Incidental outdoor display (per [§ Section-390-0315O](#)).
- (8) Exterior communications device (per [§ Section-390-0315R](#)).
- (9) Lawn care (per [§ Section-390-0315S](#)).

- (10) Stormwater facilities (per [§ Section 390-0315T](#)).
- (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Immediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Incidental light industrial (per [§ Section 390-0315Q](#)).
 - (3) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
 - (4) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SB Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All allowed uses in the SB zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- ~~I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements.~~ All other land uses in the SB [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SB [Zoning District](#)~~zoning district~~ shall comply with

applicable provisions of Article 10.

- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SB ~~Zoning District~~~~zoning district~~ are detailed in Figure 390-0217. See Articles 4 and 5 for additional requirements applicable to all zoning districts.
- M. The following additional architectural and operational provisions shall apply to the SB Small Business Zoning District:
- (1) Maximum zoning district area shall be three acres.
 - (2) To ensure that businesses are clustered together in nodes, there shall be a minimum of 500 feet between any SB districts that are separated by other zoning districts, or between one or more lots zoned SB that are separated by one or more lots zoned something other than SB.
 - (3) For nonresidential uses only, the following regulations shall also apply:
 - (a) There shall be no off-street parking located within minimum required front and street yard setbacks for principal buildings. No off-street parking shall be located in required ~~buffer yards~~~~bufferyards~~ per Article 9.
 - (b) Businesses within the SB ~~District~~~~district~~ shall maintain architectural designs consistent with a residential character. Minimally, this shall include the following:
 - [1] Use of residential roof materials such as shingles.
 - [2] All roofs shall be pitched.
 - [3] A minimum of 15% of any facade facing a public street shall be covered by windows.
 - [4] Exterior building materials on all sides of the building shall be compatible with nearby residential uses. Acceptable materials include wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.
 - (c) Operating hours: no earlier than 7:00 a.m. or later than 9:00 p.m., unless otherwise extended by granting of a conditional use permit.

Figure 390-0217

Density, Intensity, and Bulk Regulations in the Small Business Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	12,000 square feet	12,000 square feet

Maximum gross density (MGD)	3.5 dwelling unit per acre	N/A
Maximum building coverage of lot	30%	30%
Minimum landscape surface ratio (LSR)	50%	40%
Maximum building size (MBS)	5,000 square feet (1 -story building)	
Minimum lot width	90 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	15 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	
Accessory structure interior side yard setback	5 feet	
Accessory structure rear yard setback	5 feet	
Maximum accessory structure	15 feet	

height	
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NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0218. VC Village Center District.

- A. Description and purpose. This district is intended to provide for the preservation and stabilization of Williams Bay's Village Center, and is intended to permit a mixture of compatible land uses typical of a small "downtown" setting.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per [§ Section 390-0307D](#)).
 - (2) Indoor institutional ~~“~~ general (per [§ Section 390-0308A](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
 - (7) Office (per [§ Section 390-0310A](#)).
 - (8) Personal or professional service (per [§ Section 390-0310B](#)).
 - (9) Indoor sales and service (per [§ Section 390-0310E](#)).
 - (10) Indoor maintenance service (per [§ Section 390-0310Q](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Mixed use dwelling unit (per [§ Section 390-0306K](#)).
 - (2) Cultivation (per [§ Section 390-0307A](#)).
 - (3) Clear cutting (per [§ Section 390-0307E](#)).
 - (4) Community garden (per [§ Section 390-0307H](#)).
 - (5) Market garden (per [§ Section 390-0307I](#)).
 - (6) Indoor institutional ~~“~~ intensive (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).
 - (8) Institutional residential (per [§ Section 390-0308E](#)).
 - (9) Intensive outdoor activity (per [§ Section 390-0309C](#)).
 - (10) Lake related recreation (per [§ Section 390-0309D](#)).

- (11) Community living arrangement (nine to 15 residents) (per [§ Section 390-0308G](#)).
- (12) Community living arrangement (16+ residents) (per [§ Section 390-0308H](#)).
- (13) Artisan studio (per [§ Section 390-0310C](#)).
- (14) Outdoor display (per [§ Section 390-0310F](#)).
- (15) Indoor commercial entertainment (per [§ Section 390-0310G](#)).
- (16) Outdoor entertainment (per [§ Section 390-0310H](#)).
- (17) Drive-through sales and service (per [§ Section 390-0310I](#)).
- (18) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
- (19) Commercial indoor lodging (per [§ Section 390-0310K](#)).
- (20) Boarding house (per [§ Section 390-0310L](#)).
- (21) Tourist rooming house (per [§ Section 390-0310M](#)).
- (22) Group day-care center (9+ children) (per [§ Section 390-0310O](#)).
- (23) Transit center (per [§ Section 390-0313A](#)).
- (24) Off-site parking (per [§ Section 390-0313E](#)).
- (25) Large developments (per [§ Section 390-0821](#)).
- (26) Group developments (per [§ Section 390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section 390-0315A](#)).
- (2) Residential garage or shed (per [§ Section 390-0315I](#)).
- (3) Residential recreational facility (per [§ Section 390-0315J](#)).
- (4) On-site parking (per [§ Section 390-0315L](#)).
- (5) Company cafeteria (per [§ Section 390-0315M](#)).
- (6) Company on-site recreation (per [§ Section 390-0315N](#)).
- (7) Incidental outdoor display (per [§ Section 390-0315O](#)).
- (8) Exterior communications device (per [§ Section 390-0315R](#)).
- (9) Lawn care (per [§ Section 390-0315S](#)).
- (10) Stormwater facilities (per [§ Section 390-0315T](#)).
- (11) Small solar energy system (per [§ Section 390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).

- (1) Incidental light industrial (per [§ Section 390-0315Q](#)).

- (2) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
- (3) Filling (per [§ Section 390-0315Y](#))
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. ~~All allowed uses in the VC zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single family land uses are exempt from landscaping requirements. All allowed uses in the VC Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements.~~ All other land uses in the VC ~~Zoning District~~[zoning district](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the VC ~~Zoning District~~[zoning district](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the VC ~~Zoning District~~[zoning district](#) are detailed in Figure 390-0218. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0218

Density, Intensity, and Bulk Regulations in the Village Center Zoning District	
Minimum lot area	N/A N/A
Maximum building coverage of lot	75%
Minimum landscape surface ratio (LSR)	0%
Minimum lot width	N/A N/A
Minimum front and street side yard setback	0 feet
Maximum front and street side yard setback	5 feet (more only with conditional use permit)
Minimum shore yard setback	150 feet
Minimum interior side yard setback	0 feet feet or 10 feet
Minimum rear yard setback	20 feet
Maximum principal building height	35 feet 40 feet with conditional use permit
Minimum principal building separation (multi-structure developments on shared lots)	0 or 10 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	20 feet

§ 390-0219. LSB Lakeshore Business.

- A. Description and purpose. This district is intended to designate appropriate areas for business development along Geneva Lake, particularly those uses that relate to the recreational use of the ~~lake~~[Lake](#). Standards applicable to the Lakeshore Business District are designed to preserve the appearance and environmental quality of the Lake and the ~~lake shore~~[lakeshore](#).

B. Principal land uses permitted by right.

- (1) Selective cutting (per [§ Section 390-0307D](#)).
- (2) Public services and utilities (per [§ Section 390-0308D](#)).
- (3) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
- (4) Passive outdoor recreation (per [§ Section 390-0309A](#)).
- (5) Active outdoor recreation (per [§ Section 390-0309B](#)).
- (6) Office (per [§ Section 390-0310A](#)).
- (7) Personal or professional service (per [§ Section 390-0310B](#)).
- (8) Indoor sales and service (per [§ Section 390-0310E](#)).
- (9) Indoor maintenance service (per [§ Section 390-0310Q](#)).
- (10) Off-site parking (per [§ Section 390-0313E](#)).

C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).

- (1) Mixed use dwelling unit (per [§ Section 390-0306K](#)).
- (2) Cultivation (per [§ Section 390-0307A](#)).
- (3) Clear cutting (per [§ Section 390-0307E](#)).
- (4) Community garden (per [§ Section 390-0307H](#)).
- (5) Market garden (per [§ Section 390-0307I](#)).
- (6) Outdoor open space institutional (per [§ Section 390-0308C](#)).
- (7) Institutional residential (per [§ Section 390-0308E](#)).
- (8) Community living arrangement (nine to 15 residents) (per [§ Section 390-0308G](#)).
- (9) Community living arrangement (16+ residents) (per [§ Section 390-0308H](#)).
- (10) Intensive outdoor activity (per [§ Section 390-0309C](#)).
- (11) Lake related recreation (per [§ Section 390-0309D](#)).
- (12) Outdoor display (per [§ Section 390-0310F](#)).
- (13) Indoor commercial entertainment (per [§ Section 390-0310G](#)).
- (14) Outdoor entertainment (per [§ Section 390-0310H](#)).
- (15) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
- (16) Commercial indoor lodging (per [§ Section 390-0310K](#)).
- (17) Transit center (per [§ Section 390-0313A](#)).
- (18) Large developments (per [§ Section 390-0821](#)).

- (19) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (3) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (4) On-site parking (per [§ Section 390-0315L](#)).
 - (5) Company cafeteria (per [§ Section 390-0315M](#)).
 - (6) Company on-site recreation (per [§ Section 390-0315N](#)).
 - (7) Incidental outdoor display (per [§ Section 390-0315O](#)).
 - (8) Exterior communications device (per [§ Section 390-0315R](#)).
 - (9) Lawn care (per [§ Section 390-0315S](#)).
 - (10) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Incidental light industrial (per [§ Section 390-0315Q](#)).
 - (2) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district.

Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. ~~All allowed uses in the LSB zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single family land uses are exempt from landscaping requirements. All allowed uses in the LSB Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the LSB Zoning District shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the LSB Zoning District shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the LSB Zoning District are detailed in Figure 390-0219. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0219

Density, Intensity, and Bulk Regulations in the Lakeshore Business Zoning District	
Minimum lot area	20,000 square feet
Maximum building coverage of lot	50%
Minimum landscape surface ratio (LSR)	20%
Minimum lot width	100 feet
Minimum front and street side yard setback	30 feet
Minimum shore yard setback	75 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments)	30 feet

on shared lots)	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	15 feet

§ 390-0220. CB Community Business District.

- A. Description and purpose. This district is intended to permit a wider range of retail, service, office, and lodging uses that are compatible with the Village's desired community character. Generally, land included in the Community Business ~~District~~^{district} abuts arterial or major collector streets. Access requirements are intended to minimize negative traffic impacts on adjacent residential land uses and arterial roadways while ensuring safe and efficient access to business sites.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per ~~§ Section~~ 390-0307D).
 - (2) Indoor institutional ~~use~~ general (per ~~§ Section~~ 390-0308A).
 - (3) Public services and utilities (per ~~§ Section~~ 390-0308D).
 - (4) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
 - (5) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
 - (6) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
 - (7) Office (per ~~§ Section~~ 390-0310A).
 - (8) Personal or professional service (per ~~§ Section~~ 390-0310B).
 - (9) Indoor sales and service (per ~~§ Section~~ 390-0310E).
 - (10) Indoor maintenance service (per ~~§ Section~~ 390-0310Q).
 - (11) Vehicle sales (per ~~§ Section~~ 390-0310S).
 - (12) Off-site parking (per ~~§ Section~~ 390-0313E).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) Mixed ~~use~~ dwelling unit (per ~~§ Section~~ 390-0306K).
 - (2) Cultivation (per ~~§ Section~~ 390-0307A).

- (3) Clear cutting (per [§ Section-390-0307E](#)).
- (4) Community garden (per [§ Section-390-0307H](#)).
- (5) Market garden (per [§ Section-390-0307I](#)).
- (6) Indoor institutional ~~“~~intensive (per [§ Section-390-0308B](#)).
- (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (8) Institutional residential (per [§ Section-390-0308E](#)).
- (9) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
- (10) Community living arrangement (16+ residents) (per [§ Section-390-0308H](#)).
- (11) Intensive outdoor activity (per [§ Section-390-0309C](#)).
- (12) Lake ~~“~~related recreation (per [§ Section-390-0309D](#)).
- (13) Artisan studio (per [§ Section-390-0310C](#)).
- (14) Outdoor display (per [§ Section-390-0310F](#)).
- (15) Indoor commercial entertainment (per [§ Section-390-0310G](#)).
- (16) Outdoor entertainment (per [§ Section-390-0310H](#)).
- (17) Drive-through sales and service (per [§ Section-390-0310I](#)).
- (18) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (19) Commercial indoor lodging (per [§ Section-390-0310K](#)).
- (20) Boarding house (per [§ Section-390-0310L](#)).
- (21) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
- (22) Commercial animal boarding (per [§ Section-390-0310P](#)).
- (23) Outdoor maintenance service (per [§ Section-390-0310R](#)).
- (24) Commercial greenhouse/garden center (see [§ Section-390-0310T](#)).
- (25) Personal storage facility (per [§ Section-390-0312C](#)).
- (26) Transit center (per [§ Section-390-0313A](#)).
- (27) Large developments (per [§ Section-390-0821](#)).
- (28) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Residential garage or shed (per [§ Section-390-0315I](#)).
- (3) Residential recreational facility (per [§ Section-390-0315J](#)).

- (4) On-site parking (per [§ Section 390-0315L](#)).
- (5) Company cafeteria (per [§ Section 390-0315M](#)).
- (6) Company on-site recreation (per [§ Section 390-0315N](#)).
- (7) Incidental outdoor display (per [§ Section 390-0315O](#)).
- (8) Exterior communications device (per [§ Section 390-0315R](#)).
- (9) Lawn care (per [§ Section 390-0315S](#)).
- (10) Stormwater facilities (per [§ Section 390-0315T](#)).
- (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Incidental light industrial (per [§ Section 390-0315Q](#)).
 - (2) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. ~~All allowed uses in the CB zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- I. ~~Landscaping regulations. Single family land uses are exempt from landscaping requirements.~~ All allowed uses in the CB Zoning District shall comply with applicable

performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.

- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the CB Zoning District~~zoning district~~ shall adhere to the applicable landscaping requirements (see Article 9).
- J. Signage regulations. All signs in the CB Zoning District~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the CB Zoning District~~zoning district~~ are detailed in Figure 390-0220. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0220

Density, Intensity, and Bulk Regulations in the Community Business Zoning District	
Minimum lot area	20,000 square feet
Maximum building coverage of lot	50%
Minimum landscape surface ratio (LSR)	20%
Minimum lot width	100 feet
Minimum front and street side yard setback	20 feet
Minimum shore yard setback	75 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	25 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet

Accessory structure rear yard setback	5 feet
Maximum accessory structure height	15 feet

§ 390-0221. LI Light Industrial District.

- A. Description and purpose. This district is intended to allow primarily indoor industrial, storage, office, and other associated business and support uses. Allowable uses are geared toward activities that are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances. Outdoor uses are limited to those that are accessory to indoor principal uses. Architectural, site design, landscaping, and other requirements are intended to ensure compatibility with nearby residential, institutional, and conservancy uses.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per [§ Section-390-0307D](#)).
 - (2) Public services and utilities (per [§ Section-390-0308D](#)).
 - (3) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (4) Active outdoor recreation (per [§ Section-390-0309B](#)).
 - (5) Office (per [§ Section-390-0310A](#)).
 - (6) Personal and professional service (per [§ Section-390-0310B](#)).
 - (7) Indoor maintenance service (per [§ Section-390-0310Q](#)).
 - (8) Light industrial (per [§ Section-390-0311A](#)).
 - (9) Indoor storage and wholesaling (per [§ Section-390-0312A](#)).
 - (10) Off-site parking (per [§ Section-390-0313E](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).
 - (5) Outdoor open space institutional (see [§ Section-390-0308C](#)).
 - (6) Intensive outdoor activity (per [§ Section-390-0309C](#)).
 - (7) Lake -related recreation (per [§ Section-390-0309D](#)).
 - (8) Artisan studio (per [§ Section-390-0310C](#)).

- (9) Artisan production shop (per [§ Section 390-0310D](#)).
- (10) Group day-care center (9+ children) (per [§ Section 390-0310O](#)).
- (11) Outdoor maintenance service (per [§ Section 390-0310R](#)).
- (12) Sexually-oriented land use (per [§ Section 390-0310U](#)).
- (13) Production greenhouse (per [§ Section 390-0311C](#)).
- (14) Indoor aquaculture (per [§ Section 390-0311D](#)).
- (15) Communication tower (per [§ Section 390-0311E](#)).
- (16) Outdoor storage and wholesaling (per [§ Section 390-0312B](#)).
- (17) Personal storage facility (per [§ Section 390-0312C](#)).
- (18) Transit center (per [§ Section 390-0313A](#)).
- (19) Distribution center (per [§ Section 390-0313B](#)).
- (20) Airport (per [§ Section 390-0313D](#)).
- (21) Large developments (per [§ Section 390-0821](#)).
- (22) Group developments (per [§ Section 390-0821](#)).

D. Accessory uses permitted by right.

- (1) On-site parking (per [§ Section 390-0315L](#)).
- (2) Company cafeteria (per [§ Section 390-0315M](#)).
- (3) Company on-site recreation (per [§ Section 390-0315N](#)).
- (4) Incidental indoor sales (per [§ Section 390-0315P](#)).
- (5) Exterior communications device (per [§ Section 390-0315R](#)).
- (6) Lawn care (per [§ Section 390-0315S](#)).
- (7) Stormwater facilities (per [§ Section 390-0315T](#)).
- (8) Small solar energy system (per [§ Section 390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).

- (1) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
- (2) Filling (per [§ Section 390-0315Y](#)).

F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section 390-0316D](#)).

- (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the LI [Zoning District](#) ~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the LI [Zoning District](#) ~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the LI [Zoning District](#) ~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the LI [Zoning District](#) ~~zoning district~~ are detailed in Figure 390-0221. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0221

Density, Intensity, and Bulk Regulations in the Light Industrial Zoning District	
Minimum lot area	40,000 square feet
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	15%
Minimum lot width	100 feet
Minimum front and street side yard setback	30 feet
Minimum shore yard setback	150 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal	30 feet

building separation (multi-structure developments on shared lots)	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	35 feet

§ 390-0222. GI General Industrial District.

- A. Description and purpose. This district is intended to allow industrial, office, storage, and other supporting uses, including those land uses that may require more extensive outdoor storage, freight handling, repair, and maintenance activities than allowed in the LI ~~District~~[district](#). Allowable uses are geared toward activities that are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances that cannot be adequately mitigated on-site. Architectural, site design, landscaping, and other requirements are intended to minimize impacts and potential nuisances to other land uses.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per [§ Section-390-0307D](#)).
 - (2) Public services and utilities (per [§ Section-390-0308D](#)).
 - (3) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (4) Active outdoor recreation (per [§ Section-390-0309B](#)).
 - (5) Office (per [§ Section-390-0310A](#)).
 - (6) Indoor maintenance service (per [§ Section-390-0310Q](#)).
 - (7) Light industrial (per [§ Section-390-0311A](#)).
 - (8) Indoor storage and wholesaling (per [§ Section-390-0312A](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Agricultural services (per [§ Section-390-0307G](#)).
 - (4) Outdoor open space institutional (see [§ Section-390-0308C](#)).

- (5) Lake -related recreation (per [§ Section 390-0309D](#)).
- (6) Artisan studio (per [§ Section 390-0310C](#)).
- (7) Artisan production shop (per [§ Section 390-0310D](#)).
- (8) Outdoor maintenance service (per [§ Section 390-0310R](#)).
- (9) Sexually-oriented land use (per [§ Section 390-0310U](#)).
- (10) Heavy industrial (per [§ Section 390-0311B](#)).
- (11) Production greenhouse (per [§ Section 390-0311C](#)).
- (12) Indoor aquaculture (per [§ Section 390-0311D](#)).
- (13) Communication tower (per [§ Section 390-0311E](#)).
- (14) Large solar energy system (per [§ Section 390-0311G](#)).
- (15) Outdoor storage and wholesaling (per [§ Section 390-0312B](#)).
- (16) Distribution center (per [§ Section 390-0313B](#)).
- (17) Freight terminal (per [§ Section 390-0313C](#)).
- (18) Airport (per [§ Section 390-0313D](#)).
- (19) Composting (per [§ Section 390-0314B](#)).
- (20) Recycling and waste disposal (per [§ Section 390-0314C](#)).
- (21) Junk or salvage yard (per [§ Section 390-0314D](#)).
- (22) Large developments (per [§ Section 390-0821](#)).
- (23) Group developments (per [§ Section 390-0821](#)).
- (24) Community garden and market garden. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

D. Accessory uses permitted by right.

- (1) On-site parking (per [§ Section 390-0315L](#)).
- (2) Company cafeteria (per [§ Section 390-0315M](#)).
- (3) Company on-site recreation (per [§ Section 390-0315N](#)).
- (4) Incidental indoor sales (per [§ Section 390-0315P](#)).
- (5) Exterior communications device (per [§ Section 390-0315R](#)).
- (6) Lawn care (per [§ Section 390-0315S](#)).
- (7) Stormwater facilities (per [§ Section 390-0315T](#)).
- (8) Small solar energy system (per [§ Section 390-0315V](#)).

- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Filling (per [§ Section 390-0315Y](#)).
- (2) [Drive-through sales and service incidental to on-site principal land use. \[Added at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
- (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
- (4) Temporary construction storage (per [§ Section 390-0316F](#)).
- (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the GI [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the GI [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the GI [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the GI [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0222. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0222

Density, Intensity, and Bulk Regulations in the General Industrial Zoning District	
Minimum lot area	40,000 square feet
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	15%
Minimum lot width	100 feet

Minimum front and street side yard setback	30 feet
Minimum shore yard setback	150 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	35 feet

§ 390-0223. P&I Public and Institutional District.

- A. Description and purpose. This district is intended to establish and preserve areas for certain public and institutional uses in the Village of Williams Bay.
- B. Principal land uses permitted by right.
 - (1) Selective cutting (per [§ Section 390-0307D](#)).
 - (2) Indoor institutional ~~“~~ general (per [§ Section 390-0308A](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (5) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).
 - (3) Community garden (per [§ Section 390-0307H](#)).

- (4) Market garden (per [§ Section 390-03071](#)).
- (5) Indoor institutional ~~“~~ intensive (per [§ Section 390-0308B](#)).
- (6) Outdoor open space institutional (per [§ Section 390-0308C](#)).
- (7) Institutional residential development (per [§ Section 390-0308E](#)).
- (8) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
- (9) Community living arrangement (nine to 15 residents) (per [§ Section 390-0308G](#)).
- (10) Community living arrangement (16+ residents) (per [§ Section 390-0308H](#)).
- (11) Intensive outdoor activity (per [§ Section 390-0309C](#)).
- (12) Lake ~~“~~related recreation (per [§ Section 390-0309D](#)).
- (13) Group day-care center (9+ children) (per [§ Section 390-0310O](#)).
- (14) Large developments (per [§ Section 390-0821](#)).
- (15) Group developments (per [§ Section 390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section 390-0315A](#)).
- (2) Residential garage or shed (per [§ Section 390-0315I](#)).
- (3) Residential recreational facility (per [§ Section 390-0315J](#)).
- (4) On-site parking lot (per [§ Section 390-0315L](#)).
- (5) Company cafeteria (per [§ Section 390-0315M](#)).
- (6) Company provided on-site recreation (per [§ Section 390-0315N](#)).
- (7) Lawn care (per [§ Section 390-0315S](#)).
- (8) Exterior ~~communication~~[communication](#) device (per [§ Section 390-0315R](#)).
- (9) Stormwater facilities (per [§ Section 390-0315T](#)).
- (10) Small solar energy system (per [§ Section 390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).

- (1) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
- (2) Filling (per [§ Section 390-0315Y](#)).

F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section 390-0316D](#)).

- (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (7) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the P&I [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the P&I [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the P&I [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the P&I [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0223. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0223

Density, Intensity, and Bulk Regulations in the Public and Institutional Zoning District	
Minimum lot area	12,000 square feet
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	40%
Minimum lot width	90 feet
Minimum front and street side yard setback	30 feet 100 feet from the following streets: Geneva Street west of Dartmouth Road North Lakeshore Drive Theater Road Elkhorn Road north of Stark Street
Minimum shore yard setback	150 feet

Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet 45 feet with conditional use permit
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	15 feet

§ 390-0224. P&R Parks and Recreation District.

- A. Description and purpose. This district is intended to accommodate land uses serving the recreational needs and interests of residents and tourists. This district provides an environment that does not allow residential uses, business uses that are not recreation-based, or industrial uses.
- B. Principal land uses permitted by right.
 - (1) Selective cutting (per [§ Section-390-0307D](#)).
 - (2) Indoor institutional ~~“~~ general (per [§ Section-390-0308A](#)).
 - (3) Intensive outdoor activity (per [§ Section-390-0309C](#)).
 - (4) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (5) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).

- (5) Indoor institutional ~~“~~intensive (per ~~§ Section~~ 390-0308B).
- (6) Outdoor open space institutional (per ~~§ Section~~ 390-0308C).
- (7) Lake ~~“~~related recreation (per ~~§ Section~~ 390-0309D).
- (8) Public services and utilities (per ~~§ Section~~ 390-0308D).
- (9) Outdoor entertainment (per ~~§ Section~~ 390-0310H).
- (10) Campground (per ~~§ Section~~ 390-0310N).
- (11) Large solar energy system (per ~~§ Section~~ 390-0311G).
- (12) Large developments (per ~~§ Section~~ 390-0821).
- (13) Group developments (per ~~§ Section~~ 390-0821).
- D. Accessory uses permitted by right.
 - (1) On-site parking (per ~~§ Section~~ 390-0315 390-0315L).
 - (2) Exterior ~~communication~~communication device (per ~~§ Section~~ 390-0315R).
 - (3) Lawn care (per ~~§ Section~~ 390-0315S).
 - (4) Stormwater facilities (per ~~§ Section~~ 390-0315T).
 - (5) Small solar energy system (per ~~§ Section~~ 390-0315V).
 - (6) Concession stands and equipment rental (per ~~§ Section~~ 390-0315W).
 - (7) Bathhouses. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Accessory uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
 - (1) Filling (per ~~§ Section~~ 390-0315Y).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per ~~§ Section~~ 390-0316C).
 - (2) Temporary shelter structure (per ~~§ Section~~ 390-0316D).
 - (3) Temporary portable storage unit (per ~~§ Section~~ 390-0316E).
 - (4) Temporary construction storage (per ~~§ Section~~ 390-0316F).
 - (5) Temporary relocatable building (per ~~§ Section~~ 390-0316G).
 - (6) Temporary garage or estate sale (auction) (per ~~§ Section~~ 390-0316H).
 - (7) Farmers market (per ~~§ Section~~ 390-0316I).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay

zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the P&R ~~Zoning District~~ zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the P&R ~~Zoning District~~ zoning district shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the P&R ~~Zoning District~~ zoning district shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the P&R ~~Zoning District~~ zoning district are detailed in Figure 390-0224. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0224

Density, Intensity, and Bulk Regulations in the Parks and Recreation Zoning District	
Minimum lot area	n/a
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	40%
Minimum lot width	n/a
Minimum front and street side yard setback	40 feet 100 feet from the following streets: Geneva Street west of Dartmouth Road North Lakeshore Drive Theater Road
Minimum shore yard setback	150 feet
Minimum interior side yard setback	40 feet
Minimum rear yard setback	40 feet
Maximum principal building height	35 feet 45 feet with conditional use permit
Minimum principal building separation (multi-structure developments on shared lots)	40 feet
Minimum pavement setback (lot line to pavement;	3 feet

excludes driveway entrances)	
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	35 feet 45 feet with conditional use permit

ARTICLE 3 Land Use Regulations

§ 390-0301. Purpose.

The purpose of this article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses that may locate in a given district only upon obtaining a conditional use or temporary use permit.

§ 390-0302. Regulation of allowable uses.

The allowable land uses for each zoning district are established in Article 2 of this chapter. Detailed descriptions and regulations for uses are found in ~~§§ Sections~~ 390-0305 through 390-0316. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this chapter or unless an appropriate variance has been granted pursuant to ~~§ Section~~ 390-1215.

- A. Principal land uses permitted by right. Principal land uses listed as permitted by right (designated by the letter "P" in the Table of Land Uses; see § 390-0305) are permitted per the general land use requirements of this section; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this chapter; and per any and all other applicable Village, county, state, and federal regulations.
- B. Principal land uses allowed as conditional uses. Principal land uses allowed only with a conditional use permit (designated by the letter "C" in the Table of Land Uses; see § 390-0305) may be permitted, subject to all the requirements applicable to uses permitted by right as listed in Subsection A above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in ~~§ Section~~ 390-1207. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a ~~general development plan~~ General Development Plan and

~~final development plan~~~~Final Development Plan~~ in a ~~planned development~~~~Planned Development~~ (see ~~§ Section~~ 390-0709), all uses requiring a conditional use permit shall comply with the procedural requirements of ~~§ Section~~ 390-1207.

- C. Accessory land uses. Accessory land uses are allowed subject to all the requirements and exemptions applicable to principal land uses permitted by right as listed in Subsection A above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exemptions applicable to principal land uses requiring a conditional use permit as listed in Subsection B above.
- D. Temporary land uses. Temporary land uses (designated by the letter "T" in the Table of Land Uses; see § 390-0305) are allowed on a temporary basis subject to permitting requirements ~~§ Section~~ 390-1208 of this chapter.

§ 390-0303. Regulations applicable to all land uses.

All uses of land initiated within the jurisdiction of this chapter on or following the effective date of this chapter shall comply with all of the provisions of this chapter.

- A. Land use regulations and requirements. All uses of land shall comply with all the regulations and requirements of this chapter pertaining to the types of uses allowed within particular zoning districts. Such regulations and requirements address both general and specific regulations that land uses shall adhere to and that are directly related to the protection of the health, safety, and general welfare of the residents of the Village of Williams Bay.
- B. Accessory land uses. Accessory land uses shall comply with the regulations and requirements of this chapter as well as the following listed regulations:
 - (1) No accessory structure or use shall be constructed on any lot prior to establishment of an allowable principal use, unless otherwise stated in this chapter.
 - (2) Accessory structures and uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except when there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.
 - (3) With the exception of home occupations, accessory uses and structures shall not involve the conduct of business, trade, or industry.
 - (4) With the exception of an ~~in-home suite~~~~In-Home Suite~~ (see ~~§ Section~~ 390-0315D), or ~~accessory dwelling units~~~~Accessory Dwelling Units~~ (see ~~§ Section~~ 390-0315E), in no instance shall an accessory structure, basement, tent, or recreational trailer be used as a residence.
 - (5) With the exception of farm buildings, accessory buildings located within a residential zoning district shall be constructed or finished in a complementary architectural style and with complementary building materials to the principal residential buildings in the neighborhood.

- C. Density, intensity, and bulk regulations and requirements. All development and use of land shall comply with all the applicable requirements of Article 4 of this chapter pertaining to the maximum permitted density, intensity, and bulk regulations.
- D. Overlay zoning district requirements. All land use and/or development of land shall comply with all the regulations and requirements of this chapter pertaining to the protection of sensitive natural resources and open space areas and protection of community character, as established under any applicable Overlay Zoning Districts in Article 7 of this chapter.
- E. Exterior site and building design standards. All new, remodeled, and expanded residential and nonresidential development shall comply with all the applicable building and site design guidelines as required in [§ Section 390-0802](#) of this chapter.
- F. Performance standards. All development of land shall comply with all applicable requirements established in Article 8 of this chapter, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, maximum permitted intensity of lighting, design requirements for exterior equipment such as communication systems; as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare, and smoke.
- G. Landscape and preservation regulations. All development of land shall comply with all the regulations and requirements of Article 9 of this chapter pertaining to the preservation of woodlands and mature trees, and the provision of landscaping and [buffer yards](#)~~buffer yards~~. These requirements address issues such as minimum required landscaping of developed land and minimum required provision of [buffer yards](#)~~buffer yards~~ between adjoining zoning districts, which are directly related to the effective bulk of a structure.
- H. Signage regulations. All use and/or development of land shall comply with all requirements of Article 10 pertaining to the type and amount of signage permitted on property. These requirements address issues such as the maximum area of permitted signage and the number and permitted types of signage.
- I. Number of buildings per lot. In the AH, ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, and TF [Districts](#)~~districts~~, only one principal building shall be permitted on any one lot. In the MF-12, MF-18, SB, LSB, CB, VC, P&I, P&R, LI, and GI [Districts](#)~~districts~~, more than one principal building may be permitted on any one lot upon granting of a conditional use permit for group development (Subsection K) or large development [regulations in compliance](#)~~regulations in compliance~~ (Subsection L). [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- J. Number of land uses per building. No more than one nonresidential land use shall be permitted in any building unless a conditional use permit for a group development (Subsection K) or large development (Subsection L) is obtained. With the exception of ["mixed-use dwelling units," "home occupation"](#)~~Mixed-Use Dwelling Units," "Home Occupation,"~~ and ["in-home suite"](#)~~In-Home Suite~~ land uses, and buildings located within an approved [planned development](#)~~Planned Development~~ project (see [§ Section 390-0709](#)), no building containing a nonresidential land use shall contain a residential land use.

- K. Group development requirements. All uses and/or development of land within a group development shall comply with the requirements of [§ Section 390-0821](#).
- L. Large development requirements. All uses and/or development of land within a large development shall comply with the requirements of [§ Section 390-0821](#).
- M. Any development proposed within 500 feet of existing or proposed rights-of-way of freeways, expressways, and interstate and controlled access traffic ways and/or within 1,500 feet of an existing or proposed interchange or turning lane right-of-way for these classifications of roadways shall be conditional uses.
- N. Planned development requirements. All uses and/or development of land within a planned development shall comply with all requirements of [§ Section 390-0709](#).
- O. Nonconforming lots, uses, structures, and site requirements. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in [§ Section 390-0602](#). Land uses located on substandard lots or nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of [§ Sections 390-0604](#).
- P. Site plan review required. All uses are subject to site plan review and approval in accordance with [§ Section 390-1206](#) of this chapter, except for the following:
 - (1) Single-family and two-family residential uses on individual lots in any zoning district.
 - (2) Agricultural land uses that are permitted by right in the AH [Zoning District](#)~~zoning district~~.
 - (3) Uses within a [final development plan](#)~~Final Development Plan~~ in a [planned development](#)~~Planned Development~~ in accordance with the procedures of [§ Section 390-0709](#), provided that the [final development plan](#)~~Final Development Plan~~ provides a similar level of detail and range of plans as a typical site plan submittal required under this chapter.
- Q. Procedural regulations and requirements. All use and/or development of land shall comply with all requirements of Article 12, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

§ 390-0304. Detailed land use descriptions and regulations.

The land use categories employed by this chapter are defined in [§§ Sections 390-0306](#) through [390-0316](#). Land use categories that are not listed in this chapter are not necessarily excluded from locating within any given zoning district. Section 390-1216 empowers the Village Board to make interpretations on matters regarding specific land use proposals that are not addressed by this chapter.

§ 390-0305. Table of Land Uses. ³

3. Editor's Note: The Table of Land Uses is included as an attachment to this chapter.

The Table of Land Uses (Figures 390-0305A through 390-0305J) is provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text in ~~§§ Sections~~ 390-0306 through 390-0316 or in other sections of this chapter and Figures 390-0305A through 390-0305J, the text shall prevail.

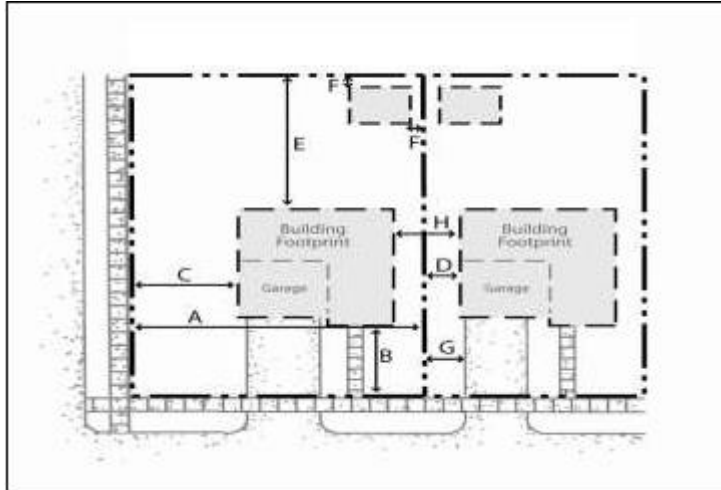
§ 390-0306. Residential land uses.

- A. Single-family. A fully detached ~~single-family~~~~Single-Family~~ residence located on an individual lot having no roof, wall, or floor in common with any other dwelling unit. ~~Single-family~~~~Family~~ land uses shall adhere to the following standards:
- (1) The dwelling unit must be a site-built structure constructed in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
 - (2) The dwelling unit must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
 - (3) The dwelling unit roof shall have a pitch of at least three feet in rise for every 12 feet in run, except by conditional use permit.
 - (4) Dwelling units may not be split into two or more dwelling units, except for permitted accessory dwellings meeting the requirements of this chapter.
 - (5) Figure 390-0306A is intended to provide a graphic depiction of the setback and dimensional requirements for ~~single-family~~~~Single-Family~~ land uses. Specific requirements for ~~single-family~~~~Single-Family~~ uses can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
 - (6) Minimum required off-street parking: two spaces.

Key to Figure 390-0306A

- A Minimum lot width (at building minimum setback line)
B Front setback (lot line to principal building or attached garage)
C Street side (corner lot) setback (lot line to principal building or attached garage)
D Interior side setback (lot line to principal building or attached garage)
E Rear setback (lot line to principal building or attached garage)
F Accessory building side and rear setback (lot line to accessory building)
G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306A

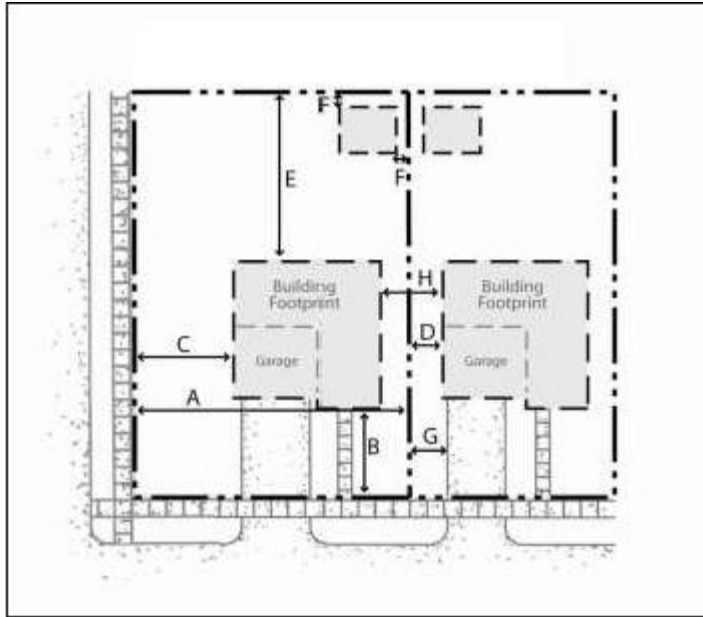


- B. Two-flat. A single structure with two separate dwelling units, with each unit having a private individual access and no shared internal access. Two ~~flats~~Flats are attached dwelling units within a two-story structure, with one unit above the other. Two ~~flats~~Flats shall adhere to the following standards:
- (1) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
 - (2) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
 - (3) Dwelling units may not be split into additional dwelling units.
 - (4) Figure 390-0306B is intended to provide a graphic depiction of the setback and dimensional requirements for ~~two-flat~~Two-Flat land uses. Specific requirements for ~~two-flats~~Two-Flats can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
 - (5) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306B

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306B



C. Twin-house. A single structure with two separate dwelling units, each having a private individual access, and no shared internal access. Similar to duplexes, [twin-housesTwin Houses](#) are attached side-by-side units, each with a shared ground floor and roof. Unlike duplexes, [twin-housesTwin Houses](#) are located on shared, single lots. [Twin-housesHouses](#) shall adhere to the following standards:

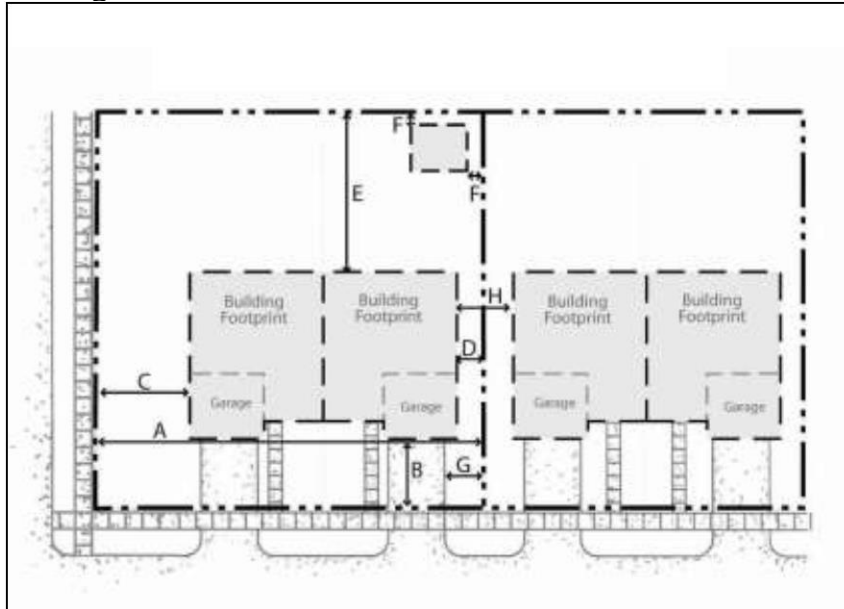
- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
- (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 390-0306C is intended to provide a graphic depiction of the setback and dimensional requirements for [twin-houseTwin House](#) land uses. Specific requirements for [twin-housesTwin Houses](#) can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306C

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)

- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306C

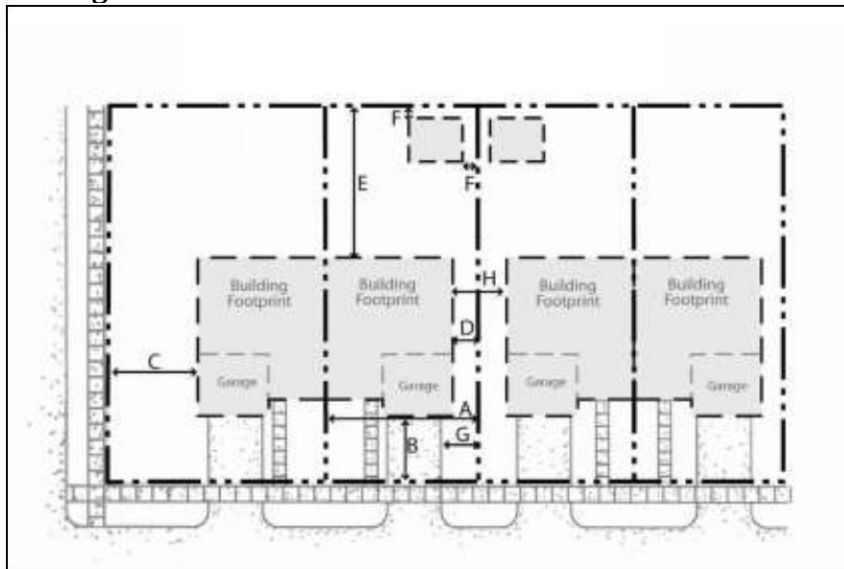


- D. Duplex. A single structure with two separate dwelling units, each having a private individual access and no shared internal access. Duplexes are attached side-by-side units, each with a shared ground floor and roof. Each dwelling unit in a Duplex is located on its own lot. Duplexes shall adhere to the following standards:
- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
 - (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
 - (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
 - (4) Dwelling units may not be split into additional dwelling units.
 - (5) Figure 390-0306D is intended to provide a graphic depiction of the setback and dimensional requirements for ~~duplex~~[Duplex](#) land uses. Specific requirements for ~~duplexes~~[Duplexes](#) can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
 - (6) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306D

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306D



- E. Townhouse. Attached, two-story dwelling units, each having a private, individual access. Each dwelling unit may be located on its own lot or on a single lot within a group development (see [§ Section 390-0821](#)). Each dwelling unit shares at least one common wall with an adjacent dwelling unit. Townhouses shall adhere to the following standards:
- (1) A Uniform Dwelling Code required fire-rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
 - (2) No more than six and no fewer than three [townhouseTownhouse](#) dwelling units may be attached per group.
 - (3) All [townhouseTownhouse](#) units within a development shall be located a minimum of 30 feet from the boundary of the development site.
 - (4) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
 - (5) Dwelling units may not be split into additional dwelling units.
 - (6) Figure 390-0306E is intended to provide a graphic depiction of the setback and

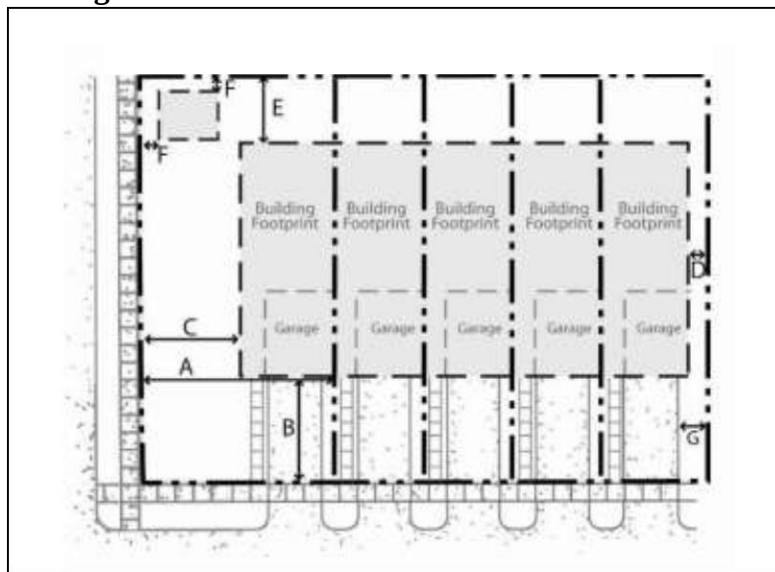
dimensional requirements for ~~townhouse~~~~Townhouse~~ land uses. Specific requirements for ~~townhouses~~~~Townhouses~~ can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.

- (7) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306E

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306E



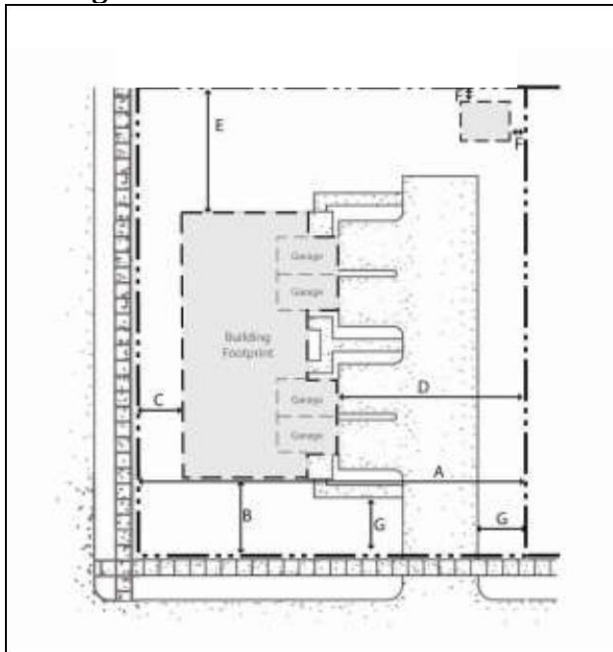
- F. Multiplex. A single structure with three or more individual attached dwelling units, each with private, individual exterior entrances. Multiplexes shall adhere to the following standards:-
- (1) A building code required fire rated wall separating living areas from the lowest level of the structure through the roof is required between each dwelling unit.
 - (2) All ~~multiplex~~~~Multiplex~~ units within a development shall be located a minimum of 30 feet from the boundary of the development site.
 - (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.

- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 390-0306F is intended to provide a graphic depiction of the setback and dimensional requirements for ~~multiplex~~~~Multiplex~~ land uses. Specific requirements for ~~multiplexes~~~~Multiplexes~~ can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) Minimum required off-street parking: 1.25 spaces per studio apartment, 1.5 spaces per one-bedroom apartment, and two spaces per two-bedroom and larger apartments.

Key to Figure 390-0306F

- A Minimum lot width (at building minimum setback line)
B Front setback (lot line to principal building or attached garage)
C Street side (corner lot) setback (lot line to principal building or attached garage)
D Interior side setback (lot line to principal building or attached garage)
E Rear setback (lot line to principal building or attached garage)
F Accessory building side and rear setback (lot line to accessory building)
G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)

Figure 390-0306F



- G. Apartment. A single structure with three or more individual attached dwelling units, each taking access from a shared entrance or hallway. Apartments shall adhere to the following standards:-
- (1) A building code required fire ~~rated~~ wall separating living areas from the lowest level of the structure to the underside of the roof is required between each dwelling unit.
 - (2) Must provide evidence of covenants specifying the obligations for each dwelling unit

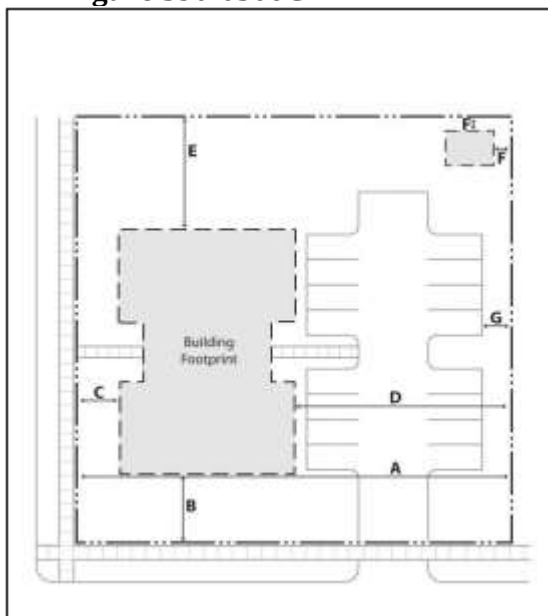
with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.

- (3) As part of the conditional use requirement for group developments (see [§ Section 390-0821](#)), any development comprised of one or more buildings that contain six or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) 390-0306G is intended to provide a graphic depiction of the setback and dimensional requirements for [apartment](#)~~Apartment~~ land uses. Specific requirements for [apartments](#)~~Apartment~~ can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) Minimum required off-street parking: 1.25 spaces per studio apartment, 1.5 spaces per one-bedroom apartment, and [two](#)~~2~~ spaces per two-bedroom and larger apartments.

Key to Figure 390-0306G

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)

Figure 390-0306G



H. Mobile home. A fully detached, single-family dwelling unit that has not received a Federal

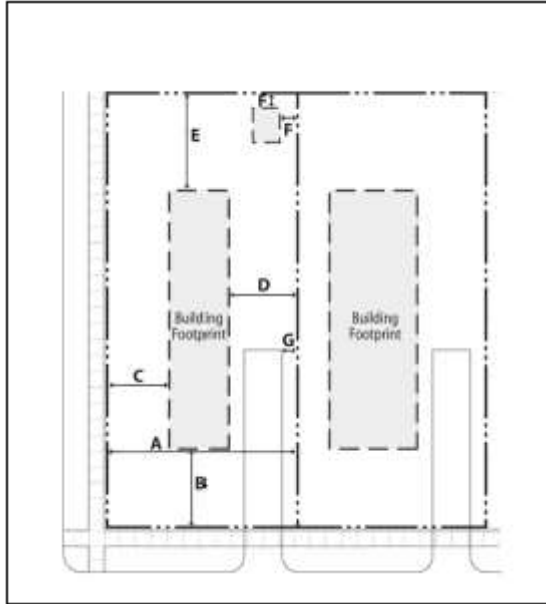
Manufactured Housing Certificate. Mobile ~~homes~~Homes shall adhere to the following standards:-

- (1) No ~~mobile home~~Mobile Home may be split into two or more dwelling units.
- (2) Each ~~mobile home~~Mobile Home shall be located on an individually defined lot of at least 5,000 square feet in area and at least 50 feet in average width.
- (3) Each ~~mobile home~~Mobile Home site shall be serviced with public sewer, water, and electric service connections and shall be placed on a permanent slab or solid foundation with appropriate skirting on all sides.
- (4) Each ~~mobile home~~Mobile Home site shall be appropriately landscaped following a plan prepared by a qualified professional.
- (5) Each ~~mobile home~~Mobile Home site shall provide an adequate, visually screened area for trash and garbage containers.
- (6) Figure 390-0306H is intended to provide a graphic depiction of the setback and dimensional requirements for ~~mobile home~~Mobile Home land uses. Specific requirements for ~~mobile homes~~Mobile Homes can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (7) Minimum required off-street parking: two spaces per ~~mobile home~~Mobile Home.

Key to Figure 390-0306H

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)

Figure 390-0306H



- I. Mobile home subdivision. A form of residential development that is exclusively reserved for individually sold lots containing mobile home~~Mobile Home~~ units. Each lot and mobile home~~Mobile Home~~ unit must meet the requirements for mobile homes~~Mobile Homes~~ listed in § Section~~390-0306H~~ above. Mobile home subdivisions~~Home Subdivisions~~ shall adhere to the following standards:-
- (1) Each lot and mobile home~~Mobile Home~~ unit must meet the requirements for mobile homes~~Mobile Homes~~ listed in § Section~~390-0306H~~ above.
 - (2) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (3) All electric, telephone, or cable television service cables or wires within a mobile home~~Mobile Home~~ park shall be located underground.
- J. Mobile home park. A form of residential development that is exclusively reserved for individually sold or rented air right pads containing mobile home~~Mobile Home~~ units. mobile home parks~~Mobile Home Parks~~ shall adhere to the following standards:-
- (1) Each air right pad and mobile home~~Mobile Home~~ unit shall meet the requirements for mobile homes~~Mobile Homes~~ listed in § Section~~390-0306H~~ above.
 - (2) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (3) All electric, telephone, or cable television service cables or wires within a mobile home park~~Mobile Home Park~~ shall be located underground.
- K. Mixed use dwelling unit~~Use Dwelling Units~~. A residential dwelling unit located within the same structure as another land use type (i.e., a mixed-use building), such as directly above the ground floor of a building used for an office, business, or institutional land use. Mixed use dwelling units~~Use Dwelling Units~~ shall adhere to the following standards:-

- (1) The applicant must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (2) Mixed-~~use dwelling units~~~~Use Dwelling Units~~ located on the ground floor of a building used for an office, business, or institutional land use may not be located within the first 24 feet of the ground floor as measured from the front of the building.
- (3) Additional entrances shall not be added to the front elevation of an existing building, but may be added to interior side, rear, or street side elevations.
- (4) Mixed-~~use dwelling unit~~~~Use Dwelling Unit~~ entry ways located off of a rear or interior side yard shall be connected to a street frontage by a paved walkway or driveway.
- (5) Minimum required off-street parking: one space.

§ 390-0307. Agricultural land uses.

A. Cultivation. Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. This land use includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered ~~cultivation~~~~Cultivation~~ if said plants are consumed by animals that are located off-site. Cultivation land uses shall adhere to the following standards:-

- (1) On buildable lots, which are platted in final form and served by improved streets and utilities, ~~cultivation~~~~Cultivation~~ is not permitted within ~~nonagricultural~~~~non-agricultural~~ zoning districts except as a legal nonconforming use, or as legally ~~reestablished~~~~re-established~~ per Subsection A(2)(a) below.
- (2) ~~Reestablishment~~ ~~Re-establishment~~ or new establishment of ~~cultivation~~~~Cultivation~~ shall be subject to the following additional requirements:
 - (a) Except in the AH ~~District, cultivation~~~~district, Cultivation~~ uses, once discontinued for a period of 12 months, shall not be reestablished or newly established except with the granting of a conditional use permit and shall be limited to hay crops.
 - (b) The applicant shall provide a site plan that clearly depicts the area proposed for ~~cultivation~~~~Cultivation~~ and all structures and land uses on all adjoining properties. A current air photo may be used as a base map for this site plan. The distances from the area to be cultivated to all property lines and structures on adjoining properties shall be measured and labeled on said site plan.
 - (c) The applicant shall provide a written plan of operation describing the proposed general timing and frequency of any and all farming activities involving mechanized equipment. The plan of operation shall list the times of operation of mechanized equipment, including earliest and latest times during the day and likely months of mechanized activity. Said plan of operation shall also list any and all chemicals to be used.

- (d) Minimum required off-site parking: one space per employee on the largest work shift. [Notes: ~~Customer~~customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section~~ 390-0805F(2)].
- B. Husbandry. Operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (defined in ~~§ Section~~ 390-0114) per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered ~~husbandry~~Husbandry land uses. The ~~husbandry~~Husbandry land use category excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). "Indoor ~~aquaculture~~Aquaculture" operations, as defined in ~~§ Section~~ 390-0311D below, shall be regulated as a separate land use. Husbandry land uses shall adhere to the following standards:
- (1) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, 150 feet from any nonresidentially zoned property (other than the AH ~~District~~district), and 100 feet from all other lot lines.
 - (2) The keeping and raising of hogs or fur-bearing animals shall be prohibited.
 - (3) Not more than one head of livestock or 20 head of poultry shall be permitted for each 2 1/2 acres.
 - (4) All outdoor animal containment areas (pastures, pens, and similar areas) shall be located a minimum of 10 feet from any residentially zoned property.
 - (5) Any building housing animals and any outdoor animal containment area shall be located outside of lands mapped in the floodplain overlay districts and shall be located a minimum of 150 feet from any navigable waterway.
 - (6) Husbandry uses, once discontinued for a period of 12 months, shall not be ~~reestablished~~re-established or newly established except with the granting of a conditional use permit, and shall only be allowed in the AH ~~District~~district.
 - (7) Minimum required off-street parking: one space per employee on the largest work shift. [Note: ~~Agricultural~~agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section~~ 390-0805F(2)].
- C. On-site agricultural retail. Land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within ~~on-site agricultural retail~~On-Site Agricultural Retail operations; such activity constitutes an "Indoor Sales or Service" use (see ~~§ Section~~ 390-0310E), except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. This land use category does not include ~~market gardens~~Market Gardens, as described in ~~§ Section~~ 390-0307I. ~~On-site agricultural retail~~Site Agricultural Retail land uses shall adhere to the following standards:

- (1) No structure or group of structures shall exceed 500 square feet in gross floor area.
 - (2) No structure shall exceed 12 feet in height.
 - (3) All structures shall meet all required setbacks for nonresidential land uses.
 - (4) All structures and fencing shall be located a minimum of 300 feet from any residentially zoned property.
 - (5) Signage shall be limited to one on-site sign that shall not exceed 30 square feet in area.
 - (6) Such land use shall be served by no more than one driveway. Said driveway shall require a valid permit (per Chapter 314, Streets and Sidewalks, of the Village of Williams Bay Code of Ordinances).
 - (7) The sale of products that are grown or otherwise produced on ~~nonadjacent~~non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
 - (8) On-~~site agricultural retail~~Site-Agricultural Retail uses, once discontinued for a period of 12 months, shall not be reestablished or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH ~~District~~District.
 - (9) Minimum required off-street parking: one parking space shall be required for every 200 square feet of product display area. [Note: ~~Agricultural~~agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section~~390-0805F(2).1].
- D. Selective cutting. Any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on the property (or up to 100% for developments approved prior to the effective date of this chapter). Selective ~~cutting~~Cutting shall be limited to areas located within development pads that are designated on recorded plats or certified survey maps. The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting (see Subsection E below).
- E. Clear cutting. The one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30% of the woodlands on a property (or up to 100% for developments approved prior to the effective date of this chapter). Clear ~~cutting~~Cutting shall adhere to the following standards:
- (1) Clear ~~cutting~~Cutting is allowed only as a conditional use. Any owner of property who intentionally clear cuts any area of his or her property or who intentionally solicits or causes another to intentionally clear cut any area of his or her property without first having secured a conditional use permit for such activity shall be subject to a forfeiture for such wrongful conduct and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas having been clear cut unintentionally as a result of fire shall not subject the owner of the property to forfeiture for such nonapproved

- ~~clear-cutting~~~~non-approved Clear-Cutting~~ activity, but shall require the satisfaction of mitigation requirements at the owner's expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements.
- (2) The applicant shall demonstrate that ~~clear cutting~~~~Clear-Cutting~~ will improve the level of environmental protection on the subject property.
 - (3) Areas of the subject property that are clear cut beyond the limitations established above shall be replanted per the requirements of Article 9. (Referenced article requires the replanting of trees in other portions of the subject property, thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.)
- F. Intensive agriculture. Operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit (as defined in [§ Section 390-0114](#)) per acre and/or agricultural activities requiring large investments in structures. This includes those animals listed under "~~husbandry.~~"~~Husbandry~~". Examples of such land uses include feed lots, hog farms, poultry operations, outdoor commercial aquaculture (but not including "~~indoor aquaculture~~"~~Indoor-Aquaculture~~" land uses, defined in [§ Section 390-0311D](#)), and certain other operations meeting these criteria. Intensive ~~agriculture~~~~Agriculture~~ land uses shall adhere to the following standards:
- (1) Intensive ~~agriculture~~~~Agriculture~~ uses shall not be located in or adjacent to an existing or platted residential subdivision.
 - (2) Intensive ~~agriculture~~~~Agriculture~~ uses shall be completely surrounded by a ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.0 (see Article 9).
 - (3) All buildings, structures, outdoor storage areas, and outdoor animal containment areas (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property, 150 feet from any nonresidentially zoned property (other than the AH ~~District~~~~district~~), and 100 feet from all other lot lines.
 - (4) Any building housing animals and any outdoor animal containment area shall be located outside of lands mapped in the floodplain overlay districts and shall be located a minimum of 150 feet from any navigable waterway.
 - (5) Intensive ~~agriculture~~~~Agriculture~~ uses shall be located in an area that is planned to remain commercially viable for agricultural land uses.
 - (6) Once discontinued for a period of 12 months, intensive agriculture uses shall not be reestablished or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH ~~District~~~~district~~.
 - (7) Minimum required off-street parking: one space per employee on the largest work shift. ~~[Note: Customer~~~~Notes: customer~~ parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of [§ Section 390-0805F\(2\).](#))]~~]-~~.
- G. Agricultural services. Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily

used or produced by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see [§ Section 390-0314B](#)). Agricultural ~~service~~[Service](#) land uses shall adhere to the following standards:

- (1) Agricultural ~~service~~[Service](#) uses shall not be located in, or adjacent to, an existing or platted residential subdivision.
- (2) All buildings, structures, outdoor storage areas, and outdoor animal containment areas (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
- (3) If within the AH ~~District, agricultural service~~[district, Agricultural Service](#) uses shall be located in an area that is planned to remain commercially viable for agricultural land uses.
- (4) Once discontinued for a period of 12 months, ~~agricultural service~~[Agricultural Service](#) uses shall not be ~~reestablished~~[re-established](#) or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH or GI ~~Districts~~[districts](#).
- (5) Minimum required off-street parking: one space per employee on the largest work shift. [Notes: ~~Customer~~[customer](#) parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section 390-0805F(2).1~~[§ Section 390-0805F\(2\).1](#)].

H. Community garden. Areas of land managed and maintained for cultivation and related activities, which are often divided into two or more plots to be cultivated by different persons or parties. Community ~~gardens~~[Gardens](#) may also be farmed collectively by members of the garden and may include common areas maintained and used by group members. Community ~~gardens~~[Gardens](#) may be located on public or private lands. Community ~~gardens~~[Gardens](#) shall adhere to the following standards:

- (1) All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
- (2) Prior to the establishment of a ~~community garden~~[Community Garden](#), the applicant shall submit a site plan that includes the following information:
 - (a) Name of the property owner, established sponsoring organization and garden manager.
 - (b) Indicates the locations of all structures; materials storage; trash, waste, and compost areas; equipment storage; access for deliveries and ~~pickups~~[pick-ups](#); water availability; shaded rest area; and availability of public parking.
- (3) The following structures are permitted in ~~community gardens~~[Community Gardens](#): tool sheds, shade pavilions, hoop houses, barns, ~~restroom~~[rest-room](#) facilities with composting toilets, planting preparation houses, benches, bike racks, raised/accessible

planting beds, compost bins, picnic tables, fences, garden art, rain barrel systems, beehives, and children's play areas.

- (4) Signs shall not exceed a total aggregate area of 48 square feet.
 - (5) Fences shall comply with the regulations in [§ Section 390-0809](#). Chicken wire, woven wire, and related garden fencing shall be permitted only around and within active garden areas.
- I. Market garden. Land uses that meet the definition of a [community garden](#)~~Community Garden~~ per [§ Section 390-0307H](#), but that also involve the on-site sales of food or plants grown on-site. Market ~~gardens~~[Gardens](#) shall adhere to the following standards:
- (1) All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
 - (2) Prior to the establishment of a [market garden](#)~~Market Garden~~, the applicant shall submit a site plan that includes the following information:
 - (a) Name of the property owner, established sponsoring organization and garden manager.
 - (b) Indicates the locations of all structures; materials storage; trash, waste, and compost areas; equipment storage; access for deliveries and [pickups](#)~~pick-ups~~; water availability; shaded rest area; and availability of public parking.
 - (3) The following structures are permitted within [market gardens](#)~~Market Gardens~~: tool sheds, shade pavilions, hoop houses, barns, [restroom](#)~~rest-room~~ facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.
 - (4) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
 - (5) Signs shall not exceed a total aggregate area of 48 square feet.
 - (6) Fences shall comply with the regulations in [§ Section 390-0809](#).

§ 390-0308. Institutional land uses.

- A. Indoor institutional ~~“general”~~ general. Indoor public and not-for-profit community facilities that are 20,000 gross square feet or less, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, and similar land uses. Indoor [institutional - general](#)~~Institutional “General”~~ land uses shall adhere to the following standards:-
- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
 - (2) All structures shall be located a minimum of 50 feet from any residentially zoned

property.

- (3) Minimum required off-street parking: generally, one space per three expected patrons at maximum capacity; however, the following specific requirements shall apply:
 - (a) Church: one space per four seats at the maximum capacity.
 - (b) Community or recreation center: one space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - (c) Funeral home: one space per four patron seats at the maximum capacity, or 35 spaces per chapel unit, whichever is greater. Plus, one space per employee on the largest work shift.
 - (d) Library or museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - (e) Nursery or ~~preschools~~~~pre-schools~~: one space per each employee on the largest work shift, plus one space per each six students at maximum capacity.
 - (f) Elementary and junior high: one space per each employee.
 - (g) Senior high: one space per each employee, plus one space per each 10 students age 16 and older (based on maximum school capacity).
 - (h) College or trade school: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.
 - (i) Fraternal organizations: one space per bed.

- B. Indoor institutional ~~“~~intensive. Indoor public and not-for-profit community facilities that are over 20,000 gross square feet, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, and all arenas, convention centers, hospitals, jails, prisons, and similar uses of a size and character that typically serve the needs of the whole community and region. Indoor ~~institutional~~ - ~~intensive~~~~institutional~~ ~~“~~ Intensive land uses shall adhere to the following standards:

- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (2) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (3) Minimum required off-street parking: generally, one space per three expected patrons at maximum capacity; however, the following specific requirements shall apply:
 - (a) Church: one space per four seats at the maximum capacity.
 - (b) Community or recreation center: one space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is

greater, plus one space per employee on the largest work shift.

- (c) Funeral home: one space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.
 - (d) Library or museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - (e) Nursery or ~~preschools~~~~pre-schools~~: one space per each employee on the largest work shift, plus one space per each six students at maximum capacity.
 - (f) Elementary and junior high: one space for each employee.
 - (g) Senior high: one space per each employee, plus one space per each 10 students age 16 and older (based on maximum school capacity).
 - (h) College or trade school: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.
 - (i) Fraternal organizations: one space per bed.
 - (j) Hospitals: two spaces per three patient beds, plus one space per staff doctor, and one space for each other employee on the largest work shift.
- C. Outdoor open space institutional. Privately held permanently protected green space areas, cemeteries, open grassed areas not associated with any particular active recreational use, and similar land uses. Outdoor ~~open space institutional~~~~Open Space Institutional~~ land uses shall adhere to the following standards:-
- (1) All structures shall be located a minimum of 50 feet from any residentially zoned property.
 - (2) Minimum required off-street parking. No parking is required for ~~outdoor open space institutional~~~~Outdoor Open Space Institutional~~ land uses; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.
- D. Public services and utilities. All Village, county, state, and federally owned facilities (except those defined in other land use categories in this chapter), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses. Public ~~services~~~~Services~~ and ~~utilities~~~~Utilities~~ land uses shall adhere to the following standards:
- (1) All structures shall be located a minimum of 20 feet from any residentially zoned property.
 - (2) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
 - (3) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

- (4) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a ~~buffer yard~~buffer yard with a minimum opacity of 0.60 (see Article 9). Said ~~buffer yard~~buffer yard shall be located at the property line adjacent to said residentially zoned property.
 - (5) Wastewater treatment plants shall require a conditional use permit in all districts in which ~~public services~~Public Services and ~~utilities~~Utilities land uses are allowed.
 - (6) Minimum required off-street parking: one space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.
- E. Institutional residential. A form of residential development designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of § 62.23, Wis. Stats. (see ~~§§ Sections~~§§ Sections—390-0308F, 390-0308G, and 390-0308H). Institutional ~~residential~~Residential land uses shall adhere to the following standards:-
- (1) No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
 - (2) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
 - (3) A minimum of 30% of the development's gross site area shall be held as permanently protected green space.
 - (4) Minimum required off-street parking. The following specific parking requirements shall apply:
 - (a) Senior housing or retirement housing: one space per dwelling unit.
 - (b) Assisted ~~living~~ or limited ~~care~~ facility: one space per dwelling unit.
 - (c) Monastery, convent, or dormitory: one space per three residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.
 - (d) Nursing home or hospice: one space per three patient beds, plus one space per each employee on the largest work shift.
- F. Community living arrangement (one to eight residents). Facilities provided for in § 46.03(22), Wis. Stats., including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community ~~based~~ residential facilities. Community living arrangements do not include group day-care centers (see ~~§ Section~~§ Section—390-0310O); nursing homes (an ~~institutional residential~~Institutional Residential land use); hospitals, prisons, or jails (all ~~indoor institutional - intensive~~Indoor Institutional ~~and Intensive~~ land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in § 62.23(7)(i), Wis. Stats., provided any such regulations do not violate federal or state housing or ~~antidiscrimination~~anti-discrimination laws. Community ~~living arrangements~~Living Arrangements housing up to eight residents

shall adhere to the following standards:

- (1) No community living arrangement~~Community Living Arrangement~~ shall be established within 2,500 feet of any other such facility regardless of its capacity unless the Plan Commission and Village Board agree to a reduction in spacing.
- (2) The applicant shall demonstrate that the total capacity of all community living arrangements~~Community Living Arrangements~~ (of all sizes) in the Village shall not exceed 1% of the Village's population unless specifically authorized by the Village Board following a public hearing.
- (3) Foster homes housing four or fewer children and licensed under § 48.62, Wis. Stats., shall not be subject to Subsection F(1) above and shall not be subject to, or count toward, the total arrived at in Subsection F(2) above.
- (4) Minimum required off-street parking: three spaces.

G. Community living arrangement (nine to 15 residents). See description under Subsection F above. Community living arrangements~~Living Arrangements~~ housing nine to 15 residents shall adhere to the following standards:

- (1) No community living arrangement~~Community Living Arrangement~~ shall be established within 2,500 feet of any other such facility, regardless of capacity unless the Plan Commission and Village Board agree to a reduction in spacing.
- (2) The applicant shall demonstrate that the total capacity of all community living arrangements~~Community Living Arrangements~~ (of all sizes) in the Village shall not exceed 1% of the Village's population unless specifically authorized by the Village Board following a public hearing.
- (3) Minimum required off-street parking: four spaces.

H. Community living arrangement (16+ residents~~Residents~~). See description under Subsection F above. Community living arrangements~~Living Arrangements~~ housing 16 or more residents shall adhere to the following standards:

- (1) No community living arrangement~~Living Arrangement~~ shall be established within 2,500 feet of any other such facility, regardless of capacity unless the Plan Commission and Village Board agree to a reduction in spacing.
- (2) The total capacity of all community living arrangements~~Community Living Arrangements~~ (of all sizes) in the Village shall not exceed 1% of the Village's population unless specifically authorized by the Village Board following a public hearing.
- (3) Minimum required off-street parking: one space per every three residents.

§ 390-0309. Recreational land uses.

A. Passive outdoor recreation. Recreational land uses located on public property that involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic

shelters, botanical gardens, fishing areas, and similar land uses. Passive outdoor recreation~~Outdoor Recreation~~ land uses shall adhere to the following standards:

- (1) Minimum required off-street parking: one space per four expected patrons at maximum capacity for any use requiring over five spaces.

- B. Active outdoor recreation. Recreational land uses located on public or private property (including school district property) where low impact, active recreational activities are provided. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), neighborhood parks, tot lots, swimming beach areas, fitness courses, golf courses, and similar land uses. Active outdoor public recreation~~Outdoor Public Recreation~~ land uses shall adhere to the following standards:

- (1) Facilities that adjoin residentially zoned property and use recreational facility night lighting shall install and continually maintain a buffer yard~~bufferyard~~ with a minimum opacity of 0.60 (see Article 9). Said buffer yard~~bufferyard~~ shall be located at the property line adjacent to said residentially zoned property.
- (2) All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- (3) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (4) Minimum required off-street parking. Generally, one space per four expected patrons at maximum capacity for any use requiring over five spaces; however, the following specific requirements shall apply:
 - (a) Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurant).
 - (b) Tennis court: two spaces per court.

- C. Intensive outdoor activity. Land uses located on public or private property that require intensive lighting and that generate regional traffic and noise beyond property lines. Such land uses include amusement parks, water parks, fairgrounds, outdoor stadiums, race tracks, ski hills, drive-in theaters, miniature golf, driving ranges, competition oriented athletic facilities, marinas, yacht clubs, and similar land uses. Intensive outdoor activity~~Outdoor Activity~~ land uses shall adhere to the following standards:

- (1) Facilities that adjoin residentially zoned property and use night lighting shall install and continually maintain a buffer yard~~bufferyard~~ with a minimum opacity of 1.0 (see Article 9). Said buffer yard~~bufferyard~~ shall be located at the property line adjacent to said residentially zoned property.
- (2) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (3) A minimum setback of 100 feet shall be required to any activity area other than parking.

(4) Minimum required off-street parking: one space per four expected patrons at maximum capacity.

D. Lake ~~related~~ recreation. Facilities include marinas, yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, liveries, and boat repair and maintenance facilities, including fuel pumps and dump stations for marine use. Lake ~~related recreation~~ Related Recreation land uses shall adhere to the following standards:

- (1) Outdoor lighting installations shall be located and shielded (see § Section 390-0807).
- (2) Parking requirements shall be specific to the proposed development.

§ 390-0310. Business land uses.

A. Office. Exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis. Office land uses shall adhere to the following standards:

- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.

B. Personal or professional service. Exclusively indoor land uses whose primary function is the provision of services directly to persons on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, hospitals, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses. Personal or professional service~~Professional Service~~ land uses shall adhere to the following standards:

- (1) Minimum required off-street parking:
 - (a) One space per 300 square feet of gross floor area.
 - (b) Hospital: one space per two patient beds shall be provided, plus one space per staff doctor and one space per two employees on the largest work shift.

C. Artisan studio. A building or portion thereof used by no more than three artists or artisans for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use. For similar uses used by more than three artists or artisans, see artisan production shop~~Artisan Production Shop~~ in § Section 390-0310D. Artisan studios~~Studies~~ shall adhere to the following standards:

- (1) A buffer yard~~bufferyard~~ with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) Minimum required off-street parking: one space per 300 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.

D. Artisan production shop. An artisan studio used by more than three artists or artisans (see § Section 390-0310C above). Artisan production shops~~Production Shops~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (Article 9).
 - (2) Minimum required off-street parking: one space per 300 square feet of gross floor area. Adequate off-street parking is required for all customer and employee vehicles.
- E. Indoor sales or service. Land uses that conduct sales or display merchandise or equipment, provide ~~nonpersonal~~non-personal or ~~nonprofessional~~non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated ~~laundromats~~Laundromats. Indoor ~~sales~~Sales or ~~service~~Service land uses shall adhere to the following standards:
- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.
- F. Outdoor display. Land uses that conduct sales and display merchandise or equipment outside of an enclosed building. Examples of such land uses include outdoor vehicle rental, outdoor garden centers, outdoor recreation equipment sales, monument sales, and manufactured and mobile housing sales. Such land uses do not include the storage or display of inoperable equipment, or other materials typically associated with a ~~junk~~Junk or ~~salvage yard~~Salvage Yard (see ~~§ Section~~§ Section 390-0314D). If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered an ~~incidental outdoor display~~Incidental Outdoor Display accessory use under ~~§ Section~~§ Section 390-03150. Outdoor ~~display~~Display land uses shall adhere to the following standards:
- (1) The area of outdoor sales shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner that completely encloses all materials displayed outdoors.
 - (2) The display of items shall not be permitted in required setback areas, landscape areas, ~~buffer yards~~buffer yards, or permanently protected green space areas.
 - (3) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - (4) Display areas shall be separated from any traffic circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - (5) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians or bicyclists.
 - (6) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all borders of the display area abutting residentially zoned property, except per Subsection F(5) above. (see Article 9).

- (7) The display of merchandise or equipment outdoors shall be permitted during the entire calendar year. However, if and when goods are removed from any display area, all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 - (8) Inoperable vehicles or equipment, or other items typically stored or displayed in a ~~junk~~junk or ~~salvage yard~~Salvage Yard, shall not be displayed for this land use.
 - (9) Minimum required off-street parking: one space per 300 square feet of gross floor area.
- G. Indoor commercial entertainment. Land uses that provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend beyond most other commercial land uses. Examples include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. Indoor ~~commercial entertainment~~Commercial Entertainment land uses shall adhere to the following standards:
- (1) If located on the same side of the building that abuts residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of the residentially zoned property.
 - (2) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all borders of the property abutting residentially zoned property (see Article 9).
 - (3) Minimum required off-street parking: one space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).
- H. Outdoor entertainment. Land uses where entertainment services are provided partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor eating and drinking areas, outdoor assembly areas, outdoor public or commercial swimming pools. Outdoor ~~entertainment~~Entertainment land uses shall adhere to the following standards:
- (1) Activity areas shall not be located closer than 300 feet to a residentially zoned property.
 - (2) Where the use involves amplified sound, a ~~buffer yard~~buffer yard with a minimum opacity of 0.80 shall be provided along all borders of the property abutting residentially zoned property (see Article 9). Where the use does not involve amplified sound, a ~~buffer yard~~buffer yard with a minimum opacity of 0.50 shall be provided along all borders of the property abutting residential zoned property.
 - (3) Activity areas (including drive-in movie screens) shall not be visible from any residentially zoned property.
 - (4) Activities proposed in a public right-of-way or on Village-owned property must receive Village Board approval for such use, in addition to any required conditional use permit.

- (5) Minimum required off-street parking: one space for every three persons at the maximum capacity of the establishment.

I. Drive-through sales and/or service. Land uses that involve sales and/or services to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity. Such land uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (e.g., a convenience store, restaurant, or bank), ~~drive-through sales~~~~Drive-Through-Sales~~ and ~~service~~~~Service~~ land uses shall be considered an accessory use (see ~~§ Section~~~~390-0315U~~). This land use category does not include vehicle repair or maintenance services, which are handled as a separate land use (see ~~§ Section~~~~390-0310S~~). ~~Drive-through sales~~~~Through-Sales~~ or Service land uses shall adhere to the following standards:

- (1) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- (2) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement; or exacerbate the potential for pedestrian/vehicular conflicts.
- (3) In no instance shall a ~~drive-through sales~~~~Drive-Through-Sales~~ or ~~service~~~~Service~~ land use be permitted to operate if it endangers public safety, even if such land use has been permitted under the provisions of this section.
- (4) The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet per the measurement of roof height.
- (5) Gasoline pumps associated with vehicular fuel stations shall be set back a minimum of 20 feet from all street rights-of-way.
- (6) All vehicular areas of the site shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum four-ton axle load.
- (7) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 0.50 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (8) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscape islands. Said curbs shall be a minimum of six inches high and shall be of a ~~nonmountable~~~~non-mountable~~ design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
- (9) Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding sign subject to regulation under Article 10 of this chapter.

- (10) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass ~~through~~ window and 40 feet beyond the pass ~~through~~ window. This requirement may be adjusted by the Plan Commission through the conditional use process (see [§ Section 390-1207](#)).
 - (11) Minimum required off-street parking. Refer to the parking requirements of the other land use activities on the site, such as indoor sales and service land uses for a gas station/convenience store, or office land uses for a bank.
- J. Bed-and-breakfast establishment. Exclusively indoor lodging facilities that provide breakfast only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers. Bed-and-breakfast ~~establishments~~[Establishments](#) shall adhere to the following standards:
- (1) Bed-and-breakfast ~~establishments~~[Establishments](#) shall provide no more than eight rooms for rent, and shall not rent rooms to more than 20 persons at one time.
 - (2) Bed-and-breakfast ~~establishments~~[Establishments](#) may only be located in structures that were formerly occupied as a single-family residence.
 - (3) If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village of Williams Bay and state regulations.
 - (4) Each such establishment shall be inspected annually by the Building Inspector to verify that the land use continues to meet all applicable regulations. A fee for such annual inspection shall be imposed by the Village.
 - (5) One wall or monument sign, with a maximum area of 10 square feet, and maximum height of eight feet, shall be permitted on the property. Backlit signage shall be prohibited. Signage shall be constructed of materials compatible with a residential character, such as stone, brick, and/or wood, as determined by the Plan Commission.
 - (6) The ~~bed~~Bed-and-breakfast ~~establishment~~[Establishment](#) shall be surrounded by a ~~buffer yard~~[buffer yard](#) with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Article 9).
 - (7) The dwelling unit in which the ~~bed~~Bed-and-breakfast ~~establishment~~[Establishment](#) takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the ~~bed~~Bed-and-breakfast ~~establishment~~[Establishment](#) is in operation.
 - (8) Breakfast shall be the only meal served to overnight guests.
 - (9) Each operator shall keep a list of names of all persons staying at the bed-and-breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by Village officials at any time.
 - (10) All ~~bed~~Bed-and-breakfast ~~establishments~~[Establishments](#) shall have completed all structural additions to the dimensions of the original structure before the effective date of this subsection, May 11, 1990. After May 11, 1990, a renovation to the structure may be made only within the dimensions of the original structure.

(11) Additional requirements.

- (a) Application requirements. Applicants for a license to operate a ~~bed~~Bed-and-breakfast ~~establishment~~Establishment shall submit a floor plan of the ~~single-family~~Single-Family dwelling unit illustrating that the proposed operation will comply with the requirements of this chapter and other applicable Village codes and ordinances.
- (b) Consideration of issuance. After the application has been filed with the Village Clerk, the Plan Commission shall review and provide a recommendation to the Village Board for a conditional use permit. The Plan Commission shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the Village. In the Village's determination of the number of ~~bed~~Bed-and-breakfast ~~establishments~~Establishments required to provide for such public convenience and necessity, the Village Board shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.
- (c) Public nuisance violations. Bed-and-breakfast ~~establishments~~Establishments shall not be permitted whenever the operation endangers, offends, or interferes with the safety or rights of others so as to constitute a nuisance.
- (d) Suspension, revocation, and renewal. Any license issued under the provisions of this subsection may be revoked by the Village Board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation, the compliance or noncompliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

(12) Minimum required off-street parking: one space per each bedroom in addition to requirements for principal residents.

K. Commercial indoor lodging. Facilities that provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, lounges, fitness centers, and other on-site facilities available to non-lodgers are considered accessory uses and therefore require review as a separate land use. Commercial ~~indoor lodging~~Indoor Lodging land uses shall adhere to the following standards:

- (1) If located on the same side of the building that abuts residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of such residentially zoned property.
- (2) The lodging facility shall be surrounded by a ~~buffer yard~~buffer yard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Article 9).
- (3) Each and every room in the facility must take primary access via an individual

interior door, and may not be accessed via an external balcony, porch, or deck, except for emergency purposes.

- (4) Minimum required off-street parking: one space per bedroom, plus one space for each employee on the largest work shift, plus, where applicable, one space per every three persons at maximum occupancy of any public meeting or banquet spaces.
- L. Boarding house. Any residential use that rents rooms that do not contain private bathroom facilities. Boarding ~~houses~~Houses shall adhere to the following standards:-
- (1) A ~~buffer yard~~bufferyard with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (see Article 9).
 - (2) Boarding ~~houses~~Houses may only be located in an area of transition from residential land uses to nonresidential land uses, as determined by the Zoning Administrator.
 - (3) Minimum required off-street parking: one space per each bedroom for rent, in addition to requirements for principal residents.
- M. Tourist rooming house. A dwelling unit available for stays for one to six consecutive days by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are rented for more than six but less than 29 consecutive days, such use shall not be considered tourist rooming houses but instead shall be considered short-term rentals, separately described and regulated in Chapter 205, Article III, Short-Term Rental of Residential Dwellings, of the Village Code. Where such units are leased for periods longer than 28 consecutive days, such use shall also not be considered tourist rooming houses, but shall instead be considered "single-family" dwellings, separately described and regulated under this chapter. Also not included within this land use category are "~~bed~~Bed-and-breakfast ~~establishments,~~" "~~commercial indoor lodging~~Establishments," "~~Commercial Indoor Lodging,~~" or "~~boarding houses~~Boarding Houses." Tourist ~~rooming houses~~Rooming Houses shall adhere to the following standards: [Amended 8-20-2018 by Ord. No. 2018-6]
- (1) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number bedrooms in the dwelling unit.
 - (2) The maximum stay for any party other than the owner of the premises shall be six consecutive days.
 - (3) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
 - (4) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
 - (5) The availability of the ~~tourist rooming house~~Tourist Rooming House to the public

shall not be advertised on site.

- (6) The ~~tourist rooming house~~Tourist Rooming House must be licensed by the State of Wisconsin.
 - (7) Minimum required off-street parking: one space per each bedroom.
 - (8) The total number of ~~tourist rooming houses~~Tourist Rooming Houses permitted in the Village shall not exceed five.
- N. Campground. Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles. Campgrounds shall adhere to the following standards:
- (1) Campgrounds shall be surrounded by a ~~buffer yard~~bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property (see Article 9).
 - (2) Minimum required off-street parking: 1.5 spaces per campsite.
- O. Group day-care center (9+ ~~children~~Children). Centers where qualified persons provide childcare services for nine or more children. Examples of such land uses include day-care centers and nursery schools. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day-care centers are not considered accessory uses and therefore require review as a separate land use. For in-home day care, see ~~§ Section~~390-0315B. Group day-care centers shall adhere to the following standards:
- (1) Group ~~day~~Day-care ~~centers~~Centers shall not be located within a residential dwelling unit.
 - (2) A ~~buffer yard~~bufferyard with a minimum opacity of 0.50 shall be provided along all property borders abutting residentially zoned property (see Article 9).
 - (3) The property owner's permission and signature is required as part of the conditional use permit application.
 - (4) Minimum required off-street parking: one space per five students, plus one space for each employee on the largest work shift.
- P. Commercial animal boarding. Facilities that provide short-term and/or long-term boarding for animals, commercial kennels, and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to the principal use and do not require separate consideration. Commercial ~~animal boarding~~Animal Boarding facilities shall adhere to the following standards:-
- (1) Each animal shall be provided with an indoor containment area.
 - (2) The minimum permitted size of a horse or similar animal stall shall be 100 square feet.
 - (3) Special events such as shows, exhibitions, and contests shall only be permitted when

a temporary use permit has been secured.

- (4) Minimum required off-street parking: one space per every 1,000 square feet of gross floor area.

Q. Indoor maintenance service. Land uses that involve maintenance and repair services and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered an outdoor maintenance service~~Outdoor Maintenance Service~~ land use (see § Section 390-0310R).

- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.

R. Outdoor maintenance service. Land uses that perform maintenance and repair services and have all, or any portion, of their operations located outside of an enclosed building. Outdoor maintenance services~~Maintenance Services~~ shall adhere to the following standards:

- (1) All outdoor activity areas shall be completely enclosed by a minimum six-foot-high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a buffer yard~~buffer yard~~ with a minimum opacity of 0.60 (see Article 9).
- (2) Outdoor storage of abandoned or inoperable vehicles is prohibited.
- (3) Minimum required off-street parking: one space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

S. Vehicle sales. The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses may also include a repair shop associated with the vehicle display lot and sales building. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk~~Junk~~ or salvage yard~~Salvage Yard~~ (see § Section 390-0314D). Vehicles sales~~Sales~~ land uses shall adhere to the following standards:

- (1) The outdoor display and sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner that completely encloses all vehicles displayed outdoors.
- (2) The display of vehicles shall not be permitted within required setback areas for the principal structure.
- (3) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required buffer yards~~buffer yards~~.
- (4) In no event shall the display of vehicles reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

- (5) Display areas shall be separated from any traffic circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (6) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles or visibility between vehicles and pedestrians or bicyclists.
- (7) A ~~buffer yard~~[bufferyard](#) with a minimum opacity of 0.60 shall be provided along all borders of the display area abutting residentially zoned property, except per Subsection S(6) above (see Article 9).
- (8) Vehicle sales shall be permitted during the entire calendar year. However, if and when vehicles are removed from the display area, all support fixtures used to display the vehicles shall be removed within 10 calendar days of the vehicles' removal.
- (9) Inoperable vehicles or equipment, or other items typically stored or displayed in a ~~junk~~[Junk](#) or ~~salvage yard~~[Salvage Yard](#), shall be prohibited.
- (10) Minimum required off-street parking: one space per 300 square feet of gross floor area.

T. Commercial greenhouse/garden center. Any business whose principal activity is the retail selling of plants or plant by-products (including fruits and vegetables) that are either grown or stored within an enclosed building and/or structure constructed chiefly of glass or glasslike material, cloth, or other transparent material. Such uses also often involve the seasonal display of plants and related products outdoors. Commercial ~~greenhouses~~[Greenhouses](#) shall adhere to the following standards:

- (1) The display of items shall not be permitted in required landscaped areas or ~~buffer yards~~[bufferyards](#) (Article 9).
- (2) The outdoor display of items shall not be permitted within required setback areas for the principal structure.
- (3) In no event shall the outdoor display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this chapter. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (4) Outdoor display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (6) The business shall provide a ~~buffer yard~~[bufferyard](#) with a minimum opacity of 0.60 along all borders of outdoor display areas abutting residentially zoned property (see

Article 9).

- (7) Minimum required off-street parking: one space per 300 square feet of gross floor area.

U. Sexually-oriented land uses. Any facility oriented to the display of "sexually-oriented materials" such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to "sexually specified areas." For the purpose of this chapter, "sexually specified areas" include any of the following: genitals, anal area, female areola or nipple. "Sexually-oriented materials" include any media that displays sexually specified area(s). Establishments that sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas. Sexually oriented land uses ~~Oriented Land Uses~~ shall adhere to the following standards:

- (1) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- (2) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers or affect the marketability of properties in the vicinity for sale at their assessed values.
- (3) Minimum required off-street parking: one space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

§ 390-0311. Industrial land uses.

A. Light industrial. Industrial facilities at which all operations (with the exception of loading operations) are conducted entirely within an enclosed building; are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation that are detectable at the property line; do not pose a significant safety hazard (such as danger of explosion); and comply with the performance standards listed in Article 8. Light industrial ~~Industrial~~ land uses may conduct indoor sales as an accessory use, provided they are in compliance with the requirements of § Section ~~390-0315Q~~. Light industrial ~~Industrial~~ land uses shall adhere to the following standards:

- (1) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
- (2) Minimum required off-street parking: one space per each employee on the largest work shift.

B. Heavy industrial. Land uses that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances that are detectable at the property line; and may involve materials that pose a significant safety hazard. Examples of heavy industrial land uses include meat product producers; paper, pulp or paperboard

producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Ch. 125, Wis. Stats. Heavy industrial land uses shall adhere to the following standards:

- (1) A ~~buffer yard~~buffer yard with a minimum opacity of 1.00 shall be provided along all borders of the property other than those abutting permanent open space areas are not zoned General Industrial (see Article 9).
 - (2) All buildings and outdoor activity areas shall be located a minimum of 600 feet from all property zoned in a residential zoning district or the P&I ~~Zoning District~~zoning district. This distance may be increased at the discretion of the Plan Commission and/or Village Board for certain heavy industrial uses where it is determined, by the Plan Commission and/or Village Board, that additional distance is needed to adequately mitigate the potential negative impacts of the specific land use being proposed.
 - (3) No equipment or materials shall be stacked or otherwise stored so as to be visible over ~~buffer yard~~buffer yard screening elements.
 - (4) In no instance shall a ~~heavy industrial~~Heavy Industrial land use exceed the performance standards listed in Article 8.
 - (5) Minimum required off-street parking: one space per each employee on the largest work shift.
- C. Production greenhouse. Any business whose principal activity is the growing and wholesaling of plants or plant by-products (including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other transparent material. Such uses also often involve the seasonal display of plants and related products outdoors. Production ~~greenhouses~~Greenhouses shall adhere to the following standards:
- (1) The outdoor display of items shall not be permitted in required setbacks, ~~buffer yards~~buffer yards, or landscaped areas.
 - (2) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - (3) Storage and/or outdoor display areas shall be separated from any vehicular parking or traffic circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line

of planters, or by a clearly marked paved area.

- (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians or bicyclists.
- (5) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all borders of outdoor display areas abutting residentially zoned property (see Article 9).
- (6) Minimum required off-street parking: one space per 300 square feet of gross floor area.

D. Indoor aquaculture. The farming of aquatic organisms (plants and animals) under controlled conditions, located entirely within an enclosed building, and utilizing recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system. Indoor ~~aquaculture~~Aquaculture land uses shall adhere to the following standards:

- (1) Indoor ~~aquaculture~~Aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (2) Prior to the issuance of a conditional use permit, applicants wishing to establish ~~indoor aquaculture~~Indoor Aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the Director of Public Works.
- (3) On-site processing of seafood is permitted provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
- (4) The on-site retail sale of seafood or vegetables shall be considered an ~~incidental indoor sales~~Incidental Indoor Sales accessory use subject to the provisions of ~~§ Section~~ 390-0315P, provided the area devoted to sales does not exceed 25% of the total area of the building(s) within which the operation is located. Retail areas that exceed 25% of the total area of the building(s) within which the operation is located shall be considered an ~~indoor sales~~Indoor Sales and ~~service~~Service principal land use and shall be considered separately from the ~~indoor aquaculture~~Indoor Aquaculture use.
- (5) Site plans shall be provided that indicate the location of any and all outdoor activity areas, including areas for composting.
- (6) On-site composting shall be permitted, subject to the following regulations:
 - (a) Compost areas shall be fully screened on all four sides.
 - (b) Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (7) No outdoor activity areas (including composting) shall be located in buffer

- ~~yard~~~~buffer~~~~yard~~ areas. No materials shall be stacked or otherwise stored so as to be visible over ~~buffer~~ ~~yard~~~~buffer~~~~yard~~ screening elements.
- (8) Minimum required off-street parking: one space for each 500 square feet of principal building area.
- E. Communication tower. All freestanding broadcasting, receiving, or relay structures, and similar principal land uses, and any office, studio, or other land uses directly related to the function of the ~~communication tower~~. Communication ~~towers~~~~Tower~~. ~~Communication Towers~~ shall adhere to the following standards:-
- (1) Communication ~~towers~~~~Towers~~ shall be erected and installed in accordance with the State Electrical Code adopted by reference in Chapter 153, Building Construction, of the Village Code, National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
 - (2) Communication ~~towers~~~~Towers~~ shall adhere to performance standards and requirements included in ~~§ Section~~ 390-0811.
 - (3) Minimum required off-street parking: one space per employee on the largest work shift.
- F. Large wind energy system. Unless otherwise defined in Ch. PSC 128, Wis. Adm. Code, consists of a wind turbine(s), a supporting tower(s), and associated control or conversion electronics that generate electrical power primarily for off-site consumption and that has an installed nameplate capacity of greater than 100 kilowatts per turbine and a total installed nameplate capacity of greater than 300 kilowatts. This use does not include wind energy systems subject to Public Services Commission review under Wisconsin Statutes, where Village review does not apply. Large ~~wind energy systems~~~~Wind Energy Systems~~ shall adhere to the following standards:
- (1) The requirements of Wisconsin Statutes, including but not limited to §§ 66.0401 and 66.0403, shall apply to all ~~large wind energy systems~~~~Large Wind Energy Systems~~.
 - (2) The applicant shall meet all the application and procedural requirements of Ch. PSC 128, Wis. Adm. Code, and the application and procedural requirements for a conditional use in ~~§ Section~~ 390-1207.
 - (3) After receiving an application for approval of a ~~large wind energy system~~~~Large Wind Energy System~~, the Zoning Administrator shall:
 - (a) Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 45 days after the day the application is filed.
 - (b) Publish a Class 1 notice per § 66.0401(4)(a)l, Wis. Stats., including a brief description of the proposed ~~large wind energy system~~~~Large Wind Energy System~~ and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by

the Village.

- (c) Make the application available for public review at the local library and at Village Hall.
 - (d) Accept written public comments on the application for 30 days after the Class 1 notice is published.
 - (e) Adhere to other requirements in [§ Section 390-1207](#) for the processing of conditional use permit.
- (4) The Village shall use all other the technical and procedural requirements of Ch. PSC 128, Wis. Adm. Code, and this chapter in its review of conditional use permit requests for such uses.
- (5) In the AH [Zoning District](#), ~~zoning district~~ the [large wind energy system](#), ~~Large Wind Energy System~~ shall be subject to the following standards:
- (a) The use and its location are consistent with the purpose of the Agricultural Holding [Zoning District](#), ~~zoning district~~.
 - (b) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- G. Large solar energy system. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is a principal use of the land and designed primary to generate energy for commercial sale off-site. Large [solar energy systems](#), ~~Solar Energy Systems~~ shall adhere to the following standards:
- (1) The requirements of Wisconsin Statutes, including but not limited to §§ 66.0401 and 66.0403, shall apply to all solar energy systems.

§ 390-0312. Storage land uses.

- A. Indoor storage and wholesaling. Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with these uses shall be considered accessory uses per [§ Section 390-0315P](#).
- (1) Minimum required off-street parking: one space per 2,000 square feet of gross floor

area.

- B. Outdoor storage and wholesaling. Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such land uses are not entirely contained within an enclosed building. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperable vehicles or equipment, or other materials typically associated with a ~~junk~~Junk or ~~salvage yard~~Salvage Yard (see § Section 390-0314D). Outdoor ~~storage~~Storage and ~~wholesaling~~Wholesaling land uses shall adhere to the following standards:

- (1) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view of ~~nonindustrialized~~non-industrialized areas at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a ~~buffer yard~~buffer yard with a minimum opacity of 0.80 (see Article 9).
- (2) The storage of items shall not be permitted in required frontage landscaping areas, ~~buffer yard~~buffer yard areas, or permanently protected green space areas.
- (3) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (4) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians and bicyclists.
- (6) Inoperable vehicles or equipment, or other items typically stored in a ~~junk~~Junk or ~~salvage yard~~Salvage Yard, shall not be stored under the provisions of this land use.
- (7) Minimum required off-street parking: one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

- C. Personal storage facility. Land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area (also known as "mini-warehouses"). Storage areas may be available on either a condominium or rental basis. Personal ~~storage facilities~~Storage Facilities shall adhere to the following standards:

- (1) The facility shall be designed so as to minimize adverse visual impacts on nearby

developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

- (2) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 0.80 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (3) No electrical power shall be run to the storage facilities, except for exterior lighting.
- (4) Minimum required off-street parking: one space for each employee on the largest work shift, plus one space for each 10 storage units.

§ 390-0313. Transportation land uses.

A. Transit center. A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include bus stations, train stations, and park and ride stations. Transit ~~centers~~~~Centers~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.0 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) Minimum required off-street parking: as sufficient to accommodate parking needs.

B. Distribution center. Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per ~~§ Section~~ 390-0315P. Distribution ~~centers~~~~Centers~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any ~~buffer yard~~~~bufferyard~~ areas.
- (4) Minimum required off-street parking: one space per each employee on the largest work shift.

C. Freight terminal. Land and buildings representing either end of one or more truck carrier line(s) that may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment. Freight ~~terminals~~~~Terminals~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all

- property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any ~~buffer yard~~~~bufferyard~~ areas.
 - (4) Minimum required off-street parking: one space per each employee on the largest work shift.
- D. Airport. Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this chapter shall occur only in conjunction with an approved airport. Airports shall adhere to the following standards:
- (1) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - (2) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Article 9).
 - (3) Minimum required off-street parking: one space per each employee on the largest work shift, plus one space per every five passengers based on average daily ridership.
- E. Off-site parking. Areas used for the temporary parking of vehicles that are fully registered, licensed, and operable. See also ~~§ Section~~ 390-0805 for additional parking regulations. ~~Off-site parking~~~~Site Parking~~ facilities shall adhere to the following standards:
- (1) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

§ 390-0314. Extraction and disposal land uses.

- A. Extraction. Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. Extraction land uses shall adhere to the following standards:
- (1) No ~~extraction~~~~Extraction~~ use shall be permitted without approval from the county prior to action by the Village of Williams Bay. The ~~extraction~~~~Extraction~~ use shall comply with all county, state, and federal regulations.
 - (2) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all borders of the property other than permanent open space (see Article 9).
 - (3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (4) Required site plans shall include detailed site restoration plans, which shall include at minimum detailed grading and ~~revegetation~~~~re-vegetation~~ plans, and a detailed written

- statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly owned waste disposal facilities.)
- (5) Minimum required off-street parking: one space per each employee on the largest work shift.
- B. Composting. Land uses devoted to the collection, storage, processing, and/or disposal of vegetation. Composting land uses shall adhere to the following standards:
- (1) Composting operations shall comply with all county, state, and federal regulations.
 - (2) A ~~buffer yard~~buffer yard with a minimum opacity of 1.00 shall be provided along all borders of the property occupied by ~~nonagricultural~~non-agricultural land uses (see Article 9).
 - (3) All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
 - (4) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.
 - (5) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by ~~state statutes~~State Statutes in any manner.
 - (6) Minimum required off-street parking: one space for each employee on the largest work shift.
- C. Recycling and waste disposal. Includes any recycling facilities not involving the on-site storage of salvage materials and waste disposal facilities used for the disposal of solid wastes including those defined by § 289.01(33), Wis. Stats., but not including composting operations (see ~~§ Section~~390-0314B). Recycling and ~~waste disposal~~Waste Disposal facilities shall adhere to the following standards:
- (1) Facilities shall comply with all county, state, and federal regulations.
 - (2) A ~~buffer yard~~buffer yard with a minimum opacity of 1.00 shall be provided along all borders of the property (see Article 9).
 - (3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (4) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by ~~state statutes~~State Statutes in any manner.
 - (5) Required site plans shall include detailed site restoration plans, which shall include at minimum detailed grading and ~~revegetation~~re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount

equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for recycling and waste disposal facilities owned by public agencies.)

- (6) Minimum required off-street parking: one space for each employee on the largest work shift.

D. Junk or salvage yard. Any land or structure used for a salvaging operation including but not limited to: the ~~aboveground~~above-ground, outdoor storage of waste, discarded, or salvage materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of two or more unlicensed and/or inoperable vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. Junk or ~~salvage yard~~Salvage Yard land uses shall adhere to the following standards:

- (1) A ~~buffer yard~~bufferyard with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and 100 feet from all lot lines.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any ~~buffer yard~~bufferyard areas.
- (4) The facility shall not involve the storage, handling, or collection of hazardous materials as defined by ~~state statutes~~State Statutes.
- (5) Minimum required off-street parking: one space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

§ 390-0315. Accessory land uses.

A. Home occupation. Provides a means to accommodate a small home-based family or professional business within a dwelling unit without having to rezone to a commercial district. Examples of allowable ~~home occupations~~Home Occupations include personal and professional services and handicrafts. Home ~~occupations~~Occupations are limited to service-oriented businesses and businesses that do not generate customer visits. Home ~~occupations~~Occupations shall adhere to the following standards:

- (1) The ~~home occupation~~Home Occupation must be clearly incidental and secondary to the principal use as a residence and shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
- (2) The ~~home occupation~~Home Occupation may not constitute more than 25% of the area of any floor in the dwelling unit.
- (3) The appearance of the dwelling unit or attached garage that contains the ~~home occupation~~Home Occupation shall not be altered or the occupation conducted in a manner that would cause the premises to differ from its residential character either by

the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations that carry beyond the premises.

- (4) Such use shall not include the operation of any machinery, tools, or other appliances in a manner that would create noise or other nuisance factors in excess of those typical to residential uses.
 - (5) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed three square feet.
 - (6) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation~~Home Occupation~~ shall be visible outside any structure located on the premises.
 - (7) Home occupations~~Occupations~~ shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
 - (8) No person other than a permanent resident of the dwelling unit shall be employed on the premises by the home occupation~~Home Occupation~~.
 - (9) Any off-street parking area shall be limited to that which is compatible with the residential character of the neighborhood and shall conform to the standards set forth in § Section~~390-0805~~.
 - (10) No home occupation~~Home Occupation~~ may involve the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
 - (11) Sale or transfer of the dwelling unit for which the conditional use permit was issued shall cause the conditional use permit to be null and void.
- B. Family day-care home (four to eight children). Occupied residential dwelling units in which a qualified person or persons provide child care for four to eight children (including any children who live in the home). The care of fewer than four children is not subject to the regulations of this chapter.
- C. Intermediate day-care home (nine to 15 children). Occupied residential dwelling units in which a qualified person or persons provide child care for nine to 15 children (including any children who live in the home).
- D. In-home suite. The area within a dwelling unit that may contain dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios, and decks. In home suites~~Home Suites~~ shall maintain at all times an interior physical connection with the remainder of the dwelling unit; however, separate outdoor access or separate access to the garage may also be provided. External stairs serving as the primary access to the in-home suite~~In-Home Suite~~ are prohibited. In home suites~~Home Suites~~ shall adhere to the following standards:
- (1) In home suites~~Home Suites~~ may not be occupied by a non-family member.
 - (2) In home suites~~Home Suites~~ should be considered and regulated as part of the single-family~~Single Family~~ dwelling unit.

- (3) The principal dwelling unit and the In-Home suite shall together appear as a single-family~~Single Family~~ dwelling.
 - (4) A separate walled garage area or driveway serving the in-home suite~~In-Home Suite~~ is not permitted.
 - (5) A separate kitchen within the in-home suite~~In-Home Suite~~ is not permitted.
 - (6) A separate address for the in-home suite~~In-Home Suite~~ is not permitted.
 - (7) A separate utility connection or meters for the in-home suite~~In-Home Suite~~ are not permitted.
 - (8) A physical all-weather connection between the main living area of the dwelling and the in-home suite~~In-Home Suite~~ must be present. This required connection may not occur through an unfinished attic, basement, garage, porch, or other non-living area. A door may be used to separate the in-home suite~~In-Home Suite~~ from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the in-home suite~~In-Home Suite~~.
 - (9) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an in-home suite~~In-Home Suite~~, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.
- E. Accessory dwelling unit. Residential dwelling unit located on the same lot as a single-family~~Single Family~~ dwelling unit, either as part of the same building as the single-family~~Single Family~~ dwelling unit or in a detached building. Accessory dwelling units~~Dwelling Units~~ are different from in-home suites~~In-Home Suites~~ in that a interior physical connection between the accessory dwelling unit~~Accessory Dwelling Unit~~ and primary single-family~~Single Family~~ dwelling unit is not required. Accessory dwelling units~~Dwelling Units~~ shall adhere to the following standards:
- (1) The single-family~~Single Family~~ dwelling must be owner-occupied.
 - (2) The floor area of the accessory dwelling unit~~Accessory Dwelling Unit~~ shall not exceed 50% of the principal dwelling's floor area, or 1,500 square feet, whichever is less.
 - (3) The appearance or character of the single-family~~Single Family~~ dwelling must not be significantly altered so that its appearance is no longer that of a single-family~~Single Family~~ dwelling.
 - (4) The accessory dwelling unit~~Accessory Dwelling Unit~~ shall not be sold separately from the single-family~~Single Family~~ dwelling.
 - (5) Accessory dwelling units~~Dwelling Units~~ shall not be located in the shore yard of a shoreland lot.
 - (6) For accessory dwelling units~~Accessory Dwelling Units~~ attached to the principal structure, such units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. For accessory dwelling

- ~~units~~Accessory Dwelling Units detached from the principal structure, such units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.
- (7) The occupants of the ~~accessory dwelling unit~~Accessory Dwelling Unit shall not exceed one family plus one unrelated person or two unrelated individuals.
 - (8) Additional entrances shall not be added to the front elevation of an existing dwelling, but may be added to interior side, rear, or street side elevations.
 - (9) Accessory ~~dwelling unit~~Dwelling Unit entryways located off of a rear or interior side yard shall be connected to a street frontage by a paved walkway or driveway.
- F. Caretaker house or guesthouse. A ~~caretaker house~~Caretaker—House or ~~guesthouse~~Guesthouse is a separate residential dwelling unit located on the same lot as a ~~single-family~~Single-Family dwelling unit that is designed for or occupied exclusively by non-paying guests of the owner of the ~~single-family~~Single-Family dwelling unit. A ~~cretaker~~Caretaker house is a separate residential dwelling unit located on the same lot as a ~~single-family~~Single-Family dwelling unit that is designed for or occupied exclusively by a ~~nonpaying~~non-paying person or family at least one member of which is employed by the owner of the ~~single-family~~Single-Family dwelling unit as a caretaker or domestic assistant working on the same premises. No rent or other consideration shall be charged to or paid by any occupant. Caretaker ~~house~~House or ~~guesthouse~~Guesthouse land uses shall adhere to the following standards:
- (1) Either one ~~guesthouse~~Guesthouse or one ~~caretaker house~~Caretaker—House, but not both, may be located on residential lots in zoning districts in which such uses are allowed. Lots must be a minimum of 130,000 square feet.
 - (2) Caretaker ~~houses~~Houses or ~~guest houses~~Guest—Houses shall not be located in the shore yard of a shoreland lot.
 - (3) The ~~single-family~~Single-Family dwelling must be owner-occupied.
 - (4) The floor area of the ~~caretaker house~~Caretaker—House or ~~guesthouse~~Guesthouse shall not exceed 50% of the principal dwelling's floor area, or 2,100 square feet, whichever is less.
 - (5) The ~~caretaker house~~Caretaker—House or ~~guesthouse~~Guesthouse shall not be sold separately from the ~~single-family~~Single-Family dwelling.
 - (6) The ~~caretaker house~~Caretaker—House or ~~guesthouse~~Guesthouse shall adhere to the setback requirements and standards for the applicable zoning district.
 - (7) The occupants of a ~~caretaker house~~Caretaker—House shall not exceed one family or two unrelated individuals.
- G. Farm residence. A single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in ~~§ Section—~~§ Section—390-0307. Farm ~~residences~~Residences shall adhere to the following standards:
- (1) No ~~farm residence~~Farm Residence shall be less than 900 square feet in area.

- H. Migrant employee housing. Any facility subject to the regulation of § 103.90(3)(a), Wis. Stats. Migrant ~~employee housing~~Employee Housing shall adhere to the following standards:
- (1) A ~~buffer yard~~bufferyard with a minimum opacity of 0.60 (see Article 9) shall be provided along all property lines adjacent to all properties in residential, office, or business zoning districts.
 - (2) Migrant ~~employee housing~~Employee Housing shall be an accessory use to an active principal land use and shall be maintained under the same ownership as said principal use.
- I. Residential garage or shed. A portion of a principal residential building or a detached accessory building, including carports, that is used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not in excess of 10,000 pounds. Residential ~~garages~~Garages do not include temporary enclosures. A ~~residential shed~~Residential Shed is a structure used primarily to store residential maintenance equipment for the subject property. Residential ~~sheds~~Sheds do not include temporary enclosures. Residential ~~garages~~Garages or ~~sheds~~Sheds shall adhere to the following standards:-
- (1) One attached or detached garage and one shed shall be permitted by right.
 - (2) Within the SF-CPP ~~District~~district, no more than one attached or detached garage shall be allowed, and no garage shall have a capacity greater than three cars. See ~~§ Section~~ 390-0213 for additional standards in the SF-CPP ~~District~~district.
 - (3) To minimize the visual impact of garage doors as seen from the public street, attached residential garages should be side- or rear-loaded whenever practical.
 - (4) Except in the SF-CPP ~~District~~district, for garage doors facing a public street, the following shall apply:
 - (a) The first two garage bays shall be set back a minimum of two feet behind the front or street side facade of the house, except through the issuance of a conditional use permit.
 - (b) Additional garage bays (beyond two) shall be set back a minimum of two additional feet behind the first two garage bays, except through the issuance of a conditional use permit.
 - (c) In no instance shall the combined total of the garage face, measured as the interior width of all garage bays that are along the front or street side wall, exceed 50% of the overall width of the principal structure.
 - (5) The combined area of all detached garages and sheds on a lot shall not occupy more than 20% of the rear yard area (or shore yard where applicable).
 - (6) Garages shall conform to the most restrictive of the following standards:
 - (a) No detached garage shall have a floor area that exceeds 60% of the gross floor area of the principal building on the lot.

- (b) No detached garage shall have a floor area that exceeds 10% of the total lot area.
 - (c) No detached garage shall exceed 1,000 square feet.
- (7) No detached garage shall exceed 15 feet in height.
- (8) Residential sheds shall adhere to the following standards:
 - (a) Sheds shall not exceed 160 square feet in area on a lot that also has a detached garage.
 - (b) Sheds shall not exceed 240 square feet in area if the lot has an attached garage or does not have any garage.
 - (c) Shed shall not exceed 12 feet in height.
- J. Residential recreational facility. All active outdoor recreational facilities located on a private residential lot that are not otherwise listed in the Tables of Land Uses in [§ Section 390-0305](#). Common examples include swing sets, tree houses, basketball courts, tennis courts, private residential swimming pools, and recreation-type equipment. This use category also includes private snowmobile trails. Residential [recreational facilities](#)~~Recreational Facilities~~ shall adhere to the following standards:-
 - (1) All [residential recreation facilities](#)~~Residential Recreation Facilities~~ and their attendant structures shall comply with the bulk requirements for accessory structures (see Article 2).
 - (2) Materials and lighting at said property line are to be equal to or less than 0.5 footcandle (see [§ Section 390-0807](#)).
 - (3) Swimming pools shall be regulated by the performance standards provided in [§ Section 390-0810](#).
 - (4) Tennis courts shall adhere to the following standards:
 - (a) All tennis courts shall be surrounded by a fence not less than 10 feet in height.
 - (b) All exterior lighting installed on or around a tennis court shall meet the exterior lighting requirements of [§ Section 390-0807](#).
 - (5) Tree houses and similar platforms shall not exceed a platform height of eight feet and shall be set back a distance equal to twice their elevation from any property line.
 - (6) Private snowmobile trails may be designated for use by the property owner following specific approval from the Zoning Administrator and subject to the procedural requirements for the issuance of a zoning permit in [§ Section 390-1209](#). Private snowmobile trails may only be located on lands zoned AH and ER, must be limited to marked, designated areas, and may only be used for the period between December 1 and March 1, annually. All-terrain vehicle use is prohibited.
- K. Residential kennel or stable. A residential kennel is the housing of any combination of more than three dogs and/or cats over six months of age within a residential dwelling unit.

A residential stable is an accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire. Residential ~~kennels~~Kennels and ~~stables~~Stables shall adhere to the following standards:

- (1) Outdoor containment areas for animals shall be located a minimum of 25 feet from any residentially zoned property.
- (2) A minimum lot area of 175,000 square feet (four acres) is required for a residential stable.~~Residential Stable.~~
- (3) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
- (4) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

L. On-site parking. Any area used for the temporary parking of vehicles that are fully registered, licensed, and operable, and located on the same site as the principal land use for which the parking is dedicated. An area designed and designated for the storage of boats, or for the storage or motor vehicles that are for sale is not considered on-site parking.~~On-site parking~~On-Site Parking areas shall adhere to the following standards:

- (1) Access and vehicular circulation shall be designed to discourage cut-through traffic.
- (2) On-site parking~~Site Parking~~ located within a structure that is either part of or detached from the principal structure(s) it serves (i.e., a parking garage) shall adhere to all setback and yard requirements applicable to the principal structure.

M. Company cafeteria. A company cafeteria is a food service operation that provides food only to company employees and their guests. Company cafeterias~~Cafeterias~~ shall adhere to the following standards:

- (1) Company cafeterias~~Cafeterias~~ shall meet state food service requirements.
- (2) Company cafeterias~~Cafeterias~~ shall be located on the same property as a principal land use that is engaged in an operation other than food service.

N. Company on-site recreation. Any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Company on-site~~On-Site~~ recreational facilities shall adhere to the following standards:-

- (1) All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
- (2) Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a buffer yard~~bufferyard~~ with a minimum opacity of 0.60 (see Article 9). Said buffer yard~~bufferyard~~ shall be located at the property line adjacent to said residentially zoned property.
- (3) Facilities using night lighting shall require a conditional use permit.

O. Incidental outdoor display. The sales and display of merchandise or equipment outside of

an enclosed building and incidental to an indoor principal business or industrial land use. Incidental ~~outdoor display~~Outdoor Display land uses shall comply with all regulations of ~~§ Section~~ 390-0310F and the display area shall not exceed 25% of gross floor area of principal building on the site.

P. Incidental indoor sales. Any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any light industrial land use on the same site. Incidental ~~indoor sales~~Indoor Sales shall adhere to the following standards:

- (1) The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property. Areas devoted to artisan studio uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit for such use.
- (2) ~~Restroom~~Rest room facilities shall be directly accessible from retail sales area.
- (3) The retail sales area shall be physically separated by a wall from all other activity areas.
- (4) Minimum required off-street parking. Adequate parking, per the requirements of ~~§ Section~~ 390-0805, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.

Q. Incidental light industrial. Any light industrial activity conducted exclusively indoors and that is incidental to a principal land use, such as indoor sales or service, on the same site as such principal use. Incidental ~~light industrial~~Light Industrial uses shall adhere to the following standards:

- (1) The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
- (2) The production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by ~~§ Section~~ 390-0819 for all adjacent properties.
- (3) Minimum required off-street parking: per ~~§ Section~~ 390-0311A.

R. Exterior ~~communication~~communication device. This land use includes any antennas used for communication reception, such as satellite dishes and antennas used by amateur radio operators licensed by the Federal Communications Commission (i.e., ham radios). This does not include "~~communication towers~~Communication Towers," which are considered principal land uses and described in ~~§ Section~~ 390-0311E. Exterior ~~communications devices~~Communications Devices shall adhere to the following standards:

- (1) Exterior ~~communications devices~~Communications Devices located in nonresidential zoning districts, excluding ham/shortwave radio antennas [see Subsection R(3) below], the following standards shall apply:
 - (a) No ~~exterior communications device~~Exterior Communication Device shall be erected or installed within a front, street side, or interior side yard.

- (b) Devices mounted to a principal structure shall adhere to all setback requirements applicable to principal buildings in the respective zoning district.
 - (c) Ground-mounted ~~devices~~Devices or ~~devices~~Devices mounted to an accessory structure shall adhere to all applicable accessory structure setback and rear yard requirements of the respective zoning district.
 - (d) No ~~device~~Device shall exceed a height of 20 feet above the roofline of the principal building on the property upon which the antenna is located, or 60 feet above the ground measured at grade level, whichever is less.
 - (e) Devices shall be constructed and anchored in such a manner to withstand winds of 80 miles per hour; shall be constructed of noncombustible and corrosive-resistant materials; shall be black, grey, or earthtone in color; and should be shielded and/or filtered to prevent the emission and/or reflection or ~~electromagnetic~~electro-magnetic radiation that would interfere with radio and television reception on adjacent properties.
 - (f) No advertising shall be displayed on an ~~exterior communications device~~Exterior Communication Device, except for a nameplate not to exceed one square foot in area displaying the name and address of the manufacturer, distributor, and/or retailer of the ~~device~~Device.
 - (g) Exterior ~~communications devices~~Communication Devices shall be erected and installed in accordance with the state electrical code adopted by reference in Chapter 153, Building Construction, of the Village Code, National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (2) Exterior ~~communications devices~~Communication Devices, excluding ham/shortwave antennas, located in all residential zoning districts shall adhere to the following standards:
- (a) Residential properties shall be limited to not more than one satellite dish antenna.
 - (b) Antennas mounted to a principal structure shall not exceed a height of 10 feet above the roofline of the principal structure.
 - (c) Ground-mounted antennas or antennas mounted to an accessory structure shall not exceed 15 feet in height (includes height of the accessory structure to which the antenna is attached).
 - (d) The area of ground-mounted antennas or antennas mounted to an accessory structure shall not exceed 20% of the rear yard area, in combination with any and all "~~private residential garages~~Private Residential Garages or ~~sheds~~Sheds" located on the premises.
- (3) Ham/shortwave antennas and towers in all zoning districts shall adhere to the following standards:
- (a) Regulations under this subsection only apply to towers and antennas used for

communication reception by an amateur radio operator licensed by the Federal Communications Commission.

- (b) Installations may not be located in a front or street side yard. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (c) Height requirements.
 - [1] Installations of 45 feet or less must meet the setback requirements for an accessory structure.
 - [2] Installations with heights between 45 feet and 75 feet must meet the setback requirements for a principal structure and will require a written notice to the abutting property owners.
 - [3] Installations of 75 feet or higher must have a setback of at least 1/3 of the total height of the structure.
 - [4] Installations of 75 feet or higher that do not meet all of the requirements for installations less than 75 feet will require a conditional use permit.
- (d) Installation requirements. Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
 - [1] Setbacks. Any signal receiving antenna and its mounting post shall be located a minimum of 10 feet from any property line.
 - [2] Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - [3] Wind pressure. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 mph.
 - [4] Electrical installations. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of

conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude installation underground. If a signal receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

- [5] Temporary placement. No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five days. However, such trial placement shall be in accordance with all provisions of this section. Failure to comply shall result in a citation being issued for violation of this section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
- [6] Advertising. No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
- [7] Interference with broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- [8] Compliance with federal regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- [9] Aesthetic considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

(e) All installations will require the proper building permits.

- S. Lawn care. Lawn care includes any activity involving the preparation of the ground and/or installation and maintenance of vegetative ground cover (including gardens). Lawn care is not permitted in certain permanently protected green space areas.
- T. Stormwater facilities. All improvements including, but not limited to, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to affect the direction, rate, and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within, and/or away from a

site. Stormwater ~~facilities~~Facilities shall also adhere to applicable state regulations and regulations in the Village of Williams Bay Municipal Code.

- U. Drive-through sales and service incidental to on-site principal land use. See § Section 390-0310I.
- V. Small solar energy system. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the land (e.g., solar panels providing energy for a dwelling on the same lot). Small solar energy systems are permitted uses in all zoning districts. Small solar energy systems~~Solar Energy Systems~~ shall adhere to the following standards:
 - (1) Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.
 - (2) The requirements of Wisconsin Statutes, including but not limited to §§ 66.0401 and 66.0403, shall apply to all solar energy systems.
- W. Concession stands and equipment rental. Structures located on public property devoted to the sale of confections, snacks, or other light meals, but providing no indoor seating or drive-through services. This does not include mobile, temporary vendor carts, which are instead regulated as "temporary outdoor sales~~Temporary Outdoor Sales~~" uses. Also included in this use are structures devoted to the rental of recreation equipment associated with the principal use, such as kayaks, umbrellas, beach chairs, and other similar items.
- X. Bathhouses. Structures located on public property that include public restroom~~rest-room~~ facilities and/or indoor or outdoor showers typically associated with recreation areas, parks with waterfront access.
- Y. Filling. Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state. Filling uses shall adhere to the following standards:
 - (1) Shall comply with Article 9 regarding filling activities in permanently protected green space areas and regarding protection measures for natural resources.
 - (2) Shall not create drainage onto other properties.
 - (3) Shall not impede on-site drainage.

§ 390-0316. Temporary land uses.

- A. Temporary farm product sales. The temporary outdoor display and sales of farm products, typically from a roadside stand. Temporary farm product~~Farm Product~~ sales shall adhere to the following standards:
 - (1) Shall comply with § Section 390-1208, standards and procedures applicable to all temporary uses.
 - (2) The display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

- (3) If the subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
 - (4) Adequate parking shall be provided.
- B. Temporary outdoor sales. The display of any items outside the confines of a building that is not otherwise allowed as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, and bratwurst stands. Temporary ~~outdoor sales~~Outdoor Sales shall adhere to the following standards:
- (1) Shall comply with ~~§ Section~~§ Section 390-1208, standards and procedures applicable to all temporary uses.
 - (2) The user shall provide a layout of the area to be used for the ~~temporary outdoor sales~~Temporary Outdoor Sales activities to the Zoning Administrator for approval prior to any event or sales activity.
- C. Temporary outdoor assembly. Any organized outdoor assembly of more than 100 persons, such as an outdoor wedding or tent meetings. Temporary ~~outdoor assembly~~Outdoor Assembly uses shall adhere to the following standards:
- (1) Shall comply with ~~§ Section~~§ Section 390-1208, ~~Standards~~standards and procedures applicable to all temporary uses.
 - (2) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - (3) If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.
 - (4) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.
 - (5) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.
- D. Temporary shelter structure. These shelters are typically supported by poles, have a fabric roof and/or sides, and are usually used to cover automobiles, boats, recreational vehicles, or firewood on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months. Temporary ~~shelter structures~~Shelter Structures shall adhere to the following standards:
- (1) Shall comply with ~~§ Section~~§ Section 390-1208, ~~Standards~~standards and procedures applicable to all temporary uses.
 - (2) Temporary ~~shelter structure~~Shelter Structure shall conform to the building and height requirements of the district in which it is located except as may otherwise be provided.
- E. Temporary portable storage unit. Structures designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on

residential property. Temporary ~~portable storage unit~~Portable Storage Unit shall adhere to the following standards:

- (1) Shall comply with ~~§ Section~~ 390-1208, standards and procedures applicable to all temporary uses.
- (2) The unit shall not exceed outside dimensions of 16 feet in length, eight feet in width, and nine feet in height.
- (3) The unit shall be permitted on the property for up to 14 days in association with each change in the occupancy of the dwelling unit, as documented by a recorded change in property ownership or valid lease.
- (4) The unit shall not be placed in a location in which it encroaches on the public right-of-way (including the sidewalk and street), or on neighboring property.
- (5) The unit must be placed on asphalt, concrete, gravel, or other hard-paved surface.
- (6) For all multifamily residential uses, including multiplexes, apartments, and townhouses, use of temporary portable storage units shall require review and approval by the Zoning Administrator. The applicant shall provide written permission from the landowner to place the ~~temporary portable storage unit~~Temporary Portable Storage Unit on the property in accordance with the regulations listed in this section.

F. Temporary construction storage. Any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project. Temporary ~~construction storage~~Construction Storage shall adhere to the following standards:

- (1) The structure or storage area shall comply with ~~§ Section~~ 390-1208, ~~Standards~~standards and procedures applicable to all temporary uses.
- (2) The structure or storage area shall be removed within 10 days of issuance of occupancy permit for the property that was under construction.
- (3) Projects requiring the structure or storage area to be in place for more than 365 consecutive days shall require a conditional use permit. Said time limit may be extended with Village Board approval.
- (4) The structure or storage area shall be limited to a maximum area not exceeding 10% of the property's gross site area.

G. Temporary relocatable building. Any manufactured building that serves as a temporary building for less than six months. Temporary ~~relocatable buildings~~Relocatable Buildings shall adhere to the following standards:

- (1) The building shall comply with ~~§ Section~~ 390-1208, standards and procedures applicable to all temporary uses.
- (2) Buildings serving for more than six months shall require a conditional use permit and are subject to the general standards and procedures presented in ~~§ Section~~ 390-1208.
- (3) The building must be placed on asphalt, concrete, gravel, or other hard-paved surface.

- H. Temporary garage or estate sale (auction). The sale or offering for sale of miscellaneous used items commonly associated with residential use. Temporary garage or estate sales shall adhere to the following standards:
 - (1) Sales shall be limited to a period of no more than three consecutive days.
 - (2) Sales shall occur only during daylight hours.
- I. Farmers market. The temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right-of-way. Farmers markets shall adhere to the following standards:
 - (1) The market shall have vehicular access to a collector or arterial street.
 - (2) Minimum required off-street parking: one space per vendor, plus adequate parking to accommodate customer traffic.

ARTICLE 4 **Density and Intensity Standards**

§ 390-0401. Purpose.

This article regulates the development potential of all property within the jurisdiction of this chapter in order to protect and enhance the desired community character of the Village of Williams Bay. The purpose of this article is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this chapter.

§ 390-0402. Intent.

This article is intended to implement the goals and objectives in the Village of Williams Bay Comprehensive Plan. Many of the Village's goals are difficult to address using conventional zoning techniques, particularly those that rely on minimum lot area requirements to establish maximum permitted residential densities to establish the character of nonresidential developments. Such approaches provide for minimum flexibility and/or the needless destruction of sensitive natural resources.

§ 390-0403. Approach.

The approach to regulating density and intensity that is employed by this article addresses both the development potential of a given lot as well as the goal of preserving sensitive natural resources located on the site.

- A. The following methods are applied to ensure a high degree of site design flexibility and the protection of community character and natural resources:
 - (1) Maximum gross densities (MGD).
 - (2) Minimum green space ratios (GSR).
 - (3) Minimum landscape surface ratios (LSR).

- B. The development potential of any site is determined by a variety of factors, including but not limited to:
- (1) Area of the site.
 - (2) Proportion of the site not containing sensitive natural resources.
 - (3) Zoning district(s) in which the site is located.
 - (4) Development option(s) for the site.
 - (5) Use(s) being considered for development.

§ 390-0404. Natural resources site evaluation.

- A. Purpose. An important goal of the Village of Williams Bay is to protect natural resources that are sensitive to disruption caused by development and/or other land use activities. These resources include floodways, floodplain areas, ~~flood fringe~~~~floodfringe~~, shorelands, wetlands, ~~lake shores~~~~lakeshores~~, steep slopes, and woodlands. These resources serve important functions that may be lost in the absence of correct mitigation approaches when these areas are subject to development and/or other land use activities. In many instances, these functions cannot be provided as well by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of air, surface water, ground water, and soil quality; habitat provisions and diversification; aesthetic diversification; and buffering effects.
- B. Natural Resources Site Evaluation Worksheet. This worksheet is intended to determine which areas of a site may be considered natural areas requiring protection and preservation and which areas are most suited for development.

Figure 390-0404: Natural Resources Site Evaluation Worksheet

Step 1: Determine the Gross Site Area (GSA) of the Site

- A. Total site area as determined by site survey _____ acres
- B. Sum up areas located within proposed street rights-of-way and within the proposed boundaries of public facilities designated in the Village's Comprehensive Plan and/or required for dedication per subdivision regulations _____ acres
- C. Sum up land that, although part of the same parcel, is not contiguous to or is not accessible from the road network proposed to serve the project _____ acres
- D. Sum up land that is proposed for a different development option or a different zoning district _____ acres
- E. Sum up areas covered by navigable waters (lakes and streams) _____ acres
- F. Add up Rows B through E _____ acres
- G. Subtract Row F from Row A (Row A - Row F) = Gross Site Area (GSA) _____ acres

Step 2: Determine the Required Resource Protection Area (RPA) of the Site:

- H. Portion of gross site area containing floodways _____ acres
- I. Portion of gross site area containing floodplain areas _____ acres
- J. Portion of gross site area containing ~~flood fringes~~~~floodfringes~~ _____ acres
- K. Portion of gross site area containing wetlands _____ acres

- L. Portion of gross site area containing ~~lake shores~~~~lakeshores~~ _____ acres
- M. Portion of gross site area containing woodlands _____ acres
- N. Portion of gross site area containing steep slopes _____ acres
- O. Add up Rows H through N = Required Resource Protection Area (RPA)

_____ acres

Step 3: Determine the Net Developable Area (NDA) of the Site:

P. Subtract Row O from Row G (Row G [GSA] - Row O [RPA]) = Net Developable Area (NDA) _____ acres

Q. Multiply Row P by the ~~maximum gross intensity~~~~Maximum Gross Intensity~~ or ~~density~~~~Density~~ allowable in the zoning district to calculate maximum development potential for the site _____ acres

§ 390-0405. Instructions for determining density and intensity.

This article, in conjunction with the density and intensity regulations included in Article 2, contains the standards that determine the maximum amount of development permitted on any given site. There are inherent differences between residential and nonresidential land uses. Therefore, residential and nonresidential development is regulated differently in this article.

A. The following instructions apply to both residential and nonresidential development:

- (1) Consult the Village's Comprehensive Plan for policies applicable to the subject property, particularly the Future Land Use and Transportation Maps.
- (2) Consult the Village's Official Map for planned capital facilities and dedication requirements that may affect the subject property, including schools, parks, stormwater management facilities, and street improvements.
- (3) The amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The current zoning designation as depicted on the Village's Official Zoning Map should be compared with the description of that district provided in Article 2.
- (4) The effect of protected natural resources on the development potential of the subject property should be evaluated. A Natural Resources Site Evaluation Worksheet (see Figure 390-0404 above) should be completed for the site. All resources listed should be identified on the subject property, and the total area of the property (in acres) covered by those resources [resource protection areas (RPA)] should be determined, as should the gross site area (GSA) and the net developable area (NDA) of the subject property.

B. The following instructions apply only to residential development:

- (1) Determine the types of dwelling units allowed on the subject property by checking the zoning district in Article 2. Section 390-0306 provides detailed descriptions and regulations for each dwelling unit (land use) type.
- (2) Determine the maximum gross density allowed on the site. The maximum gross density, per the zoning district of the subject property (see Article 2), should be noted and used in step (4) below.

- (3) Determine the maximum number of units allowed on the site. The maximum gross density, identified in step (3), above, multiplied by the gross site area calculated in step (2), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the zoning district of the subject property. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this section. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.
 - (4) Check the minimum lot area (MLA) requirement of the subject property (refer to [§ Section 390-0114](#) for a definition). The MLA must be greater than or equal to than the lot size requirement for the type of dwelling unit proposed for the project in step (1), above. If the proposed MLA is smaller than the lot size requirement given in step (1), then a larger lot size must be proposed or a different dwelling unit type with a smaller lot size requirement must be selected [in which case, it may be advantageous to repeat steps (1) through (5) using a different dwelling unit type].
- C. The following instructions apply only to nonresidential development:
- (1) Determine the types of land uses permitted on the subject property by checking the zoning district in Article 2. Sections 390-0306 through 390-0316 provide detailed descriptions and regulations for each land use type.
 - (2) Check the minimum lot area requirement against the gross site area present on the subject property as determined under the natural resources site evaluation in [§ Section 390-0405A\(4\)](#), above. If the GSA is less than the MLA required by the zoning district, then additional property must be acquired. In other words, the GSA must be greater than or equal to the MLA.
 - (3) Check the minimum landscape surface ratio (LSR) requirement (refer to Article 9) against the required resource protection area (RPA) present on the subject property. The LSR should be multiplied by the GSA used in step (2) above. The resulting product is the area of the site that must be permanently protected as green space. This area should be compared with the required RPA on the subject property as determined under the natural resource site evaluation in [§ Section 390-0405A\(4\)](#), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required, then more floors could be added to the proposed building in order to approach maximum development potential on the site. In other words, if the RPA is greater than the LSR, the use of more floors may permit the development of more floor area on the subject property.
 - (4) Check the maximum building size (MBS) requirement indicated in Article 2. If the MBS given is smaller than the proposed building size calculated in step (5) above, then a smaller building must be proposed, or the use of additional buildings may be considered.

ARTICLE 5

Bulk Standards

§ 390-0501. Purpose.

This article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the Village of Williams Bay. The provisions of this article interact closely with the density and intensity provisions described in Article 4.

§ 390-0502. Residential bulk standards. ⁴

All residential lots shall comply with the standards prescribed by this article, Article 4, and the bulk requirements listed for each residential zoning district in Article 5. The following tables are provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this chapter and these tables, the text shall prevail.

§ 390-0503. Nonresidential bulk standards. ⁵

All nonresidential lots created under the provisions of this chapter shall comply with the standards of this article and the bulk requirements related to the specific zoning district used as listed in Article 2. The following tables are provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this chapter and these tables, the text shall prevail.

§ 390-0504. Yard setback adjustments.

- A. Front and street side setback adjustment. Front and street side yard setbacks shall be adjusted as follows when the described conditions or circumstances exist:
- (1) For lots located adjacent to a street with an officially mapped or existing right-of-way equal to or exceeding 100 feet, a minimum forty-foot setback shall be required to address anticipated future conditions associated with noise and air quality.
 - (2) The required front or street side setback for any use may be reduced for a principal structure on any lot where existing buildings within 150 feet on either side of the subject lot do not meet the required front or street side setback. In such instances, the front or street side setback on the subject site shall be no less than the average of those buildings within 150 feet on either side of the subject site.
 - (3) In order to preserve and maintain the character of established neighborhoods that are typified by front or street side setbacks substantially in excess of the minimum required front or street side setback, the following shall apply: new development or redevelopment occurring on blocks on which the average front or street side setback is more than five feet over the minimum required front or street side setback shall be required to have a minimum front or street side setback equal to the average setback of all the same type principal structures on said block or street.

§ 390-0505. Intrusions into required yards.

4. Editor's Note: Figure 390-0502, Summary of Residential Bulk Standards, is included as an attachment to this chapter.
5. Editor's Note: Figure 390-0503, Summary of Nonresidential Bulk Standards, is included as an attachment to this chapter.

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this section.

- A. No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this section.
- B. Essential services such as utilities, electric power, and communication transmission lines are exempt from the yard requirement of this chapter.
- C. Piers and docks shall be exempt from the yard requirements of this chapter, but shall be in full compliance with the requirements of § 281-1H of the Municipal Code of the Village of Williams Bay.
- D. No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- E. In instances where the required ~~buffer yard~~^{buffer yard} width (per Article 9) exceeds the minimum required setback width, the minimum required ~~buffer yard~~^{buffer yard} width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required ~~buffer yard~~^{buffer yard}.
- F. Permitted intrusions into required front and street side yards.
 - (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than three feet into the required yard.
 - (2) Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with the illumination requirements of ~~§ Section~~^{§ Section} 390-0807 and provided they do not locate closer than five feet to the front or street property line.
 - (3) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not locate closer than five feet to any street right-of-way.
 - (4) Fences, hedges, and walls, in accordance with Subsection F(4)(a) through (d) below on residential lots that do not exceed three feet in height, subject to ~~§ Section~~^{§ Section} 390-0809E(1), and provided they do not locate closer than five feet to any street right-of-way. Fences permitted to intrude into the front or street side yards include the following:
 - (a) Split ~~-~~⁻rail fences.
 - (b) Open picket fences.
 - (c) All other fence types shall require a conditional use permit.
 - (d) Permitted fence types shall comply with all other provisions of ~~§ Section~~^{§ Section} 390-0809.
 - (5) Fire escapes (on residential buildings) that do not extend more than three feet into the

required yard.

G. Permitted intrusions into required interior side yards.

- (1) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than three feet into the required yard.
- (2) Fences, hedges, and walls in accordance with Subsection G(2)(a) through (e) below on residential lots that do not exceed four feet in height may be located subject to ~~§ Section~~ 390-0809E(1), provided they do not locate closer than two feet to any alley line.
 - (a) Split ~~r~~-rail fences.
 - (b) Open picket fences.
 - (c) Decorative fences not more than three feet in height surrounding patios and gardens.
 - (d) All other fence types shall require a conditional use permit.
 - (e) Permitted fence types shall comply with all other provisions of ~~§ Section~~ 390-0809.
- (3) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.
- (4) Air ~~c~~-conditioning condensers, heat exchangers and emergency generators, provided they do not extend more than five feet into the required yard.

H. Permitted intrusions into required rear yards.

- (1) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend more than one foot above grade, provided they do not locate closer than 20 feet to the rear lot line.
- (2) Fences, hedges, and walls in accordance with Subsection H(2)(a) through (e) below on residential lots that do not exceed four feet in height may be located subject to ~~§ Section~~ 390-0809E(1), provided they do not locate closer than two feet to any alley line.
 - (a) Split ~~r~~-rail fences.
 - (b) Open picket fences.
 - (c) Decorative fences not more than three feet in height surrounding patios and gardens.
 - (d) All other fence types shall require a conditional use permit.
 - (e) Permitted fence types shall comply with all other provisions of ~~§ Section~~ 390-0809.
- (3) Fire escapes (on residential buildings) that do not extend more than three feet into the

required yard.

(4) Air ~~u~~-conditioning condensers, heat exchangers and emergency generators, provided they do not extend more than five feet into the required yard.

(5) Satellite dish antennas.

I. Permitted intrusions into required shore yards.

(1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than three feet into the required yard.

(2) Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with the illumination requirements of ~~§ Section~~ 390-0807.

(3) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not extend more than 25 feet into the required yard.

(4) Fences, hedges, and walls in accordance with Subsection I(4)(a) through (e) below on residential lots that do not exceed four feet in height may be located subject to ~~§ Section~~ 390-0809E(1).

(a) Split ~~u~~-rail fences.

(b) Open picket fences.

(c) Decorative fences not more than three feet in height surrounding patios and gardens.

(d) All other fence types shall require a conditional use permit.

(e) Permitted fence types shall comply with all other provisions of ~~§ Section~~ 390-0809.

(5) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.

J. Accessory structures.

(1) Attached accessory structures shall be considered part of the principal building for all regulatory purposes.

(2) Any permanent accessory structure classified as a building per ~~§ Section~~ 390-0114 shall adhere to the location and height requirements of the district in which it is located except as otherwise allowed by this chapter.

(3) Accessory structures shall not be located within any required front yard or street side yard, except when there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

§ 390-0506. Exceptions to maximum height regulations.

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Article 2 are the maximum allowable heights for all buildings and structures, except those exempted by this section.

- A. The following are permitted to exceed the maximum height regulations within any district where allowed: church spires, belfries, parapet walls, cupolas, domes that do not contain usable space, public monuments, water towers, fire and hose towers, ~~flagpoles~~~~flag poles~~, flues, chimneys, smoke stacks, grain elevators, elevator penthouses, radio and television receiving antennas, satellite dish antennas when mounted on the roof of a principal structure, manufacturing equipment and necessary mechanical appurtenances, cooling towers, substations, utilities, and electric power and communication transmission lines.
- B. Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line. If building mounted, height shall include the height of the building to which the structure is mounted.
- C. Agricultural structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.
- D. Any building or structure not otherwise accounted for by Subsection A above may exceed maximum height regulations with the granting of a conditional use permit that specifically states the maximum permitted height of the proposed building or structure.

ARTICLE 6
Nonconforming Situations

§ 390-0601. Purpose.

The purpose of this article is to establish regulations for the following nonconforming situations: nonconforming uses, substandard lots, nonconforming structures, and nonconforming sites created legally prior to the effective date of this chapter (November 7, 2011). Nonconforming signs are addressed further in ~~§ Section~~ 390-1011.

§ 390-0602. Nonconforming uses.

- A. Definition. A nonconforming use is any active and actual use of land, buildings, or structures that lawfully existed prior to the enactment of this chapter, which has continued as the same use to the present, and that does not comply with all the applicable regulations of this chapter.
- B. Continuance of a nonconforming use.
 - (1) Any nonconforming use lawfully existing upon the effective date of this chapter, or any amendment to it, may be continued as a legal, nonconforming use at the size and in a manner of operation existing upon such date, except as specified in this section.
 - (2) A use now regulated as a conditional use that was legally approved as either a permitted by right or as a conditional use prior to the effective date of this chapter

shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under the requirements of ~~§ Section~~ 390-1206 or 390-1207.

- (3) Any prior legal use made nonconforming by this chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reestablished within 12 months of discontinuance, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by ~~§ Section~~ 390-1207. Any prior legal use made nonconforming by a modification to the Official Zoning Map after the effective date of this chapter may be granted legal conforming use status only by changing the zoning district of the affected property to an appropriate district through an amendment to the Official Zoning Map. Such requested amendment shall be subject to the standards and procedures prescribed by ~~§ Section~~ 390-1205.

C. Modification of a nonconforming use.

- (1) Except as permitted in Subsection B(3) above, a nonconforming use shall not be expanded, enlarged, extended, or reestablished unless the use is changed to a use allowed in the district in which the use is located.
- (2) Substitution of new equipment specific and unique to the legal, nonconforming use may be allowed through approval of the Village Board.
- (3) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if the infrastructure for either or both utilities is not available within 1,000 feet of the subject property and a conditional use permit per ~~§ Section~~ 390-1207 is granted for such expansion.
- (4) Discontinuance of a nonconforming use. When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this chapter.
- (5) For nonconforming use provisions applicable within the floodplain overlay districts (FWO and FFO), see ~~§ Section~~ 390-0707. For nonconforming use provisions applicable within the Shoreland-Wetland ~~Overlay District~~~~overlay district~~, see ~~§ Section~~ 390-0706.

D. Alterations to conforming buildings containing legal, nonconforming residential units. Structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after the effective date of this chapter, such buildings shall not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this chapter unless a variance is granted under ~~§ Section~~ 390-1215 and except as permitted under this section.

§ 390-0603. Nonconforming structures.

- A. Definition. A nonconforming structure is any building or other structure that lawfully existed under ordinances or regulations preceding this chapter, but that does not conform to all the density, building coverage, and bulk requirements of this chapter.
- B. Blanket conforming status. Blanket conforming status for any and all requirements of this chapter is hereby granted to any principal structure lawfully existing upon the effective date of this chapter. However, after the effective date of this chapter, such structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this chapter, or unless a variance is granted by the Zoning Board of Appeals under [§ Section 390-1215](#).
- (1) This subsection is intended to eliminate nonconforming principal structures subject to the requirements of this chapter. This provision addresses two different situations:
 - (a) Many principal structures in the community were erected prior to the adoption of this [Zoning Ordinance](#)~~zoning ordinance~~ and do not meet some or all of the density, building coverage, or bulk requirements of this chapter.
 - (b) In some instances, this chapter establishes new density, building coverage, and bulk requirements that existing legal structures under the previous zoning ordinance do not meet.
 - (2) This section therefore ensures that owners of such structures legally established prior to the adoption of this chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
 - (3) Blanket conforming status is not applicable to accessory structures.
- C. Restoration. A damaged or destroyed nonconforming structure may be restored to the size, location, and use (including density, building coverage, and bulk measurements) that it had immediately before the damage or destruction occurred without any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
- (1) The nonconforming structure was damaged or destroyed on or after the effective date of this [chapter](#)~~ordinance~~.
 - (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- D. Unsafe structures. Nothing in this chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger the public health, safety, or welfare.
- E. Future modification. When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this chapter, any future modification of said structure shall be in conformance with the provisions of this chapter.
- F. Ordinary maintenance. Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a legal,

nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other ~~nonstructural~~non-structural components.

- G. Timing of building permit. Any structure for which a building permit has been lawfully granted prior to the effective date of this chapter, or an amendment to it, that will become nonconforming under the provisions of this chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit and construction is completed within 730 calendar days (two years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.
- H. For nonconforming structure provisions applicable within the floodplain overlay district, see ~~§ Section~~ 390-0707. For nonconforming structure provisions applicable within the Shoreland-Wetland ~~Overlay District~~overlay district, see ~~§ Section~~ 390-0706.
- I. For regulations regarding alterations to conforming buildings containing legal, nonconforming residential units, see ~~§ Section~~ 390-0602 above.

§ 390-0604. Nonconforming and substandard lots.

- A. Definition. A nonconforming or substandard lot is a lot that lawfully existed prior to the enactment of this chapter, but that does not meet the dimensional (e.g., minimum lot size or width) requirements of the zoning district in which it is located.
- B. Blanket conforming status. Blanket conforming status for any and all requirements of this chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this chapter. However, after the effective date of this chapter, no lot shall be created that does not meet the dimensional requirements of each zoning district, per Article 2. This section ensures that lots approved and created prior to the adoption of this chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- C. A lot of record existing upon the effective date of this chapter in a residential zoning district that does not meet the minimum lot dimensional requirements for the zoning district may be utilized for a detached single-family dwelling unit, provided such lot is a minimum of 60 feet wide and 7,200 square feet in area, and provided such lot is of record in the County Register of Deeds office prior to September 23, 1986. Said lot shall not be more intensively developed (with residential or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this chapter.
- D. Any development occurring on substandard lots shall be required to meet the setback and other bulk requirements of this chapter, unless a variance is granted per ~~§ Section~~ 390-1215.
- E. If two or more substandard lots are adjacent to one another, have continuous street

frontage, and have had the same owner since December 2, 1991, such lots shall be considered to be one lot for the purposes of this chapter.

- F. A lot of record existing upon the effective date of this chapter in the AH ~~Zoning District~~~~zoning district~~ that is less than 35 acres in area and that has no existing dwelling units (neither farm residence nor single-family residence) may be utilized, or one detached single-family dwelling unit may be constructed, provided the measurements of such lot area and dimensions are equal to or greater than 80% of the minimum requirements of the AH ~~Zoning District~~~~zoning district~~ and adequate access to a public right-of-way is provided.

§ 390-0605. Nonconforming site and building design.

- A. Definition. Nonconforming site and building design includes any development in which a principal use has been established prior to the effective date of this chapter and in which one or more site or building design standards such as landscaped surface ratios, minimum landscape area (such as width of foundation planting, paved area islands, and street frontage landscaped areas), ~~buffer yards~~~~bufferyards~~, minimum parking, and lighting have not been met or cannot be met.
- B. Blanket conforming status. Blanket conforming status for any and all requirements of this chapter is hereby automatically granted to the site and building design components of all developments in their configuration existing or as finally approved as of the effective date of this chapter. However, after the effective date of this chapter, such developments shall not be permitted to modify, enlarge, expand, or extend without bringing the development into compliance with the site and/or building design provisions of this chapter, or to the extent practical without removal of lawful structures in accordance with the following Subsections C through E below.
- (1) This section is intended to prevent the creation of certain nonconforming sites related to building and site design subject to the requirements of this chapter. These building and site design components may include one or more of the following:
 - (a) Build-to design requirements (e.g., minimum number of floors, maximum setbacks). See Article 2.
 - (b) Exterior building materials requirements. See ~~§§ Sections~~—390-0802 and 390-0807.
 - (c) Exterior building design requirements. See ~~§§ Sections~~—390-0802 and 390-0807.
 - (d) Parking, loading, access drive and other paved area design requirements. See ~~§§ Sections~~—390-805 and 390-0806.
 - (e) Landscaping design requirements. See Article 9.
 - (f) ~~Buffer yard~~~~Bufferyard~~ design requirements. See Article 9.
 - (g) Fencing design requirements. See ~~§ Section~~—390-0809.
 - (h) Lighting design requirements. See ~~§ Section~~—390-0807.
 - (2) This section ensures that sites approved prior to the adoption of this chapter do not

encounter difficulty because they would otherwise be considered nonconforming.

- C. On lots where the site configuration and undeveloped area can sufficiently enable compliance with nonconformities in site design, no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of this chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.
- D. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under [§ Section 390-1215](#).
- E. On lots with adequate configuration and area to bring the site into full or greater compliance with site design standards, said compliance shall be required at the time of any property improvement, modification, enlargement, or expansion requiring site plan review by the Plan Commission. The degree to which the property shall be made to comply with site design standards shall be proportional to the degree of property improvement per the following:
 - (1) Total additions or expansions to structures on nonconforming sites shall require correction of existing nonconformities associated with on-site improvements in accordance with the following:
 - (a) Renovations that result in expansions to the total gross square footage of the existing structure(s), paved areas, and/or outdoor storage areas of less than 50% of the existing structure, paved area, and/or outdoor storage area shall require a corresponding percentage increase in compliance with the site improvements required by this chapter until the site achieves 100% compliance. (Example: A property with a permitted, expandable use currently has only 50% of the required landscaping. An addition to the structure equaling 20% of the combined area of the existing structures on the site is proposed. Therefore, as a condition of approval, an additional 20% of landscaping required for the whole site must be added. In this instance, 70% of the landscaping requirement would be met upon completion of the improvements.)
 - (b) Complete replacement of existing structures or expansions of the existing structures that result in a total of 50% or greater increase of total gross square footage to meet all of the site improvement requirements of this chapter. The same requirements also apply to increased or new paved areas and outdoor areas used for outdoor operations/storage.
 - (2) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformity shall be brought into conformance.

ARTICLE 7 Overlay Zoning Districts

§ 390-0701. Purpose.

The purpose of this article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article 2 of this chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include mandatory protections against natural hazards, mandatory protections of valued natural resources, and special design guidelines. Each overlay district is intended to implement one or more aspects of the Comprehensive Plan and to ensure compliance with federal and state requirements.

§ 390-0702. ~~Use of~~[How to use this](#) article.

A given property may lie within one or more overlay zoning districts based on its geographic location. The provisions of this article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district (see Article 2). For each overlay district established in this article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the mandatory development regulations.

§ 390-0703. Overlay zoning districts.

For the purpose of this chapter, the following overlay zoning districts are hereby established:

VCO	Village Center Design Overlay
SWO	Shoreland-Wetland Overlay
FWO	Floodway Overlay
FFO	Flood-Fringe Floodfringe Overlay
GFO	General Floodplain Overlay
EC	Environmental Conservation Overlay
PDO	Planned Development Overlay

§ 390-0704. Map of overlay zoning districts.

Except where otherwise indicated in this article, the overlay zoning districts are represented on the Official Overlay Zoning Map, adopted and from time to time amended by the Village of Williams Bay.

§ 390-0705. VCO Village Center Design Overlay District.

- A. Purpose. The Village Center Design ~~Overlay District~~[overlay district](#) is intended to implement the design recommendations of the Village of Williams Bay Comprehensive Plan by preserving and enhancing the appearance, character, and property values of the

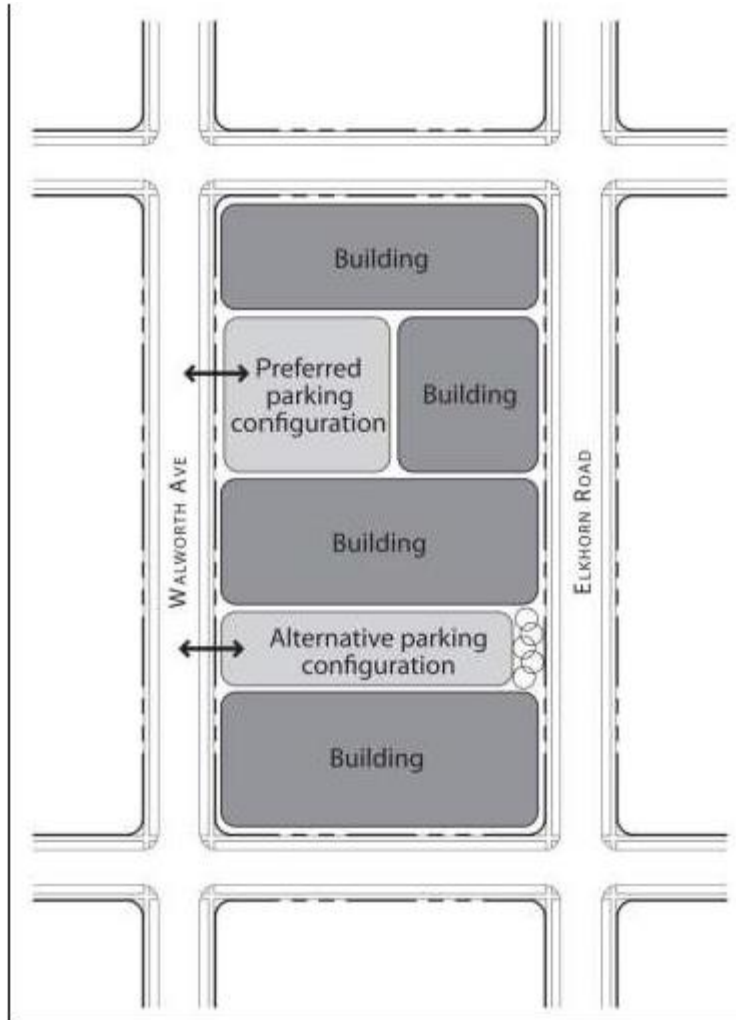
community.

- B. Overall Village Center Design theme. The design theme for the Village Center Design ~~Overlay District~~ overlay district shall be based on the Village's historic, pedestrian-oriented development pattern in its Village center, which incorporates a mixture of retail, service, residential, and institutional uses. Building orientation and character shall include minimal setbacks; one-, two-, and three-story structures; a mix of on-street and other off-site parking; and a focus on pedestrian-scaled design.
- C. Design standards. All construction, including new structures, building additions, building alterations, and restorations or rehabilitations, shall meet the following design requirements. These requirements shall apply to all land uses located within the Village Center Design ~~Overlay District~~ overlay district except single-family homes.
 - (1) Site design standards.
 - (a) Lighting.
 - [1] Appropriate lighting shall be provided at all building entries, along all walkways, and around all parking areas subject to the exterior lighting standards in ~~§ Section~~ 390-0807.
 - [2] Light fixtures located along all private walkways and public sidewalks and streets shall be pedestrian-scaled, and shall generally conform to the Village's preferred design theme for fixtures in the Village Center, as described in its Comprehensive Plan. Building-mounted light fixtures shall complement the building's architecture and exterior materials.
 - (b) Pedestrian and bicycle site access.
 - [1] Whenever practical, paved walkways shall be installed between public building entries, adjoining public sidewalks, any on-site parking areas, and adjoining properties. All such walkways shall be a minimum of five feet wide unless otherwise constrained by topography or existing site improvements.
 - [2] Protective barriers or markings shall be installed to separate walkways from vehicular circulation and parking areas.
 - [3] Bicycle parking shall be provided at the rate of one bike rack per 1,000 square feet of gross floor area.
 - (c) Vehicular site access and parking.
 - [1] Shared driveways and the establishment of cross ~~-~~ access easements shall be encouraged to minimize the number of access points.
 - [2] In the case of double frontage lots located between Elkhorn Road and Walworth Avenue, access to parking areas shall be located on Walworth Avenue.
 - [3] Surface parking lots, where allowed through issuance of a conditional use

permit (see ~~§ Section~~ 390-1207), shall only be located on the interior side or rear of buildings. In the case of double ~~-~~frontage lots between Elkhorn Road and Walworth Avenue, surface parking may be oriented as shown in Figure 390-0705 to minimize the visual impact of such parking lots as viewed from Elkhorn Road.

- [4] Surface parking lot landscaping and screening. Surface parking shall be landscaped according to the provisions of ~~§ Section~~ 390-0805 and the following: Parking lot screening shall be required along all public streets. In lieu of landscaping, a wall may be used, subject to the following:
- [a] The wall shall be no shorter than three feet and no taller than four feet.
 - [b] The entire wall and supporting structure/footer shall be located on the property.
 - [c] The material and design of the wall shall be consistent with the building architecture.
 - [d] The wall shall be finished on both sides.
 - [e] A continuous wall face (i.e., ~~un~~broken by a driveway or building) shall be broken up with columns, jogs, and/or landscaping at least once every 25 feet.
 - [f] In lieu of required perimeter trees, taller columns, trellises, or similar features may be used to visually extend the wall.
 - [g] The wall shall comply with all vision triangle requirements in ~~§ Section~~ 390-0804.

Figure 390-0705 (parking oriented so it is screened from Elkhorn Road; access from Walworth Avenue)



(d) Utilities, building mechanicals, and dumpsters.

- [1] All utilities; ground-mounted, wall-mounted, and rooftop mechanicals; and refuse containers (dumpsters) shall be fully screened with materials matching the principal building.
- [2] Whenever possible, utilities shall be located at the rear or interior side of a building. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, utilities shall be located, where possible, in an interior side yard. Where there is no interior side yard, utilities shall be located in the yard fronting on Walworth Avenue and completely screened with materials that match or are complementary to the principal building.

(e) Fencing.

- [1] Chain link and ~~nondecorative~~ nondecorative wire fencing is prohibited.
- [2] On-site fencing shall be pedestrian-scaled and shall generally conform to the Village's preferred design theme for the Village Center, as described in its Comprehensive Plan.

(2) Building design standards.

- (a) Building height. In addition to adhering to the height requirements of Article 2 for the standard zoning district, no new or altered buildings shall be more than one story taller or shorter than the height of the immediately adjoining properties.
- (b) Architectural style and building materials.
 - [1] High-quality exterior building materials shall be used on all exposed sides of the building.
 - [2] Building additions shall have the same style as the existing building, or shall be complementary to the existing building.
 - [3] Facades facing a public street shall have a minimum of 40% brick coverage. Other acceptable materials include the following:
 - [a] Chiseled ~~face~~ concrete masonry unit (CMU) or stone.
 - [b] Local and/or recycled natural materials,
 - [c] Other complementary materials approved by the Plan Commission and Village Board.
 - [4] All building materials shall have a natural/earthtone color palette. Fluorescent, day glow, and/or neon colors are prohibited. Where such prohibited colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
 - [5] Color combination schemes shall be limited to no more than four different colors for all structures and appurtenances on a site and building. Varying shades, tints, or intensities of a color shall be considered different colors.
 - [6] Color schemes shall be used consistently throughout the site and building, including on both the upper and lower portions of buildings, and on all exposed facades of a building or structure.
 - [7] High ~~gloss~~ paints, lacquers, varnishes, and other shiny ~~nonglazing~~~~non-glazing~~ surfaces shall be prohibited.
 - [8] Use of the following materials is prohibited on any facade visible from a public street:
 - [a] ~~Nonmodular~~~~Non-modular~~ stone.
 - [b] False stone or other false natural materials.
 - [c] Stucco.
 - [d] Barn siding or plywood.
 - [e] Cedar shakes.

- [f] Concrete block, panels, or poured concrete.
 - [g] Corrugated and ~~prefabricated~~pre-fabricated metal panels.
 - [h] Logs/timbers.
 - [i] Vinyl and aluminum siding.
- [9] Franchise architecture is prohibited.
- (c) Facade and articulation.
- [1] In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, the main facade with the primary entryway shall be located on Elkhorn Road.
 - [2] The ground floor of buildings with more than one story shall be differentiated from upper floors by varying color, building materials, articulation, and/or other architectural details.
 - [3] Front building facades shall have a pedestrian scale and shall incorporate the following features:
 - [a] Glass doors or doors with windows and/or transom windows.
 - [b] Minimum window coverage, subject to the following standards:
 - [i] First floor facades facing a public street shall have a minimum of 60% window coverage. In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, the first ~~floor~~ facade facing Elkhorn Road shall have a minimum 60% window coverage and the first ~~floor~~ facade facing Walworth Avenue shall have a minimum of 50% window coverage.
 - [ii] Upper ~~story~~ facades facing a public street shall have a minimum of 25% window coverage. In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, the upper ~~story~~ facades facing Elkhorn Road shall have a minimum of 25% window coverage and the upper ~~story~~ facades facing Walworth Avenue shall have a minimum of 15% window coverage.
 - [iii] The use of false (spandrel glass) windows is discouraged and shall only be allowed where the applicant can demonstrate it is necessary to maintain privacy or security, or where the interior layout of the building cannot accommodate a true window.
 - [iv] The use of heavily tinted glass on the first floor and reflective/mirrored glass anywhere on the building is prohibited.
 - [4] All facades facing a public street shall incorporate articulated components to create edges, shadows, and/or distinct textures. Such components may

include any of the following:

- [a] Pronounced sills and lintels.
 - [b] Recessed and/or framed windows.
 - [c] A doorway or articulated door frame.
 - [d] A canopy or overhang.
 - [e] A projection or recess deeper than three inches.
 - [f] An architectural band or column composed of material that is noticeably different than the surrounding wall material and that is at least five inches in height or width.
 - [g] A wall or projecting sign, subject to the standards in this section and in Article 10.
 - [h] An articulated cornice.
 - [i] A balcony railing.
 - [j] Other design elements approved by the Village that are noticeably different than the surrounding wall and are at least three square feet in size. If used repetitively, the combined area of the element must comprise at least 1% of the area of the facade.
- [5] Public entryways shall be at grade with the front walkway and/or public sidewalk in front of the building.
 - [6] All public entryways shall be sheltered with an awning or shall be recessed into the building.
 - [7] Open ~~air~~ hallways facing a public street are prohibited.
 - [8] External stairs serving upper stories are prohibited on any facade facing a public street.
 - [9] Wall or window unit air conditioners and satellite dishes shall not be located on any facade facing a public street. In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, such features shall be located in an interior side yard. Where no interior side yard exists, such features may be located on the Walworth Avenue facade.
 - [10] Flat roofs facing a public street shall have an articulated cornice.
 - [11] Any exposed gutters and downspouts shall be finished in a manner consistent with the architectural style.
- (d) Design of signage.
- [1] Signs shall be constructed of materials consistent with the architecture of the building.

- [2] Internally lit signage is prohibited.
- [3] Awning signs shall be discouraged.
- [4] On buildings with more than one story, wall signage shall not be placed above the ground floor.
- [5] Window signage shall not cover more than 30% of any ground floor window or more than 10% of any upper ~~2~~ story window.
- [6] Freestanding pole signs shall be prohibited. All freestanding signs shall be monument ~~2~~ style signs.
- [7] Roof signs are prohibited.

D. Project review and approval procedures. All applications for development activity within the Village Center Design ~~Overlay District~~~~overlay district~~ are subject to one of two review processes, as determined by the Zoning Administrator. These include "renovation review" and "site and design review," both described below.

- (1) Renovation review. Applications for projects involving only a renovation of the exterior appearance of a structure (such as repainting; ~~re-roofing~~~~re-roofing~~; re-siding; or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, shall require Zoning Administrator review and approval. All necessary permits must be acquired.
- (2) Site and design review. Applications involving any change in the exterior appearance or physical configuration of a property, including painting; roofing; siding; architectural component substitution; fencing; paving; installation of signage with different colors, finishes, or materials; grading; erection of a new building; demolition of an existing building; or the addition or removal of bulk to an existing building shall be subject to site and design review in accordance with the standard procedures applicable to all site plans per ~~§ Section~~ 390-1206. The Village Board shall serve as the final discretionary review body and shall focus its review of the application on compliance with sound aesthetic, land use, site design, and economic revitalization practices. In part, this effort shall be guided by the Village's Comprehensive Plan and any other applicable downtown or special area plans.
 - (a) Site and design review proposals shall generally follow the procedures for site plan review (see ~~§ Section~~ 390-1206).
 - (b) In addition to the standard application requirements for site plan review, applications shall be accompanied by a building permit application and the following information:
 - [1] A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing, or other site components, and/or detailed building elevations indicating the building's current appearance, may be required by the Village.

- [2] A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
- [3] A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing, or other site components, and/or detailed building elevations indicated the proposed alterations, may be required by the Village.
- [4] Written justification for the proposed alteration consisting of the following:
 - [a] Reasons why the applicant believes the requested alteration is in harmony with the overall purpose and intent of the Village Center Design Overlay District~~overlay district~~; and
 - [b] Reasons why the applicant believes the requested alteration is consistent with the recommendations and forwards the objectives of the Village's Comprehensive Plan and other applicable Village planning documents; complements the design and layout of nearby buildings and developments in the Village Center Design Overlay District~~overlay district~~; and enhances, rather than detracts from, the desired character of the Village, and the Village Center in particular.
- E. Penalty and appeals. Penalty for violation of the provisions of this section shall be per the provisions of § Section~~§~~ 390-1218. Appeals from the decisions of the Zoning Administrator, Plan Commission, and Village Board may be made per the provisions of this chapter and state statutes~~State Statutes~~.

§ 390-0706. SWO Shoreland-Wetland Overlay District.

- A. Statutory authorization. This Shoreland-Wetland Overlay Zoning District is adopted pursuant to the authorization in §§ 62.23, 61.351, 87.30 and 281.31, Wis. Stats.
- B. Findings of fact and purpose. Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the Village of Williams Bay would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
 - (1) Promote the public health, safety, convenience and general welfare;
 - (2) Maintain the storm and flood water storage capacity of wetlands;
 - (3) Prevent and control water pollution by preserving wetlands that filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

- (5) Prohibit certain uses detrimental to the area regulated by this section; and
 - (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other ~~earthmoving~~earth-moving activities.
- C. Compliance. The use of wetlands and the alteration of wetlands within the shoreland area of the Williams Bay shall be in full compliance with the terms of this Shoreland-Wetland Overlay District and other applicable local, state or federal regulations. (However, see Subsection R for standards applicable to nonconforming uses.)
- D. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with the provisions of this Shoreland-Wetland Overlay District and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022, Wis. Stats., applies.
- E. Abrogation and greater restrictions.
- (1) The provisions of this Shoreland-Wetland Overlay District supersede all the provisions of any municipal zoning code provisions enacted under § 61.35, 62.23 or 87.30, Wis. Stats., that relate to floodplains and shoreland-wetlands, except that where another provision in the Village of Williams Bay Zoning Code is more restrictive than this Shoreland-Wetland Overlay District, that provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This Shoreland-Wetland Overlay District is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants or easements. However, where this Shoreland-Wetland Overlay District imposes greater restrictions, the provisions of this overlay district shall prevail.
- F. Interpretation. In their interpretation and application, the provisions of this Shoreland-Wetland Overlay District shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this overlay district is required by a standard in Ch. NR 117, Wis. Adm. Code, and where such provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of the Shoreland-Wetland Overlay District provisions or in effect on the date of the most recent text amendment to this Shoreland-Wetland Overlay District section of this chapter.
- G. Severability. Should any portion of this Shoreland-Wetland Overlay District be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this overlay district shall not be affected.
- H. Annexed areas. The ~~county~~County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the Village of Williams Bay for all areas annexed by the Village of Williams Bay after May 7, 1982, unless any of the changes as

allowed by § 59.692(7)(a)(1) to (3), Wis. Stats., occur.⁶ These annexed lands are described on the Village of Williams Bay's Official Zoning Map. The ~~county~~~~County~~ shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village of Williams Bay Clerk.

- I. The following maps are hereby adopted and made part of this section and are on file in the office of the Village of Williams Bay Clerk:
 - (1) Wisconsin Wetland Inventory maps stamped "Final" in November 1, 2007.
 - (2) Flood Boundary and Floodway Map, Village of Williams Bay, Walworth County, Wisconsin, dated May 15, 1984.
 - (3) United States Geological Survey map (Walworth County, Wisconsin, topographic map) dated 1986.
 - (4) Village of Williams Bay Official Zoning Map dated February 20, 2012.
- J. Areas regulated.
 - (1) The Shoreland-Wetland Overlay Zoning District includes all wetlands in the municipality that are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this section and that are:
 - (a) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this section.
 - (b) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this section. Floodplain Zoning Maps adopted in § 390-0707D(2) shall be used to determine the extent of floodplain areas.
 - (2) The Shoreland-Wetland Overlay Zoning District also includes additional lowland areas and semi-lowland areas that may or may not fit within the technical definition of a wetland but that have been selected by the Village Board for protection.
- K. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or ordinary high-water mark.
- L. When an apparent discrepancy exists between the Shoreland-Wetland Overlay District boundary shown on the Official Zoning Map and actual field conditions at the time the

6. Editor's Note: Section 59.692(7), Wis. Stats., was repealed by 2013 Act 80.

Official Zoning Map was adopted, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the Shoreland-Wetland Overlay District boundary, as mapped, is in error. If Department of Natural Resources staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct underlying base zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Subsections M and N, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

- M. Filled wetlands. Wetlands that are filled prior to the date on which the municipality received final wetland inventory maps, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to the provisions of this Shoreland-Wetland Overlay District.
- N. Wetlands landward of a bulkhead line. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under § 30.11, Wis. Stats. are not subject to the provisions of this Shoreland-Wetland Overlay District.
- O. Permitted uses. The following uses are permitted subject to the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:
 - (1) Activities and uses that do not require the issuance of a zoning permit, provided that no wetland alteration occurs, including:
 - (a) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating.
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - (c) The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - (d) The pasturing of livestock.
 - (e) The cultivations of agricultural crops.
 - (f) The construction and maintenance of duck blinds.
 - (2) Uses that do not require the issuance of a zoning permit and that may involve wetland alterations only to the extent specifically provided below:
 - (a) The practice of silviculture, including limited temporary water level stabilization measures that are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (b) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

- (c) The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - (d) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (e) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (f) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Shoreland-Wetland Overlay District, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Subsection T(2); and
 - (g) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- P. Conditional uses. The following uses are allowed only upon the issuance of a conditional use permit and may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads that are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Subsection O, provided that:
 - (a) The road cannot, as a practical matter, be located outside the wetland;
 - (b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Subsection T(2);
 - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d) Road construction activities are carried out in the immediate area of the roadbed only; and
 - (e) Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings, provided that:
 - (a) The building is used solely in conjunction with a use permitted in the Shoreland-Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - (b) The building cannot, as a practical matter, be located outside the wetland;

- (c) The building does not exceed 500 square feet in floor area; and
 - (d) Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- (a) Any private development allowed under this subsection shall be used exclusively for the permitted purpose;
 - (b) Only limited filling and excavating necessary for the construction of park shelters or similar structures is allowed;
 - (c) The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meets the criteria in Subsection P(1);
 - (d) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values; and
 - (e) The use of a boathouse for human habitation and the construction or placement of a boathouse below the ordinary high-water mark of any navigable waters is prohibited.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities, and the construction and maintenance of railroad lines, provided that:
- (a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - (c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Subsection T(2).

Q. Prohibited uses.

- (1) Any use not listed in Subsection O of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this section in accordance with Subsection T.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

- R. Nonconforming structures and uses. The lawful use of a building, structure, or property that existed at the time these Shoreland-Wetland Overlay District provisions, or an applicable amendment to these provisions, took effect and that is not in conformity with the provisions of the Shoreland-Wetland Overlay District, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:
- (1) The Shoreland-Wetland Overlay District provisions of this section authorized by § 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the Shoreland-Wetland Overlay District provisions, or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to § 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure, or property shall conform to the provisions of this Shoreland-Wetland Overlay District.
 - (3) Any legal nonconforming use of property that does not involve the use of a structure and that existed at the time of the adoption or subsequent amendment of these Shoreland-Wetland Overlay District provisions may be continued although such use does not conform with the provisions of this Shoreland-Wetland Overlay District. However, such nonconforming use may not be extended.
 - (4) The maintenance and repair of nonconforming boathouses that are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of § 30.121, Wis. Stats.
 - (5) Uses that are nuisances under common law shall not be permitted to continue as nonconforming uses.
- S. Administrative provisions.
- (1) Zoning Administrator.
 - (a) The Village of Williams Bay Zoning Administrator is responsible for administering and enforcing this Shoreland-Wetland Overlay zoning ordinance.
 - (b) The Zoning Administrator shall have the following duties and powers:
 - [1] Advise applicants as to the provisions of this section and assist them in preparing permit applications and appeal forms.
 - [2] Issue permits and certificates of compliance and inspect properties for compliance with this section.
 - [3] Keep records of all permits issued, inspections made, work approved and other official actions.
 - [4] Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

- [5] Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department of Natural Resources in accordance with Article 12.
- [6] Investigate and report violations of this section to the Plan Commission and the district attorney, corporation counsel or municipal attorney.

(2) Zoning permits.

- (a) When required. Unless another subsection of these Shoreland-Wetland Overlay District provisions specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Subsection V, or any change in the use of an existing building or structure is initiated.
- (b) Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

[1] General information.

- [a] Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- [b] Legal description of the property and a general description of the proposed use or development.
- [c] Whether or not a private water supply or sewage system is to be installed.
- [d] A signed Cost Recovery Agreement, per [§ Section 390-1107](#).

[2] Site development plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

- [a] Dimensions and area of the lot;
- [b] Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- [c] Description of any existing or proposed on-site sewage systems or private water supply systems;
- [d] Location of the ordinary high-water mark of any abutting navigable waterways;
- [e] Boundaries of all wetlands;
- [f] Existing and proposed topographic and drainage features and vegetative cover;

- [g] Location of floodplain and floodway limits on the property as determined from floodplain Zoning Maps;
 - [h] Location of existing or future access roads; and
 - [i] Specifications and dimensions for areas of proposed wetland alteration.
- (c) Expiration. All permits issued under the authority of this section shall expire six months from the date of issuance.
- (3) Certificates of compliance.
 - (a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building that is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, subject to the following provisions:
 - [1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this section.
 - [2] Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - [3] The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform to all the provisions of this section.
 - (b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
 - (c) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption of this section, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this section.
- (4) Conditional use permits. See ~~§ Sections~~ 390-1207 of this chapter for regulations and procedures applicable to land uses or structures requiring a conditional use permit.
- (5) Fees. The Village Board may, by resolution, adopt fees for the following:
 - (a) Zoning permits.
 - (b) Certificates of compliance.
 - (c) Public hearings.
 - (d) Legal notice publications.

- (e) Conditional use permits.
 - (f) Rezoning petitions.
 - (6) Recording. Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.
 - (7) Revocation. Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.
 - (8) Board of Appeals. See [§ Section 390-1105](#).
 - (a) Public hearings in front of the Board of Appeals. A copy of public hearing notices for issues involving Shoreland-Wetland [Overlay Zoning](#)~~overlay zoning~~ shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
 - (b) Decisions of the Board of Appeals. A copy of the final decision regarding an appeal before the Board of Appeals shall be mailed to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.
- T. Amendments. The Village Board may alter, supplement, or change the overlay district boundaries and the regulations contained in this section in accordance with the requirements of § 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:
- (1) All proposed text and map amendments to the Shoreland-Wetland Overlay District regulations shall first be referred to the Conservation District Commission for review and recommendation per [§ Section 390-0708](#). Following Conservation District Commission review and recommendation, all proposed text and map amendments shall be referred to the Village of Williams Bay Plan Commission and a public hearing shall be held after a Class 2 notice as required by § 62.23(7)(d)2, Wis. Stats.
 - (a) For all text amendments to the Shoreland-Wetland [Overlay](#)~~overlay~~ regulations, the appropriate district office of the Department of Natural Resources shall be provided with a copy of the proposed text amendment within five days of the submission of the proposed amendment to the Village of Williams Bay Plan Commission, and written notice of the public hearing at least 10 days prior to such hearing.
 - (b) For map amendments that apply in whole or in part to areas that fall into either of the two categories listed in [§ Section 390-0706J\(1\)](#) above, the appropriate district office of the Department of Natural Resources shall be provided with a copy of the proposed text amendment within five days of the submission of the proposed amendment to the Village of Williams Bay Plan Commission, and written notice of the public hearing at least 10 days prior to such hearing.
 - (2) In order to ensure that the provisions of the Shoreland-Wetland Overlay District remain consistent with the shoreland protection objectives of § 281.31, Wis. Stats.,

the Village of Williams Bay may not rezone a wetland in the Shoreland-Wetland Overlay District, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- (a) Storm and ~~floodwater~~flood-water storage capacity;
 - (b) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.
- (3) Where the district office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection T(2), the Department of Natural Resources shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.
- (4) For all text amendments to the Shoreland-Wetland ~~Overlay District~~overlay district regulations and any map amendments that apply in whole or in part to areas that fall into either of the two categories listed in ~~§ Section~~390-0706J(1) above, the appropriate district office of the Department of Natural Resources shall be provided with the following:
- (a) A copy of the recommendation and report, if any, of the Village of Williams Bay Plan Commission on the proposed amendment within 10 days after the submission of those recommendations to the Village Board.
 - (b) Written notice of the action on the proposed amendment within 10 days after the action is taken.
- (5) If the Department of Natural Resources notifies the Village of Williams Bay Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection T(2), that proposed amendment, if approved by the Village of Williams Bay, shall not become effective until more than 30 days have elapsed since written notice of the Village's approval was mailed to the Department of Natural Resources, as required by Subsection T(4)(b). If within the thirty-day period the Department of Natural Resources notifies the Village of Williams Bay that the Department of Natural Resources intends to adopt a superseding shoreland-wetland zoning ordinance for the Village as provided by § 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under § 61.351(6), Wis. Stats., is completed or

otherwise terminated.

- (6) Vote required before changes permitted. A ~~3/4~~^{three-fourths} vote of the Plan Commission in favor of the proposed change and a ~~3/4~~^{three-fourths} vote of all the members of the Village Board in favor of the proposed change shall be required before any changes may be made to either the text of this section or SWO Overlay District as shown on the Official Zoning Map.

U. Enforcement and penalties. Any development, building, or structure, or accessory building or structure, constructed, altered, added to, modified, rebuilt, or replaced or any use or accessory use established after the effective date of this section in violation of the provisions of this section, by any person, firm, association, or corporation (including building contractors or their agents), shall be deemed a violation. The Zoning Administrator shall refer violations to the Plan Commission and the Village Attorney, who shall prosecute such violations. Any person, firm, association, or corporation who violates any of the provisions of this section shall be subject to a forfeiture consistent with [§ Section 390-1218](#). Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30(2), Wis. Stats.

V. Definitions.

- (1) For the purpose of administering and enforcing the provisions of this Shoreland-Wetland Overlay District, the terms or words used herein shall be interpreted as follows: words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally. Where the same or similar term is defined differently in [§ Section 390-0114](#) of this chapter, or in any other section of this chapter, than in this [§ Section 390-0706](#), the definition provided in this section shall apply to all Shoreland-Wetland Overlay District provisions and the definition provided in [§ Section 390-0114](#) shall apply to all other sections of this chapter.

- (2) As used in this section, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE OR USE — A detached subordinate structure or a use that is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

BOATHOUSE — ~~AAs defined in § 30.01(1d), Wis. Stats., means a~~ permanent structure used for the storage of watercraft and associated materials and includes all structures that are totally enclosed, have roofs or walls, or any combination of structural parts. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

CLASS 2 PUBLIC NOTICE — Publication of a public hearing notice under Ch. 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

CONDITIONAL USE — A use that is allowed by the Shoreland-Wetland Overlay District provisions, provided that certain conditions specified in this section are met and that a permit is granted by the Village Board.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of earthen materials.

DRAINAGE SYSTEM — One or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.

ENVIRONMENTAL CONTROL FACILITY — Any facility, temporary or permanent, that is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste and thermal pollution, radiation, or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or that are to be supplemented or replaced by other pollution control facilities.

FIXED HOUSEBOAT — As defined in § 30.01(1r), Wis. Stats., means a structure not actually used for navigation that extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or ~~spud poles~~spudpoles attached to the bed of the waterway.

NAVIGABLE WATERS

- (a) Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of the boundary waters, which are navigable under the laws of this state. Under § 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 61.351, Wis. Stats., and Ch. NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if any of the following apply:
 - [1] Such lands are not adjacent to a natural navigable stream or river;
 - [2] Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - [3] Such lands are maintained in nonstructural agricultural use.
- (b) Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream that is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state

though it may be dry during other seasons.

ORDINARY HIGH-WATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

SHORELANDS — Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

WETLAND ALTERATION — Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

WETLANDS — Those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and that have soils indicative of wet conditions.

§ 390-0707. Floodplain overlay districts.

- A. Statutory authorization. This section is adopted pursuant to the authorization in §§ 61.35 and 62.23 and the requirements in § 87.30, Wis. Stats.
- B. Finding of fact. Uncontrolled development and use of the floodplains and rivers of the Village of Williams Bay would impair the public health, safety, convenience, general welfare and tax base.
- C. Statement of purpose. This section is intended to regulate floodplain development to accomplish the following goals:
 - (1) Protect life, health, and property.
 - (2) Minimize expenditures of public funds for flood control projects.
 - (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
 - (4) Minimize business interruptions and other economic disruptions.
 - (5) Minimize damage to public facilities in the floodplain.
 - (6) Minimize the occurrence of future flood blight areas in the floodplain.
 - (7) Discourage the victimization of unwary land and home buyers.
 - (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.
 - (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- D. General provisions.
 - (1) Areas regulated. This section regulates all areas that would be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in

- the Flood Insurance Study (FIS). Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A Zones on the Flood Insurance Rate Map (FIRM).
- (2) Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below. Any change to the base flood elevations in the FIS or on the FIRM must be reviewed and approved by the WisDNR and FEMA before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the WisDNR. These maps and revisions are on file at Village Hall.
 - (a) FIRM panel numbers 55127C0305D, 55127C0308D, and 55127C0310D dated October 2, 2009, with corresponding profiles that are based on the FIS, volume 55127CV000A (Community Number 550594) dated October 2, 2009.
 - (b) Flood Boundary and Floodway Map, Village of Williams Bay, Walworth County, Wisconsin, dated May 15, 1984.
- E. Establishment of districts. The regional floodplain areas are divided into three overlay districts as follows:
- (1) The Floodway Overlay District (FWO) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
 - (2) The ~~Flood-Fringe~~[Floodfringe](#) Overlay District (FFO) is that portion of the floodplain between the regional flood limits and the floodway.
 - (3) The General Floodplain Overlay District (GFO) is those areas that have been or may be covered by floodwater during the regional flood.
- F. Locating floodplain boundaries. Discrepancies between boundaries on the [Official Floodplain](#)~~official floodplain~~ Zoning Map and actual field conditions shall be resolved using the criteria in Subsection F(1) and (2) below. If a significant difference exists, the map shall be amended according to Subsection V. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual ~~predevelopment~~[pre-development](#) field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Subsection U(6)(f)[1] and [2] and the criteria in Subsection F(1) through (3) below.
- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the WisDNR.

- (3) Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Subsection V(1)(f).
- G. Removal of lands from floodplain. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Subsection V. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- H. Compliance. Any development or use within the areas regulated by this section shall be in compliance with the terms of this section, and other applicable local, state, and federal regulations.
- I. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022, Wis. Stats., applies.
- J. Abrogation and greater restrictions.
- (1) This section supersedes all the provisions of any municipal zoning ordinance enacted under § 61.35 or 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This section is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.
- K. Interpretation. In their interpretation and application, the provisions of this section are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this section, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.
- L. Warning and disclaimer of liability. The flood protection standards in this section are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this section create liability on the part of, or a cause of action against, the Village of Williams Bay or any officer or employee thereof for any flood damage that may result from reliance on this section.
- M. Severability. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

- N. Annexed areas. The Walworth County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village of Williams Bay for all annexed areas until the Village adopts and enforces an ordinance that meets the requirements of Ch. NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- O. General development standards. The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air ~~conditioning~~ equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the "subdivision" definition of this section.
- P. General development standards applicable to all floodplain overlay districts.
- (1) Hydraulic and hydrologic analyses.
- (a) Except as allowed in Subsection P(1)(c) below, no floodplain development shall:
- [1] Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
- [2] Increase regional flood height due to floodplain storage area lost that equals or exceeds 0.01 foot.
- (b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection P(1)(c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this section, the [Official Floodplain Overlay Zoning Map](#)~~official floodplain overlay zoning maps~~, floodway lines, and water surface profiles, in accordance with Subsection V.
- (d) Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such

alterations must be reviewed and approved by FEMA and the WisDNR.

- (2) Watercourse alterations. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Village has notified in writing all adjacent municipalities, WisDNR and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The flood ~~carrying~~ capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.
- (3) Development under Chs. 30 and 31, Wis. Stats. Development that requires a permit from WisDNR under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or this section are made according to Subsection V.
- (4) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
 - (a) The campground is approved by the Department of Health Services.
 - (b) A zoning permit for the campground is issued by the Zoning Administrator.
 - (c) The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
 - (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground.
 - [1] This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official that specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
 - [2] This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Subsection P(4)(d)[1] above to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
 - (e) Only camping units are allowed.

- (f) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (h) The municipality shall monitor the limited authorizations issued by the campground operator to ensure compliance with the terms of this section.
- (i) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Subsection Q or Subsection R for the floodplain district in which the structure is located.
- (j) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (k) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Q. Floodway Overlay District (FWO).

- (1) Applicability. This Subsection Q applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Subsection S(4).
- (2) Permitted uses. The following open space uses are allowed in the Floodway Overlay district and the floodway areas of the General Floodplain Overlay district, provided they are not prohibited by any other section of this chapter, they meet the standards in Subsection Q(3), and all permits or certificates have been issued according to Section U(1).
 - (a) Agricultural uses such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - (b) Nonstructural industrial and commercial uses such as loading areas, parking areas, and airport landing strips.
 - (c) Nonstructural recreational uses such as golf courses; tennis courts; archery ranges; picnic grounds; boat ramps; swimming areas; parks; wildlife and nature preserves; game farms; fish hatcheries; shooting, trap, and skeet activities; hunting and fishing areas; and hiking and horseback riding trails, subject to the fill limitations of Subsection Q(3)(d).
 - (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Subsection Q(3).
 - (e) Extraction of sand, gravel, or other materials that comply with Subsection

Q(3)(d).

- (f) Functionally water-dependent uses such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
 - (g) Public utilities, streets, and bridges that comply with Subsection Q(3)(c).
- (3) Standards for developments in floodway areas.
- (a) General.
 - [1] Any development in floodway areas shall comply with Subsection P and have low flood damage potential.
 - [2] Applicants shall provide the following data to determine the effects of the proposal according to Subsection P(1):
 - [a] A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - [b] An analysis calculating the effects of this proposal on regional flood height.
 - [3] The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection Q(3)(a)[2] above.
 - (b) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - [1] The structure is not designed for human habitation and does not have a high flood damage potential;
 - [2] The structure is anchored to resist flotation, collapse, and lateral movement;
 - [3] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [4] It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - (c) Public utilities, streets, and bridges. Public utilities, streets, and bridges may be allowed by permit, if:
 - [1] Adequate floodproofing measures are provided to the flood protection elevation; and
 - [2] Construction meets the development standards of Subsection P(1).
 - (d) Fills or deposition of materials. Fills or deposition of materials may be allowed

by permit, if:

- [1] The requirements of Subsection P(1) are met;
 - [2] No material is deposited in the navigable channel unless a permit is issued by the WisDNR pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and the other requirements of this section are met;
 - [3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
 - [4] The fill is not classified as a solid or hazardous material.
- (e) Prohibited uses. All uses not listed as permitted uses in Subsection Q(2) are prohibited, including the following uses:
- [1] Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.
 - [2] Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
 - [3] Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
 - [4] Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and WisDNR-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - [5] Any public or private wells that are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.
 - [6] Any solid or hazardous waste disposal sites.
 - [7] Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code.
 - [8] Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, that comply with the regulations for the floodplain area occupied.

R. ~~Flood-Fringe~~~~Floodfringe~~ Overlay District (FFO).

- (1) Applicability. This Subsection R applies to all ~~flood-fringe~~~~floodfringe~~ areas shown on the floodplain zoning maps and those identified pursuant to Subsection S(4).
- (2) Permitted uses. Any structure, land use, or development is allowed in the ~~Flood-Fringe~~~~Floodfringe~~ District if the standards in Subsection R(3) are met, the use is allowed by this and all other applicable sections of this chapter and regulations and

all permits or certificates specified in Subsection U have been issued.

- (3) Standards for development in ~~flood-fringe~~floodfringe areas. Subsection P(1) shall apply in addition to the following requirements according to the use requested:
- (a) Residential uses. Any habitable structure, including a manufactured home, that is to be erected, constructed, reconstructed, altered, or moved into the ~~flood-fringe~~floodfringe area, shall meet or exceed the following standards:
- [1] The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The WisDNR may authorize other floodproofing measures if the elevations of existing streets or sewer lines make compliance impractical.
 - [2] The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
 - [3] Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection R(3)(a)[4] below.
 - [4] In developments where existing street or sewer line elevations make compliance with Subsection R(3)(a)[3] above impractical, the Village may allow new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - [a] The Village has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - [b] The Village has a natural disaster plan approved by Wisconsin Emergency Management and the WisDNR.
- (b) Accessory structures or uses.
- [1] Except as provided in Subsection R(3)(b)[2] below, an accessory structure that is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - [2] An accessory structure that is not connected to the principal structure and that is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Subsections Q(3)(b) and R(3)(e).
- (c) Commercial uses. Any commercial structure that is erected, altered, or moved into the ~~flood-fringe~~floodfringe area shall meet the requirements of Subsection R(3)(a). Subject to the requirements of Subsection R(3)(e), storage yards,

surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (d) Industrial uses. Any industrial structure that is erected, altered, or moved into the ~~flood-fringe~~floodfringe area shall be protected to the flood protection elevation using fill, levees, flood walls, or other floodproofing measures in Subsection U(7). Subject to the requirements of Subsection R(3)(e), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Subsection U(7). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) Public utilities, streets, and bridges.
 - [1] All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans.
 - [2] When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be allowed if they are floodproofed in compliance with Subection U(7) to the flood protection elevation.
 - [3] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (g) Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to Subsection U(7), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- (h) Wells. All wells shall be floodproofed, pursuant to Subsection U(7), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in ~~flood-fringe~~floodfringe areas.
- (j) Deposition of materials. Any deposited material must meet all the provisions of this section.
- (k) Manufactured homes.
 - [1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage.
 - [2] Owners or operators of all manufactured home parks and subdivisions shall secure approval and file an evacuation plan indicating vehicular

access and escape routes with local emergency management authorities.

- [3] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

- [a] Have the lowest floor elevated to the flood protection elevation; and
- [b] Be anchored so they do not float, collapse, or move laterally during a flood.

- [4] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the flood-fringe~~floodfringe~~ in Subsection R(3)(a).

- (l) Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Subsection R(3)(k)[3] and [4]. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

S. General Floodplain Overlay District (GFO).

- (1) Applicability. The provisions for this overlay district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood-fringe~~floodfringe~~ overlay districts shall be delineated when adequate data is available.
- (2) Permitted uses. Pursuant to Subsection S(4), it shall be determined whether the proposed use is located within a floodway or flood-fringe~~floodfringe~~ area. Those uses permitted in floodway [Subsection Q(2)] and flood-fringe~~floodfringe~~ areas [Subsection R(2)] are allowed within the General Floodplain Overlay District~~overlay district~~, according to the standards of Subsection S(3) below, provided that all permits or certificates required under Subsection U have been issued.
- (3) Standards for development in the General Floodplain District. Subsection Q applies to floodway areas and Subsection R applies to flood-fringe~~floodfringe~~ areas. The rest of this section applies to either district.
- (4) Determining floodway and flood-fringe~~floodfringe~~ limits. Upon receiving an application for development within the General Floodplain Overlay District~~overlay district~~, the Zoning Administrator shall:
 - (a) Require the applicant to submit two copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain Overlay District~~overlay district~~ limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and floodproofing measures.

- (b) Require the applicant to furnish any of the following information deemed necessary by the WisDNR to evaluate the effects of the proposal upon flood height and flood flows and regional flood elevation, and to determine floodway boundaries:
 - [1] A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - [2] Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;
 - [3] Profile showing the slope of the bottom of the channel or flow line of the stream;
 - [4] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- (c) Transmit one copy of the information described in Subsection S(4)(a) and (b) to the WisDNR Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Subsection U(2) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

T. Nonconforming uses and structures.

(1) General.

- (a) Applicability. If these standards conform with § 62.23(7)(h), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises that was lawful before the passage of this section or any amendment thereto.
- (b) The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this section may continue, subject to the following conditions:
 - [1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure, or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification, or addition. Ordinary maintenance repairs include painting; decorating; paneling; and the replacement of doors, windows, and other nonstructural components; and the maintenance, repair, or replacement of existing

private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

- [2] The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the principal structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- [3] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer allowed and any future use of the property and any structure or building thereon shall conform to the applicable requirements of this section.
- [4] The municipality shall keep a record that lists all nonconforming uses and nonconforming structures, their equalized assessed value at the time this section was adopted, the cost of all modifications or additions that have been permitted, and the percentage of the structure's total current value those modifications represent.
- [5] No modification or addition to any nonconforming structure or any structure with a nonconforming use which over the life of the structure would equal or exceed 50% of its equalized assessed value at the time this section was adopted shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access must be provided for residential and commercial uses in compliance with Subsection R(3)(a). Costs associated with elevating a nonconforming structure or a structure with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.
- [6] Except as provided in Subsection T(1)(b)[7] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the requirements of this section. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's equalized assessed value immediately before the damage occurred.
- [7] For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be allowed in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

- [8] A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Subsection Q(3)(c), flood -resistant materials are used, and construction practices and floodproofing methods that comply with Subsection R(3)(a) are used.

(2) Floodway areas.

(a) Modifications or additions.

- [1] No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

- [a] Has been granted a permit or variance that meets all requirements of this section;
- [b] Meets the requirements of Subsection T(1); and
- [c] Will not increase the obstruction to flood flows or regional flood height.

- [2] Any addition to the existing structure shall be floodproofed, pursuant to Subsection U(7), by means other than the use of fill, to the flood protection elevation.

- [3] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

- [a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of ~~floodwaters~~flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
- [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
- [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.
- [d] The use must be limited to parking or limited storage.

- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. SPS 383, Wis. Adm. Code.

- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing well in a floodway area shall meet the applicable requirements of all Village ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.
- (3) ~~Flood-fringe~~Floodfringe areas.
 - (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Subsections R(3) and U(7), except where Subsection T(3)(b) is applicable.
 - (b) Where compliance with the provisions of Subsection T(3)(a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Subsection U(6), may grant a variance from those provisions of Subsection T(3)(a) above, for modifications or additions; using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted if:
 - [1] No floor is allowed below the regional flood elevation for residential or commercial structures;
 - [2] Human lives are not endangered;
 - [3] Public facilities such as water or sewer will not be installed;
 - [4] Flood depths will not exceed two feet;
 - [5] Flood velocities will not exceed two feet per second; and
 - [6] The structure will not be used for storage of materials as described in Subsection R(3)(e).
 - (c) If neither the provisions of Subsection T(3)(a) or (b) above can be met, one addition to an existing room in a nonconforming structure or a structure with a nonconforming use may be allowed in the ~~flood-fringe~~floodfringe, if the addition:
 - [1] Meets all other regulations and will be granted by permit or variance;
 - [2] Does not exceed 60 square feet in area; and
 - [3] In combination with other previous modifications or additions to the structure, does not equal or exceed 50% of the equalized assessed value at the time this section was adopted of the building.
 - (d) All new private sewage disposal systems or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable

provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

- (e) All new wells or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this section and Chs. NR 811 and NR 812, Wis. Adm. Code.

U. Administration.

- (1) Zoning Administrator. The Village of Williams Bay Zoning Administrator is authorized to administer this section and shall have the following duties and powers:
 - (a) Advise applicants of the ordinance provisions.
 - (b) Assist in preparing permit applications and appeals.
 - (c) Ensure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (d) Issue permits and inspect properties for compliance with provisions of this section, and issue ~~certificates~~Certificates of ~~compliance~~Compliance where appropriate.
 - (e) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (f) Keep records of all official actions, such as:
 - [1] All permits issued, inspections made, and work approved.
 - [2] Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - [3] Records of water surface profiles, floodplain Zoning Maps and ordinances, nonconforming uses and structures including changes, appeals, variances, and amendments.
 - [4] All substantial damage assessment reports for floodplain structures.
 - (g) Submit copies of the following items to the WisDNR regional office:
 - [1] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - [2] Copies of any case-by-case analyses, and any other information required by the WisDNR, including an annual summary of the number and types of floodplain zoning actions taken.
 - [3] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - (h) Investigate, prepare reports, and report violations of this section to the Village Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the WisDNR regional office.

- (i) Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- (2) Zoning permit. A zoning permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include the following items in addition to those items listed in ~~§ Section~~ 390-1209:
 - (a) A site plan drawn to scale that includes the following information:
 - [1] Location of the ordinary high ~~water~~ mark of any abutting navigable waterways.
 - [2] Location of floodplain and floodway limits as determined from the official floodplain Zoning Maps.
 - [3] The elevation of the lowest floor of proposed structures and any fill using vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
 - [4] Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Subsection Q or Subsection R are met.
 - [5] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Subsection P(1). This may include any of the information noted in Subsection Q(3)(a).
 - (b) Data required to analyze developments. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds \$125,000. The applicant shall also provide the following:
 - [1] An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
 - [2] A map showing location and details of vehicular access to lands outside the floodplain.
 - [3] A surface drainage plan showing how flood damage will be minimized.
 - [4] The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.
 - (c) Expiration. All permits issued under the authority of this section shall expire 18 months after issuance.
- (3) Certificate of compliance. No land shall be occupied or used, and no building that is

hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a ~~certificate~~Certificate of ~~compliance~~Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

- (a) The ~~certificate~~Certificate of ~~compliance~~Compliance shall show that the structure or premises, or part thereof, and the proposed use conform to the provisions of this section.
 - (b) Application for such certificate shall be concurrent with the application for a permit.
 - (c) If all ordinance provisions are met, the ~~certificate~~Certificate of ~~compliance~~Compliance shall be issued within 10 days after written notification that the permitted work is completed.
 - (d) The applicant shall submit a certification signed by a registered professional engineer or ~~professional~~registered land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Subsection U(7).
- (4) Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.
- (5) Plan Commission.
- (a) The Village of Williams Bay Plan Commission shall have the following responsibilities:
 - [1] Oversee the functions of the office of the Zoning Administrator.
 - [2] Review and advise the Village Board on all proposed amendments to this section, maps and text.
 - (b) The Plan Commission shall not:
 - [1] Grant variances to the terms of this section in place of action by the Zoning Board of Appeals.
 - [2] Amend the text or zoning maps in place of official action by the Village Board.
- (6) Zoning Board of Appeals.
- (a) The Zoning Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the

~~Secretary~~secretary of the Board.

- (b) Powers and duties. The Zoning Board of Appeals shall have following powers and duties:
 - [1] Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this section.
 - [2] Hear and decide disputes concerning the district boundaries shown on the [Official Floodplain Zoning Map](#).~~official floodplain zoning map.~~
 - [3] Hear and decide, upon appeal, variances from the standards of this section.
- (c) Appeals to the Board. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- (d) Notice and hearing for appeals including variances.
 - [1] Notice. The Board shall:
 - [a] Fix a reasonable time for the hearing.
 - [b] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
 - [c] Ensure that notice shall be mailed to the parties in interest and the WisDNR regional office at least 10 days in advance of the hearing.
 - [2] Hearing. Any party may appear in person or by agent. The Board shall:
 - [a] Resolve boundary disputes according to Subsection U(6)(f).
 - [b] Decide variance applications according to Subsection U(6)(g).
 - [c] Decide appeals of permit denials according to Subsection U(6)(h).
- (e) Decision. The final decision regarding the appeal or variance application shall:
 - [1] Be made within a reasonable time.
 - [2] Be sent to the WisDNR regional office within 10 days of the decision.
 - [3] Be a written determination signed by the chairperson or secretary of the Board.
 - [4] State the specific facts that are the basis for the Board's decision.
 - [5] Affirm, reverse, vary, or modify the order, requirement, decision, or

determination appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction, or grant or deny the variance application.

- [6] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- (f) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - [1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - [2] In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - [3] If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the Village for a map amendment according to Subsection V.
- (g) Variance.
 - [1] The Board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:
 - [a] Literal enforcement of the provisions of this section will cause unnecessary hardship.
 - [b] The hardship is due to adoption of the floodplain regulations and unique property conditions, not common to adjacent lots or premises. In such case, this section or the Official Zoning Map must be amended.
 - [c] The variance is not contrary to the public interest.
 - [d] The variance is consistent with the purpose of this section as described in Subsection C.
 - [2] In addition to the criteria in Subsection U(6)(g)[1] above, to qualify for a variance under FEMA regulations, the following criteria must be met:
 - [a] The variance may not cause any increase in the regional flood elevation.
 - [b] Variances may only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the regional flood elevation.
 - [c] Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase

costs for rescue and relief efforts, and shall not be contrary to the purpose of this section.

[3] A variance shall not:

- [a] Grant, extend, or increase any use prohibited in either the underlying base zoning district or any applicable overlay district, including the FWO and FFO Overlay Districts.~~overlay districts.~~
- [b] Be granted for a hardship based solely on an economic gain or loss.
- [c] Be granted for a hardship that is self-created.
- [d] Damage the rights or property values of other persons in the area.
- [e] Allow actions without the amendments to this section or map(s) required in Subsection V(1).
- [f] Allow any alteration of a historic structure, including its use, that would preclude its continued designation as an historic structure.

[4] When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy of such notice shall be maintained with the variance record.

(h) Appeals of permit denials.

[1] The Board shall review all data related to the appeal. This may include:

- [a] Permit application data listed in Subsection U(2).
- [b] Floodway/flood-fringe~~floodfringe~~ determination data in Subsection S(4).
- [c] Data listed in Subsection Q(3)(a)[2] where the applicant has not already submitted this information to the Zoning Administrator.
- [d] Other data submitted with the application, or submitted to the Board with the appeal.

[2] For appeals of all denied permits, the Board shall:

- [a] Follow the procedures of Subsection U(6).
- [b] Consider Plan Commission recommendations.
- [c] Either uphold the denial or grant the appeal.

[3] For appeals concerning increases in regional flood elevation, the Board shall:

- [a] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map

and all appropriate legal arrangements are made with all adversely affected property owners.

- [b] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot, provided no other reasons for denial exist.

(7) Floodproofing.

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
 - [1] Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors.
 - [2] Protect structures to the flood protection elevation.
 - [3] Anchor structures to foundations to resist flotation and lateral movement.
 - [4] Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures could include:
 - [1] Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - [2] Adding mass or weight to prevent flotation.
 - [3] Placing essential utilities above the flood protection elevation.
 - [4] Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - [5] Constructing water supply wells and waste treatment systems to prevent the entry of ~~floodwaters~~[floodwaters](#).
 - [6] Putting cutoff valves on sewer lines or eliminating gravity ~~flow~~ basement drains.
- (d) Public information.
 - [1] Place marks on structures to show the depth of inundation during the regional flood.
 - [2] All maps, engineering data, and regulations shall be available and widely distributed.
 - [3] All real estate transfers should show what floodplain zoning district any

real property is in.

V. Amendments.

- (1) General. The Village Board may change or supplement the floodplain overlay zoning district boundaries and the provisions of this section in the manner provided by law. Actions that require an amendment include, but are not limited to, the following:
 - (a) Any change to the [Official Floodplain Overlay Zoning Map](#)~~official floodplain overlay zoning map~~, including the floodway line or boundary of any floodplain area.
 - (b) Correction of discrepancies between the water surface profiles and floodplain overlay zoning maps.
 - (c) Any fill in the floodplain that raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
 - (e) Any upgrade to floodplain overlay zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Williams Bay.
 - (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the [flood-fringe](#)~~floodfringe~~ that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
 - (g) Note: Consult the FEMA [website](#)~~web-site~~ for the map change fee schedule.
- (2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by Subsections S(4) and U(2).
 - (a) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the WisDNR regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.
 - (b) No amendments shall become effective until reviewed and approved by the WisDNR.
 - (c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.
 - (d) For amendments in areas with no water surface profiles, the Plan Commission

or Village Board shall consider data submitted by the WisDNR, the Zoning Administrator's visual on-site inspections, and other available information.

W. Enforcement and penalties. Any violation of the provisions of this section by any person shall be unlawful and shall be referred to the Village Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Williams Bay a penalty of not less than \$25 and not more than \$50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

X. Definitions.

(1) Unless specifically defined, words and phrases in this section shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary. Where the same or similar term is defined differently in [§ Section 390-0114](#) or in any other section of this chapter than in this [§ Section 390-0707](#), the definition provided in this section shall apply to all Floodplain Overlay District provisions and the definition provided in [§ Section 390-0114](#) shall apply to all other sections of this chapter.

(2) As used in this section, the following terms shall have the meanings indicated:

A ZONES — Those areas shown on the Official Floodplain Overlay Zoning Map that would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ACCESSORY STRUCTURE OR USE — A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT — Any enclosed area of a building having its floor subgrade (i.e., below ground level), on all sides.

BUILDING — See "structure."

BULKHEAD LINE — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and that allows limited filling between this bulkhead line and the original ordinary [high-water](#) mark, except where such filling is prohibited by the floodway provisions of this section.

CAMPGROUND — Any parcel of land that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or that is advertised or represented as a camping area.

CAMPING UNIT — Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent, or other mobile recreational vehicle.

CERTIFICATE OF COMPLIANCE — A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this section.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAY or CRAWL SPACE — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK — An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DEVELOPMENT — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or alterations to buildings, structures, or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation/or drilling operations; the storage, deposition/or extraction of materials or equipment; and the installation, repair, or removal of public or private sewage disposal systems or water supply facilities.

DRY LAND ACCESS — A vehicular access route that is above the regional flood elevation and that connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT — Any fill, structure, equipment, building, use, or development in the floodway.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this section. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY — The probability of a flood occurrence determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the

average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOOD HAZARD BOUNDARY MAP — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM) — A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY — A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- (a) The overflow or rise of inland waters;
- (b) The rapid accumulation or runoff of surface waters from any source;
- (c) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD PROFILE — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOOD PROTECTION ELEVATION — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard.")

FLOOD STORAGE — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

FLOOD-FRINGERFLOODFRINGER — That portion of the floodplain outside of the floodway that is covered by ~~floodwaters~~~~flood waters~~ during the regional flood and associated with standing water rather than flowing water.

FLOODPLAIN — Land that has been or may be covered by ~~floodwater~~~~flood water~~ during the regional flood. It includes the floodway and the ~~flood-fringe~~~~floodfringe~~, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND — A natural geologic land formation within the floodplain that is

surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT — Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOODPROOFING — Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.

FLOODWAY — The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.

HABITABLE STRUCTURE — Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGH FLOOD DAMAGE POTENTIAL — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HISTORIC STRUCTURE — Any structure that is either:

- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT — A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions that is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see "development.")

MANUFACTURED HOME — A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

MOBILE RECREATIONAL VEHICLE — A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled, carried, or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicle."

MUNICIPALITY or MUNICIPAL — The Village of Williams Bay, which is enacting, administering, and enforcing this section.

NAVD or NORTH AMERICAN VERTICAL DATUM — Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the Village of Williams Bay and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" (see definition below) commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM — Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE — An existing lawful structure or building that is not in conformity with the dimensional or structural requirements of this section for the area of the floodplain it occupies. (For example, an existing residential structure in the [flood-fringe](#) district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE — An existing lawful use or accessory use of a structure or building that is not in conformity with the provisions of this section for the area of the floodplain it occupies (such as a residence in the floodway).

OBSTRUCTION TO FLOW — Any development that blocks the conveyance of floodwaters

such that this development alone or together with any future development would cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP — That map, adopted and made part of this section, as described in Subsection D(2), which has been approved by the Department and FEMA.

OPEN SPACE USE — Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY ~~HIGH-WATER~~HIGHWATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PERSON — An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same lot as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems, such as water, sanitary sewer, and storm sewer.

REASONABLY SAFE FROM FLOODING — Base ~~floodwaters~~flood-waters will not inundate the land or damage structures to be removed from the special flood hazard area and any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one-percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon, or set into the ground, ~~streambed~~stream-bed, or lake bed,

including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

SUBDIVISION — Has the meaning given in § 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this section.

VARIANCE — An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner that is inconsistent with dimensional standards (not uses) contained in this section.

VIOLATION — The failure of a structure or other development to be fully compliant with this section. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE PROFILE — A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WATERSHED — The entire region contributing runoff or surface water to a watercourse or body of water.

WELL — An excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.

§ 390-0708. EC Environmental Conservation Overlay District.

- A. Purpose. This district is intended to preserve, protect, and enhance lakes, ponds, wetlands, woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; avoid location of structures on soils that are generally not suitable for such use; control erosion and sedimentation; and maintain the natural beauty of the Village of Williams Bay.
- B. District boundaries. The boundaries of the EC Overlay District~~overlay district~~ shall be depicted on the Official Zoning Map. At the discretion of the Village Conservation District Commission (see Subsection F below), the Plan Commission, and Village Board, the EC Overlay District~~overlay district~~ may encompass areas delineated as Primary or Secondary Corridors or Isolated Natural Features by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), as amended from time to time, and/or lands comprised of any of following natural resources:

- (1) One-hundred-year floodplains.
- (2) Wetlands
- (3) Shorelands.
- (4) Drainageways.
- (5) Steep slopes (greater than 12%).
- (6) Woodlands.
- (7) Archaeological and historic sites.
- (8) Wildlife habitat.

C. Land uses permitted by right:

- (1) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
- (2) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, and wild flowers in a manner that is not injurious to the natural reproduction of such crops.
- (3) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- (4) Construction and maintenance of fences.
- (5) Existing agricultural uses provided they do not involve extension of cultivated areas, extension or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (8) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- (9) Cultivation of native plants.
- (10) The construction and maintenance of hiking, bicycling, and cross country ski trails.
- (11) The construction and maintenance of observation towers not to exceed 35 feet in height.
- (12) The construction and maintenance of ponds and other suitable conditions for wildlife, wild fowl, and migrating bird habitat.
- (13) Snowmobile trails may be designated for use by the owner upon specific approval by the Village Board with such use to be limited to marked designated trails only for the

- period December 1 to March 1 annually. All-terrain vehicle use is not permitted.
- (14) ~~Streambed~~~~Stream-bed~~ and stream bank improvement and restoration projects.
 - (15) The construction and maintenance of official signs such as identification, educational, informational, directional, warning, parking or traffic control or similar type signs with the permission of the Village Board as may be necessary and appropriate for the functioning of the conservancy district.
 - (16) Forest and game management.
 - (17) Preservation of scenic, historic, natural area, and critical species habitat sites.
- D. Land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) The construction of streets necessary for the continuity of the Village street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, provided that:
 - (a) The road cannot, as a practical matter, be located outside of an EC ~~Overlay District~~~~overlay district~~; and
 - (b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the EC ~~Overlay District~~~~overlay district~~ within which it is located, and meets the following standards:
 - [1] The road shall be designed and constructed for the minimum cross-section practical to serve the intended use;
 - [2] Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - [3] Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose that is compatible with environmental preservation, if such building cannot, as practical matter, be located outside of an EC ~~Overlay District~~~~overlay district~~, provided that:
 - (a) Any such building does not exceed 500 square feet in floor area; and
 - (b) No filling, flooding, draining, dredging, ditching, tiling, or excavating is to be done.
 - (3) The establishment and development of public and private parks and recreation areas, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refugees, game preserves, and private habitat areas, provided that:
 - (a) Any private recreation or wildlife habitat area must be used exclusively for that purpose;

- (b) No filling is to be done; and
 - (c) Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of natural resources.
 - (4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to members, provided that:
 - (a) The transmission and distribution lines and related facilities cannot as a practical matter be located outside of an EC Overlay District~~overlay district~~; and
 - (b) Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the EC Overlay District~~overlay district~~.
 - (5) The construction and maintenance of municipal purpose buildings serving the public, such as nature centers; educational or instructional buildings; natural history museums or display buildings; public equipment storage sheds or buildings; Village assembly buildings to include a Village Hall, Village police or fire station, or other similar structures; together with vehicle parking areas.
- E. Tree cutting and shrubbery clearing limited. Lands lying within the EC Overlay District~~overlay district~~ shall not be clear cut of trees, shrubbery, or underbrush. No more than 10% of the natural vegetation shall be removed from a parcel. Areas not occupied by structures or driveways shall be replanted with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.
- F. Conservation District Commission.
- (1) Creation. There is hereby created a Conservation District Commission to consist of seven members appointed by the Village President and confirmed by the Village Board. Upon the initial creation of the Commission, the members shall be appointed and confirmed to hold office for a period ending one, two, two terms at three, four, and two terms at five years, respectively, from the preceding first day of May, and thereafter annually, during April, one or two such members, depending upon the number of expiring terms, shall be appointed and confirmed for a term of five years. Members thereof shall be persons of recognized experience and qualifications and shall be either an owner of real estate within the Village or be an elector of the Village.
 - (2) Functions. It shall be the function of the Conservation District Commission to review,

- study, and investigate, and thereafter report its findings and recommendations to the Village Plan Commission and Village Board regarding the use and development of EC overlay district lands. In addition, it shall be the function of the Conservation District Commission to review, study, and investigate all proposed improvements, planning, development, rezoning, subdividing, or developing in any sense lands zoned in the EC Overlay District~~overlay district~~ within the Village of Williams Bay and thereafter report its findings and recommendations concerning same to the Village Plan Commission and Village Board.
- (3) It shall be a requirement that any proposed or intended changes to the text of the EC Environmental Conservation Overlay District, or any proposed or intended changes to the Official Zoning Map involving EC zoned areas shall first be reviewed by the Commission prior to submission to the Village Plan Commission for its required reports and recommendations to the Village Board.
 - (4) Such recommendation and report shall be required before the Village Plan Commission or Village Board can take any action with regard to any proposed changes to the EC Environmental Conservation Overlay District text contained in this section or any proposed changes on the Official Zoning Map related to EC District~~district~~ zoning. Six affirmative votes shall be necessary for such recommendation and report before final action is taken by the Plan Commission and/or Village Board concerning such textual or Zoning Map changes.
 - (5) Vote required before changes permitted. A 3/4~~three-fourths~~ vote of the Plan Commission in favor of the proposed change and a 3/4~~three-fourths~~ vote of all the members of the Village Board in favor of the proposed change shall be required before any changes may be made to either the text of this section, or the EC District~~district~~ as shown on the Official Zoning Map.

§ 390-0709. PDO Planned Development Overlay District.

- A. Description and purpose. The Planned Development Overlay District is intended to promote improved design and innovative land uses in the Village in accordance with the Village Comprehensive Plan. This Overlay District~~overlay district~~ allows variations from the typical base zoning district requirements in developments that are conceived and implemented as cohesive, unified projects. In exchange, these unified projects must be developed in accordance with detailed site plans approved only following a careful review process. Areas that may be deemed appropriate for the Planned Development Overlay District include: land use transitional areas, areas where a mix of land uses already exists, infill or redevelopment areas, and established or planned commercial areas.
- B. Provision of flexible development standards for planned developments.
 - (1) Permitted location. Planned developments~~Developments~~ shall only be allowed following the adoption of a Planned Development Overlay Zoning District, specific to the approved final development plan~~Final Development Plan~~ described in Subsection H below.
 - (2) Flexible development standards. The following exemptions to the development

standards of the underlying base zoning district may be provided as part of the approval of a [planned development](#)~~Planned Development~~:

- (a) Land use requirements. All residential, institutional, and business land uses listed in Article 2 may be allowed by right or by conditional use within a [planned development](#)~~Planned Development~~. Uses proposed for a [planned development](#)~~Planned Development~~ are not limited to those allowed within the underlying base zoning district.
 - (b) Density and intensity requirements. All requirements listed in Articles 2 and 4 for residential density and nonresidential intensity may be varied within a [planned development](#)~~Planned Development~~.
 - (c) Bulk requirements. All requirements listed in Articles 2 and 5 may be varied within a [planned development](#)~~Planned Development~~.
 - (d) Landscaping requirements. All requirements listed in Article 9 may be varied within a [planned development](#)~~Planned Development~~.
 - (e) Parking and loading requirements. All requirements listed in [§ Section 390-0805 and 390-0806](#) may be varied within a [planned development](#)~~Planned Development~~.
- (3) Requirement to depict all aspects of development. Only improvements that are explicitly depicted on the required site plan approved by the Village Board as part of the approved [planned development](#)~~Planned Development~~ shall be allowed, even if such improvement (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as allowable in Subsection B. Requested exemptions from and variations in these standards shall be made explicit by the applicant in the [planned development](#)~~Planned Development~~ application, and shall be recommended by the Plan Commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions or variations shall not be allowed.
- C. Initiation of request for approval of a planned development. Proceedings for approval of a Planned Development may be initiated by any of the following:
- (1) An application by the owner(s) of the subject property;
 - (2) A recommendation of the Plan Commission; or
 - (3) By action of the Village Board.
- D. Application requirements. All applications for a proposed [planned development](#)~~Planned Development~~, regardless of the party of their initiation per Subsection C above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of the Planned Development approval process. The Zoning Administrator shall forward copies of said complete application to the office of the Village Clerk. Said application shall apply to each of the process steps in Subsections E through H below.
- E. Step 1: [Preapplication](#)~~Pre-application~~ conference.

- (1) The applicant shall contact the Zoning Administrator to place an informal discussion item for the PDO on the Plan Commission agenda.
 - (2) No details beyond the name of the applicant and the identification of the discussion item as a PDO is required to be given in the agenda.
 - (3) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the potential PDO. Appropriate topics for discussion may include the location of the PDO, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and the relationship to the Village Comprehensive Plan.
 - (4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, ~~nonbinding~~~~non-binding~~ basis for proceeding to the next step.
- F. Step 2: Concept plan review. Upon completion of the ~~preapplication~~~~pre-application~~ conference, described above, the applicant shall provide the Zoning Administrator with a concept plan submittal, the contents of which are listed under Subsection F(4) below. Upon determination of completeness by the Zoning Administrator, the Planned Development concept plan may be placed on the Plan Commission agenda for review.
- (1) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the planned development concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan submittal packet, or other items as determined by the Plan Commission. The Plan Commission shall make a recommendation to the Village Board regarding next steps for the applicant.
 - (2) At a subsequent Village Board meeting, the applicant shall engage in an informal discussion with the Village Board regarding the planned development concept plan, addressing topics similar to those discussed under Subsection F(1) above. The Village Board shall offer suggested next steps for the applicant.
 - (3) Points of discussion, recommendations, and suggestions conveyed at this stage of the process shall be in no way be binding upon the applicant or the Village, but should be considered as the informal, ~~nonbinding~~~~non-binding~~ basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection G).
 - (4) The concept plan submittal shall include the following items:
 - (a) A location map of the subject property and its vicinity.
 - (b) A general written description of the proposed ~~planned development~~~~Planned Development~~, including:

- [1] General project themes and images.
- [2] The general mix of dwelling unit types and/or land uses.
- [3] Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
- [4] General treatment of natural features.
- [5] General relationship to nearby properties and public streets.
- [6] General relationship of the project to the Comprehensive Plan.
- [7] A written description of potentially requested exemptions or variations from the requirements of the underlying base zoning district. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
- [8] A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.

G. Step 3: General ~~Development Plan~~[development plan](#) review. Upon completion of the concept plan review process described above, the applicant shall submit a General Development Plan (GDP) to the Zoning Administrator for determination of completeness.

(1) The GDP submittal shall include the following items:

- (a) A map of the subject site (at a minimum scale of one inch equals 800 feet) showing all lands for which the ~~planned development~~[Planned Development](#) is proposed, and all other lands within 300 feet of the boundaries of the subject site, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject site and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject site, a graphic scale, and a ~~North~~[north](#) arrow shall be provided.
- (b) A general written description of the proposed ~~planned development~~[Planned Development](#), including:
 - [1] General project themes and images.
 - [2] The general mix of dwelling unit types and/or land uses.
 - [3] Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.
 - [4] General treatment of natural features.

- [5] General relationship to nearby properties and public streets.
- [6] General relationship of the project to the Comprehensive Plan.
- [7] A statement of rationale as to why Planned Development Overlay zoning is proposed. This statement shall list the standard base zoning district requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed planned development~~Planned Development~~ project.
- [8] A written description of potentially requested exemptions or variations from the requirements of the underlying base zoning district. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
- [9] A GDP map (at a minimum scale of one inch equals 100 feet) of the proposed project showing at least the following information in sufficient detail to evaluate the project against the criteria for approval listed in Subsection G(2) below:
 - [a] Location of recreational and open space areas and facilities, specifically indicating those areas that would be reserved or dedicated for public acquisition and use.
 - [b] Statistical data on the minimum lot sizes in the development; the approximate areas of all development lots and pads; density/intensity of various parts of the development; building coverage, landscaping surface area ratio of all land uses; expected staging; and any other plans required by the Plan Commission.
 - [c] Notations relating the written information provided in Subsection G(1)(b)[9][b] above to specific areas on the GDP map.
 - [d] A conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in this chapter.
 - [e] A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as streetlight fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.
 - [f] Written justification for the proposed planned development~~Planned Development~~.

- (2) Approval of a GDP shall involve the same procedures necessary for the adoption of a Zoning Map amendment, as described under ~~§ Section~~ 390-1205D through F of this chapter.
 - (3) All portions of an approved GDP not fully developed within five years of final Village Board approval shall expire, and no additional development shall be allowed. The Village Board may extend this five-year period an additional five years via a majority vote following a public hearing and recommendation by the Plan Commission.
- H. Step 4: Final ~~Development Plan~~~~development plan~~ review. Upon completion of the GDP review process, described above, the applicant shall submit a Final Development Plan (FDP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the Planned Development FDP may be placed on the Plan Commission agenda for FDP review.
- (1) The FDP submittal shall include the following items.
 - (a) A map of the subject site (at a minimum scale of one inch equals 800 feet) showing all lands for which the ~~planned development~~~~Planned Development~~ is proposed, and all other lands within 200 feet of the boundaries of the subject site, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject site, a graphic scale, and a ~~North~~~~north~~ arrow shall be provided.
 - (b) A general written description of the proposed FDP including:
 - [1] Specific project themes and images.
 - [2] Specific mix of dwelling unit types and/or land uses.
 - [3] Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
 - [4] Specific treatment of natural features.
 - [5] Specific relationship to nearby properties and public streets.
 - [6] A statement of rationale as to why Planned Development Overlay zoning was proposed. This statement shall list the standard base zoning district requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed ~~planned development~~~~Planned Development~~ project.
 - [7] A complete list of base zoning district standards that would not be met by the proposed FDP and the location(s) in which such violations would occur, and a complete list of zoning standards that would be more than met by the proposed FDP and the location(s) of such occurrences. The

purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.

- [8] A FDP map (at a minimum scale of one inch equals 100 feet) of the proposed site showing at least the following information in sufficient detail to evaluate the project against the criteria for approval listed in Subsection I, below:
 - [a] Recreational and open space areas and facilities, specifically indicating those areas that would be reserved or dedicated for public acquisition and use.
 - [b] Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
 - [c] Notations relating the written information provided in Subsection H(1)(b)[8][b] above to specific areas on the FDP.
- [9] A site plan conforming to all the requirements of ~~§ Section~~ 390-1206. If the proposed ~~planned development~~~~Planned Development~~ is a ~~group development~~~~Group Development~~ or a ~~large development~~~~Large Development~~ (per ~~§ Section~~ 390-0821), a proposed preliminary plat or conceptual plat may be required by the Zoning Administrator in addition to the required site plan.
- [10] A detailed landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. This plan shall also include a table that provides a clear summary of all proposed species and locations of plantings that demonstrates how the landscaping plan compares to the landscaping requirements in this chapter.
- [11] A series of building elevations for the entire exterior of all buildings in the proposed FDP, including detailed notes indicating the building materials and colors proposed.
- [12] A detailed signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as streetlight fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from Village standards or common practices.
- [13] An outline of the organizational structure for any proposed property owners associations, deed restrictions, and/or the private provision of common services.

[14] A written description that demonstrates how the FDP is consistent with the approved GDP and any and all variations between the requirements of the approved GDP and the proposed FDP.

[15] The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

- (2) The area included in a FDP may be only a portion of the area included in a previously approved GDP.
- (3) The Plan Commission or Village Board may specify other plans, documents, or schedules that must be submitted prior to consideration or approval of the FDP, as such may be relevant to review.
- (4) Approval of a FDP shall involve the same procedures necessary for the approval of a site plan, as described under [§ Section](#) 390-1206 of this chapter.
- (5) All portions of an approved Planned Development FDP not fully developed within five years of final Village Board approval shall expire, and no additional development shall be allowed. The Village Board may extend this five-year period by an additional five years via a majority vote following a public hearing and recommendation by the Plan Commission. Completed portions of the Planned Development FDP shall retain the [planned development](#)~~Planned Development~~ status.

I. Criteria for approval. In its review and action an application for a Planned Development Overlay District, the Plan Commission and, subsequently, the Village Board shall make findings with respect to the following criteria:

- (1) The proposed [planned development](#)~~Planned Development~~ project is consistent with the overall purpose and intent of this chapter.
- (2) The proposed [planned development](#)~~Planned Development~~ project is consistent with the Village's Comprehensive Plan (it is the responsibility of the Village to determine such consistency).
- (3) The proposed [planned development](#)~~Planned Development~~ project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
- (4) Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the [planned development](#)~~Planned Development~~ project, including but not limited to public sewer and water and public roads.
- (5) The proposed [planned development](#)~~Planned Development~~ project will incorporate appropriate and adequate buffers and transitions between areas of different land uses and development densities/intensities.
- (6) The proposed [planned development](#)~~Planned Development~~ project design does not detract from areas of natural beauty surrounding the site.
- (7) The proposed architecture and character of the proposed [planned](#)

- ~~development~~Planned—Development project is compatible with adjacent/nearby development.
- (8) The proposed ~~planned development~~Planned—Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
- (9) The proposed ~~planned development~~Planned—Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this chapter.
- (10) For ~~planned development~~Planned—Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

ARTICLE 8 Performance Standards

§ 390-0801. Purpose.

The purpose of this article is to indicate the standards and minimum requirements for exterior site and building design, access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, private residential swimming pools, vibration, noise, air pollution, odor, signal ~~receiving~~ antennas, glare and heat, fire and explosions, toxic or noxious materials, waste materials, exterior construction material, hazardous materials, and group and large developments within the jurisdiction of this chapter.

§ 390-0802. Exterior site and building design standards.

- A. Purpose. The purpose of this section is to regulate the design and materials used for the exterior of buildings and structures within the Village so as to attain a degree of uniformity in exterior appearance and quality of materials, and thus maintain and enhance the attractiveness and values of property in the community.
- B. Applicability. The requirements of this section apply to all structures and buildings within the Village. Beyond the general rules in Subsections C through J, below, additional rules may apply to group and large developments, which are provided in ~~§ Section~~ 390-0821.
- C. Review and approval. Through the site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development, except as exempt under ~~§ Section~~ 390-1206. Exemptions to exterior site and building design standards may be considered under the site plan review process.
- D. Site design. In addition to complying with required setbacks, no building, structures, pavement, or improvement shall be placed or oriented in a manner that would unnecessarily reduce the appearance of the subject property in comparison with typical

development practices that are fully consistent with the requirements of this chapter, or would have a substantial negative impact on the value or enjoyment of permitted land uses on nearby properties.

- E. Avoidance of exteriors specific to a particular occupant. Trademark architecture is prohibited. Specifically, no building, other structures, pavement, or improvement shall have an integral exterior design that is specific to a particular site occupant, including exterior building forms, materials, textures, colors, and patterns. Exterior elements that are specific to a particular site occupant shall be limited to attached signage, awnings and other appurtenances that are easy to remove or modify for subsequent site occupants without causing significant damage and/or restoration expenses.
- F. Exterior design compatibility and avoidance of monotony. No building, other structures, pavement or improvement shall have an exterior design that is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste. In addition, no building shall be permitted within any residential or business zoning district to have an exterior appearance that is too similar to nearby buildings so as to create unacceptable monotony. Restrictive covenants shall incorporate provisions to prohibit unacceptable monotony of the design, materials and colors for building exteriors for any multi-lot or group development.
- G. Requirements for exterior materials. The following requirements shall apply regarding exterior materials for buildings and structures:
 - (1) Building color. Building facade colors shall be ~~nonreflective~~non-reflective, subtle, neutral, or earth tone. The use of high ~~intensity~~ colors, metallic colors, fluorescent colors, or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, subject to the limitations in Article 10.
 - (2) Building materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
 - (3) Prohibited materials. No building or structure shall be constructed or faced with any material or texture that is aesthetically incompatible with other building exteriors in the area that are fully consistent with the requirements of this chapter, or that presents an unattractive appearance to the public or surrounding properties. The following materials are prohibited on the exterior of all buildings and structures:
 - (a) Plain ~~un~~-faced concrete walls or panels.
 - (b) Plain ~~un~~-faced cinder block or concrete block.
 - (c) Asphaltic siding.

- (d) Plywood, chipboard, or other ~~nondecorative~~^{non-decorative} wood or composite material as determined by the Plan Commission.
- (e) Fiberglass or poly-roofing or siding.
- (f) Structures exceeding 100 square feet that are not erected on a permanent foundation and/or do not comply with the Uniform Building Code, except for those temporary structures listed in ~~§ Section~~[§] 390-0316.
- (g) Metal siding that does not meet any one or more of the following exceptions:
 - [1] Is determined by the Plan Commission to be a decorative element of the building or structure that can be readily removed or replaced with a permitted exterior material.
 - [2] Uses a method of exterior wall fastening that is fully concealed from view by means of an interlocking panel, panel overlap, or other method approved by the Plan Commission that results in full concealment.
 - [3] Uses visible exterior fasteners that are the same color as the attached wall for any principal or accessory structure within the Agricultural Holding (AH), Community Business (CB), LSB Lakeshore Business, Light Industrial (LI), or General Industrial (GI) ~~Zoning Districts~~^{zoning districts}, in any location on the building or structure that meets all of the following criteria:
 - [a] Is located more than 100 feet from any portion of a residential zoning district boundary and more than 100 feet from any portion of a public right-of-way.
 - [b] Is located more than 100 feet from any visitor or customer door.
 - [c] Transitions to any other exterior material, texture, color, or pattern at a building corner, pier, pilaster, eave, parapet, or other physical change in the wall plane, so as to complement the overall exterior design of the building or structure as determined by the Plan Commission.
- H. Waste receptacles. The development shall contain a sufficient number of waste bins to accommodate all trash and recyclable materials generated by the land uses in a convenient manner and in accordance with the building design and performance standards of this section.
- I. Pedestrian and bicycle access. The entire development shall provide for full and safe pedestrian and bicycle access within the development, which shall include appropriate connections to the existing and any planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods; sidewalk connections to all building entrances from all public streets; secure bicycle parking and pedestrian furniture in appropriate quantities and locations; and a central pedestrian gathering area.
- J. Exceptions and appeal. The conditional use process may be used to seek exemptions to the requirements of this section. An appeal of the Plan Commission's determination may be

taken to the Zoning Board of Appeals.

§ 390-0803. Access standards.

- A. Purpose. The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- B. Applicability. The requirements of this section shall apply to each access point onto a public street or right-of-way in all new developments.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all proposed access drives on the subject property.
- D. Number of access points.
 - (1) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Public Works Director.
 - (2) No lot shall be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
 - (3) On arterial streets, and in areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point on an adjacent property or another street frontage.
 - (4) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- E. Residential uses. Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- F. Nonresidential uses. Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- G. Access near street intersections.
 - (1) At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet to the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
 - (2) Nonconforming driveways may be replaced in their current location, except as part of site plan review and approval.
 - (3) Temporary access may be granted by the Village Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

- H. Distance between access drives. The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of 25 feet may be required if existing or projected traffic warrant a greater distance.
- I. Angle of intersection with public right-of-way. All access drives shall intersect with any public right-of-way at an angle of not less than 75[°], and shall intersect at an angle of 90° wherever possible.
- J. Distance from property line. The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.
- K. Width of driveways. All access drives shall have a minimum width of 10 feet for single- and two-family dwellings and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 30 feet for all nonresidential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet. This requirement may be exceeded with explicit Plan Commission approval for uses other than single family.
- L. Traffic control. The traffic generated by any use shall be channelized and controlled in a manner that prevents congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or ~~pedestrian ways.~~pedestrian ways. Traffic control devices shall be required as determined by the Public Works Director.
- M. Depiction on required site plan. Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- N. Paving of access. All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Zoning Administrator with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Zoning Administrator.
- O. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

§ 390-0804. Visibility standards.

- A. Purpose. The purpose of this section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

- B. Applicability. The requirements of this section shall apply to all new development.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all developments for conformance with this section.
- D. Required. To provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by the two intersecting streets and a chord connecting the center lines of said streets. Generally, the following standards listed in Figure 390-0804 shall apply. Within the triangular area, no signs, parking spaces, structures, earthwork, vegetation, fencing, or other obstructions above 30 inches in height or exceeding opacity of 0.2 (see Article 9) shall be permitted above the center line elevations of said two streets.
- E. Depiction on required site plan. Any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

Figure 390-0804: Vision Clearance Triangle Standards

Right-of-Way Width	Distance from Right-of-Way Intersection
Less than or equal to 66 feet	10 feet
Greater than or equal to 67 feet	20 feet

§ 390-0805. Off-street parking and traffic circulation.

- A. Purpose. The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- B. Applicability. The requirements of this section shall apply to all new development.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development for conformance with this section.
- D. Depiction on required site plan. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every on-site parking space designed to serve as required parking shall not be located farther than 400 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection H, below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length shall be clearly indicated on said site plan.
- E. Minimum required off-street parking spaces.
 - (1) Off-street parking requirements for each land use (see Article 2) are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum

- number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours.
- (2) Where said parking needs of any land use exceed the minimum requirements of this chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
 - (3) When the calculation for the number of off-street parking spaces required by this chapter results in a fraction (e.g., 3.25 spaces), the applicant shall round up to the highest whole number.
- F. Off-street parking and traffic circulation standards.
- (1) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual on Uniform Traffic Control Devices.
 - (2) Surfacing and marking. All off-street parking and traffic circulation areas (including all residential driveways except those in the AH ~~District~~[district](#)) shall be paved with a hard, all-weather or other surface to the satisfaction of the Director of Public Works. Said surfaces intended for two or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
- G. Curbing. All off-street parking areas designed to have head-in parking within 6.5 feet of any lot line shall provide a tire bumper or curb of adequate height and properly located to ensure that no part of any vehicle will project beyond the required setbacks of this chapter.
- H. Access.
- (1) Each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width.
 - (2) All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements.
 - (3) No driveway across public property, or requiring a curb cut, shall exceed 40 feet for commercial or industrial uses or 25 feet for residential uses.
 - (4) Off-street parking spaces for residential uses may be stacked or in front of one another for the same dwelling unit.
 - (5) Parking spaces located behind an enclosed garage and located directly off a through

aisle shall be a minimum of 30 feet deep.

- I. Snow storage. Required off-street parking and traffic circulation areas shall not be used for snow storage.
- J. Lighting. All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandle is recommended for said areas, and said illumination level shall not exceed the standards of [§ Section 390-0807](#).
- K. Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article 10.
- L. Landscaping. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Article 9.
- M. Parking space design standards. Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 390-0805A. The minimum required length of parking spaces shall be 16 feet. All parking spaces shall have a minimum vertical clearance of at least seven feet.
- N. Handicapped parking spaces. Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.
- O. Parking lot design standards. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Figure 390-0805A. Additional design standards apply to group developments and large developments (see [§ Section 390-0821](#)).
- P. Partial development of required parking spaces. At the time of site plan review, any developer may seek permission to not install a portion of its required parking unless and until it is determined jointly by the Village and developer that such parking is needed; however, the site plan shall depict the minimum number of required parking spaces.
- Q. Limit on the maximum number of required parking spaces. No site plan may be approved for a multifamily or nonresidential use that proposes more than 120% of the development's minimum number of required parking spaces, except as granted through a conditional use permit. As part of the application for a conditional use permit, the applicant shall provide a report demonstrating why additional parking will be needed. The report shall be prepared by a traffic modeling expert recognized by WisDOT.
- R. Joint and off-site parking facilities.
 - (1) Parking facilities that have been approved by the Director of Public Works to provide required parking for two or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak [4](#)-hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded by the Plan Commission by explicit motion associated with this site plan review process.
 - (2) Each parking space designed to serve as joint parking shall not be located farther than 400 feet from the access to all of the various uses it is designated to serve, except as

allowed by a conditional use permit.

- (3) The applicant(s) for approval of a joint parking facility shall demonstrate to the satisfaction of the Director of Public Works that there will be no substantial conflict in the demand for parking during the principal operating hours of the two or more uses which the joint parking facility is proposed to serve.
 - (4) A legally binding instrument, approved by the Village Attorney, shall be executed by any and all parties to be served by a joint parking facility. This instrument shall be recorded with the Register of Deeds office and filed with the Village Clerk. A fee shall be required to file this instrument (see [§ Section 390-1106](#)).
- S. Parking within the Village Center. Within the Village Center (VC) [District](#)~~district~~, the parking requirements of this chapter are hereby waived.
- (1) Private, off-street parking may be allowed within the VC [District](#)~~district~~ only with a conditional use permit. Such parking shall be located on the same lot as the principal use(s) it serves, except per Subsection S(3) below.
 - (2) When making a determination on whether or not to allow private off-street parking in the VC [District](#)~~district~~, the Plan Commission and Village Board shall consider the following:
 - (a) Whether or not the proposed off-street parking is essential to the function of the proposed use;
 - (b) Whether the parking can be provided on site and in accordance with the design and layout provisions of this section;
 - (c) Whether the off-street parking area will be disruptive to the desired character of the Village Center District, as articulated in this chapter and through the Village's Comprehensive Plan.
 - (3) The owner of a principal use in the VC [District](#)~~district~~ may volunteer, or the Village Board may require, that off-street parking be provided on a separate lot controlled by the same owner, or within a municipally owned parking lot.
 - (4) If such accessory parking is provided within a municipally owned parking facility, the owner of the principal use shall make payment to the municipality in lieu of on-site parking in the amount of \$4,000 per required parking space. The municipality shall be required to provide such parking spaces within 400 feet of the principal use within three years following receipt of payment or shall return the payment to the owner of the principal use, unless both parties agree to extend the deadline for provision of the required parking spaces.
- T. Locational prohibitions for off-street parking areas.
- (1) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.
 - (2) No private parking shall occur on street terraces, driveways, or any other areas

located within a public right-of-way not explicitly designated by the Director of Public Works.

- U. Minimum permitted throat length. Figure 390-0805B shall be used to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the center line of the access drive. This regulation may be modified by the Plan Commission by explicit motion associated with this site review process.
- V. Potential reduction in parking. The Plan Commission and Village Board may allow a decrease in the required number of off-street parking spaces by up to 25% of the normal requirements based upon one or more of the following criteria:
 - (1) Technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission and Village Board, that actual off-street parking demand for that particular use is less than the required standard set forth in this chapter.
 - (2) Bicycle parking spaces will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
 - (3) Shared parking, on-site. This strategy works well in projects with a mix of uses that have different peak times. The strategy also may be employed with multi-phase projects where the parking requirements are recalculated with each phase to realize efficiencies as more uses are added.
 - (4) Shared parking, off-site. A shared parking agreement between two or more different project/property owners can be an effective method of reaching larger economies of scale to reduce the overall parking requirements of the individual projects. The agreement shall be prepared in a form acceptable to the Village Attorney and recorded prior to the issuance of a building permit for any of the properties involved. The agreement shall be in effect for the life of the project or other time frame as agreed to by the Village and the Village shall be included as an interested party to the agreement such that the agreement cannot be amended or terminated without Village approval.
 - (5) Deed restrictions. Deed restrictions that limit the number of cars occupants may have at a project may be an effective strategy, particularly for residential units. The form of the deed restriction shall be subject to approval by the Village and the Village shall be included as an interested party to the restriction such that the restriction cannot be removed without Village approval.
- W. Installation and maintenance. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by ~~§§ Sections~~ 390-0310F, S and T, 390-0311C and 390-0315O.
- X. Use of off-street parking areas. The use of all required off-street parking areas shall be limited to the parking of licensed operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.

Figure 390-0805A: Parking Layout Dimensions

	Parking Angle in Degrees				
Minimum Permitted Dimensions	0° <u>(feet)</u>	45° <u>(feet)</u>	60° <u>(feet)</u>	75° <u>(feet)</u>	90° <u>(feet)</u>
Stall width at parking angle (SW)	9.00'	9.00'	9.00'	9.00'	9.00'
Stall width parallel to aisle (WP)	<u>17.17'</u>	12.77'	10.44'	9.33'	9.00'
Stall depth to wall (D)	9.010'4	17.515'4	19.010'4	19.515'4	18.515'4
Stall depth to interlock (DI)	N/A	15.33'	17.55'	18.88'	N/A
Stall length (SL)	18.00'	18.00'	18.00'	18.00'	18.00'
Aisle width (AW)	12.020'2	12.020'2	16.020'2	17.20220'2	24.00'
Throat length (right-of-way to parking angle) (T)	Refer to requirements in Figure 390-0805B				
Parking module width (PMW)					
Wall to wall (single-loaded) (W1)	21.00'	29.55'	35.00'	42.55'	44.55'
Wall to wall (double-loaded) (W2)	30.00'	47.00'	54.00'	62.00'	63.00'
Wall to interlock (double-loaded) (W3)	N/A	44.88'	52.55'	61.33'	N/A
Interlock to interlock (double-loaded) (W4)	N/A	42.66'	51.00'	60.66'	N/A

NOTESNotes:

- 1 Parking spaces located behind an enclosed garage and directly off a throughthorough aisle shall be at least 30 feet deep.
- 2 This dimension represents (AW) for one-way traffic.

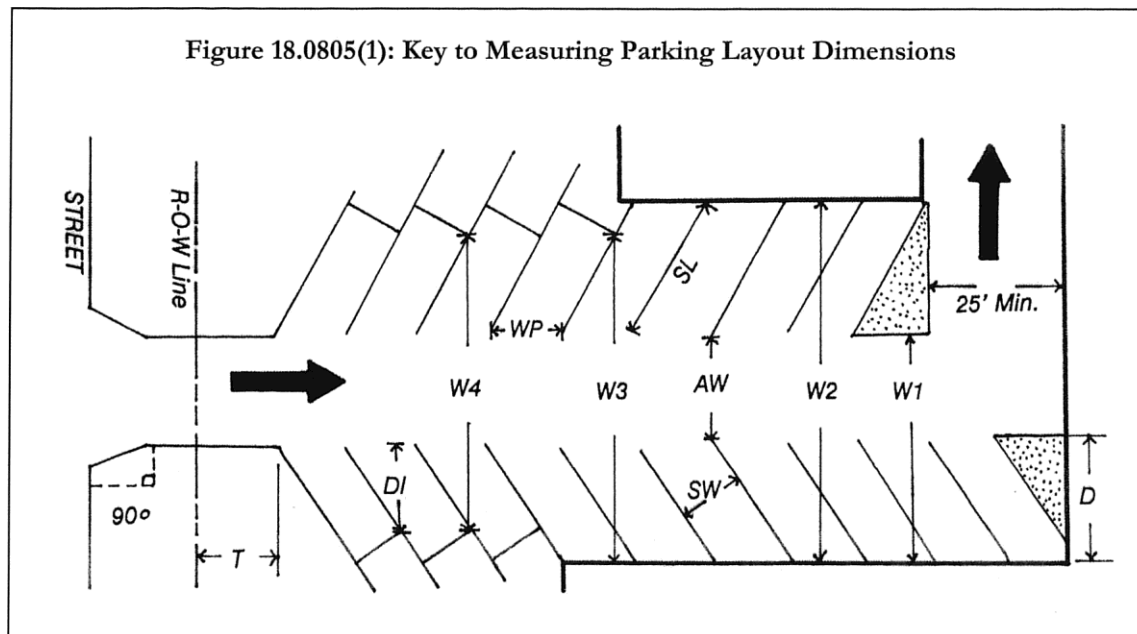


Figure 390-0805B: Minimum Permitted Throat Length

Land Use	Type	Scale of Development	Type of Access Street	
			Collector (feet)	Arterial (feet)
Residential	Any residential	0 to 100 dwelling units	25	N/A
		101 to 200 dwelling units	50	75
		201 + dwelling units	75	125
Business	Office	0 to 50,000 gross square feet	25	50
		50,001 to 100,000 gross square feet	25	75
		100,001 to 200,000 gross square feet	50	100
		200,001 + gross square feet	100	150
	Drive-through sales and service	0 to 2,000 gross square feet	25	75

		2,001 + gross square feet	50	100
	Commercial indoor lodging	0 to 150 rooms	25	75
		151 + rooms	25	100
	Other business uses	0 to 25,000 gross square feet	25	50
		25,001 to 100,000 gross square feet	25	75
		100,001 to 500,000 gross square feet	50	100
		500,001 + gross square feet	100	200
Industrial	All industrial uses	0 to 100,000 gross square feet	25	50
		100,001 to 500,000 gross square feet	50	100
		500,001 + gross square feet	50	200
Other uses	6 + spaces		25	50

§ 390-0806. Off-street loading standards.

- A. Purpose. The purpose of this section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- B. Applicability. Any use that has a gross floor area of 6,000 square feet or more, and that requires deliveries or makes shipments from large trucks, shall provide off-street loading facilities in accordance with the regulations of this section.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development for conformance with this section.
- D. Location. All loading berths shall be located 25 feet or more from the intersection of two

street right-of-way lines. Loading berths shall not be located within any required front or street side yard setback area. Access to the loading berth shall be located in conformance with Subsection E(1). All loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way.

E. Size of loading area. The first required loading berth shall be designed in accordance with Figure 390-0806. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

- (1) Access to loading area. Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (2) Surface and marking. All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that clearly indicates required loading areas.
- (3) Use of required loading areas. The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (4) Lighting. All loading areas shall be lit so as to not exceed the standards of [§ Section 390-0807](#).
- (5) Signage. All signage located within, or related to, loading areas shall comply with the requirements of Article 10.

F. Depiction on required site plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

G. Calculation of required loading spaces.

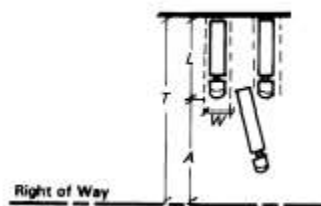
- (1) Indoor institutional land uses. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
- (2) Business (except offices), storage, transportation, and industrial land uses. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
- (3) Office land uses. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in

buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

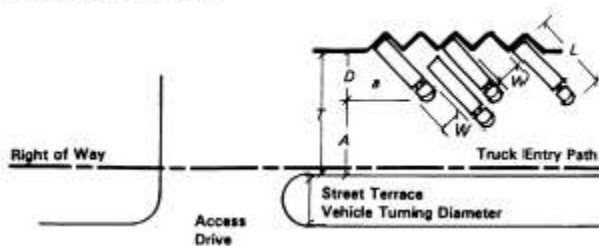
Figure 390-0806: Loading Standards

Design Vehicle	Length (feet) <u>Feet</u>	Dock Angle (a)	Clearance in Feet <u>(D) (feet)</u>	Berth Width in Feet <u>(W) (feet)</u>	Apron Space in Feet <u>(A) (feet)</u>	Total Offset in Feet <u>(T) (feet)</u>
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

90 DEGREE DOCKS



SAWTOOTH DOCKS



§ 390-0807. Exterior lighting standards.

- Purpose. The purpose of this section is to regulate the ~~spillover~~spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- Applicability. The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way and/or lighting located on public property.

- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development for conformance with this section.
- D. Depiction on required site plan. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.
- E. Exterior lighting requirements.
 - (1) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaires and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (2) Flashing, flickering, and/or other lighting that may distract motorists is prohibited.
- F. Intensity of illumination.
 - (1) In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandle above ambient lighting conditions on a cloudless night.
 - (2) The maximum average on-site lighting in nonresidential zoning districts shall be 2.4 footcandles.
 - (3) The maximum average on-site lighting in residential zoning districts shall be 0.90 footcandle.
 - (4) The following exceptions shall be permitted:
 - (a) The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 3.60 footcandles.
 - (b) The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 footcandles; all under-the-canopy fixtures shall be fully recessed.
 - (c) Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
 - (5) Fixtures and luminaires.
 - (a) Outdoor lighting shall be full-~~cutoff-cut-off~~ fixtures and downward facing and no direct light shall bleed onto adjacent properties. Exempt from this requirement are any fixtures using an incandescent bulb of 100 watts or less, or its equivalent.
 - (b) Light fixtures shall not be located within required [buffer yards](#)~~bufferyards~~ (see Article 9).
 - (c) Total-~~cutoff-cut-off~~ luminaires with angles of less than 90° shall be required for

pole and building security lighting to ensure no fugitive ~~uplighting~~ lighting occurs.

- (d) The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
- (e) The maximum fixture height in the ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, MF-12, MF-18 and SB ~~Districts~~ shall be 15 feet. The maximum fixture height in the AH, VC, LSB, CB, LI, GI, P&I, and P&R ~~Districts~~ shall be 16 feet.
- (f) In the ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, and SB ~~Districts~~, lighting fixtures shall not be located closer than three feet to any lot line.
- (g) All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 footcandle.
- (h) Any temporary use using exterior lighting that is not in complete compliance with the requirements of this section shall secure a temporary use permit (see ~~§ Section~~ 390-1208).

§ 390-0808. Exterior storage standards.

- A. Purpose. The purpose of this section is to control the use of residential, office, and business property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to ~~§§ Sections~~ 390-0307 and 390-0311.
- B. Applicability. The requirements of this section apply to all development.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see ~~§ Section~~ 390-1206).
- D. Requirements for exterior storage in business districts. In all business zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following, which shall not be located within any front or street side yard and shall be stored a minimum of five feet from any and all property lines:
 - (1) Screened refuse containers;
 - (2) Construction materials;
 - (3) Landscape materials and related equipment connected within on-site construction; and
 - (4) Off-street parking (except for vehicles in designated parking spaces).
- E. Inoperative motor vehicles and junk. Refer to Chapter 342, Vehicles, Abandoned and

Junked, in the Village's Municipal Code.

- F. Exterior trash storage. All exterior trash storage shall be located within an enclosure that completely screens the view of said trash. The exterior of said enclosure shall be constructed of some or all of the materials used on the main building. A solid wood fence shall be used to gain access to the storage area.
- G. Outdoor storage of firewood. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence," as used in this subsection, shall not include hedges and other vegetation.
 - (1) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.
 - (2) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles or that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this chapter.
 - (3) Not more than 20% of the side and rear yard may be used for storage of firewood at any one time.

§ 390-0809. Fencing standards.

- A. Purpose. The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- B. Applicability. The requirements of this section apply to all fencing, landscaping walls, and decorative posts equal to or exceeding 30 inches in height for all land uses and activities.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see [§ Section 390-1206](#)).
- D. Height standards.
 - (1) On corner lots in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above grade in the area bounded by the street and a line joining the points along such street to lines 10 feet from the point of intersection.
 - (2) A fence, wall, tree, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on or adjacent to a residentially zoned property.

- (a) Permitted types of fences in residential districts include split rail fences; open picket fences; or decorative fences not more than three feet in height located on the interior of the lot surrounding patios, gardens, or other similar features. Any other type of fence shall require a conditional use permit per [§ Section 390-1207](#).
 - (b) The height of such fences or walls along interior side and rear lot lines shall not exceed six feet above the ground level, except that along zoning district boundaries there shall be a ten-foot limit on the height of fencing along such boundary. The height of fences or walls along street side and front lot lines shall not exceed three feet above ground level. If solid fences or walls are deemed appropriate along public rights-of-way, consideration should be given to providing a landscaped planting strip at least two feet in width adjacent to the property line.
 - (3) Fences, walls, trees, hedges, or shrubbery erected, placed, maintained, or grown along a lot line on any business or industrially zoned property adjacent to residentially zoned property shall be to a height of eight feet. No barbed wire or electrical fences may be erected or maintained.
- E. Setback standards.
- (1) Fences on or adjacent to a residential property shall have minimum three-foot side and rear yard setbacks unless the adjacent owner consents in writing to the entrance upon such owner's land for the purpose of maintaining such fence or such fence is maintenance free, in which case the minimum setback shall be six inches. There shall be a minimum two-foot setback from an alley. Fences shall have minimum five-foot front and street side yard setbacks. A lot survey may be required if property lines cannot be determined.
 - (2) Living fences or hedges shall be planted so they may be trimmed without entry on abutting lands. Species shall determine distance but in no case shall any shrub or plant be planted less than three feet from the center to the lot line.
- F. Wood fences. Wood fences on the perimeter of a lot shall be installed with the finish side of the fence slats facing toward the neighboring property.
- G. Dog runs or pet enclosures. Dog runs or pet enclosures constructed of fencing material of any type shall adhere to the following requirements:
- (1) Dog runs and pet enclosures may be located only in the rear yard of lots not abutting a lake, shall be set back a minimum of 15 feet from the interior side lot lines and the rear lot line, and shall be set back a minimum of 10 feet from the principal structure, unless attached to the rear of such principal structure.
 - (2) Dog runs and pet enclosures may be located only in the interior side yards of lots abutting a lake and shall be set back a minimum of 15 feet from interior side lot lines.
 - (3) The maximum height of dog runs and pet enclosures shall be six feet.
- H. Fence maintenance. All fences, including their painted surfaces, shall be maintained and

kept safe and in a state of good repair, including painted surfaces.

- I. Temporary fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described in this subsection. Snow fences shall be removed by April 1 of each year.
- J. Fencing for dumpsters. Apartments containing three or more dwelling units shall provide a six-foot high fence with four sides, accessible by a gate, surrounding all dumpsters.
- K. Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- L. Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

§ 390-0810. Private residential swimming pool standards.

- A. Purpose. The purpose of this section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. This section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private residential swimming pool.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see [§ Section 390-1206](#)).
- D. Permit required. A building permit must be secured prior to the commencement of construction or erection of a private residential swimming pool, or of any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.
- E. Exempt pools. ~~Non-filtered~~[Non-filtered](#) storable swimming or wading pools that are so constructed such that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section. Decorative pools that are less than 36 inches in depth are exempt from the provisions of this section. Spas and hot tubs with lockable tops are also exempt.
- F. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection D above unless the following requirements are met:

- (1) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state plumbing codes. Every private residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.
 - (3) All electrical installations, including lighting and heating, that are used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations. Private residential swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or the surrounding fence.
- G. All exterior light fixtures installed around a private residential swimming pool shall comply with [§ Section-390-0807](#).
- H. Setbacks and other requirements. Private residential swimming pools shall be erected or constructed ~~in on~~ rear or side ~~yard~~~~lots~~ only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least six feet from any lot line or building unless designed and approved as an addition to a building. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- I. Enclosure. Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four feet nor more than six feet in height and not less than four feet from the pool edge, and constructed not to have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. Gates or doors shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. This section shall not apply to existing fences on the date of adoption of this chapter at least 40 inches in height that otherwise comply with this section.
- J. Screening. All ~~aboveground~~~~above-ground~~ pools shall be screened by vegetation, such as ~~arborvitae~~~~Arbor-Vitae~~, spruce, burning bush, or other species approved by the Zoning Administrator. Plants shall be installed at a minimum height of four feet.
- K. Compliance. All private residential swimming pools existing at the time of adoption of this chapter not satisfactorily fenced shall comply with the enclosure requirements of

Subsection I, ~~or~~ when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

- L. Filter system required. All private residential swimming pools within the meaning of this section must have some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- M. Dirt bottoms prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

§ 390-0811. Communication tower standards.

- A. Purpose. The purpose of this section is to regulate the placement and maintenance of communication towers in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all communications towers as described in ~~§ Section~~ 390-0311E of this chapter.
- C. Review and approval. Through both the site plan review process (~~§ (Section~~ 390-1206) and the conditional use process (~~§ (Section~~ 390-1207), the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed communication towers. No conditional use permit shall be issued unless the applicant presents to the Plan Commission credible evidence establishing to a reasonable degree the following:
 - (1) No existing communication tower is located within the area in which the applicant's equipment is proposed to be located.
 - (2) No existing communication tower within the area in which the applicant's equipment is proposed to be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost.
 - (3) No existing communication tower within the area in which the applicant's equipment is proposed to be located has sufficient signal strength to support the applicant's equipment and the deficiency cannot be remedied at a reasonable cost.
 - (4) The applicant demonstrates that there are other factors that render existing communication towers unsuitable or unavailable and establishes that the public interest is best served by the placement of a new communication tower.
- D. ~~Co-location~~~~Collocation~~ requirement. It is intended that the expansion of communication technology be provided while minimizing the number of tower sites in the Village of Williams Bay. This shall be accomplished through ~~co-location~~~~collocation~~, meaning that antenna arrays for multiple users be placed on a single tower to the extent technologically and economically feasible. The cost of eliminating impediments to ~~co-location~~~~collocation~~ shall be deemed reasonable if it does not exceed by 25% the cost of constructing a new tower on which to mount the applicant's equipment.
 - (1) In applying the standards and criteria set forth in this section, the Plan Commission shall, unless it is shown to be unreasonable, condition the approval of the conditional

- use permit upon the applicant placing or constructing the communication tower to accommodate, at a minimum height of 150 feet, the ~~co-location~~ of two additional antenna arrays similar in size and function to that placed on the tower by the applicant.
- (2) ~~Co-location~~ sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of ~~co-location~~ sites.
 - (3) The holder of a conditional use permit under this section shall make the ~~co-location~~ sites available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the ~~co-location~~ sites and a fair return on investment.
 - (4) The holder of the conditional use permit for any tower on which ~~co-location~~ occurs shall within 30 days of such ~~co-location~~ provide the Plan Commission with written notification of the identity of the ~~co-locator~~ and the nature of the equipment installed. Within 30 days of the date on which any ~~co-location~~ use ceases, the permit holder shall provide the Plan Commission with written notice of the cessation of such use.
- E. Standards. In addition to all applicable state and federal standards, the following shall apply:
- (1) Communication equipment installed on existing buildings or sites shall, to the extent possible, match the color of existing buildings, and be installed in a fashion to lessen the visual impacts of such installation.
 - (2) Construction of a building of no more than 14 feet in height and 300 square feet in floor area is permitted for use directly incidental and necessary to the use of the tower. Two or more users of the tower may occupy a single building with a floor area of no more than 300 square feet per user.
 - (3) Whenever possible, equipment shall be located in interior rooms in existing buildings on the site.
 - (4) Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures and colors.
 - (5) Depending on the specific building location, a landscape plan may be required.
- F. Modification. Unless otherwise provided in this section, a conditional use permit is required for any modification to a communication tower that significantly alters the appearance or structural integrity of the tower or that involves the installation of antenna or equipment differing in size and function from that previously installed on the tower.
- G. Compliance. Failure to comply with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Plan Commission determines that it is necessary to consult with a third party to ascertain compliance with conditions on a

conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit. Failure to pay such costs and expenses or provide information requested by the Plan Commission shall be grounds for revocation of the conditional use permit.

- H. Obsolete towers. The applicant shall provide a written agreement stating that if the tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Plan Commission written notice of the cessation of use. A performance bond of \$20,000 shall be required to ensure compliance with all applicable requirements for removal of the communication tower and equipment.
- I. Insurance liability. The owner of any communication tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the communication tower with a single combined limit of not less than \$1,000,000 per occurrence and shall name the Village as an additional insured. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance upon issuance of the initial policy and upon each renewal.
- J. Fee required. An application fee under this section shall be established by resolution. The applicant shall be responsible for all costs exceeding the application fee. In addition, if the Plan Commission determines it is necessary to consult with a third party in considering factors listed above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant.

§ 390-0812. Air pollution standards.

- A. Purpose. The purpose of this section is to regulate the creation of air pollution that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- C. Standards. In addition to all applicable state and federal standards, the following shall apply:
 - (1) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
 - (2) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart ([U.S. Bureau of Mines](#)) is prohibited at all times.

- (3) Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
- (4) All other applicable state and federal standards.

§ 390-0813. Glare and heat standards.

- A. Purpose. The purpose of this section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- C. Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by § 66.0401, Wis. Stats., shall be entitled to the protection of its provisions.

§ 390-0814. Fire and explosions.

- A. Purpose. The purpose of this section is to regulate the creation of fire and/or explosion hazards that adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities.
- C. Standards.
 - (1) Any use involving materials that could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and ~~firefighting~~[fire-fighting](#) devices in accordance with all fire prevention codes of the State of Wisconsin.
 - (2) The ~~aboveground~~[above-ground](#) storage capacity of materials that produce flammable or explosive vapors shall not exceed 30,000 gallons.

§ 390-0815. Odor standards.

- A. Purpose. The purpose of this section is to regulate the creation of odor that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities, except

that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this section as essential public services.

- C. Standards. Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day that are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any zoning district other than the General Industrial [District](#)~~district~~.

§ 390-0816. Toxic, noxious and waste materials.

- A. Purpose. The purpose of this section is to regulate the handling of toxic, noxious, or waste material that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities.
- C. Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of [Public Health Services](#).

§ 390-0817. Hazardous materials.

- A. Purpose. The purpose of this section is to provide information to the Village regarding the nature of land uses that involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- B. Applicability. The requirements of this section apply to all land uses and activities involving any one or more of the following:
 - (1) Microorganism cultures subject to § 94.65, Wis. Stats..
 - (2) Pesticides subject to § 94.67(25), Wis. Stats.
 - (3) Biological products subject to § 95.39, Wis. Stats.
 - (4) Hazardous substances subject to § 100.37(1)(c), Wis. Stats.
 - (5) Toxic substances subject to § 101.58(2)(j), Wis. Stats.
 - (6) Infectious agents subject to § 101.58(2)(f), Wis. Stats.
 - (7) Any material for which the State of Wisconsin requires notification of a local fire

department.

- (8) Any other uses, activities, or materials that are subject to county, state, or federal hazardous or related materials regulations.
- C. Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

§ 390-0818. Water quality standards.

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

§ 390-0819. Noise standards.

- A. Purpose. The purpose of this section is to regulate the creation of noise that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all uses and activities that create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property; by incidental traffic, parking, loading, maintenance, or agricultural operations; or by sirens, whistles, and bells that are maintained and utilized solely to serve a public purpose.
- C. Requirements. All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 390-0819 as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any zoning district other than the General Industrial ~~District~~[District](#).
- D. Nonconforming noise. Noise that was in effect as of the effective date of this chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this chapter is the responsibility of the noise producer.

Figure 390-0819: Maximum Permitted Noise Level at Lot Line for Continuous Noise

Zoning District	Increase in Noise Level Over Ambient Level
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AH, ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, MR-12, MR-18	Plus 3 dBA
P&I, P&R, SB, VC, LSB, CB, LI	Plus 5 dBA
GI	Plus 8 dBA
Adjustment Factors for Maximum Noise Levels	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	Plus 5 dBA
Noise source operates less than 20% of any 1-hour period	Plus 5 dBA*
Noise source operates less than 5% of any 1-hour period	Plus 10 dBA*
Noise source operates less than 1% of any 1-hour period	Plus 15 dBA*
Noise of impulsive character (hammering, etc.)	Minus 5 dBA
Noise of periodic character (hum, speech, etc.)	Minus 5 dBA

NOTES:

* Apply only one of these corrections.

§ 390-0820. Vibration standards.

- A. Purpose. The purpose of this section is to regulate the creation of vibration that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all uses and activities that create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development on the subject property.
- D. Depiction on required site plan. Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.
- E. Requirements. No activity or operation shall cause or create [earth-borneearthborn](#) vibrations in excess of the displacement values given in Figure 390-0820 below.
- F. Method of measurement. Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured

with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: $D = K/f$, where D = displacement in inches; K = a constant to be determined by reference to Figure 390-0820 below; f = the frequency of vibration transmitted through the ground (cycles per second).

Figure 390-0820: Vibration Measurement Constant

	K All Other Zoning Districts	K GI District
On or beyond any adjacent lot line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On or beyond any residential district boundary line		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

§ 390-0821. Group development and large development standards.

- A. Purpose. The purpose of this section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the Village of Williams Bay.
- B. Applicability. The following standards apply to all group development and large development projects, as defined below.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

GROUP DEVELOPMENT — Any development located on one lot and comprised of any single instance or any combination of the following development types:

- (1) One or more principal multifamily residential buildings with a total of five or more residential units on the same lot.
- (2) Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
- (3) A mixed-use structure containing both nonresidential uses and residential uses.
- (4) A single principal structure housing two or more leased or owned tenant spaces.
- (5) Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.

LARGE DEVELOPMENT — Any institutional, business, or mixed residential and nonresidential development containing any single structure or combination of structures on one or more contiguous lots or building sites devoted to land uses on which the total combined gross floor area of all development exceeds 10,000 square feet. The calculation of gross floor area shall include indoor and outdoor storage and display areas.

D. Common examples.

- (1) Common examples of group developments include apartment or condominium complexes, commercial centers, shopping centers, office centers, and multi-tenant industrial buildings. Single-tenant business or office buildings, one-tenant industrial buildings, four-unit apartment buildings, and all ~~planned developments~~Planned Developments are not considered group developments even though such developments may contain lots under common ownership.
- (2) Common examples of large developments include single-tenant institutional, business, or mixed ~~use~~ buildings in excess of 10,000 gross square feet, such as retail stores, restaurants, day-cares, schools, or churches.
- (3) Common examples of developments that are both group developments and large developments include multi-tenant, nonresidential buildings that are in excess of 10,000 gross square feet, and any multi-building developments in which the combined total of all structures on a site, regardless of diverse ownership, use, or tenancy, combine to exceed 10,000 gross square feet.

E. Review and approval.

- (1) All group developments and large developments require a conditional use permit (see ~~§ Section~~§ Section 390-1207 for review and approval procedure) regardless of whether individual uses within the development are permitted by right within the applicable district, except where such developments are approved as ~~planned developments~~Planned Developments per ~~§ Section~~§ Section 390-0709.
- (2) Any land use that is either a permitted by right land use or a use allowed by conditional use permit within the applicable zoning district may be included within a group development and/or large development.
- (3) Land uses permitted by right in the applicable zoning district shall be permitted by right uses within an approved group and/or large development, subject to the provisions of this section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.
- (4) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that specific use.
- (5) The detailed land use regulations in Article 3 of this chapter that pertain to each proposed land use shall also apply within a group development and/or large development, as will all other applicable provisions of this chapter.

- (6) Following initial issuance of a conditional use permit for the group development and/or large development as a whole, the subsequent addition of structures, additions to structures, and expansions of parking or storage areas in the group development and/or large development shall require an amendment to the approved conditional use permit regardless of individual land use(s).
 - (7) Subsequent changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.
 - (8) Subsequent changes to individual land uses that are allowed only with a conditional use permit may be allowed only under a subsequent conditional use permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout in the group development and/or large development.
- F. Standards applicable to all group developments and to all large developments. In all cases, the following standards shall be applied to the group development and/or large development as a whole, as well as to individual uses within the group and/or large development:
- (1) All development shall comply with the applicable requirements of this chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements; and signage requirements.
 - (2) Subject to conditional use and design review processes. All group developments and/or large developments shall be subject to the Village of Williams Bay site plan review and approval process. In addition to the application requirements listed in Subsection E(1), the applicant shall demonstrate how the proposed development relates to each of the following criteria:
 - (a) Is consistent with the recommendations and forwards the objectives of adopted Village planning documents;
 - (b) Complements the design and layout of nearby buildings and developments; and
 - (c) Enhances, rather than detracts from, the desired character of the Village.
 - (3) General layout and future divisibility. All development located within a group development and/or large development shall be located so as to comply with the intent of the Zoning Ordinance regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments and/or large developments shall be situated within building envelopes that are in complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments and/or large developments. The use of this approach to designing group developments and/or large developments will facilitate the subdividing of group

developments and/or large developments in the future (if such action is so desired).

- (4) Building materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, stone, wood, stucco, and exterior insulation and finish systems (EIFS) may be used, as may vinyl on a portion of residential structures, as determined appropriate by the Plan Commission. Decorative architectural metal or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
- (5) Overall building design. Building design shall be subject to Plan Commission approval, and shall forward the aesthetic objectives of the Village for the community, the neighborhood, and the subject property.
- (6) Building entrances. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns.
 - (a) Two or more of the following design features shall be incorporated into all public building entryways:
 - [1] Canopies or porticos.
 - [2] Overhangs.
 - [3] Projections.
 - [4] Arcades.
 - [5] Peaked roof forms.
 - [6] Arches.
 - [7] Outdoor patios.
 - [8] Display windows.
 - [9] Distinct architectural details.
 - (b) Where more than one store will be located in a principal building, each such store shall have at least one exterior customer entrance that shall conform to the design standards of this subsection.
- (7) Building color. Building facade colors shall be compatible with the surrounding areas and shall be ~~nonreflective~~[non-reflective](#), subtle, neutral, or earth tone, as judged by the Plan Commission. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be allowed only on signage, subject to the limitations in [§ Section 390-0802](#) of this chapter.
- (8) Screening.
 - (a) All ground-mounted and wall-mounted mechanical equipment, refuse

containers, and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

- (b) All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls. The lowest point on the top of such screening elements shall be at least as high as the [highest](#) point on any mechanical equipment. Fences or similar rooftop screening devices may not be used to meet this requirement. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
 - (c) Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls that match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
 - (d) Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain ~~link~~, wire mesh, or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.
- (9) Roadway connections.
- (a) All nonresidential projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the Plan Commission.
 - (b) Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.
 - (c) The site design shall provide direct connections to adjacent land uses if required by the Village.
- (10) Parking.
- (a) Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces required in Article 2 of this chapter by 50% shall be allowed only with specific and reasonable justification.
 - (b) Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every 12 spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of 360 square feet in landscaped area.
 - (c) Landscaped and curbed medians, a minimum of 10 feet in width from back of curb to back of curb, shall be used to create distinct parking areas of no more

than 120 parking stalls.

- (d) Parking located in the front and/or street side yard shall be limited to no more than one doubled-loaded row of parking and an area for passenger ~~dropoff~~^{drop-off} and ~~pickup~~^{pick-up} unless the applicant can demonstrate to the Plan Commission's satisfaction that such parking arrangement is not practical given site limitations.
- (11) Bicycle and pedestrian facilities.
- (a) The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
 - (b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be 10 feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
 - (c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50% of their length. Such landscape shall be consistent with the landscaping used for the street frontages.
 - (d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color, pavement textures, and signage.
 - (e) The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
 - (f) The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 10,000 square feet of gross floor area. Seating in food service areas or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pickup or ~~dropoff~~^{drop-off} area.
- (12) Central areas and features. Each development exceeding 20,000 square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.
- (13) Cart returns. For ~~indoor sales~~^{Indoor Sales} and ~~service~~^{Service} land uses, a minimum of one 200-square ~~foot~~^{-foot} cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, ~~nonrusting~~^{non-rusting}, all ~~-season~~^{-season} construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage

areas located within 25 feet of the building. Any long-term cart storage shall be located indoors.

- (14) Outdoor display areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of 10 feet. Display areas on building aprons must maintain a minimum walkway width of 10 feet between the display items and any vehicle drives.
- (15) Outdoor storage uses and areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items, shall be permitted only where clearly depicted and labeled on the approved site plan.
- (16) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per the Village's landscaping requirements (see Article 9). In addition to the requirements of Article 9, a minimum ten-foot wide landscaped area shall be located along the building foundation for all facades facing a public street, except where breaks in such landscaping are required to provide customer, employee, or emergency access to the building.
- (17) Lighting. On-site exterior lighting shall meet the standards in [§ Section 390-0807](#).
- (18) Signage. The plan for exterior signage shall provide for modest, coordinated, and complementary exterior sign locations, configurations, and color throughout the development, including outlots. All freestanding signage within the development shall complement on-building signage. Monument ~~style~~ ground signs are required, and shall not exceed a height of eight feet. Consolidated signs for multiple users may be required instead of multiple individual signs. The Village may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, but shall be considered as contributing to the number and area of permitted signs.
- (19) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties.
- (20) Natural resources protection. Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any stormwater detention or conveyance features is solely borne by the developer/owner unless dedicated to and accepted by the Village.

G. Additional rules applicable to all large developments.

- (1) A [large development questionnaire](#)~~Large Development Questionnaire~~ shall be completed and provided along with the conditional use permit application in the format included in Figure 390-0821B at the end of this section.
- (2) Compatibility report. The applicant shall provide, through a written [compatibility report](#)~~Compatibility Report~~ submitted with the petition for a conditional use permit,

adequate evidence that the proposed building and overall development project shall be compatible with the Village's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The ~~compatibility report~~Compatibility Report shall specifically address the following items:

- (a) A description of how the proposed development is compatible with adopted Village Plans, including the Comprehensive Plan, any detailed neighborhood or special area plans, and other plans officially adopted by the Village.
- (b) Traffic ~~Impact Analysis~~impact analysis. The Village may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. Such Traffic Impact Analysis shall require the following components:
 - [1] A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.
 - [2] Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the Village may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.
 - [3] The Village has the option to require a trip generation study.
- (3) Economic and fiscal analysis. The Village may require completion of an economic and fiscal impact analysis containing the following items:
 - (a) Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
 - (b) Compare and evaluate the projected costs and benefits to the community resulting from the project, including:
 - [1] Projected costs arising from increased demand for and required improvements to public services and infrastructure.
 - [2] Value of improvements to public services and infrastructure to be provided by the project.
 - [3] Projected tax revenues to the Village to be generated by the project in the first five years of business.
 - [4] Projected impact of the project in the first five years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the Village of Williams Bay.

- (4) Building placement and site layout. Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or ~~outlots~~~~out-lots~~ closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the Village's Comprehensive Plan.
- (5) For a development exceeding 80,000 square feet in total gross floor area of all combined buildings within the development, the Village may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Village Board. The detailed neighborhood plan shall be prepared for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than one inch equals 400 feet:
- (a) Land use with specific zoning districts and/or land uses.
 - (b) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.
 - (c) Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
 - (d) Conceptual stormwater management facilities.
 - (e) Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
 - (f) Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
 - (g) Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, and community character provisions of the Village's Comprehensive Plan.
- (6) Overall building design. The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission:
- (a) The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
 - (b) A minimum of 20% of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted facade shall extend more than 100 feet.
 - (c) A minimum of 20% of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet.

- (d) Roofs with particular slopes may be required by the Village to complement existing buildings or otherwise establish a particular aesthetic objective.
 - (e) Ground ~~floor~~ facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
 - (f) Building facades shall include a repeating pattern that includes no fewer than three of the following elements: color change; texture change; material modular change; and expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
 - (g) Landscaped berm. For development exceeding 20,000 square feet in total gross floor area, and where the subject property abuts an area zoned or planned for residential or institutional use, a minimum six-foot ~~high~~ berm shall be provided. The berm shall be planted with a double row of white, green, or blue spruce plantings, or similar species and varieties approved by the Village, spaced 15 feet on center.
- (7) Building and parking placement A maximum of 75% of all parking spaces located anywhere on the site shall be located between the primary street frontage right-of-way line and line of equal setback to the most distant front wall of the building. The remainder of parking on the site shall be set back a greater distance from this setback line to the sides and rear of the building.
- (8) In general, existing natural features shall be integrated into the site design as a site and community amenity. Each development shall intentionally incorporate into site and building design elements that contribute to the long-term environmental sustainability of the development and the Village. Each development shall provide at least 1/2 of the following sustainability features:
- (a) Reuse an existing, previously developed building and/or site.
 - (b) Utilize one or more rain gardens or bioswales, as described in the Village of Williams Bay Landscaping Guidelines, to capture and manage stormwater.
 - (c) Incorporate stormwater management facilities that are designed to appear as natural features that can serve as attractive focal points for the development.
 - (d) Install native/naturalized landscaping that minimizes requirements for irrigation/watering and provides natural habitat.
 - (e) Deliberately design/retrofit the primary building with energy efficient systems, such as lighting, refrigeration, and HVAC systems.

- (f) Utilize paving and/or roof materials with a solar reflectance index of at least 29 for a minimum of 50% of the combined pavement and roof area on the site.
 - (g) Recycle a minimum of 75% of the waste generated during building/site construction.
 - (h) Utilize a minimum of 25% recycled materials for building construction.
 - (i) Utilize a minimum of 50% regional materials for building construction (extracted, harvested, or recovered, and manufacturing from within 500 miles of the development site).
 - (j) Purchase a minimum of 50% of the development's energy from renewable sources, such as wind or solar.
 - (k) Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building design.
 - (l) Install a green roof or ~~rooftop~~~~roof-top~~ garden.
 - (m) Install systems that allow for the capture and later use of rainwater to water landscaping and for other permitted functions.
 - (n) Two additional sustainability features not listed above but approved by the Plan Commission to meet the Village's sustainability objectives, not including any feature already required by another section of this chapter.
- (9) Vacation of existing buildings in large developments.
- (a) Where any large development that has 50,000 or more square feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building, the party shall be subject to the following provisions:
 - [1] The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
 - [2] The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
 - (b) In addition to the above, any building within a large development that has 20,000 or more square feet of floor area and is vacated for any reason shall be subject to the following provisions:
 - [1] The owner must file with the Village a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
 - [2] The owner shall be required to meet the requirements defined in Figure 390-0821A based on the amount of time the building remains vacant:

Figure 390-0821A: Steps for Addressing Building Vacancy

Period of Time Building is Vacant	Requirement
Within 1 year of vacancy	Install a fire department Knox-Box® for annual fire inspection.
Within 3 years of vacancy	Village may require owner to paint building a neutral color, if not already done.
Within 5 years of vacancy	Village may require the removal of all hard surfaces, with the exception of the main driveway and fire lane around the building, restore the former hard sur -surfaced areas with black dirt and grass, or any combination of the above.

- [3] Within the first quarter of each year of vacancy, the owner shall provide the Zoning Administrator with a statement as to the condition of the building and prospects for removal or ~~reoccupancy~~~~re-occupancy~~ of the building(s).
- [4] At any time following vacancy, the Village may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site.
- [5] Temporary occupancy of the building(s) and/or the exterior grounds for a period of 365 consecutive days or less shall not be considered to remove the vacancy status of the building under this section.

(10) Additional requirements. All large developments are subject to the following additional requirements:

- (a) The developer shall enter into a development agreement with the Village, which shall include the payment of all utilities including but not limited to stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
- (b) All buildings on outlots shall be of architectural quality comparable to the primary structure, as determined by the Plan Commission.

Figure 390-0821B: Large Development Questionnaire
Applicant and Project Information
Applicant Name
Applicant Address
Applicant Phone Number
Property Owner
Developer
Contractor
Engineer
Architect
Planner
Landscape Architect

Lighting Representative

Existing Site Conditions

Total site area (inclusive of all areas within the parcel)

Environmental corridor components

Surface water

Wetlands

100-year floodplain

Steep slopes (equal to or greater than 12%)

Upland woodlands (per environmental corridor criteria)

Describe how the proposed development is compatible with the following plans and policies:

Williams Bay Comprehensive Plan

Future Land Use

Transportation

Utilities and Community Facilities

Community Character

Agricultural Resources

Natural Resources

Economic Development

Other provisions of the Comprehensive Plan

Williams Bay Park and Open Space Plan

Williams Bay Intergovernmental Agreements

State and County land use, transportation, and park plans

§ 390-0822. (Reserved)

§ 390-0823. Administration and enforcement.

- A. Determinations necessary for administration and enforcement of performance standards set forth in this article range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:
- (1) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (2) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
- B. The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the

alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

- C. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.

ARTICLE 9 Landscaping Requirements

§ 390-0901. Purpose.

The purpose of this article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and [buffer yards](#)~~buffer yards~~.

§ 390-0902. [Use of](#)~~How to use this~~ article.

- A. This article contains the standards that govern the amount, size, type, installation, and maintenance of required landscaping. This article recognizes the important and diverse benefits landscaping provides in terms of protecting the health, safety, and general welfare of the community.
- B. Each section of this article is oriented to a specific category of required landscaping. The landscaping requirements described in this article are cumulative in nature and are required for all development, except single-family residential and agricultural uses, in the following locations: around building foundations, in developed lots, along street frontages, in or around paved areas, in permanently protected green space areas, in reforestation areas, and in [buffer yards](#)~~buffer yards~~. Descriptions of these areas and their associated landscape requirements are included in ~~§§ Sections~~ 390-0906, 390-0907, 390-0908, and 390-0909.
- C. In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 390-0913 presents sample landscape point combination alternatives used by this chapter. Section 390-0910 provides a listing of plant species fitting into the plant categories listed in Figure 390-0910A. Section 390-0912 provides requirements for the installation and maintenance of required landscaping, and ~~§ Section~~ 390-0904 describes the procedure for calculating landscaping requirements for this article.

§ 390-0903. Landscaping points.

All landscaping requirements are stated in terms of the number of landscaping points required.

The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. Points are awarded based on plant type, which is mostly dependent upon a plant's typical mature height, physical characteristics, and whether it is a deciduous or evergreen species. Figure 390-0903 itemizes the number of points awarded and the minimum installation size required per plant type.

Figure 390-0903: Landscaping Points

Plant Category	Landscaping Points Per Plant	Typical Mature Height (feet)	Minimum Permitted Installation Size
Shade tree Tree	75	> 50 feet	2-inch caliper inches Caliper
Tall deciduous tree Deciduous-Tree	30	30 to 50 feet	1 1/2-inch caliper inches Caliper
Medium deciduous tree Deciduous-Tree	15	20 to 30 feet	6 feet tall Tall
Low deciduous tree Deciduous-Tree	10	< 20 feet	4 feet tall Tall
Tall evergreen tree Evergreen-Tree	40	> 30 feet	5 feet tall Tall
Medium evergreen tree Evergreen-Tree	20	20 to 30 feet	4 feet tall Tall
Low evergreen tree Evergreen-Tree	12	< 20 feet	3 feet tall Tall
Tall deciduous shrub Deciduous-Shrub	5	> 10 feet	36 inches tall Tall
Medium deciduous shrub Deciduous-Shrub	3	4 to 10 feet	24 inches tall Tall
Low deciduous shrub Deciduous-Shrub	1	< 4 feet	18 inches tall Tall
Tall/ medium	5	> 4 feet	18 inches

evergreen shrub Medium-Evergreen Shrub			tall/wide Tall/Wide
Low evergreen shrub Evergreen Shrub	3	< 4 feet	12 inches tall/wide Tall/Wide
Perennial plantings Plantings	20/20 square feet	N/A	2 feet tall Tall or 1 gallon pot (generally spaced 2 feet on center)
Rain garden Garden or bioswale Bioswale	20/20 square feet	N/A	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

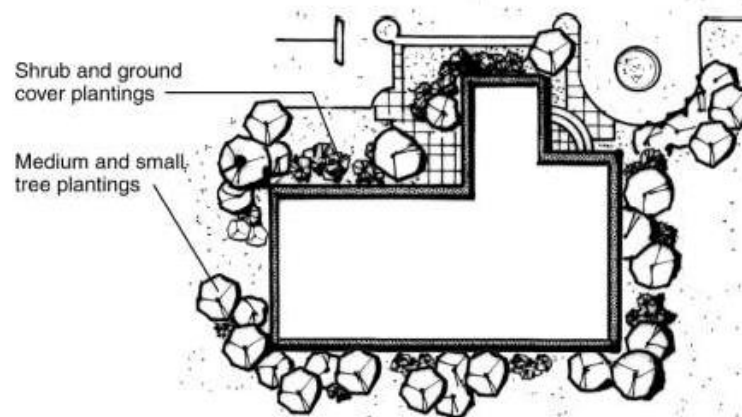
§ 390-0904. Sample landscaping schemes.

Sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and ~~buffer yards~~bufferyards are depicted in Figure 390-0904. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for ~~buffer yards~~bufferyards.

Figure 390-0904: Sample Landscaping Schemes Alternative A: Best suited for building foundations.

Example: 750 ~~required landscaping points~~Required Landscaping Points

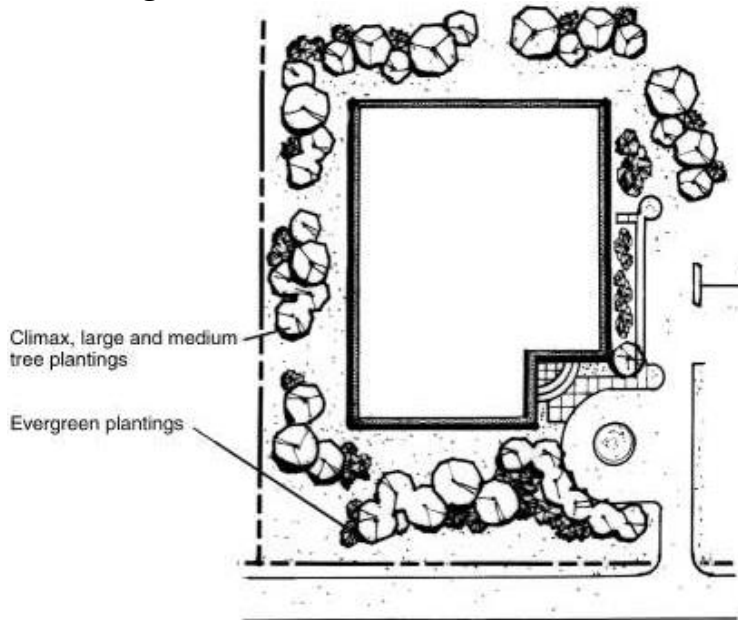
Shown in Diagram: 20 medium trees 15 small shrubs 60 shrubs



Alternative B: Best suited for developed lots.

Example: 1,250 [required landscaping points](#)~~Required Landscaping Points~~

Shown in Diagram: 6 shade trees 8 small trees 20 medium trees 41 evergreen plantings



Alternative C: Best suited for street frontages.

Example: 280 [required landscaping points](#)~~Required Landscaping Points~~

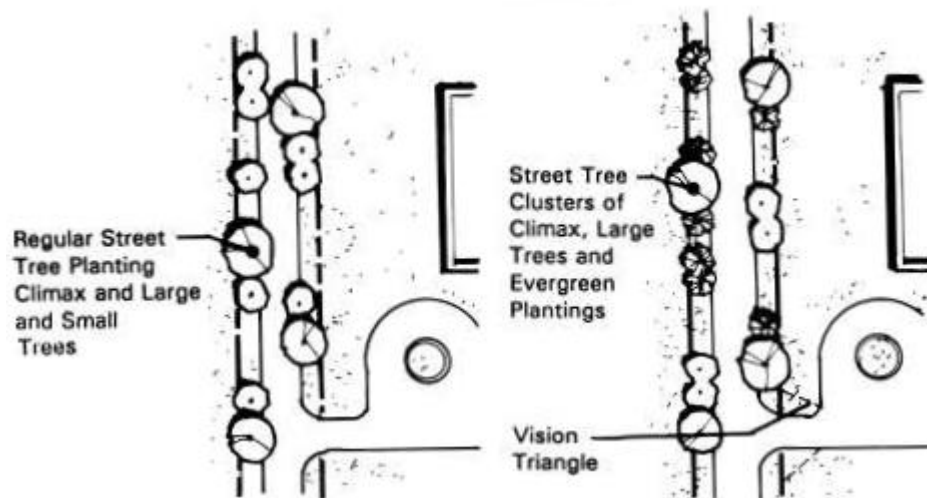
Shown in Diagram:

Option 1: 2 shade trees 2 tall trees 8 small trees

Option 2: 2 shade trees 2 tall trees 4 small trees 8 evergreen shrubs

OPTION 1

OPTION 2



Alternative D: Best suited for paved areas.

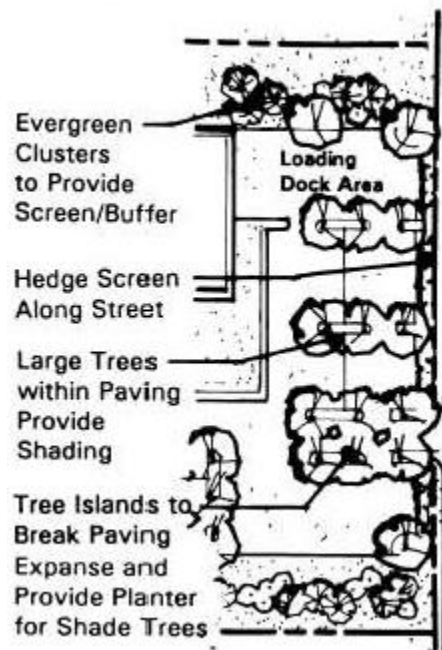
Example: 880 [required landscaping points](#)~~Required Landscaping Points~~

Shown in Diagram:

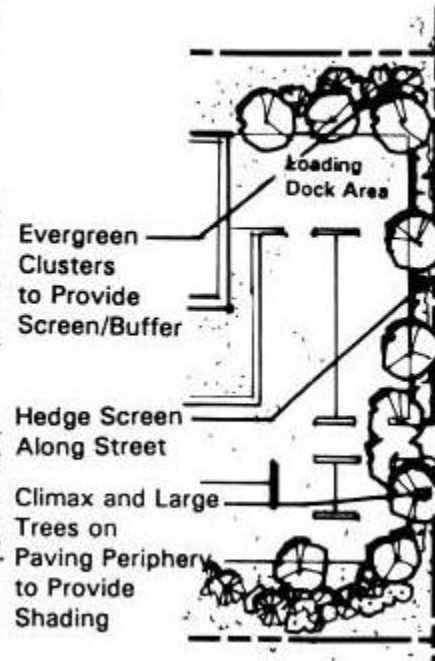
Option 1: 2 shade trees 13 tall trees 68 evergreen shrubs

Option 2: 5 shade trees 6 tall trees 68 evergreen shrubs

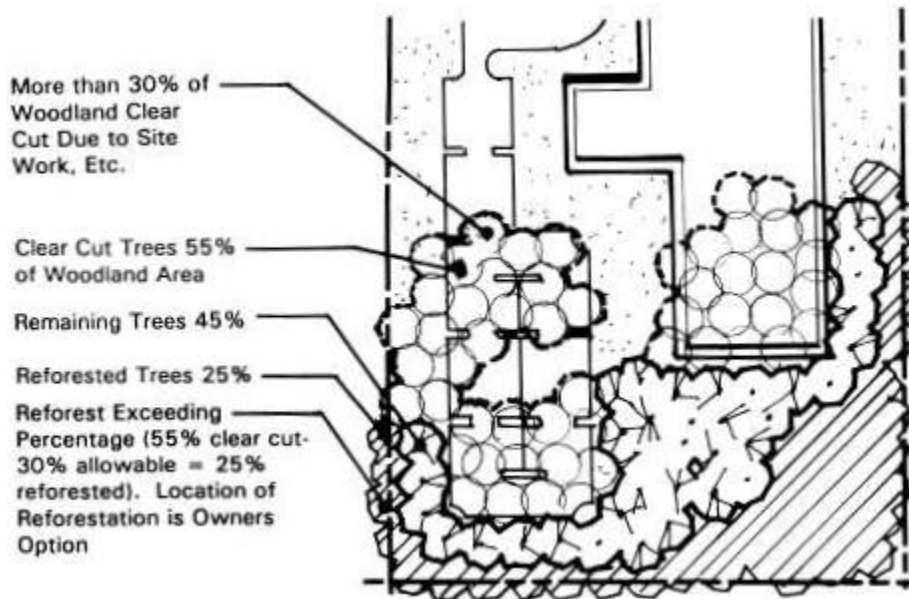
OPTION 1



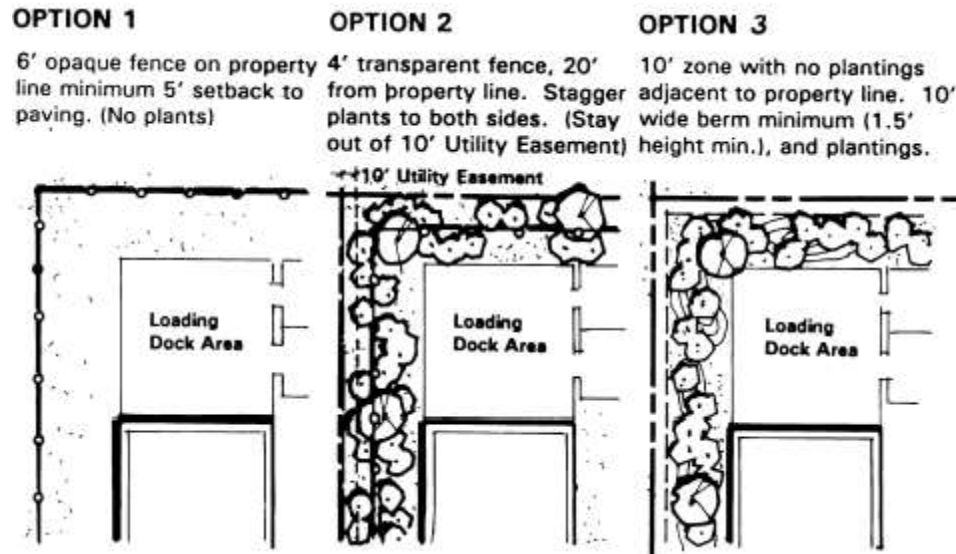
OPTION 2



Alternative E: Best suited for reforestation.



Alternative F: Best suited for [buffer yards](#) ~~buffer yards~~.

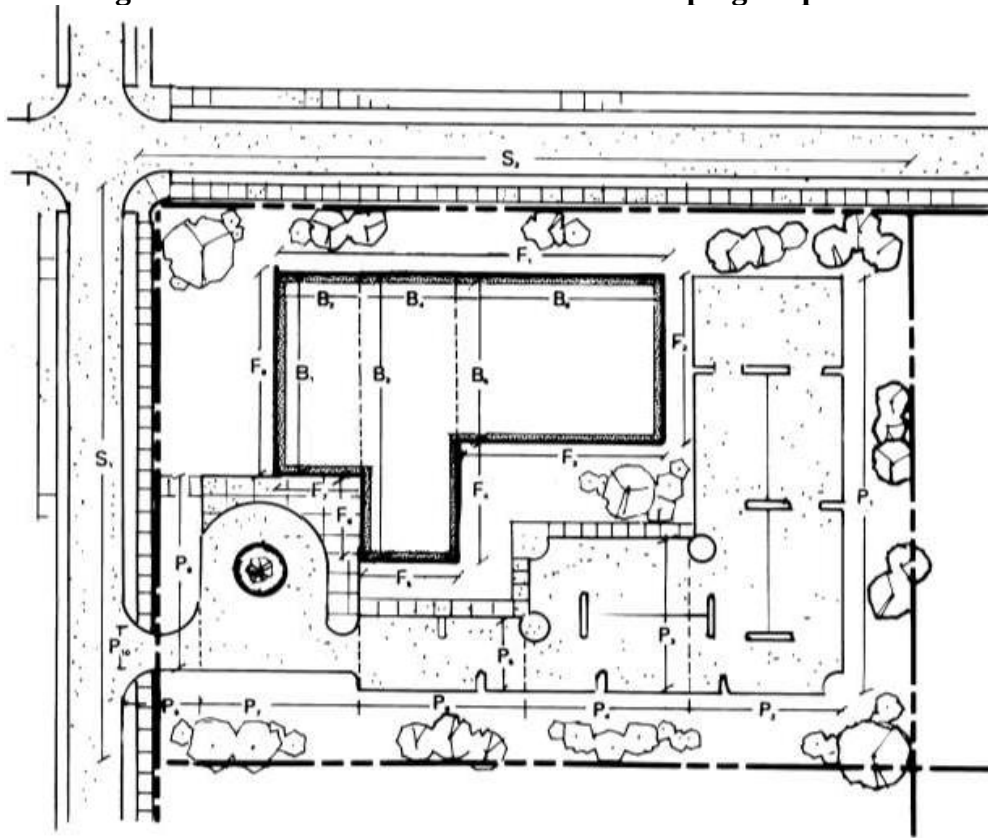


§ 390-0905. Measurement of landscaping points.

A minimum amount of landscaping points, based upon the zoning district, is required for each of the areas listed in [Subsections A through D](#), below. Figure 390-0905 illustrates the measurement techniques used to determine the minimum requirements.

- A. The linear feet of building foundations.
- B. The gross area of buildings on developed lots.
- C. The linear feet of street frontage.
- D. The total combined area of paved areas.

Figure 390-0905: Measurement for Landscaping Requirements



Landscaping calculation equations for this example:

Paved area= $(P1 \times P2) + (P3 \times P4) + (P5 \times P6) + (P7 \times P8) + (P9 \times P10)$

Street frontage= $S1 + S2$

Building perimeter= $F1 + F2 + F3 + F4 + F5 + F6 + F7 + F8$

Building floor area= $(B1 \times B2) + (B3 \times B4) + (B5 \times B6)$

§ 390-0906. Landscaping requirements for regular developments.

- A. Landscaping is not required for single-family (~~§ (Section 390-0306A)~~) or agricultural land uses (~~§ (Section 390-0307)~~).
- B. Building foundations. As indicated in Figure 390-0906,⁷ certain buildings or building additions constructed after the effective date of this chapter are required to be accented by a minimum amount of landscaping placed near the building foundation.
 - (1) Foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or ~~buffer yards~~ ~~buffer yards~~. Foundation landscaping shall be installed and permanently maintained in conformity

7. Editor's Note: Figure 390-0906 is included as an attachment to this chapter.

- with the requirements of [§ Section 390-0912](#).
- (2) For each 100 feet of building foundation perimeter, the landscaping installed shall, at a minimum, meet the number of landscaping points specified in Figure 390-0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and permanently maintained per the requirements of [§ Section 390-0912](#).
 - (3) Shade trees and tall trees shall not be used to meet the foundation landscaping requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
 - (4) If the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in a point requirement not met by the initial planting, then the requirement shall be met within five years after the issuance of the building permit, or within such larger time period as established in writing by the Plan Commission.
- C. Street frontages. As indicated in Figure 390-0904, street frontages on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping in those areas abutting the right-of-way of a public street.
- (1) All landscaping used to meet street frontage requirements shall be located within 10 feet of the public right-of-way. Under no circumstances shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility and shall be installed and permanently maintained in conformity with the requirements of [§ Section 390-0912](#).
 - (2) For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscape installed shall at a minimum meet the number of landscaping points specified in Figure 390-0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of [§ Section 390-0912](#).
 - (3) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50% of all points shall be devoted to shade or tall trees, or a combination of such trees, and a minimum of 30% of all points shall be devoted to medium trees.
- D. Paved areas. As indicated in Figure 390-0906, paved areas on certain lots developed after the effective date of this chapter must contain a minimum amount of landscaping within 10 feet of the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.
- (1) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 paved area

- landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Figure 390-0904, above. Plants used to fulfill this requirement shall visually screen parking, loading, and circulation areas from view from public streets. Paved area landscaping shall be installed and permanently maintained in conformity with the requirements [§ Section 390-0912](#).
- (2) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 390-0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of [§ Section 390-0912](#).
 - (3) A minimum of 30% of all points shall be devoted to shade or tall trees, or a combination of such trees, and a minimum of 40% of all points shall be devoted to shrubs.
 - (4) Parking lot design shall employ interior landscaped islands with a minimum of 350 square feet at all parking aisle ends, and in addition, shall provide a minimum of one landscaped island of a minimum of 350 square feet in each parking aisle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- E. Developed lots. As indicated in Figure 390-0906, lots developed after the effective date of this chapter must contain a minimum amount of landscaping.
- (1) Landscaping required by this subsection is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or [buffer yards](#)~~buffer yards~~.
 - (2) The number of landscaping points specified in Figure 390-0906 shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of 390-0912.
 - (3) The intent of this section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

§ 390-0907. Requirements for permanently protected green space.

After the effective date of this chapter, each acre of other permanently protected green space shall be planted with a minimum amount of landscaping. For every one acre of other permanently protected green space in a development, 200 landscaping points shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

§ 390-0908. Reforestation requirements.

Each area requiring reforestation shall be reforested and maintained in a manner appropriate to site conditions. The provisions of this section are designed to ensure that reforestation efforts

required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions that woodlands provide. A detailed reforestation plan shall be submitted by the property owner and approved by the Village prior to clear cutting (see [§ Section 390-0307E](#)). This plan shall be reviewed by a reforestation consultant chosen by the Village, with funding for consulting services provided by the petitioner to the Village.

§ 390-0909. [Buffer yard](#)~~Buffer yard~~ requirements.

- A. Purpose. This section provides the landscaping and width requirements for [buffer yards](#)~~buffer yards~~ on lots developed after the effective date of this chapter. A [buffer yard](#)~~buffer yard~~ is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms, and/or fencing that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt; litter; noise; glare; signs; and incompatible land uses, buildings, or parking areas.
- B. Required locations for [buffer yards](#). [Buffer yards](#)~~buffer yards~~. ~~Buffer yards~~ shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. [Buffer yards](#)~~Buffer yards~~ shall not be required in front or street side yards
- C. Determination of required [buffer yard](#)~~buffer yard~~. The determination of [buffer yard](#)~~buffer yard~~ requirements is a two-staged process. First, the required level of [buffer yard](#)~~buffer yard~~ opacity is determined using Figure 390-0909A. ⁸ Opacity is a quantitatively-derived measure that indicates the degree to which a particular [buffer yard](#)~~buffer yard~~ screens the adjoining property. The required level of opacity indicated by Figure 390-0909A is directly related to the degree to which the potential character of development differs between abutting zoning districts. The provisions of this section indicate the minimum requirements for [buffer yards](#)~~buffer yards~~ located along zoning district boundaries.
- D. Identification of required level of opacity. Figure 390-0909A shall be used to determine the minimum level of opacity for the required [buffer yard](#)~~buffer yard~~. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the [buffer yard](#)~~buffer yard~~ on the subject property.

§ 390-0910. Classification of plant species.

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 390-0910A. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 390-0910B for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 390-0910C for

8. Editor's Note: Figure 390-0909A is included as an attachment to this chapter.

a list of species to use sparingly or to avoid.

Figure 390-0910A: Common Appropriate Landscaping Species

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
Shade trees	75	Bald cypress Baldcypress	Taxodium distichum
Shade trees	75	Birch (River, Paper)	Betula spp.
Shade trees	75	Linden (Basswood, Redmont, Littleleaf Little-Leaf)	Tilia spp.
Shade trees	75	Elms (hybrids)	Ulmus spp.
Shade trees	75	Kentucky coffeetree	Gymnocladus Coffeetree Gymnocladus dioicus
Shade trees	75	Oaks	Quercus spp.
Shade trees	75	Sweet gum Gum	Liquidambar styraciflua
Shade trees	75	Honey locust Locust (male cultivars)	Gleditsia triacanthos var. inermis
Tall deciduous trees	30	Chanticleer pear	Pyrus calleryana 'Chanticleer'
Tall deciduous trees	30	Hackberry	Celtis occidentalis
Tall deciduous trees	30	Chinkapin oak	Quercus muehlenbergii
Tall deciduous trees	30	Ginkgo (male cultivars)	Ginkgo biloba
Tall deciduous trees	30	State Street Miyabe maple	Acer miyabei 'Morton'
Medium deciduous trees	15	Paperbark maple	Acer griseum
Medium deciduous	15	Serviceberry	Amelanchier

trees			
Medium deciduous trees	15	Hawthorn	<i>Crataegus viridis</i>
Medium deciduous trees	15	Hornbeam (Musclewood)	<i>Carpinus caroliniana</i>
Medium deciduous trees	15	Ironwood/Hophornbeam	<i>Ostrya virginiana</i>
Medium deciduous trees	15	Eastern redbud	<u>Ostrya virginiana</u> <i>Cercis canadensis</i>
Medium deciduous trees	15	Callery pear	<i>Pyrus calleryana</i>
Low deciduous trees	10	Hazelnut	<i>Corylus</i> spp.
Low deciduous trees	10	Crape myrtle <u>Myrtle</u>	<i>Lagerstroemia indica</i>
Low deciduous trees	10	American hazelnut	<i>Corylus americana</i>
Low Deciduous Trees	10	Flowering crabapples	<i>Malus</i> spp.
Low deciduous trees	10	Japanese tree lilac	<i>Syringa reticulata</i>
Tall evergreen trees	40	Firs	<i>Abies</i> spp.
Tall evergreen trees	40	American holly	<i>Ilex opaca</i>
Tall evergreen trees	40	Serbian spruce	<i>Picea omorika</i>
Tall evergreen trees	40	Canadian hemlock	<u>Tsuga</u> <i>Tsuga</i> <i>canadensis</i>
Tall evergreen trees	40	Norway spruce	<i>Picea abies</i>

Tall evergreen trees	40	Pine (except Austrian)	Pinus spp. (not nigra)
Tall/medium evergreen trees	30	Juniper (red cedar Red Cedar)	Juniperus virginiana
Tall/medium evergreen trees	30	Arborvitae	Thuja spp.
Tall/medium evergreen trees	30	Eastern hemlock	Tsuga canadensis
Low evergreen trees	12	Juniper (Mountbatten)	Juniperus chinensis 'Mountbatten'
Tall deciduous shrubs	5	Elderberry	Sambucus candensis 'Aurea' "aurea"
Tall deciduous shrubs	5	Lilacs	Syringa spp.
Tall deciduous shrubs	5	Dogwood (Gray, Pagoda)	Cornus spp.
Medium deciduous shrubs	3	Weigela	Weigela spp.
Medium deciduous shrubs	3	Cotoneaster	Cotoneaster spp.
Medium deciduous shrubs	3	Forsythia (Virgina, Rugosa)	Forsythia
Medium deciduous shrubs	3	Shrub rose Rose	Rosa spp.
Medium deciduous shrubs	3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	Viburnum spp.
Medium deciduous shrubs	3	Potentilla	Potentilla spp.
Medium	3	Red chokeberry	Aronia arbutifolia

deciduous shrubs			
Medium deciduous shrubs	3	Black chokeberry	Aronia melanocarpa
Medium deciduous shrubs	3	Red osier dogwood	Cornus sericea
Medium deciduous shrubs	3	Summersweet Clethra	Clethra alnifolia
Medium deciduous shrubs	3	Ninebark	Physocarpus spp.
Low deciduous shrubs	1	Azalea	Azalea spp.
Low deciduous shrubs	1	Dwarf bush honeysuckle	Diervilla lonicera
Low deciduous shrubs	1	Gro-Low sumac	Rhus aromatica
Tall-medium evergreen shrubs	5	Juniper (Pfitzer)	Juniperus x pfitzeriana
Tall-medium evergreen shrubs	5	Yew (Japanese)	Taxus spp.
Low evergreen shrubs	2	Boxwood	Buxus spp.
Low evergreen shrubs	2	Juniper (Sergeant, Creeping, Andorra)	Juniperus spp.
Perennial plantings	20/20 sf	Coneflower	Echinacea spp.
Perennial plantings	20/20 sf	Catmint	Nepeta spp.
Perennial plantings	20/20 sf	Black-Eyed Susan	Rudbeckia hirta
Perennial plantings	20/20 sf	Lily	Lilium spp.
Perennial	20/20 sf	Day lily	Hemerocallis spp.

plantings			
Perennial plantings	20/20 sf	Ornamental Grass	Varies
Perennial plantings	20/20 sf	Lady's Mantel	Alchemilla spp.
Perennial plantings	20/20 sf	Columbine	Aquilegia spp.
Perennial plantings	20/20 sf	Aster	Aster spp.
Perennial plantings	20/20 sf	Jack Frost	Brunnera macrophylla
Perennial plantings	20/20 sf	Blazing Star	Liatris spp.
Perennial plantings	20/20 sf	Black Bugbane	Cimicifuga simplex 'Brunette'
Perennial plantings	20/20 sf	Peony	Paeonia spp.
Perennial plantings	20/20 sf	Pachysandra	Pachysandra spp.
Perennial plantings	20/20 sf	Stonecrops	Sedum spp.
Perennial plantings	20/20 sf	Astilbe	Astilbe spp.
Perennial plantings	20/20 sf	Hosta	Hosta spp.

Figure 390-0910B: Plant Species Appropriate for Specific Situations

Use/Situation	Classification	Common Name	Scientific Name
Appropriate for planting under power lines	Low deciduous tree	Flowering crabapple	Malus spp.
	Low deciduous tree	Japanese tree lilac	Syringa reticulata
Appropriate for screening	Tall Evergreen <u>evergreen tree</u>	Firs	Abies spp.
	Tall evergreen tree	Juniper (Red Cedar)	Juniperus virginiana
	Tall evergreen trees	Spruces	Picea spp.
	Tall evergreen trees	Pines	Pinus spp.
	Tall evergreen	Douglas fir	Pseudotsuga

	tree		menziesii var. glauca
	Tall evergreen tree	Eastern hemlock	Tsuga canadensis
	Medium evergreen tree	Arborvitae	Thuja occidentalis
Salt tolerant	Shade tree/tall deciduous tree/medium deciduous tree (varies by species)	Maple	Acer spp
	Shade tree	Sweet gum	Liquidambar styraciflua
	Low deciduous tree	Flowering crabapples	Malus spp.
	Low deciduous tree	Crape myrtle	Lagerstroemia indica
	Tall deciduous shrub	Dogwood (gray, pagoda)	Cornus spp.
	Medium deciduous shrub	Forsythia (virginia virgiana, rugosa)	Forsythia spp.
	Low deciduous shrub	Azalea	Azalea spp.
	Tall evergreen tree	American holly	Ilex opaca
	Tall/medium evergreen shrub	Yew (Japanese)	Taxus spp.
	Low evergreen shrub	Boxwood	Buxus spp

Figure 390-0910C: Species to Use Sparingly¹ or to Avoid²

Classification	Common Name	Scientific Name	Avoid or Use Sparingly?	Reason	Potential Alternatives
Shade tree	Nonresistant elms	Ulmus spp.	Avoid	Dutch Elm Disease	Disease-resistant elm cultivars- Resistant Elm Cultivars: 'Princeton,' 'Valley Forge,' and NewNew Harmony'

Shade tree	Boxelder	Acer negundo	Avoid	Spread quickly	
Shade tree	Freeman maple	Acer x freemanii	Use sparingly	Over-planted	
Shade tree	Norway maples Maples	Acer platanoides	Use sparingly	Over-planted, dense	
Shade tree	Red maples	Acer rubrum	Use sparingly	Prefer acidic soil	Littleleaf linden Linden Tilia cordata, (urban tolerant)
Shade tree	Sugar maples Maples	Acer saccharum	Use sparingly	Thrives only in certain conditions; picky	Kentucky Coffeetree
Shade tree	Silver maples Maples	Acer saccharinum	Avoid	Weak-wooded, invasive tendencies	Gymnocladus dioica River birch Betula nigra Oaks Quercus spp.
Tall deciduous tree	Autumn Blaze maple Maple	Acer truncatum	Use sparingly	Over-planted	Ginkgo (Ginkgo biloba) Hackberry (Celtis occidentalis) Chanticleer pear (Pyrus calleryana 'Chanticleer')
Tall deciduous tree	Ash trees	Fraxinus spp.	Avoid	Emerald ash borer Ash Borer	
Tall deciduous tree	Bradford pears	Pyrus calleryana 'Bradford' "Bradford"	Use sparingly	Poorly branches, tend to break	
Tall deciduous tree	Black locust Locust	Robinia pseudoacacia	Avoid	Invasive	

Medium deciduous tree	White mulberry	Morus alba	Avoid	Invasive nonnative	Serviceberry Amelanchier spp. American Hornbeam or Musclewood Carpinus aroliniana Eastern Redbud Cercis canadensis
Low deciduous tree	Purple Sandcherry	Prunus x cistena	Use sparingly Sparingly	Short-lived	Flowering Crabapple Malus spp. American hazelnut Corylus americana Japanese Tree Lilac Syringa reticulata
Tall deciduous shrub	Buckthorns	Rhamnus cathartica	Avoid	Invasive, non-native	Grey Dogwood Cornus mas
Tall deciduous shrub	Autumn-olive	Elaeagnus umbellata	Avoid	Invasive, non-native	Lilacs Syringa spp.
Tall deciduous shrub	Multiflora rose	Rosa multiflora	Avoid	Invasive, non-native	
Medium deciduous shrub	Japanese spirea	Spiraea japonica	Avoid	Invasive (reseed)	Red chokeberry Aronia arbutifolia Black chokeberry Aronia melanocarpa Redosier dogwood Cornus sericea Summersweet Clethra Clethra alnifolia Viburnums Viburnum spp.
Medium deciduous	Burning bush	Euonymus alatus	Avoid	Invasive non-native	

shrub					
Medium deciduous shrub	Honeysuckle	Lonicera spp.	Avoid	Invasive, non-native	
Low deciduous shrub	Japanese barberry Barberry	Berberis thunbergii	Avoid	Invasive; over-planted	Dwarf bush honeysuckle Diervilla lonicera
Tall evergreen tree	Austrian pine	Pinus nigra	Use sparingly Use Sparingl	Over-planted	Norway spruce Picea abies
Tall evergreen tree	Blue spruce	Picea pungens	Use sparingly Use Sparingl	Over-planted	Canadian hemlock
Tall evergreen tree	White pine	Pinus strobus	Use sparingly Use Sparingl	Over-planted	Tsuga canadensis Scotch pine Pinus sylvestris
Tall evergreen tree	White spruce	Picea glauca	Use Sparingly	Over-planted	American arborvitae Thuja occidentalis

NOTES:

1 Species to ~~use sparingly~~ ~~Use Sparingly~~ may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than one plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 ~~tall deciduous trees~~ ~~Tall Deciduous Trees~~, no more than one of those 20 trees may be classified as a "Species to Use Sparingly." The purpose of this provision is to encourage plant species diversity throughout the Village.

2 Species to ~~avoid~~ ~~Avoid~~ may not be included as part of any landscaping plan that is subject to Village review per ~~§ Section~~ 390-0902B. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

§ 390-0911. Descriptions and standards for rain gardens and bioswales.

- A. Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited.
- B. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and

potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

- C. A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.
- D. The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village's landscaping guidelines in the same manner indicated in Figure 390-0903 above (20 points for every 20 square feet), provided the following requirements are met:
- (1) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the rain garden or bioswale.
 - (2) Installation shall not be proposed for any of the following areas of a site:
 - (a) Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an underdrain~~under-drain~~;
 - (b) Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or
 - (c) Areas where there are expected to be high levels of foot traffic.
 - (3) The owner of the site shall demonstrate that the rain garden or bioswale shall be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring, dead plant materials will be cut back or removed.
 - (4) Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not count toward meeting landscaping point requirements.
 - (5) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications meeting Chapter 178, Article II, Stormwater Management, of the Village Code are submitted. Detailed plans shall include the location and description of all other

stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

§ 390-0912. Installation requirements.

- A. Installation. Any and all landscaping and ~~buffer yard~~buffer yard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (see ~~§ Section~~§ Section 390-1206) within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.
- B. Surety.
 - (1) If the subject property is to be occupied prior to the installation of all required landscaping and ~~buffer yard~~buffer yard material, the property owner shall sign an instrument agreeing to install the landscaping within the 365-day period and shall furnish to the Village an irrevocable letter of credit or other form of security acceptable to the Village sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time the agreement is signed. It shall be in an amount equal to 110% of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property owner and shall be verified by the Village. The financial security shall remain in force until all of the work has been completed and approved by the Village. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of this chapter and subject the property owner to a forfeiture upon conviction.
 - (2) If the required landscaping and ~~buffer yard~~buffer yard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and ~~buffer yard~~buffer yard work performed during a particular phase, unless the ~~land division~~Land Division requires otherwise.
 - (3) Governmental units to which these guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this chapter.
- C. If existing plant material located on the subject property meets the requirements of this chapter and will be preserved on the subject property following the completion of development, it may be counted toward contributing to the landscaping requirements.
- D. All landscaping and ~~buffer yard~~buffer yard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- E. The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:

- (1) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
 - (2) Where a combination of plant materials, berming, and fencing is used in a [buffer yard](#)~~buffer yard~~, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 - (3) A property owner may establish through a written agreement, recorded with the Register of Deeds, that an adjacent property owner agrees to provide on the immediately adjacent portion of his or her land a partial or full portion of the required [buffer yard](#)~~buffer yard~~, thereby relieving the developer of the responsibility of providing the entire [buffer yard](#)~~buffer yard~~ on his property.
 - (4) Under no circumstance shall landscaping or [buffer yard](#)~~buffer yard~~ materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
 - (5) The restrictions on types of plants listed in this chapter shall apply.
- F. Maintenance. The continual maintenance of all required landscaping and [buffer yard](#)~~buffer yard~~ materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this section. If the property owner fails to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping and [buffer yard](#)~~buffer yard~~ materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.
- G. Use of required [buffer yard](#)~~buffer yard~~ and landscaped areas. Any and all required [buffer yards](#)~~buffer yards~~ or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails, provided that no required material is eliminated; the total width of the required [buffer yard](#)~~buffer yard~~, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses may be placed. No parking and no outdoor display or storage of materials shall be permitted in [buffer yard](#)~~buffer yard~~ or landscaped areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- H. Utility easements. Landscaping materials, fences, and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping or [buffer yard](#)~~buffer yard~~ requirement, unless authorized otherwise by a conditional use permit. However, the width of such areas may be counted as part of a [buffer yard](#)~~buffer yard~~ requirement.

§ 390-0913. Calculating landscaping and ~~buffer yard~~buffer yard requirements.

In calculating the number of required landscaping points under the provisions of this article, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this section (for example, 23.3 shade trees) shall be rounded up to the nearest whole plant (24 shade trees).

§ 390-0914. Depiction on required site plan.

Any and all proposed landscaping on the subject property, required to meet the standards of this chapter, shall be clearly depicted and labeled as to its location and ~~makeup~~make-up on the site plan required for the development of the subject property.

ARTICLE 10
Signage ~~Regulations~~

§ 390-1001. Purpose.

The Village of Williams Bay has an historic tradition of being a highly scenic, primarily residential, vacation community. Signage has a strong visual impact on the character and quality of the community. As a prominent part of the scenery, signs attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood. Since the Village of Williams Bay relies on scenery and physical beauty to maintain the high desirability of its primarily residential character, aesthetic considerations assume economic value. It is the intent of the Village of Williams Bay, through this ~~article~~chapter, to protect and enhance the Village's residential character and economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the Village to limit the size, type, and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

§ 390-1002. Compliance.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conforming with the provisions of this chapter.

§ 390-1003. Signs permitted in all zoning districts without a permit.

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Real ~~estate signs~~Estate Signs not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- B. Name and ~~warning signs~~Warning Signs not to exceed two square feet and located on the premises.
- C. Home ~~occupation~~Occupation and ~~professional home office signs~~Professional Home Office Signs not to exceed two square feet in area and mounted flush against the dwelling.
- D. Election ~~campaign signs~~Campaign Signs provided that permission shall be obtained from

the property owner, renter, or lessee; and provided that such sign shall not be erected more than 45 days immediately prior to an election, and removed within four days following the election.

- E. Rummage ~~sale~~Sale and ~~garage sale signs~~Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin ~~boards~~Boards for public, charitable or religious institutions not to exceed eight square feet in area and located on the premises.
- G. Memorial ~~signs~~Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- H. Official ~~signs~~Signs, such as traffic control, parking restrictions, information, and notices.

§ 390-1004. Signs permitted in all residential districts with ~~a~~-permit.

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent ~~real estate development signs~~Real Estate Development Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- B. Temporary ~~development signs~~Development Signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted for a limited period of time, provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

§ 390-1005. Signs permitted in all business and industrial districts with ~~a~~-permit.

The following signs are permitted in all business and industrial districts subject to the following restrictions:

- A. Wall ~~signs~~Signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 50 square feet in area for any one premises, and shall not extend above the roof line of the building.
- B. Projecting ~~signs~~Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean center line street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground ~~signs~~Signs shall not exceed eight feet in height above the mean center line street

grade, shall meet all yard requirements for the district in which they are located, and shall not exceed 25 square feet on one side nor 50 square feet on all sides per sign for any one premises.

- D. Marquee, ~~awning~~Awning, or ~~canopy signs~~Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted, provided the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy, provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Roof ~~signs~~Signs are prohibited in the Village of Williams Bay.
- F. Window ~~signs~~Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area.
- G. Combinations of any of the above signs shall not exceed the requirements for an individual sign. The total surface area of all signs on any premises shall not exceed 50 square feet, exclusive of window signs.
 - (1) The total number of signs on any premises shall be limited as follows:

Figure 390-1005

Floor Area (square feet)	Maximum Number of Signs Permitted
0 to 5,000	2
5,001 to 20,000	3
20,001 to 50,000	4
More than 50,000	5

- (2) Window signs shall be limited to the equal number of the maximum number of signs permitted above.

§ 390-1006. Signs permitted in ~~the~~ public and park and recreation districts with ~~a~~ permit. [Amended 2-2-2015; 5-2-2020 by Ord. No. 2020-01; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The following signs are permitted in the Public ~~and Institutional and Parks~~Park and Recreation ~~Districts~~districts and are subject to the following regulations:

- A. Private ~~institutional~~Institutional and ~~park name signs~~Park Name Signs when approved by the Village Board following recommendation of the Village Plan Commission.
- B. Public ~~institutional~~Institutional and ~~park name signs~~Park Name Signs when approved by the Village Board following recommendation of the Village Plan Commission.
- C. Athletic field off-premises signs when approved by the Village Board following recommendation of the Village Plan Commission. Such signs may be located only on outfield fencing adjacent to athletic fields located in Village parks and may only be

installed and in place from April 1 through October 31. Signs shall not exceed 40 square feet in area. The top edge of the sign must be not less than one foot below the top of the fence and the bottom edge of the sign must be not less than one foot above the surface of the ground. The depiction or description of alcohol or tobacco or other products and services not suitable for youth or the promotion of their values are prohibited. Restaurants or distributors may advertise their business name, provided no prohibited items are included.

- D. Public ~~school variable message sign~~School Variable Message Sign when approved by the Village Board following recommendation of the Village Plan Commission. Such sign is subject to the requirements of ~~§ 390-Section 18~~.1008.
- E. Scoreboards when approved by the Village Board following recommendation of the Village Plan Commission.

§ 390-1007. Portable signs.

The Building Inspector may permit the temporary use of a portable sign for advertising purposes in any district, provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 60 days in any 365-day period. The permit required in ~~§ Section~~ 390-1012 shall be required for portable signs. Banners are portable signs.

§ 390-1008. Variable message signs. [Added 5-2-2020 by Ord. No. 2020-01]

Variable ~~message signs~~Message Signs (VMS) shall be regulated as follows:

- A. Operation ~~limitations~~Limitations. A VMS display shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, or the appearance or optical illusion of movement, or any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
- B. Hours of ~~illumination~~Illumination. A VMS shall not be illuminated between the hours of 10:00 ~~p.m~~P.M. and 6:00 ~~a.m~~A.M.
- C. Changing of ~~sign content~~Sign Content. The content for a VMS cannot be changed once the sign is illuminated. Any content for a VMS must be changed while the sign is not illuminated.
- D. Brightness ~~adjustment~~Adjustment and ~~appearance~~Appearance. All VMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The background of the sign shall be a single solid color, including black but excluding white, and all messages displayed in single-color lights only.
- E. Permitted ~~sign area~~Sign Area. The message display area of the VMS shall be included when calculating the permitted sign area for the type of sign (e.g., wall, monument) in the

zoning district in which the sign is located.

- F. Maintenance. All VMS shall be maintained so as to be able to display messages in a complete and legible manner.
- G. Location. A VMS shall be allowed only on the grounds of a public school.
- H. Number. A total of two VMS may be allowed as follows:
 - (1) One VMS in the public school building yard adjacent to ~~West~~^{W.} Geneva ~~Street~~^{St.}/Highway 67.
 - (2) One VMS on the north wall, east of the main entrance to that portion of the public school building housing the elementary grades, located adjacent to Theatre Road.

§ 390-1009. Facing.

No sign except those permitted in ~~§§ Sections~~ 390-1003 and 390-1005 shall be permitted to face a residence within 100 feet of such residence.

§ 390-1010. Lighting and color.

- A. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- B. Signs may be illuminated but nonflashing and shall further comply with the Village lighting ordinance. Illuminated signs for businesses are permitted only for businesses located within the Village and shall be illuminated only during the hours the businesses such signs advertise are open for business. Illuminated signs shall not be revolving or animated⁵; however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Village Board approval following recommendation by the Village Plan Commission. [Amended 5-2-2020 by Ord. No. 2020-01]

§ 390-1011. Construction and maintenance standards.

- A. Wind pressure and dead load requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in the Village Building Code⁹ or other ordinance.
- B. Protection of the public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted², provided the space occupied is roped off, fenced off, or otherwise isolated.

9. Editor's Note: See Ch. 153, Building Construction.

- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive~~non-corrosive~~ incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Building Inspector. Small flat signs containing less than 10 feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- E. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Village, as necessity therefor may require.

§ 390-1012. Existing signs.

- A. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the size or location does not conform to this chapter. However, all nonconforming signs shall be deemed to have exhausted their economic life after seven years from the time they became a nonconforming use. This provision shall not, however, apply to portable signs. Nonconforming portable signs shall be removed within 60 days of the date they become nonconforming.
- B. Nonconforming signs, except portable signs, after this seven-year period, shall either be made to conform to the terms of this chapter, or shall be removed by the owner, agent, or person having beneficial use of the property. Nonconforming signs, during the seven-year grace period, shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the seven-year period. The Building Inspector shall, after the seven-year grace period, notify the owner, agent or person having beneficial use of the property, of the expiration of the grace period. After 30 days, if the sign has not been made to conform to this chapter or removed, the Building Inspector shall initiate appropriate punitive action. Signs that are not repaired, painted, or maintained pursuant to written notification and orders by the Building Inspector shall also be subject to punitive action.

§ 390-1013. Sign permit.

- A. Application for a sign permit shall be made on forms provided by the Building Inspector or Village Clerk and shall contain or have attached thereto the following information:
 - (1) Name, address, and telephone number of the applicant and location of the building,

structure, or lot to which or upon which the sign is to be attached or erected.

- (2) Name of the person, firm, corporation, or association erecting the sign.
 - (3) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - (4) A scale drawing of such sign indicating the display surface, the dimensions, the materials to be used, the type of illumination and wiring details, if any, and the method of construction and attachment.
 - (5) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures, height above grade, and distance from lot lines.
 - (6) Copies of any other permit required and issued for said sign, including the written approval by the ~~Building~~[Electrical](#) Inspector, in the case of illuminated signs, who shall examine the plans and specifications, ~~reinspecting~~[re-inspecting](#) all wiring and connections to determine if the same complies with the Village Electrical Code. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
 - (7) Additional information as may be required by the Building Inspector or Village Plan Commission.
- B. Sign permit applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within six months of the date of issuance.
- C. Insurance. Any person, firm, or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of \$300,000 for bodily injury and \$1,000,000 property damage. Proof of insurance shall be presented to the Building Inspector before the sign permit is granted.
- D. Inspection. The applicant shall, upon completion of the installation, relocation, or alteration of the sign, notify the Building Inspector, who will ensure that the sign complies with the regulations of this article. Every sign shall be inspected and approved by the Building Inspector within 30 days after it is erected or altered.
- E. Appeals. The Building Inspector may, at any time for a violation of this article, revoke a permit or require changes so the sign conforms to this article. The holder of a revoked permit shall be entitled to an appeal before the Zoning Board of Appeals (see [§ Section 390-1105](#)). Any person, firm, or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Zoning Board of Appeals.

§ 390-1014. Measuring signs.

In calculating the area of a sign to determine whether it meets the requirement of this chapter, the Building Inspector shall include the sign copy and any border or frame surrounding that copy.

Supporting members of a sign shall be excluded from the area calculation. Area of irregular -shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

§ 390-1015. Directional signs. [Added 8-18-2014]

- A. Purpose. The purpose of this section is to provide information to the public to assist in locating businesses in the Village of Williams Bay and other destination facilities, which are not located on high -traffic streets and/or which are not located in the central business area, while providing sufficient regulation to maintain a consistent and uncluttered look adjacent to the heavily traveled streets within the Village.
- B. Eligibility.
 - (1) The following are eligible for a directional sign:
 - (a) Businesses with a location in the Village for which a valid certificate of compliance for commercial activities has been issued. This subsection shall not apply to businesses with a location adjacent to Geneva Street, Elkhorn Road or North Walworth Avenue from Geneva Street to Olive Street.
 - (b) Destination facilities including, but not limited to, educational institutions, tourist attractions and health -care facilities.
 - (c) Municipal -owned facilities.
 - (2) Home-based occupations or other home-based commercial ventures are not eligible.
- C. Application for a directional sign permit shall be made on forms provided by the Building Inspector or Village Clerk and shall contain the following information:
 - (1) Name, address and telephone number of the applicant and name and location of the business structure or facility to which traffic is to be directed.
 - (2) Proposed location of directional sign.
- D. The directional sign permit application shall be filed with the Village Clerk, who shall forward all applications to the Streets and Highways Committee for review. Following its review, the Committee shall forward its recommendation on the application to the Village Board for final action.
- E. Where multiple businesses or commercial ventures are located in the same structure (e.g., mini mall), only the name of the structure may be listed on the directional sign.
- F. Where two businesses or commercial ventures are located on the same parcel but in separate structures, both names are to be listed on the same directional sign to reduce visual clutter. In the case of unusual circumstances, variances may be granted by the Village Board. [Amended 5-18-2015]
- G. The costs for the production of directional signs, post (if required) and the recurring maintenance are the responsibility of the business, commercial enterprise or destination facility listed on the directional sign. Village staff will arrange for fabrication of all

directional signs by a Village -approved vendor.

- H. Sign design. All signs shall consist of a blue background with white lettering. They shall be 10 inches by 36 inches in size.
- I. Location. To the extent possible, directional signs shall be mounted on existing Village poles and signs. If not possible, directional signs shall be installed on posts similar to those used on official signs.
- J. All directional signs shall be owned, erected and maintained by the Village, provided that the cost for erecting and maintaining directional signs shall be the responsibility of the entity identified on the sign, as noted in Subsection G above.

ARTICLE 11 Administration

§ 390-1101. Purpose.

The purpose of this article is to establish the administrative and enforcement framework for the application of this chapter.

§ 390-1102. Zoning Administrator.

The Building Inspector, and/or other designee of the Village Administrator, is hereby designated as the administrative and enforcement officer(s) for the provisions of this chapter and is also herein referred to as the Zoning Administrator. The general duty of the Zoning Administrator is to interpret and administer this chapter, as well as certain other Village of Williams Bay ordinances as indicated within those ordinances.

- A. With respect to this chapter, the Zoning Administrator shall have the following specific duties and responsibilities:
 - (1) Determine that all amendments, permits, and site plans comply with the provisions of this chapter.
 - (2) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter.
 - (3) Maintain permanent and current records of this chapter, including but not limited to all permits issued, fees collected, inspections made, work approved, map amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.
 - (4) Record the first floor and lowest floor (basement or crawlspace) elevations of all structures erected, moved, altered, or improved in the floodplain overlay districts.
 - (5) Receive, file, and forward all applications for all procedures governed by this chapter to the designated official bodies.
 - (6) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.

- (7) Give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
 - (8) Institute, in the name of the Village of Williams Bay, any appropriate actions or proceedings against a violator of this chapter, as provided by law, and assist the Village Attorney in the prosecution of violations of this chapter.
 - (9) Prohibit the use or erection of any structure, land, or water until inspection and approval of such use or erection.
 - (10) Where useful, the Zoning Administrator may set marks on bridges or buildings or other markers depicting the depth of the regional flood or may set marks delineating the boundaries of wetlands.
 - (11) Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.
 - (12) Make available to the public, to the fullest extent possible, all reports and documents concerning the Village's Comprehensive Plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Village Board may set fees necessary to recover the cost of providing information to the public.
 - (13) Make interpretations regarding the provisions of this chapter per [§ Section 390-1216](#).
 - (14) Grant minor variations from the dimensional (setback, height, and area) requirements of this chapter, up to a maximum variation of 5% for setbacks and height limitations and up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less), so long as the spirit and intent of the performance standards are preserved.
 - (15) Establish that all necessary permits required for floodland uses by state and federal law have been secured.
 - (16) Attend all meetings of the Village Plan Commission and the Village Zoning Board of Appeals.
- B. In the enforcement of this chapter, the Zoning Administrator shall be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If entry is refused, the Zoning Administrator may procure a special inspection warrant in accordance with § 66.0119(2), Wis. Stats.

§ 390-1103. Plan Commission.

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the planning and development of the Village to the Village Board, other public officials, and other interested organizations and citizens. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, its functions are primarily recommendatory to the

Village Board pursuant to the guidelines set forth in this chapter.

§ 390-1104. Village Board.

The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments to this Zoning Ordinance and the Official Zoning Map. The Village Board may, in arriving at its decision, on occasion and of its own volition, conduct its own public hearing.

§ 390-1105. Zoning Board of Appeals.

There is hereby established a Zoning Board of Appeals for the Village of Williams Bay for the purpose of hearing appeals and granting variances and exceptions to the provisions of this Zoning Ordinance.

A. Membership.

- (1) The Zoning Board of Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.
- (2) The Village President shall appoint a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest.
- (3) The second alternate member may act only when the first alternate is unable to act or is already sitting.
- (4) Terms shall be for staggered three-year periods.
- (5) The Village Clerk shall serve as the secretary.
- (6) Two members shall be Village Board members and three members shall be citizen members.
- (7) One member shall be a Village Plan Commissioner and one member shall be a registered architect, professional engineer, builder, real estate agent, or certified planner.
- (8) Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within ~~five~~40 days of receiving notice of their appointment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (9) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (10) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

B. Organization.

- (1) The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

- (2) The Zoning Board of Appeals shall hold meetings as prescribed in its rules of procedures and such meetings shall be open to the public.
- (3) Minutes of the proceedings and a record of all actions taken shall be kept showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact. These records shall be immediately filed in the official records of the Zoning Board of Appeals and shall be a public record.
- (4) When a quorum is present, the concurring vote of the majority is required to correct an error, grant a variance, or make an interpretation.
- (5) Members shall serve without compensation.
- (6) Members shall be removable by the Village President for cause upon written charges and after public hearing.
- (7) The Village President shall designate one of the members Chairperson and the Zoning Board of Appeals may designate such other officers and employ such employees as it feels necessary.

C. Powers.

- (1) The Zoning Board of Appeals shall have the following powers:
 - (a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Plan Commission.
 - (b) To hear and grant variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
 - (c) To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (d) To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (e) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of the Shoreland-Wetland Overlay Zoning District provisions.
- (2) The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
- (3) Conditions may be placed upon any building permit ordered or authorized by the

Zoning Board of Appeals.

- (4) The Board may request assistance from other Village officers, departments, commissions, and boards.
- (5) The Chairperson may administer oaths and compel the attendance of witnesses.
- D. Review by court of record. Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

§ 390-1106. Fees.

- A. All persons, firms, or corporations performing work that by this chapter requires the issuance of a permit shall pay a fee for such permit to help defray the cost of administration, investigation, advertising, and processing of permits. Permit fees shall be in addition to those established by the Village Building, Plumbing, and Electric Codes. The fees for permits shall be in accordance with the most current "Resolution of the Village Board Establishing Zoning Fees," which is on file in the office of the Village Clerk.
- B. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate.
- C. Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this chapter); and are not refundable.
- D. A double fee shall be charged if work is started before a permit is applied for and issued, or if a building is occupied prior to the issuance of a certificate of compliance, per [§ Section 390-1211](#). Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

§ 390-1107. Recovery of Village costs and expenses.

- A. General provisions.
 - (1) In addition to any other fees required to be paid in conjunction with the filing of an application requesting any consideration on the part of the Village Board, the Village Plan Commission, or the Village Board of Appeals to establish or modify any use of land or subdivision of land within the Village, the person, partnership, or entity requesting such consideration (hereinafter called "applicant") shall compensate the Village for all costs and expenses the Village incurs in the consideration of any such application or request. The obligation to compensate the Village for its costs or expenses shall include costs incurred as part of any ~~preapplication~~[pre-application](#) discussions with the Village or its representatives that precede an application to the Village.
 - (2) Applicant certificate and agreement. Before the Village shall incur any costs or expenses in consideration of any application as described in this section, the applicant shall sign a Cost Recovery Certificate and Agreement on a form to be made available

by the Village Clerk acknowledging the applicant's responsibility for all Village costs and expenses directly or indirectly related to the consideration of the applicant's proposal. The original of said Certificate and Agreement shall be kept on file with the Village Clerk. A copy shall be given to the applicant at the time of signing.

- B. Costs recoverable. All costs that are incurred by the Village in the consideration of any proposals related to the Village zoning or subdivision ordinance, the Official Map, building code, property maintenance code, or tax increment finance districts shall be recoverable. This shall include all professional and technical consultant services and fees incurred by the Village and rendered in review of any application, including, but not limited to, the Village Engineer, Planner, Building Inspector, Village Attorney or any other professional or expert hired by the Village for purposes of review of the application or [preapplication](#).~~pre-application.~~
- C. Billing of costs. The Village Clerk shall, on a monthly basis, bill all costs recoverable pursuant to this section to the applicant. Said costs shall be paid by applicant within 10 days of receipt of the Village's billing. The Village Board may require an applicant to submit an advance deposit against future billings by the Village for the recovery of costs provided by this section. Surplus deposits shall be returned to the applicant at the conclusion of the project if such deposit exceeds the amount of billings for recoverable costs.
- D. Condition of all applications. Notwithstanding anything in the Village Municipal Code to the contrary, an applicant's failure to pay in full all recoverable costs pursuant to this section shall cause the Village to halt any further consideration of or action on the applicant's proposal until such recoverable costs have been paid. This condition shall extend to any Village Board request for an advance deposit against future billings for recoverable costs, as called for herein.
- E. Enforcement. In addition to those provisions for enforcement contained in the Village Municipal Code, in the event the Village is not paid billed recoverable fees as called for herein, the Village shall be entitled to assign such fees as a special assessment to the subject property. The Village shall also be entitled to recover all actual attorney fees, litigation expenses, witness fees, filing fees, expert witness fees, and all other costs or expenses incurred by the Village in the prosecution of a violation of this section.

ARTICLE 12 Procedures

§ 390-1201. Purpose.

The purpose of this article is to establish procedural requirements for amendments to the regulations of this chapter, Zoning Map amendments, site plans, conditional use permits, temporary use permits, zoning permits, building permits, certificates of compliance, sign permits, variances, interpretations, appeals, and violations and penalties. For procedures associated with the Planned Development [Overlay District](#)~~overlay district~~, see [§ Section](#) 390-0709.

§ 390-1202. Review and approval required.

- A. Review procedures differ depending on the type of proposal. Generally, the procedures for all applications have three common elements:
- (1) Submittal of a complete application, including fee payment along with appropriate information.
 - (2) Review of the submittal by appropriate Village staff and officials.
 - (3) Action by appropriate Village officials or staff to approve, approve with conditions, or deny the application.
- B. Figure 390-1202 summarizes the procedures, agencies, and personnel involved in the administrative development review process. Detailed information about the general procedures, applications, and the public officials involved in the process and methods of appeal are discussed in detail in [§ Section 390-1217](#).

Figure 390-1202 Review and Approval Processes

Application Process	Zoning Administrator	Public Hearing (Class 2 notice) Required	Review and Approval Bodies			
			Village Staff	Plan Commission	Village Board	Zoning Board of Appeals
Zoning Ordinance Text Amendment	RE	PC	RE	RR	A	--
Zoning Map Amendment	RE	PC	RE	RR	A	--
Site Plan Review	RE	--	RE	RR	A	--
Conditional Use Permit	RE	PC	RE	RR	A	--
Planned Development (see § 390-0709)						
Concept Plan	RE	--	RE	RR	A	--
General Development Plan	RE	PC	RE	RR	A	--
Final Development Plan	RE	--	RE	RR	A	--
Temporary	RE	--	RE	RR	A	--

Use Permit						
Zoning Permit	RE	--	RE	RR	A	--
Building Permit	A	--	--	--	--	--
Certificate of Compliance	RE	--	RE	RR	A	--
Sign Permit	A	--	--	--	--	--
Variance	RE	ZBA	RE	--	--	A
Interpretation	RE	--	RE	RR	A	â€”
Appeal	RE	ZBA	RE	--	--	A
Violations and Penalties	A	--		--	--	--

KEY:

PC = Plan Commission
VB = Village Board
ZBA = Zoning Board of Appeals
RE = Review and Evaluate
RR = Review and Recommend
A = Final Action

§ 390-1203. Public hearings.

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this chapter.

- A. Notice of any public hearing that the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this chapter shall specify the date, time, and place of the hearing, and the matter to be presented at the hearing. Pursuant to Ch. 985, Wis. Stats., the notice shall be published as a Class 2 notice.
- B. The notice of public hearing shall be published in a newspaper of general circulation in the Village of Williams Bay at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.
- C. Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within three miles of lands included in the petition. The failure to give any notice to any property owner shall not

invalidate the action taken by any of the aforementioned bodies.

- D. Except for hearings required for an amendment to the Official Zoning Map (rezoning), such request for a hearing shall be presented to the Village Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the Village ~~Fee Schedule~~[fee-schedule](#), payable to the Village, to defray the cost of notification and holding of a public hearing.

§ 390-1204. Zoning ~~Ordinance~~[ordinance](#) text amendment.

- A. Purpose. Pursuant to the provisions of § 62.23(7), Wis. Stats., the purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval or denial of proposed amendments to the provisions of this chapter.
- B. Initiation of request. A proposal to amend the text of this chapter may be initiated by an application by any member of the general public, a recommendation by the Plan Commission, or by action of the Village Board.
- C. Application. Amendment requests initiated by the general public shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~[§§ Sections](#) 390-1106 and 390-1107. In addition to all information required on the application form, the petitioner shall supply the following:
- (1) A copy of the portion of the current provisions of this chapter that is proposed to be amended.
 - (2) A copy of the text that is proposed to replace the current text.
 - (3) Written justification for the proposed text amendment.
 - (4) Any further information that may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- D. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the petitioner.
 - (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
 - (a) Advances the purposes of this chapter as outlined in ~~§ Section~~[§ Section](#) 390-0103.
 - (b) Advances the purposes of the general section in which the amendment is proposed to be located.
 - (c) Advances the purposes of the specific section in which the amendment is proposed to be located.
 - (d) Is in harmony with the recommendations of the Comprehensive Plan.

- (e) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district(s).
- (f) The amendment may also address any of the following factors that may not be addressed in the current zoning text:
 - [1] A change in the land market, or other factors that suggest the need for a new form of development, a new type of land use, or a new procedure to meet said change(s).
 - [2] New methods of development or types of infrastructure.
 - [3] Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
- (3) The Zoning Administrator shall prepare a written report addressing items in Subsection D(2)(a) through (f) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- F. Review and recommendation by Plan Commission.
 - (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding ~~§ Section~~ 390-1204D(2)(a) through (f) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of ~~§ Section~~ 390-1204D(2)(a) through (f) above and that the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
 - (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so ~~§ Section~~ 390-1203.
- G. Review and action by Village Board.
 - (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the petitioner. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
 - (2) The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning

Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment.

- (3) Any action to amend the provisions of the proposed amendment requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
 - (4) If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in § 62.23(7)(d), Wis. Stats., shall be followed prior to Board action.
- H. Effect of denial. No petition that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

§ 390-1205. Zoning Map amendments.

- A. Purpose. Pursuant to the provisions of § 62.23(7), Wis. Stats., the purpose of this section is to provide regulations that govern the procedures and requirements for the review and approval or denial of proposed amendments to the Official Zoning Map of the Village of Williams Bay.
- B. Initiation of request. A proposal to amend the Official Zoning Map may be initiated by an application by any member of the general public, a recommendation by the Plan Commission, or by action of the Village Board.
- C. Application. Amendment requests initiated by the general public shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in [§§ Sections 390-1106 and 390-1107](#). In addition to all information required on the application form, the petitioner shall supply the following:
 - (1) A map depicting the general location of the subject property in relation to the Village as a whole.
 - (2) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Village of Williams Bay. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a [Northnorth](#) arrow shall be provided.
 - (3) As an optional requirement, the applicant may provide written justification for the proposed Official Zoning Map amendment, stating reasons why the application is

consistent with the Village's Comprehensive Plan.

- (4) Any further information that may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.

D. Review by the Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the petitioner.

- (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:

- (a) Advances the purposes of this chapter as outlined in [§ Section 390-0103](#) and the applicable rules of Wisconsin Department of Administration ([WisDNR](#)) and the Federal Emergency Management Agency (FEMA). [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

- (b) Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

- (c) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district(s).

- (d) The amendment may also address any of the following situations that may not be properly addressed on the current Official Zoning Map:

- [1] The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan and the amendment is being requested to make the zoning district consistent with the Comprehensive Plan.

- [2] A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading.

- [3] Factors have changed (such as new data, infrastructure, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.

- [4] Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

- (3) The Zoning Administrator shall prepare a written report addressing items in Subsection D(2)(a) through (d) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

- E. Public hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- F. Review and recommendation by the Plan Commission.
 - (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding ~~§ Section~~ 390-1205D(2)(a) through (d) above and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of ~~§ Section~~ 390-1205D(2)(a) through (d) above and that the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
 - (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so ~~§ Section~~ 390-1203.
- G. Review and action by the Village Board.
 - (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the petitioner. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
 - (2) The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment.
 - (3) Any action to amend the Official Zoning Map requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
 - (4) If the Village Board wishes to make significant changes in the proposed map amendment, as recommended by the Plan Commission, then the procedure set forth in § 62.23(7)(d), Wis. Stats., shall be followed prior to Board action.
- H. Effect of denial. No petition that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Protest. In case of protest against a change duly signed and acknowledged by the owners of 20% or more either of the area of land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent and extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from

the street frontage of such opposite land, such change shall require a favorable vote of 3/4 of the Village Board for passage.

§ 390-1206. Site plan.

- A. Purpose. The purpose of this section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this section are designed to ensure that all proposed land use and development activity complies with the requirements of this chapter. Specifically, this section requires that the initiation of all development activity (including building permits, zoning permits, certificates of compliance for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading, or filling) requires the approval of site, building and operational plans by the Village Plan Commission before the zoning, occupancy, and building permits can be issued; except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the Final Development Plan phase of a [planned development](#)~~Planned Development~~ (see [§ Section 390-0709](#)), is exempt from this requirement.
- B. Initiation of request. Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property or their legally authorized representative.
- C. [Preapplication](#)~~Pre-application~~ conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.
- D. Application. All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Zoning Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Said complete application shall be comprised of all of the following, unless specific application requirements are waived in writing by the Zoning Administrator:
- (1) Written description. A written description of the intended use of the subject property, describing in reasonable detail, the following:
 - (a) Existing zoning district(s) ~~[(and proposed zoning district(s) if different];~~
 - (b) Future Land Use Map designation(s);
 - (c) Natural Resources Site Evaluation Worksheet ([§ \(Section 390-0404\)](#));
 - (d) Inventory of land uses currently present on the subject property;
 - (e) Proposed land uses for the subject property (per Article 3);

- (f) Projected number of residents, employees, and daily customers;
 - (g) Proposed number of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, and landscape surface ratio;
 - (h) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
 - (i) Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article 8 including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Sections 390-0812 through 390-0820), then the statement "The proposed development shall comply with all requirements of [sectionSection](#)." shall be submitted;
 - (j) Proposed exterior building and fencing materials (~~§§ (Sections~~ 390-0802 and 390-0809);
 - (k) Possible future expansions and related implications for Subsection D(1)(a) through (j) above; and
 - (l) Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (2) A Small Location Map at 11 inches by 17 inches showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Village's Future Land Use Map with the subject property clearly indicated shall suffice to meet this requirement.)
- (3) A [property site plan](#)~~Property Site Plan~~ drawing (and reduction at 11 inches by 17 inches) that includes:
- (a) A title block that indicates the name, address, and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for the project;
 - (b) The date of the original plan and the latest date of revision to the plan;
 - (c) A ~~North~~[North](#) arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 - (d) A legal description of the subject property;
 - (e) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - (f) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to easement ownership and purpose;

- (g) All required building setback lines;
- (h) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
- (i) The location and dimensions (cross-section and entry throat) of all access points onto public streets;
- (j) The location and dimensions of all on-site parking areas (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided compared with the number required by this chapter;
- (k) The location and dimensions of all loading and service areas on the subject property and labels indicating the dimensions of such areas;
- (l) The location of all outdoor storage areas and the design of all screening devices;
- (m) The location, type, height, size, and lighting of all signage on the subject property;
- (n) The location, height, design/type, illumination power, and orientation of all exterior lighting on the subject property, including the clear demonstration of compliance with [§ Section 390-0807](#);
- (o) The location and type of any permanently protected green space areas;
- (p) The location of existing and proposed drainage facilities; and
- (q) In the legend, the following data for the subject site:
 - [1] Lot area;
 - [2] Floor area;
 - [3] Landscape surface area;
 - [4] Landscape surface ratio (d/a); and
 - [5] Building height(s).
- (4) A Detailed Landscaping Plan of the subject property, at the same scale as the main plan (and reduction at 11 inches by 17 inches), showing the location of all required [buffer yard](#)~~buffer yard~~ and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Article 9. The plan shall clearly indicate individual plant locations and species, fencing types and heights, and berm heights.
- (5) A Grading and Erosion Control Plan at the same scale as the main plan (and reduction at 11 inches by 17 inches) showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.

- (6) Elevation ~~drawings~~Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
- (7) A ~~detailed photometric plan~~Detailed Photometric Plan that shows the impact of all exterior light fixtures based on the proposed fixture's pole heights and light bulb needs depicting resulting lighting levels across the entire property to the property lines rounding to the nearest 0.10 footcandle. The plan must be in compliance with lighting performance standards in Article 8.
- (8) A ~~certified survey~~Certified Survey may be required by the Zoning Administrator in instances where he or she determines compliance with setback requirements may be difficult. The survey shall be prepared by a ~~professional~~registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
- (9) A ~~detailed site analysis~~Detailed Site Analysis shall be required for any lot or parcel containing a protected natural resource covered in this section, as determined by Village staff. These protected natural areas include: floodplains, shoreland-wetlands, ~~lake shores~~lakeshores, woodlands, drainageways, and steep slopes. The analysis must be submitted using the following submission and review process:
 - (a) Purpose. The detailed site analysis required by this section is designed to provide the clear identification of permanently protected natural resource areas on a site that is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas.
 - (b) Description. The detailed site analysis shall be shown on a map of the subject property that depicts the location of all protected natural resource areas, as defined by the provisions of this section. The detailed site analysis shall meet the following requirements:
 - [1] Scale. A minimum scale of one inch equals 200 feet shall be used.
 - [2] Topography. Topographic information is not required for any property that does not contain steep slopes ($\geq 12\%$). For such properties, topographic information with a minimum contour interval of two feet is required.
 - [3] Specific natural resources areas. All natural resources areas that require protection under the provisions of this chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
 - (c) Development pads.

- [1] All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
 - [2] Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three inches, whose canopies are located adjacent to disturbed areas, that die within a period of five years following site disruption shall be replaced by the owner with a three-inch caliper tree of the same type (e.g., shade, tall deciduous, etc.). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.
- (d) Mitigation areas. All mitigation areas related to the provisions of this chapter shall be depicted on the detailed site map with notations that describe the mitigation techniques proposed to be employed.

E. Required procedure for submission and review.

- (1) Required timing of submission. The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the ~~preliminary~~Preliminary plat of ~~subdivision~~Subdivision or the Certified Survey Map, or if the proposed development does not involve a land division the submittal is required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of a concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property that has been previously approved by Village Staff may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.
- (2) Review by Village staff. Village Staff shall review the submitted detailed site analysis map for general compliance with the data sources listed below. The Zoning Administrator may provide the applicant with a written evaluation of the submitted detailed site analysis map that shall indicate the acceptance by Village Staff, or the need for further analysis work, discussion with the applicant and/or staff-recognized experts, or a joint site visit.

- (a) The Official Zoning Map;
 - (b) Applicable USGS 7.5 minute topographic maps for the Village of Williams Bay and its environs;
 - (c) Air photos of the subject property;
 - (d) USGS Quads and other sources of topographic information;
 - (e) Applicable FEMA and related floodplain maps;
 - (f) Applicable Federal and State Wetland Inventory Maps;
 - (g) The Village of Williams Bay Comprehensive Plan; and
 - (h) Site visits.
- (3) Modification of detailed site analysis map. If necessary, as determined by Village Staff, revised detailed site analysis maps shall be prepared and submitted for review by Village Staff, until a version is deemed acceptable. Staff review of the detailed site analysis may be appealed to the Zoning Board of Appeals as a matter of [ordinance](#)~~Ordinance~~ interpretation. (See [§ Section](#) 390-1216.)
- (4) Acceptance of detailed site analysis map. Upon notification of acceptance by Village Staff (or, in case of appeal, by determination of the Zoning Board of Appeals), the applicant may proceed with the submittal of necessary development documents.
- (5) Integration of detailed site analysis information with required development and/or land division. Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a [building permit](#)~~Building Permit~~) and on any proposed Plat of Subdivision or Certified Survey Map.
- (6) Review by the Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (b) The Zoning Administrator shall review the application and evaluate the proposal for compliance with the following data sources:
 - [1] Official Zoning Map.
 - [2] The Village of Williams Bay Comprehensive Plan.
 - [3] Applicable FEMA and related floodplain maps.
 - [4] Applicable federal and state wetland inventory maps.

- (c) The Zoning Administrator shall prepare a written report addressing items in Subsection E(6)(b)[1] through [4] above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (7) Review and recommendation by the Plan Commission.
- (a) The Plan Commission, in its consideration of the submitted application, shall take into account the basic intent of this chapter to ensure attractive, efficient, and appropriate development of land in the Village, and to ensure that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. In its review, the Plan Commission may require such additional measures and/or modifications as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the site plan until revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
 - (b) In its review of the application, the Plan Commission may make findings on each of the following criteria to determine whether the site plan shall be approved, approved with modification, or denied:
 - [1] All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - [2] The public health and safety is not endangered.
 - [3] Adequate public facilities, utilities, and open space areas are provided.
 - [4] Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns, and vegetative cover is ~~minimized~~~~maintained~~ insofar as is practical. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
 - [5] Appropriate traffic control and parking are provided.
 - [6] Applicable performance standards, per Article 8, are met.
 - (c) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection E(7)(b) above and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of this section, and that the

public benefits outweigh any and all potential adverse impacts of the proposed site plan.

(8) Review and action by the Village Board.

- (a) The Village Board shall consider the Plan Commission's recommendation regarding the proposed site plan. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
 - (b) The Village Board may approve the site plan as originally proposed, may approve the proposed site plan with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed site plan.
- F. Initiation of land use or development activity. Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading, shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this chapter and shall be subject to all applicable enforcement mechanisms and penalties.
- G. Modification of an approved site plan. Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this chapter. An approved site plan shall be revised and approved via the procedures of this section, so as to clearly depict any and all proposed modifications to the previously approved site plan prior to the initiation of said modification.
- H. Sunset clause. All buildings on an approved site plan not fully developed within two years of final Village Board approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Village Board may extend this period, if requested by the applicant, through the conditional use permit process following a public hearing.

§ 390-1207. Conditional use permit.

- A. Purpose. Pursuant to § 62.23, Wis. Stats., the purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval or denial of proposed conditional uses.
- (1) Certain uses in situations that are of a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this ~~chapter~~[ordinance](#) of specific standards, regulations, or conditions that would permit such determination in each individual situation, may be permitted as conditional uses.
 - (2) Under this chapter, a proposed conditional use shall be denied unless the applicant can demonstrate to the satisfaction of the Village that the proposed conditional use will not create undesirable impacts on nearby properties, the environment, or the community as a whole.

- B. Limited conditional uses. Limited conditional uses are those in which the Village Board has found that any of the following should be of lesser permanence than regular conditional uses, and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate:
- (1) Their particularly specialized nature.
 - (2) Their particular location within a district.
 - (3) The peculiarly unique relationships or needed compatibility between uses and involved individuals.
 - (4) Any other reason(s) the Board deems specially relevant and material to delimit the scope thereof.
- C. Initiation of request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- D. Application. Conditional use permit applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in [§§ Sections 390-1106 and 390-1107](#). In addition to all information required on the application form, the applicant shall supply the following:
- (1) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the Village of Williams Bay). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a [Northnorth](#) arrow shall be provided.
 - (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (3) A site plan of the subject property as proposed for development. Said site plan shall conform to all requirements of [§ Section 390-1206](#). If the proposed conditional use is a group or large development (per [§ Section 390-0821](#)), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per [§ Section 390-1206](#).
 - (4) As an optional requirement, the applicant may provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate.
- E. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

- (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
 - (a) Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
 - (b) Will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 - (d) The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
 - (e) The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
 - (3) The Zoning Administrator shall prepare a written report addressing items in Subsection E(2)(a) through ~~(E(2)(e))~~ above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. ~~Plan Commission~~. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- F. Public hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with § Section 390-1203 to consider the request.
- G. Review and recommendation by the Plan Commission.
- (1) Within 60 days after the public hearing, the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its findings regarding § Section 390-1207E(2)(a) through (e) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of § Section 390-1207E(2)(a) through (e) above.

- (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so [§ Section](#) 390-1203.

H. Review and action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed conditional use. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
- (2) The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed conditional use.
- (3) Any action to amend the provisions of proposed conditional use requests requires a majority vote of the Board. The Village Board's approval of the requested conditional use permit shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (4) If the Village Board wishes to make significant changes in the proposed [conditional use](#)~~text amendment~~, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

- I. Effect of denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- J. Termination of an approved conditional use. Upon approval by the Village Board, the applicant must demonstrate that the proposed conditional use meets all general and specific requirements and conditions of approval on the site plan required for initiation of development activity on the subject property per [§ Section](#) 390-1206. Once a conditional use is granted, no erosion control permit, site plan approval, occupancy permit, or building permit shall be issued for any development that does not comply with all requirements of this chapter. Any conditional use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in Subsections E through H, above.
- K. Time limits on the development of conditional use. The start of construction on any and all conditional uses shall be initiated within 365 days of their approval by the Village Board

and they shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this section, "operational" shall be defined as the granting of an occupancy permit for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board).

- L. Discontinuing an approved conditional use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- M. Change in ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property, unless specifically stated elsewhere in this chapter or in the conditions of approval for a conditional use permit. Modification, alteration, or expansion of any conditional use in violation as approved per Subsection H, above, without approval by the Village Board, shall be considered in violation of this chapter and shall be grounds for revocation of said conditional use permit per this [§ Section 390-1207](#).
- N. Recording of conditional use requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific conditions of approval, shall be recorded by the Village with the County Register of Deeds office.
- O. Notice to the WisDNR. The Plan Commission shall transmit a copy of each application for a conditional use permit in the Shoreland-Wetland [Overlay](#)~~overlay~~, Floodway [Overlay](#), [Flood-Fringe Overlay](#)~~overlay~~, [Flood-Fringe overlay](#), or General Floodplain [Overlay Zoning District](#)~~overlay zoning districts~~ to the WisDNR for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the WisDNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for [Shoreland-Wetland Overlay District](#)~~shoreland-wetland overlay district~~ regulations or for floodplain overlay district regulations shall be transmitted to the WisDNR within 10 days of the date of such decision.
- P. Formerly approved conditional uses. A use now regulated as a conditional use that was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this section.

§ 390-1208. Temporary use permit.

- A. Purpose. The purpose of this section is to provide regulations that govern the procedures and requirements for the review and approval, or denial, of a proposed temporary use.

- (1) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.
 - (2) Land uses that fail to meet one, but not more than one, of the requirements for temporary uses of [§ Section 390-0316](#) may be reviewed as a conditional use.
- B. Regulations applicable to all temporary uses. No public hearing is required to review a temporary use; however, a demonstration that the developer proposes to meet all temporary use requirements of this section must be made at time of site plan application. Furthermore, no building permit shall be issued for any development that does not comply with all requirements of this chapter. Any temporary use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties.
- C. Application. Temporary use permit applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in [§§ Sections 390-1106 and 390-1107](#). In addition to all information required on the application form, the applicant shall supply the following:
- (1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a [Northnorth](#) arrow shall be provided.
 - (2) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (3) The Zoning Administrator may require a site plan of the subject property, in which case said site plan shall conform to any and all the requirements of [§ Section 390-1206](#).
- D. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the [temporary use permit](#)~~Temporary Use Permit~~ application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (2) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this chapter.

- (3) The Zoning Administrator shall prepare a written report addressing items in § 390-1208D(2) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter, the Zoning Administrator shall note this determination in the report.

E. Review and recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the [temporary use permit](#)~~Temporary Use Permit~~ shall be approved, approved with modification, or denied:
 - (a) All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - (b) The public health and safety is not endangered.
 - (c) Adequate public facilities, utilities, and open space areas are provided.
 - (d) Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
 - (e) Appropriate traffic control and parking are provided.
 - (f) Applicable performance standards, per Article 8, are met.
- (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection E(1) above and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of Subsection E(1) above.

F. Review and action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed [temporary use permit](#)~~Temporary Use Permit~~. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting; or may continue the proceedings.
- (2) The Village Board may approve the [temporary use permit](#)~~Temporary Use Permit~~ as originally proposed, may approve the proposed [temporary use permit](#)~~Temporary Use Permit~~ with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed [temporary use permit](#)~~Temporary Use Permit~~.

§ 390-1209. Zoning permit.

- A. Purpose. The purpose of this section is to specify the requirements and procedures for the

issuance of zoning permits.

- B. Applicability. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally repaired, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted in this chapter.
- C. Application. An application for a zoning permit shall be prepared in triplicate on printed forms provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a professional land surveyor~~—registered in Wisconsin~~ showing the location, boundaries, dimensions, uses, and size of the following:
 - (a) Subject site;
 - (b) Existing and proposed structures;
 - (c) Existing and proposed easements;
 - (d) Streets and other public ways;
 - (e) Off-street parking areas;
 - (f) Loading areas and driveways;
 - (g) Existing highway access restrictions;
 - (h) High water, channel floodway, and floodplain boundaries;
 - (i) Existing and proposed front, street side, rear, interior side, and shore yards;
 - (j) Type, slope, and boundaries of soils shown in the Walworth County Soils Survey prepared by the United States Department of Agriculture Natural Resources~~Soil~~ Conservation Service; and
 - (k) The location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - (4) The Zoning Administrator may waive the plat of survey requirement for accessory buildings and additions to single-family and two-family dwellings when the building or addition is less than 250 square feet in area. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.

(5) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

~~(5) Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.~~

(6) Proposed water supply plan~~Water Supply Plan~~ if municipal water service is not available. This plan shall be in accordance with Chapter NR 812 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

(7) Additional information as may be required by the Plan Commission or Zoning Administrator.

D. Review by Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the zoning permit~~Zoning Permit~~ application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this chapter.
- (3) The Zoning Administrator shall prepare a written report addressing items in § 390-1209D(2) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter, the Zoning Administrator shall note this determination in the report.

E. Review and recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the zoning permit~~Zoning Permit~~ shall be approved, approved with modification, or denied:
 - (a) All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - (b) The public health and safety is not endangered.
 - (c) Adequate public facilities, utilities, and open space areas are provided.
 - (d) Adequate control of stormwater and erosion is provided and the disruption of

existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.

- (e) Appropriate traffic control and parking are provided.
 - (f) Applicable performance standards, per Article 8, are met.
 - (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection E(1) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of Subsection E(1) above.
- F. Review and action by the Village Board.
- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed zoning permit~~Zoning Permit~~. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting; or may continue the proceedings.
 - (2) The Village Board may approve the zoning permit~~Zoning Permit~~ as originally proposed, may approve the proposed zoning permit~~Zoning Permit~~ with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed zoning permit~~Zoning Permit~~.
- G. Following Village Board approval, the applicant shall post the zoning permit~~Zoning Permit~~ in a conspicuous place at the site. The permit shall expire within 12 months unless work equal to 10% of the dollar amount of the permit has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit~~Zoning Permit~~ before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.
- H. Uses not requiring a zoning permit:
- (1) No zoning permit~~Zoning Permit~~ shall be required for any of the following:
 - (a) Construction of accessory buildings less than 100 square feet in area.
 - (b) Improvement or alteration to an existing building that is less than 100 square feet in area and does not effect a change in use.
 - (c) Ordinary maintenance repair that does not require a building permit.
 - (2) Any development that qualifies for an exemption under Subsection H(1)(a) through (c) above shall still be required to comply with the applicable setback, yard, height, and other requirements set forth in this chapter.
 - (3) No structure or development in a floodplain overlay district (FWO, FFO, GFO) shall be exempt from obtaining a zoning permit, even if it is otherwise listed in Subsection

H(1)(a) through (c) above.

§ 390-1210. Building permit.

No building shall be erected, structurally altered, or relocated within the Village of Williams Bay until a building permit has been issued by the Zoning Administrator certifying that such building, as proposed, would be in compliance with the provisions of this chapter and with Chapter 153, Building Construction, of the Village Code. No building permit shall be issued until a zoning permit is issued.

§ 390-1211. Certificate of compliance.

- A. Purpose. The purpose of this section is to provide regulations governing the review and approval of ~~certificates~~Certificates of ~~compliance~~Compliance. This procedure is required to ensure completed development complies with the approved site plan (per the requirements of ~~§ Section~~390-1206), and the requirements of this chapter as a whole.
- B. Land uses and development requiring certificate of compliance.
- (1) Certificate of ~~compliance~~Compliance shall be required for any of the following:
- (a) Occupancy and use of a building or structure hereafter erected or structurally altered.
 - (b) New occupancy and use of an existing building when the new use is of a different land use classification.
 - (c) Occupancy and use of vacant land.
 - (d) New use of vacant land when the new use is of a different land use classification.
 - (e) Any change in the use of a nonconforming use.
- (2) No such occupancy or change of use shall take place until ~~certificate~~Certificate of ~~compliance~~Compliance has been issued.
- C. Issuance of certificate of compliance.
- (1) Every application for a building permit shall also be deemed to be an application for a ~~certificate~~Certificate of ~~compliance~~Compliance for a new building or for an existing building that is to be substantially altered or enlarged as determined by the Zoning Administrator. Such permit shall be issued within 10 working days after a written request for the same has been made to the Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.
- (2) Application. Written application for a ~~certificate~~Certificate of ~~compliance~~Compliance for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be prepared in triplicate on printed forms provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~390-1106 and

390-1107. In addition to all information required on the application form, the applicant shall supply the following:

- (a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
- (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- (c) Plat of survey prepared by a [professional](#) land surveyor ~~registered in Wisconsin~~ showing the location, boundaries, dimensions, uses, and size of the following:

- [1] Subject site;
- [2] Location of structures;
- [3] Existing and proposed easements;
- [4] Streets and other public ways;
- [5] Off-street parking areas;
- [6] Loading areas and driveways;
- [7] Existing highway access restrictions;
- [8] High water, channel floodway, and floodplain boundaries;
- [9] Front, street side, rear, interior side, and shore yards;
- [10] Type, slope, and boundaries of soils shown in the Walworth County Soils Survey prepared by the United States Department of Agriculture [Natural Resources](#) ~~Soil~~ Conservation Service; and
- [11] The location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

- (d) At his discretion, the Zoning Administrator may waive the plat of survey requirement. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.

- ~~(e) [Proposed Sewage Disposal Plan](#) if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.~~

- [\(e\) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal](#)

system or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

- (f) Proposed ~~water supply plan~~Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 812 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
 - (g) Additional information as may be required by the Plan Commission or Zoning Administrator.
- (3) Review by Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the ~~certificate~~Certificate of ~~compliance~~Compliance application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (b) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this chapter.
 - (c) The Zoning Administrator shall prepare a written report addressing the items in § 390-1211C(3)(b) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter, the Zoning Administrator shall note this determination in the report.
- (4) Review and recommendation by the Plan Commission.
- (a) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the ~~certificate~~Certificate of ~~compliance~~Compliance shall be approved, approved with modification, or denied:
 - [1] All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - [2] The public health and safety is not endangered.
 - [3] Adequate public facilities, utilities, and open space areas are provided.
 - [4] Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
 - [5] Appropriate traffic control and parking are provided.
 - [6] Applicable performance standards, per Article 8, are met.
 - (b) The Plan Commission may make a written report to the Village Board and/or

may state in the minutes its findings regarding Subsection C(4)(a) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of Subsection C(4)(a) above.

(5) Review and action by the Village Board.

(a) The Village Board shall consider the Plan Commission's recommendation regarding the proposed ~~certificate~~Certificate of ~~compliance~~Compliance. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.

(b) The Village Board may approve the ~~certificate~~Certificate of ~~compliance~~Compliance as originally proposed, may approve the proposed ~~certificate~~Certificate of ~~compliance~~Compliance with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed ~~certificate~~Certificate of ~~compliance~~Compliance.

(6) Every ~~certificate~~Certificate of ~~compliance~~Compliance shall state that both the building and the proposed use of a building or land substantially comply with all provisions of this chapter. A record of all ~~certificates~~Certificates of ~~compliance~~Compliance shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

D. Certificate of compliance for legal nonconforming uses. Upon application, ~~certificate~~Certificate of ~~compliance~~Compliance shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this chapter, or in existence at the effective date of this chapter (November 7, 2011). Application for a ~~certificate~~Certificate of ~~compliance~~Compliance for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this chapter. It shall be the duty of the Building Inspector to issue ~~certificate~~Certificate of ~~compliance~~Compliance for a legal nonconforming use.

E. Termination of a ~~certificate~~Certificate of ~~compliance~~Compliance. It shall constitute a violation of this chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection B, above without having first obtained ~~certificate~~Certificate of ~~compliance~~Compliance. Any permit issued upon a false statement of any fact that is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the ~~certificate~~Certificate of ~~compliance~~Compliance by notice in writing to be delivered by him to the holder of the void permit upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by certified letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new

~~certificate~~Certificate of ~~compliance~~Compliance shall be deemed guilty of violation of this chapter.

§ 390-1212. Sign permit.

Refer to ~~§ Section~~ 390-1012 for applicable procedural requirements for sign permits.

§ 390-1213. Development agreement required.

All development that occurs in any multifamily residential, business, industrial, institutional or planned development district shall require the execution of a development agreement that covers in some detail the manner and methods by which the land will be developed. Through the execution of the ~~development agreement~~Development Agreement, the Village Board may impose time limits for the completion of projects and may require the execution of an irrevocable letter of credit or other appropriate surety to guarantee that the project will be completed on schedule, subject to review and approval of the Village Board.

§ 390-1214. Other permits.

For any development or land use activity, it is the responsibility of the applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes and a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

§ 390-1215. Variance.

- A. Purpose. The purpose of this section is to provide regulations that enable the Village to hear and decide requests for permitted variation from the terms of this chapter as will not be contrary to the public interest, where, owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done, as provided for by § 62.23(7)(e)7, Wis. Stats.
- B. Initiation of request. Proceedings for approval of a variance may be initiated by an application of the owner(s) of the subject property.
- C. Application. Variance applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
 - (1) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as determined by the Village of Williams Bay). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is

not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~^{North} arrow shall be provided.

- (2) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- (3) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of ~~§ Section~~[§] 390-1206.
- (4) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out in Subsection D(2)(c) below.

D. Review by ~~the~~^{the} Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per the following:
 - (a) What exceptional or extraordinary circumstances or special factors are present that apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district, specifically the following:
 - [1] The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations and is not economically suitable for an allowed use or will not accommodate a structure of reasonable design for an allowed use if all area, yard, green space, and setback requirements are observed.
 - [2] Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - [3] Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.
 - [4] Violations by, or variances granted to, neighboring properties shall not justify a variance.
 - [5] The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable

because of topography in the absence of any or all setback requirements.)

- (b) In what manner do the factors identified in Subsection D(2)(a) above prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
 - (c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 - (d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(3) above] result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
 - (e) Have the factors that present the reason for the proposed variance been created by an act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this chapter? The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner, or their agent.
 - (f) The Zoning Administrator may also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the Village of Williams Bay's Comprehensive Plan.
- (3) The Zoning Administrator shall prepare a written report addressing items in Subsection D(2)(a) through (f) above to be forwarded to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Village's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public hearing. Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- F. Review and action by the Zoning Board of Appeals.

- (1) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per Subsection D(2)(a) through (f) above and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time to time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
 - (2) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
 - (3) Said report shall include formal findings of fact developed and approved by the Zoning Board of Appeals concerning the requirements of Subsection D(2)(a) through (f) above.
- G. Effect of denial. No application for a variance that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- H. Limited effect of a variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- I. Stay of proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. See § 62.23(7)(e)5, Wis. Stats.
- J. Notice to the WisDNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to regulations in the Shoreland-Wetland ~~Overlay~~[Flood-Fringe Overlay](#), Floodway, ~~Flood-Fringe Overlay~~[Flood-Fringe Overlay](#), or General Floodplain ~~Overlay~~[Zoning District](#) to the WisDNR for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the WisDNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to Shoreland-Wetland ~~Overlay District~~[Flood-Fringe Overlay](#) regulations or to floodplain overlay district (FWO, FFO, and GFO) regulations, and a copy of all decisions relating to Shoreland-Wetland ~~Overlay District~~[Flood-Fringe Overlay](#) appeals and floodplain overlay district appeals, shall be transmitted to the WisDNR within 10 days of the date of such decision.

§ 390-1216. Interpretation.

- A. Purpose. The purpose of this section is to assign responsibility for the official interpretation of the provisions of this chapter, and to describe the required procedure for securing such interpretation.
- B. Initiation of request. Proceedings for an interpretation may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; by action of the Village Board, or by a request by the Zoning Administrator.
- C. Application requirements. An application for an interpretation shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) Clear indication of the part of the text of this chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
 - (2) If the requested interpretation relates to the application of this chapter to a specific property, the additional following information shall be required. The Zoning Administrator may waive one or more of the following requirements where such information is not deemed to be substantive, in the opinion of the Zoning Administrator, to the issue at hand.
 - (a) A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County as provided by the Village of Williams Bay. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~North arrow shall be provided.
 - (b) A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
 - (c) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of ~~§ Section~~ 390-1206.
 - (3) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this chapter, a series of written responses to the following questions:
 - (a) How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies, and standards of the Village's Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted, or under

consideration pursuant to official notice by the Village?

- (b) How is the subject land use in harmony with the purposes, goals, objectives, policies, and standards of the pertinent zoning district for which the interpretation is being sought?
- (c) Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

D. Review by Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall prepare a written report ~~forward a report to the applicant~~ indicating the interpretation of the Zoning Administrator and forward the report to the Plan Commission with a copy to the applicant. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

E. Review and recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the requested interpretation, may make findings based on the standards listed in Subsections~~subsection~~ G below.
- (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection G below, and its recommendations regarding the request for interpretation as a whole.

F. Review and action by the Village Board. The Village Board shall consider the Plan Commission's recommendation regarding the request for interpretation. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may make its final interpretation at the time of its initial meeting, or may continue the proceedings.

G. Standards for review of requested interpretations. This chapter shall be interpreted in a manner that is consistent with the purposes intended by the Village Board, as noted in this chapter, and the Comprehensive Plan. The intent of the standards and supporting definitions of this chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this chapter shall proceed as follows:

- (1) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. [Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound

- interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation that are not explicitly articulated.]
- (2) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. (Rationale: There is a critical distinction between an interpretation that provides a greater degree of design freedom to achieve an allowed land use, and an interpretation that permits a new or not previously allowed use, or that allows a use to be enlarged, or have its intensity increased beyond the degree specified in this chapter. Design freedom is to be encouraged while a lowering of the standards of this chapter is to be prohibited.)
 - (3) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. [Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation that would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this chapter. Similarly, any interpretation that would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this chapter. Any interpretation that will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this chapter has the power to impose additional restrictions or requirements.]
 - (4) This chapter has been carefully designed by the Village Board to combine maximum achievement of public goals and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Village's Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this chapter should not substitute their own judgments for the legislative acts of the Village Board.
 - (5) In addition to the applicant's response to the questions required by Subsection G(1) through [G\(5\)](#) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
 - (a) No interpretation shall allow the establishment of any land use that was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
 - (b) No interpretation shall allow a land use listed as permitted by right or a conditional use in another zoning district if the use is not listed as allowed in the zoning district of the subject property (see Article 2).

- (c) No interpretation shall allow a land use in a zoning district unless evidence is presented that demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district.
 - (d) No interpretation shall allow a land use in a particular zoning district unless such use is substantially similar to other uses allowed in that same district and is more similar to such other uses than to uses that are either not allowed in said district, or that are allowed in a more intensive district in the same zoning district category.
 - (e) If the proposed land use is more similar to a land use allowed only as a conditional use in the subject property's district than to a use permitted by right, an interpretation allowing such use shall be conditioned upon the approval of a conditional use permit pursuant to [§ Section 390-1207](#).
- H. Effect of a favorable land use interpretation. No interpretation finding a particular land use to be permitted by right or allowed as a conditional use in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this chapter. These permits and approvals include, but are not limited to, required site plans, conditional uses, and occupancy permits.
- I. Limitations on favorable land use interpretation.
 - (1) No interpretation finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or an occupancy permit is obtained and a use commenced within that period.
 - (2) An interpretation finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

§ 390-1217. Appeal.

- A. Purpose. The purpose of this section is to provide regulations that enable the Village to hear and decide on requests for appeals of the decision or interpretation of the Zoning Administrator, as provided by § 62.23(7)(e)7, Wis. Stats.
- B. Initiation of request. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.

- C. Time limit for filing an appeal. Any appeal of an interpretation under the provisions of this section shall be made per the requirements of ~~§ Section~~ 390-1216 within 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this forty-five-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- D. Application. All applications for review of an appeal shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the applicant.
 - (2) A written statement from the applicant indicating the reasons why an appeal is justified based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the applicant.
- E. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Plan.
 - (3) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- F. Public hearing. Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- G. Review and action by the Zoning Board of Appeals.
- (1) Within 60 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall make its findings per Subsection E(1) through (3) above. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at the applicant's request. Said final action shall be followed by a written report that shall include formal findings of fact developed and approved by the Zoning Board of Appeals concerning the request.

- (2) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- H. Effect of denial. No application for an appeal that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Limited effect of a favorable ruling on an appeal.
- (1) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or an occupancy permit is obtained and a use commenced within that period.
 - (2) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

§ 390-1218. Violations and penalties.

- A. Violation of this chapter. It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land, or water in violation of any of the provisions of this chapter, or otherwise neglect, refuse, or fail to comply with this chapter's requirements. Any person who violates or fails to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection B below and, in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- B. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500 for the first offense and not less than \$10 nor more than \$500 for the second and subsequent offenses and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the [county jail](#)~~County Jail~~ until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- C. Promulgated correction of violation. In addition to any other penalty imposed by this chapter for a violation of the provisions of this chapter, the Village reserves and maintains the continued right to abate violations of this chapter.

- D. Hazardous condition caused by violation of this chapter. If the Zoning Administrator determines that a violation of this chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection F below. The Zoning Administrator is hereby authorized to abate a violation of this chapter.
- E. ~~Nonhazardous~~~~Non-hazardous~~ condition caused by violation of this chapter. If the Zoning Administrator determines that a violation of this chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current Village of Williams Bay tax records) on which said violation is occurring to remove said violation within 30 working days. If such violation is not removed within such 30 working days, the Zoning Administrator shall cause the violation to be abated per Subsection D above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection F below.
- F. Cost of abatement. In addition to any other penalty imposed by this chapter for a violation of the provisions of this chapter, the cost of abating a violation of this chapter per Subsection D and/or E above shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by § 66.0907(5), Wis. Stats.

ARTICLE 13
(Reserved)

ARTICLE 14
(Reserved)

ARTICLE 15
(Reserved)

ARTICLE 16
(Reserved)

ARTICLE 17
Extraterritorial Zoning

§ 390-1701. Intent, scope and authority.

- A. Authority. These regulations are adopted under the authority granted by § 62.23(7a), Wis. Stats.
- B. Purpose. The purpose of this Extraterritorial Zoning Ordinance ("ETZ Ordinance") is to

promote the public health, safety, morals, and general welfare, and to provide sound controls over land uses within the areas over which the governing body of the Village has jurisdiction pursuant to § 62.23(7a), Wis. Stats. This purpose is consistent with the Village's current ~~Zoning Ordinance~~~~zoning ordinance~~ set forth within Chapter 390 of the Village Municipal Code, which, together with this ETZ Ordinance, provide a comprehensive plan for the orderly development of the Village and those areas within its extraterritorial zoning jurisdiction. This ETZ Ordinance and the incorporated map have been approved by the Joint Extraterritorial Zoning Committee for the Town of Delavan, the Town of Geneva, the Town of Linn, and the Town of Walworth, and all necessary public hearings have been held and all approving and recommending actions taken by the ~~towns~~~~Towns~~ and the Village, as called for by the Wisconsin Statutes.

- C. Intent. It is the general intent of this ETZ Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict 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; protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community and those areas within its extraterritorial zoning jurisdiction; and implement the community's and the Towns' Comprehensive Plan or plan components. In addition, the floodland zoning regulations and stormwater management regulations set forth in this ~~chapter~~~~Ordinance~~ have been adopted to minimize and control erosion, sedimentation and other pollution of surface waters, to further the maintenance of safe and healthful water conditions and provide for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this ETZ Ordinance and to provide penalties for its violation.
- D. Abrogation and greater restrictions. It is not intended by this ETZ Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ETZ Ordinance imposes greater restrictions, the provisions of this ETZ Ordinance shall govern. In addition, the shoreland-wetland provisions required by § 61.351, Wis. Stats., and Ch. NR 117, Wis. Adm. Code, supersede less restrictive provisions of this ETZ Ordinance. Should this ETZ Ordinance be found in conflict with any other state statute, local ordinance, or regulation, or any existing easement, covenant, or agreement, or any permits previously issued pursuant to law applicable to the use of any land or structure in the area specified herein as the extraterritorial zoning jurisdiction limits, the more stringent law, ordinance, regulation, restriction, or requirement shall govern.
- E. Interpretation. In their interpretation and applications, the restrictions and requirements set forth by this ETZ Ordinance shall be deemed the minimum necessary to conserve the value of land and buildings and encourage the most appropriate use of land, and other public requirements, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

- F. Repeal. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this [articleOrdinance](#), to the extent of the inconsistency only, are hereby repealed.
- G. Title. This [articleOrdinance](#) shall be known as, referred to as, or cited as the "Extraterritorial Zoning Ordinance, Village of Williams Bay, Wisconsin."

§ 390-1702. Extraterritorial zoning boundaries.

- A. Description of extraterritorial zoning boundaries. The Village hereby adopts and approves the extraterritorial zoning jurisdiction boundaries ("ETZ [boundariesBoundaries](#)") and ETZ Zoning Map, as submitted by the Joint Extraterritorial Zoning Committee, working in conjunction with the Village of Williams Bay [PlanPlanning](#) Commission, as depicted in Part II of the Official Zoning Map for the Village, and as described and depicted in Appendix A.[10-at the end of this chapter.](#)
- B. Boundary disputes. The above set forth ETZ [boundariesBoundaries](#) are intended to and shall describe the area evidenced by Part II of the Official Zoning Map of the Village as to the ETZ [boundariesBoundaries](#). However, in the event of any dispute, a court of competent jurisdiction determining whether an area is included within or excluded from the extraterritorial zoning jurisdiction shall refer to § 62.23(7a), Wis. Stats., which requires all boundary lines to follow government lot or survey section lines or public roads.

§ 390-1703. Zoning uses and districts.

- A. Zoning districts.
- (1) The following zoning districts now existing within Walworth County are adopted and redesignated as follows:

Former Walworth County District	Village ETZ District
A-1	A-1, ETZ
A-2	A-2, ETZ
A-3	A-3, ETZ
A-4	A-4, ETZ
A-5	A-5, ETZ
C-1	C-1, ETZ
C-2	C-2, ETZ
C-3	C-3, ETZ
C-4	C-4, ETZ
P-1	P-1, ETZ
P-2	P-2, ETZ
R-1	R-1, ETZ
R-2	R-2, ETZ
R-2A	R-2A, ETZ
R-3	R-3, ETZ

[10. Editor's Note: Appendix A is on file in the Village office.](#)

R-4	R-4, ETZ
B-1	B-1, ETZ
B-2	B-2, ETZ
B-3	B-3, ETZ
B-4	B-4, ETZ
B-5	B-5, ETZ
B-6	B-6, ETZ

(2) In addition, the following zoning districts have been created for the area within the Village Extraterritorial Zoning Boundaries:

- (a) M-1, ETZ, Industrial District.
- (b) I-1, ETZ, Institutional District.
- (c) PUD, ETZ, Planned Unit Development District.

(3) Finally, for any property within the ETZ ~~boundaries~~Boundaries which, as of the effective date of this ETZ Ordinance, has a Walworth County Zoning District classification not included among those districts described in the conversion chart above, said properties, if any, shall continue to be subject to the text of the Walworth County Zoning District regulations in effect as of the effective date of the ETZ Ordinance, which said district regulations are incorporated herein by reference as if set forth at length herein.

B. A-1, ETZ Prime Agricultural Land District. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Department of Agriculture, [Natural Resources](#)~~Soil~~ Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. All structures and improvements must be consistent with agricultural use.

(1) Principal uses:

- (a) Single-family dwelling.
- (b) Apiculture (beekeeping).
- (c) Dairying.
- (d) Floriculture (cultivation of ornamental flowering plants).
- (e) Grazing, subject to regulations as set forth in Walworth County Zoning Ordinance, Section 2.0.
- (f) Livestock raising, except commercial feed lots.
- (g) Orchards.
- (h) Paddocks.
- (i) Plant nurseries.

- (j) Poultry raising, except commercial egg production.
 - (k) Raising of grain, grass, mint, and seed crops.
 - (l) Raising of tree fruits, nuts and berries.
 - (m) Sod farming.
 - (n) Vegetable raising.
 - (o) Viticulture (grape growing).
 - (p) Equestrian trails.
 - (q) Forest and game management.
 - (r) Greenhouse.
 - (s) Nature trails and walks.
 - (t) Stables.
 - (u) Roadside stand not exceeding one per farm.
- (2) Conditional uses:
- (a) Veterinary services for farm animals.
 - (b) Utilities.
 - (c) Schools and churches.
 - (d) Composting.
 - (e) Governmental and cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (f) Land restoration.
 - (g) Two single-family farm dwellings or one two-family farm dwelling for resident owners, and children of resident owners substantially engaged in conducting a related principal or approved conditional use. The need for more than one single-family farm dwelling to support and carry on the principal or approved conditional use must be established to the satisfaction of the ETZ Joint Committee before the issuance of a zoning permit. If approval is granted for more than one farm dwelling, each additional dwelling may be placed on a parcel separated from the farm lot provided that any parcel so created conforms with all regulations set forth in Sections 2.5 and 2.6 of the Walworth County Zoning Ordinance, except that no such parcel shall be less than 40,000 square feet in area.
 - (h) The separation of farm structures from farmland. The separation must conform with the regulations set forth in the Walworth County Zoning Ordinance, Sections 2.5 and 2.6. The parcel shall be not less than 40,000 square feet in area,

nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum yard required in the A-1 ETZ, A-2 ETZ or A-3 ETZ ~~Districts~~~~districts~~, whichever applies; it will not leave the balance of the land in a substandard condition; and the property owner will be required to record deed restrictions on both the farm separation parcel and on a parcel which meets the minimum required by the applicable zoning district, which directly adjoins or abuts the farm separation parcel, and which meets the intent of these provisions. A Certified Survey Map for said parcel shall be prepared by a professional land surveyor~~Registered Land Surveyor~~ licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be placed on the adjoining acreage without first obtaining a conditional use permit from the ETZ Joint Committee and that no land may be deeded to the farm separation parcel which increases its size above that outlined above without first obtaining proper approval which may include either a rezone or conditional use.

(3) Area, height and yard requirements:

(a) Lot (farm size) area: minimum 35 acres.

(b) Building:

[1] Farm dwelling height: maximum 35 feet.

[2] Agricultural structures height: maximum two times their distance from the nearest lot lines.

(c) Yards setback.

[1] Rear: minimum 100 feet.

[2] Side: minimum 20 feet.

[3] Animals: structures used for housing of animals, minimum 100 feet from all lot lines.

[4] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[5] Shore: minimum 75 feet.

C. A-2, ETZ, Agricultural Land District. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 ETZ Prime Agricultural Land District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural -related farming activities.

- (1) Principal uses. All principal uses permitted in the A-1 ETZ Prime Agricultural Land District.
 - (2) Conditional uses:
 - (a) Animal hospitals, shelters, and kennels.
 - (b) Veterinarian services.
 - (c) Utilities.
 - (d) Schools and churches.
 - (e) Composting.
 - (f) Land restoration.
 - (g) Governmental and cultural uses such as fire and police stations, community centers, parks, libraries, public emergency shelters, playgrounds, museums, historic home sites and landmarks.
 - (3) Area, height and yard requirements:
 - (a) Lot area: minimum 20 acres.
 - (b) Width: minimum 300 feet.
 - (c) Building:
 - [1] Farm dwelling height: maximum 35 feet.
 - [2] Agricultural structures height: maximum two times their distance from the nearest lot lines.
 - (d) Yards setback:
 - [1] Rear: minimum 100 feet.
 - [2] Side: minimum 20 feet.
 - [3] Animals: structures used for housing of animals, minimum 100 feet from all lot lines.
 - [4] Street.
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [5] Shore: minimum 75 feet.
- D. A-3, ETZ, Agricultural Land Holding District. The primary purpose of this district is to

preserve for a limited time period in agricultural and related open space land uses those lands generally located adjacent to existing incorporated urban centers within the Williams Bay ETZ area. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the Williams Bay/Township Joint ETZ Committee no less frequently than every three years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.

- (1) Principal uses. All principal uses permitted in the A-1, ETZ Prime Agricultural Land District.
- (2) Conditional uses:
 - (a) Animal hospitals, shelters and kennels.
 - (b) Land restorations.
 - (c) Utilities.
 - (d) School and churches.
 - (e) Composting.
 - (f) Governmental and cultural uses such as fire and police stations, community centers, shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (g) Golf courses and country clubs.
- (3) Area, height and yard requirements.
 - (a) Lot area: minimum 35 acres.
 - (b) Building:
 - [1] Farm dwelling height: maximum 35 feet.
 - [2] Agricultural structures height: maximum two times their distance from the nearest lot lines.
 - (c) Yards setback.
 - [1] Rear: minimum 100 feet.
 - [2] Side: minimum 20 feet.
 - [3] Animals: structures used for the housing of animals minimum 100 feet from all lot lines.

[4] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[5] Shore: minimum 75 feet.

E. A-4, ETZ, Agricultural-Related Manufacturing, Warehousing and Marketing District. The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural industry.

(1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).

(a) Recreational vehicle and boat storage.

(b) Animal hospitals, shelters and boat storage.

(c) Veterinarian services.

(d) Land restoration.

(e) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(f) Utilities.

(g) Schools and churches.

(h) Contractor storage yards.

(i) Composting.

(2) Area, height and yard requirements:

(a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, all required yards, and off-street parking as required by Walworth County Zoning Ordinance, Section 5.3.

(b) Building height: maximum 35 feet.

(c) Yards setback:

[1] Rear: minimum 75 feet.

[2] Side: minimum 75 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.
- F. A-5, ETZ, Agricultural-Rural Residential District. The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural area for rural-residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soil, topography, or severance from larger agricultural parcels. It is not intended that this district be utilized to accommodate residential subdivisions as defined in Chapter 375, Land Division, of the Williams Bay Municipal Code.
- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
 - (a) Single-family dwellings.
 - (b) Home occupations.
 - (c) Orchards.
 - (d) Vegetable raising.
 - (e) Plant nurseries.
 - (f) Greenhouses.
 - (g) Roadside stands not exceeding one per farm.
 - (h) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (2) Area, height and yard requirements.
 - (a) Lot:
 - [1] Area: minimum 40,000 square feet.
 - [2] Width: minimum 150 feet.
 - (b) Building height: maximum 45 feet.
 - (c) Yards setbacks:
 - [1] Rear: minimum 25 feet.
 - [2] Side: minimum 25 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
- [b] Town road: minimum 50 feet.
- [c] County road: minimum 65 feet.
- [d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

G. C-1, ETZ, Conservation District. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the Williams Bay Extraterritorial Zoning District. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such uses; protect natural watersheds; and protect the water -based resources of the area.

(1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedure established in [§ Section 390-1714](#).

(2) Conditional uses:

- (a) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
- (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, and wild flowers in a manner that is not injurious to the natural reproduction of such crops.
- (c) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- (d) Construction and maintenance of fences.
- (e) Existing agricultural uses, provided that they do not involve extension of cultivated areas or extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (f) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (g) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (h) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- (i) Cultivation of native plants.

- (j) The construction and maintenance of hiking, bicycling, and cross country ski trails.
 - (k) The construction and maintenance of observation towers not to exceed 35 feet in height.
 - (l) The construction and maintenance of ponds and other suitable conditions for wildlife, wild fowl, and migrating bird habitat.
 - (m) Snowmobile trails may be designated for use by the owner upon specific approval by the ETZ Joint Committee with such use to be limited to marked designated trails only for the period December 1 to March 1, annually. All ~~terrain~~ vehicle use is not permitted.
 - (n) Stream bed and stream bank improvement and restoration projects.
 - (o) The construction and maintenance of official signs such as identification, educational, informational, directional, warning, parking or traffic control or similar type signs with the permission of the ETZ Joint Committee as may be necessary and appropriate for the functioning of the conservancy district.
 - (p) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - [1] Any such building does not exceed 500 square feet in floor area; and
 - [2] No filling, flooding, draining, dredging, tiling or excavating shall be done.
- H. C-2, ETZ, Upland Resource Conservation District. The primary purpose of the district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farmlands, and abandoned mineral extraction lands within the Williams Bay Extraterritorial Zoning District. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the ETZ area, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the area.
- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with procedures established in [§ Section 390-1714](#).
 - (2) Conditional uses:
 - (a) Farming and related agricultural uses when conducted in accordance with Walworth County conservation standards.
 - (b) Forest preservation.
 - (c) Forest and game management.
 - (d) Parks and recreation areas; arboreta; botanical gardens.

- (e) Single-family detached dwellings.
 - (f) Animal hospitals, shelter, kennels.
 - (g) Land restoration.
 - (h) Golf courses.
 - (i) Utilities.
 - (j) Governmental and cultural use such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (3) Area, height and yard requirements:
- (a) Lot.
 - [1] Area: minimum five acres.
 - [2] Width: minimum 300 feet.
 - (b) Building height: maximum 35 feet.
 - (c) Yard setbacks:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.
- I. C-3, ETZ, Conservancy-Residential District. The primary purpose of this district is essentially the same as that of the C-2, ETZ District, namely the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those relatively small parcels or which, because of their proximity to urban areas, have a very high residential value potential. It is thus intended that this district recognize and attempt to balance man's need for shelter locations with his need to protect and restore the natural environment. Because of its residential character and smaller lot area minimum, farming and commercial recreation uses are not permitted.
- (1) Principal uses:
- (a) Forest preservation.

- (b) Forest and game management.
 - (c) Single-family detached dwellings.
- (2) Accessory uses:
 - (a) Residential accessory structures.
- (3) Conditional uses:
 - (a) Animal hospitals, shelters and kennels.
 - (b) Land restoration.
 - (c) Planned residential developments.
 - (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (4) Area, height and yard requirements:
 - (a) Lot:
 - [1] Area: minimum 100,000 square feet.
 - [2] Width: minimum 200 feet.
 - (b) Building height: maximum 35 feet.
 - (c) Yards setback:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.
- J. C-4, ETZ, Lowland Resource Conservation District. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the ETZ Zoning District. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water -based recreational resources of the ETZ Area.
 - (1) Designation. The C-4, ETZ, District includes all shorelands in the jurisdiction of this

[articleOrdinance](#) which are designated as wetlands on the Final Wisconsin Wetland Inventory Maps, dated June 27, 1983, that are hereby adopted and made a part of this [articleOrdinance](#).

- (2) Principal uses. The following uses are permitted, subject to general shoreland zoning regulations in [§ Section](#) 390-1709 of this [articleOrdinance](#), the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other [stateState](#) and [federalFederal](#) laws, if applicable:
 - (a) Activities and uses which do not require the issuance of a zoning permit but which must be carried on without filling, flooding, draining, dredging, ditching, tiling or excavating:
 - [1] Hiking, fishing, trapping, hunting, swimming, and boating;
 - [2] The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - [3] The practice of silviculture, including the planting, thinning and harvesting of timber;
 - [4] The pasturing of livestock and the construction and maintenance of fences;
 - [5] The cultivation of agricultural crops;
 - [6] The construction and maintenance of duck blinds;
 - [7] The construction and maintenance of piers, docks and walkways, including those built on pilings; and
 - [8] The maintenance, repair, replacement and reconstruction of existing [townTown](#) and [countyCounty](#) highways and bridges.
 - (b) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
 - [1] Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - [2] Dike and dam construction and ditching for the purpose of growing and harvesting cranberries; and
 - [3] Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (3) Conditional uses.

- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - [1] The road cannot as a practical matter be located outside wetland; and
 - [2] The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - [a] The road shall be designed and constructed as a single l-lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - [b] Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - [c] Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - [1] Any such building does not exceed 500 square feet in floor area; and
 - [2] No filling, flooding, draining, dredging, tiling or excavating shall be done.
- (c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education area, historic and scientific area, wildlife refuges, game preserves, and private wildlife habitat areas, provided that:
 - [1] Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - [2] No filling is to be done except limited filling which is necessary for the development of a boat access site; and
 - [3] Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat or to otherwise enhance wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, l provided that:
 - [1] The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and

[2] Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

- (4) Prohibited uses. Any use not listed in [§ Section 390-1703J\(2\)](#) or (3) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this [articleOrdinance](#) in accordance with [§ Section 390-1717](#) and Chapter NR 115, Wisconsin Administrative Code.
- (5) Establishment. When an apparent discrepancy exists between the shoreland-wetland district shown on the Official Zoning Map and actual field conditions at the time the maps were adopted, the ETZ Joint Committee shall contact the appropriate field office of the Department of Natural Resources to determine if the [Shoreland-Wetland Districtshoreland-wetland-district](#) as mapped is in error. If the Department staff concur with the ETZ Joint Committee that a particular area was incorrectly mapped as a wetland, the ETZ Joint Committee shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Official Zoning Map, the ETZ Joint Committee shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

K. P-1, ETZ, Recreational Park District.

- (1) Principal uses. All uses in this [districtDistrict](#) are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Conditional uses:

Parks, general recreation
Parks, leisure and ornamental
Forest preserves
Boat rentals and boat access sites
Gymnasiums and athletic clubs
Ice skating
Picnic grounds
Play fields and athletic fields
Playgrounds
Play lots and tot lots
Recreational [accesswaysaccess ways](#)
Forest and game management
Golf courses and country clubs
Ski hills
Yachting clubs and marinas
Hunting and fishing clubs
Cultural activities
Amusement activities
Public assembly uses
Riding stable

Archery ranges
Golf driving ranges
Sports fields facilities
Polo fields
Skating rinks
Governmental and cultural uses such as fire and police stations, community centers, libraries,
public emergency shelters, and museums
Municipal utilities

(3) Area, height and yard requirements:

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by ordinance, and all required yards.
- (b) Building height: maximum 35 feet.
- (c) Yards setback:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.

L. P-2, ETZ, Institutional Park District.

- (1) Principal uses. All uses in this ~~district~~[District](#) are conditional uses and must be approved in accordance with procedures established in ~~§ Section~~[390-1714](#).
- (2) Conditional uses: [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Churches, synagogues, and temples
Rectories and convents
College dormitories
Hospitals
Junior colleges
Monasteries
~~Nurses homes~~
Nursing homes and sanitariums
Nursery schools and day-care centers

Orphanages
Retirement homes
Universities and colleges
Lodges and fraternal buildings
Town hall or town garage
Golf courses and country clubs
Ski hills
Yachting clubs and marinas
Cultural activities
Public assembly uses
Riding stables
Archery ranges
Golf driving ranges
Sports fields
Polo fields
Airports, airstrips, landing fields, and heliports
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
Municipal utilities
Schools
Cemeteries and crematories
Recycling centers
Composting

(3) Area, height and requirements:

(a) Lot (sewered):

[1] Area: minimum 10,000 square feet.

[2] Width: minimum 100 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 25 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including

freeways).

[4] Shore: minimum 75 feet.

M. R-1, ETZ, Single-Family Residence District (unsewered). The Single-Family Residence District is hereby established to provide location for and maintain values of low density single-family development only.

(1) Principal uses:

(a) Single-family detached dwellings on lots not served by public sanitary sewer.

(2) Accessory uses:

(a) Residential accessory structures.

(3) Conditional uses:

(a) Golf courses and country clubs.

(b) Planned residential developments.

(c) Home occupations including barbering and beauty culture.

(d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(e) Municipal utilities.

(f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot: width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(b) Building height: maximum 35 feet.

(c) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 15 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

N. R-2, ETZ, Single-Family Residence District (sewered). The Single-Family Residence District is hereby established to provide location for and maintain values of low density single-family development only.

(1) Principal uses:

- (a) Single-family detached dwellings on lots served by public sanitary sewers.

(2) Accessory uses:

- (a) Residential accessory structures.

(3) Conditional uses:

- (a) Golf courses and country clubs.
- (b) Planned residential developments.
- (c) Home occupations including barbering and beauty culture.
- (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (e) Municipal utilities.
- (f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot:

[1] Area: minimum 15,000 square feet.

[2] Width: minimum 100 feet.

(b) Building height: maximum 35 feet.

(c) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 15 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

- O. R-2A, ETZ, Single-Family Residence District (Sewered). The primary purpose of the R-2A ~~District~~district is to require larger residential sewered lots in environmentally sensitive areas. Such environmentally sensitive areas may include but not be limited to, environmental corridors, shoreland areas and significant woodlands.

(1) Principal uses:

- (a) Single-~~family detached dwellings~~Family Detached Dwellings on lots served by public sanitary sewers.

(2) Accessory uses:

- (a) Residential accessory structures.

(3) Conditional uses:

- (a) Golf courses and country clubs.
- (b) Planned residential developments.
- (c) Home occupations including barbering and beauty culture.
- (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (e) Municipal utilities.
- (f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot:

- [1] Area: minimum 50,000 square feet.
- [2] Width: minimum 100 feet.

(b) Building height: maximum 35 feet.

(c) Yards setback:

- [1] Rear: minimum 25 feet.
- [2] Side: minimum 15 feet.
- [3] Street:
- [a] Subdivision road: minimum 25 feet.
- [b] Town road: minimum 50 feet.
- [c] County road: minimum 65 feet.
- [d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

P. R-3, ETZ, Two-Family Residence District (Sewered or Unsewered).

(1) Principal uses:

- (a) Single-family detached dwellings.
- (b) Two-family dwellings.

(2) Accessory uses:

- (a) Residential accessory structures.

(3) Conditional uses:

- (a) Golf courses and country clubs.
- (b) Planned residential developments.
- (c) Home occupations including barbering and beauty culture.
- (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (e) Municipal utilities.
- (f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot (sewered):

- [1] Area: minimum 15,000 square feet per duplex building.
- [2] Width: minimum 100 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

- [1] Rear: minimum 25 feet.
- [2] Side: minimum 15 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
- [b] Town road: minimum 50 feet.
- [c] County road: minimum 65 feet.

- [d] State and federal highways: minimum 85 feet (not including

freeways).

[4] Shore: minimum 75 feet.

Q. R-4, ETZ, Multiple-Family Residence District (Sewered or Unsewered).

- (1) Principal uses: All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Accessory uses:
 - (a) Residential accessory structures.
- (3) Conditional uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multiple-family dwellings.
 - (d) Golf courses and country clubs.
 - (e) Planned residential developments.
 - (f) Lodges and fraternal buildings.
 - (g) Nursery schools and day-care centers.
 - (h) Government and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (i) Municipal utilities.
 - (j) Schools and churches.
- (4) Area, height and yard requirements:
 - (a) Multiple-family density: maximum six dwelling units per net developable acre.
 - (b) Lot (sewered).
 - [1] Width:
 - [a] Minimum two-family: 80 feet.
 - [b] Multiple-family: 100 feet.
 - [2] Area:
 - [a] Minimum two-family: 12,000 square feet.
 - [b] Multiple-family: 15,000 square feet.
 - [c] Single-family: 15,000 square feet.
 - (c) Lot (unsewered): width and area of all lots to be determined in accordance with

Walworth County Zoning Ordinance Section 2.5. No more than four dwelling units per building shall be permitted on an unsewered lot.

- (d) Building height: maximum 35 feet.
- (e) Yards setback:
 - [1] Rear: minimum 25 feet.
 - [2] Side: minimum 10 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeway).
 - [4] Shore: minimum 75 feet.
- (5) Park and open space lands. Park and open space land, exclusive of required yards, access drives, and parking area, shall comprise at least 20% of the total development area. Such required park and open space land may be placed in more than one location within the development area; provided, however, that no single such area shall contain less than 1/2 acre and that such area shall have its least dimension more than 1/4 its length.

R. B-1, ETZ, Local Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Conditional uses:

Bakeries
Barber shops
Beauty shops
Business offices
Clinics
Clothing and apparel stores
Clubs
Confectioneries
Delicatessens
Drugstores
Fish markets
Florists
Fruit stores
Gift stores

Grocery stores
Hardware stores
Hobby stores
Lodges
Meat markets
Optical stores
Packaged beverage stores
Professional offices
Restaurants
Self-service and pick-up laundry and dry cleaning establishments
Sporting goods stores
Supermarkets
Tobacco stores
Vegetable stores
Antique shops
One residential dwelling unit when located within the principal building structure
On and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Vehicle sales and service
Public parking lots
Taxi stands
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks

(3) Area, height and yard requirements:

(a) Lot (sewered).

[1] Area: minimum 7,500 square feet.

[2] Width: minimum 75 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 20 feet.

[2] Side: minimum 10 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highway: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

S. B-2, ETZ, General Business District.

(1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).

(2) Conditional uses:

All conditional uses permitted in the B-1, ETZ, Local Business District

Appliance stores

Caterers

Churches

Clothing repair stores

Crockery stores

Department stores

Electrical supply

Financial institutions

Food lockers

Furniture stores

Furniture upholstery shops

Heating supply

Hotels and motels

Laundry and dry cleaning establishments not employing over 7 persons

Liquor stores, bars, taverns, cocktail lounges

Music stores

Newspaper offices and press rooms

Night clubs and dance halls

Office supply stores

Pawn shops

Personal service establishments

Pet shops

Photographic supplies

Plumbing supplies

Printing

Private clubs

Private schools

Publishing

Radio broadcasting studios

Secondhand stores

Television broadcasting studios

Trade and contractor's offices

Upholsterer's stores

Variety stores

Boat and marine supplies not including manufacturing

Gasoline service stations
One residential dwelling unit when located within the principal business structure
Public assembly uses
Animal hospitals, shelters and kennels
Commercial recreational facilities
On- and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in theaters
Funeral homes
Drive-in banks
Vehicle sales and service
Public parking lots
Taxi stands
Building contractors storage yards
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks
Municipal utilities
Heliports, bus and rail depots
Schools and churches
Hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries and crematories
Packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood
Tanning studios
Small engine repair shops
Flea markets

(3) Area, height and yard requirements:

(a) Lot (sewered).

[1] Area: minimum 7,500 square feet.

[2] Width: minimum 75 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth Country Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 20 feet.

[2] Side: minimum 10 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: minimum 85 feet (not including freeways).
- [4] Shore: minimum 75 feet.

T. B-3, ETZ, Waterfront Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Conditional uses:

All conditional uses permitted in the B-1 and B-2 Districts

Boat rental and boat access sites
Boats and marine supplies
Bowling alleys
Hotels, motels, and tourist courts
Bait shops
Restaurants
Skating rinks
Sporting goods and supplies
Supper clubs
Swimming beaches and pools
Taverns and bars
Yachting clubs and marinas
Bath houses
Boat liveryes
Dance halls
One residential dwelling unit when located within the principal business structure
Public assembly uses
Commercial recreational facilities
On and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in food and beverage establishments
Vehicles sales and service
Public parking lots
Taxi stands
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks
Municipal utilities
Schools and churches

(3) Area, height and yard requirements:

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by [§ Section 390-1704](#), and all required yards. In addition, in all areas not served by a centralized sanitary sewerage system, the lot area shall comply with the requirements of Walworth County Zoning Ordinance Section 2.5.
- (b) Building height: maximum 35 feet.
- (c) Yards setback:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 10 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.

U. B-4, ETZ, Highway Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Conditional uses:

All conditional uses permitted in the B-1 and B-2 Districts

- Automobile and truck retail services
- Automobile and repair services
- Bars and taverns
- Candy, nut, and confectionery sales
- Gasoline service stations
- Gift, novelty, and souvenir sales
- Hotels, motels, and tourist courts
- Night clubs and dance halls
- Restaurants
- Sales, service, and installation of tires, batteries and accessories
- One residential dwelling unit when located within the principal business structure
- Animal hospitals, shelters, and kennels
- Yachting clubs and marinas
- Public assembly uses
- Commercial recreation facilities

On- and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in food and beverage establishments
Drive-in bank
Vehicle sales and service
Public parking lots
Taxi stands
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks
Municipal utilities
Schools and churches
Commercial greenhouses

(3) Area, height, and yard requirements:

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by [§ Section 390-1704](#), and all required yards. In addition, in all areas not served by a centralized sanitary sewerage system, the lot area shall comply with the requirements of Walworth County Zoning Ordinance Section 2.5.
- (b) Building height: maximum 35 feet.
- (c) Yards setback:
 - [1] Rear: minimum 40 feet.
 - [2] Side: minimum 40 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: 85 feet minimum (not including freeways)
 - [4] Shore: minimum 75 feet.

V. B-5, ETZ, Planned Commercial-Recreation Business District. The primary purpose of this district is to permit on a planned basis major commercial-recreation development projects, including recreation-related residential land uses. Such planned development projects are likely to include a large number of different individual land uses which are needed to carry on and support the primary commercial-recreational venture.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in

accordance with the procedures established in ~~§ Section~~ 390-1714.

(2) Conditional uses:

Aircraft landing and ~~takeoff~~~~take-off~~ fields
Amusement parks and miniature golf courses
Boat rentals and boat access sites
Dance halls
Restaurants, taverns, bars, and night clubs
Drive-in movies
Dude ranches
Fairgrounds

Health and recreational resorts, including the following uses which may be permitted as a part of the resort complex, provided that either in combination or individually they do not occupy more than 25% of the total floor area of the principal resort buildings:

Retail sales

Antiques
Books
Camera and photographic supplies
Candy, nut and confectionery
China, glassware, and ~~metalware~~~~metal-ware~~
Cigars, cigarettes, and tobacco
Flowers
Fur apparel
Gifts, novelties, and souvenirs
Jewelry
Men's and boy's clothing and furnishings
Music supplies
Newspapers and magazines
Shoes
Sporting goods
Stationery
Toys
Women's and girl's clothing and furnishings

Personal services

Artists services
Barber services
Beauty services
Dry cleaning
Laundry
Photographic studios
Shoe repair and cleaning services
Custom tailoring
Travel arranging services
Go-cart tracks
Golf course and related facilities
Hotels and motels

Penny arcades
Race tracks
Riding stables
Roller skating rinks
Skiing and tobogganing
Snowmobile trails
Swimming beaches
Golf courses and country clubs
Ski hills
Yachting clubs and marinas
Public or private campgrounds
Cultural activities
Amusement activities
Public assembly uses
Archery ranges
Golf driving range
Sports field
Polo field
Skating rinks
Commercial recreational facilities
On and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in theaters
Motels, hotels, and tourist courts
Vehicle sales and service
Public parking lots
Taxi stands
Airports, airstrips, landing fields, and heliports
Municipal utilities
Schools and churches
Commercial water slides

Single-family and multiple-family dwelling units when located on the same site with health or recreational resorts; provided, however, that the transfer of ownership of any dwelling units may only include, therewith, a fractional interest in the site on which the dwelling unit is located, and such transfer shall not result in a subdivision or minor subdivision as defined under [Chapter 375, the Village of Williams Bay Land Division Ordinance](#). Any permitted dwelling units may be used either for the accommodation of transient guests or exclusively for living quarters for one family.

Governmental and cultural centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks

(3) Area, height and yard requirements:

(a) Dwelling unit density. No planned development approved as a conditional use

in the B-5, ETZ District may, with respect to that area exclusively devoted to residential land uses, exceed 10 dwelling units per net developable acre.

- (b) Building height: maximum 35 feet.
- (c) Yards setback (interior):
 - [1] Rear: minimum 40 feet.
 - [2] Side: minimum 15 feet.
 - [3] Street: minimum 25 feet.
- (d) Yards setback (perimeter): minimum 75 feet.
 - [1] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: 85 feet; minimum (not including freeways).
- (e) Open space: minimum 70% of total lot area.

W. B-6, ETZ, Bed-and-Breakfast District. The Bed-and-Breakfast District is hereby established to provide areas to include bed-and-breakfast establishments which meet all state code requirements for such establishments.

- (1) Principal uses:
 - (a) Bed-and-breakfast establishments.
- (2) Area, height, and yard requirements.
 - (a) Lot (sewered).
 - [1] Area: minimum 15,000 square feet.
 - [2] Width: minimum 100 feet.
 - (b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.
 - (c) Building height: maximum 35 feet.
 - (d) Yards setback:
 - [1] Rear: minimum 25 feet.
 - [2] Side: minimum 15 feet.
 - [3] Street:

- [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
- [4] Shore: minimum 75 feet.

X. M-1, ETZ, Industrial District. The M-1 ETZ Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the ETZ District as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors, and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with procedures established in [§ Section 390-1714](#).
- (2) Conditional uses.

Automotive and marine products; storage, manufacturing, and repair/cleaning, dressing, and dyeing

- Commercial bakeries
- Commercial greenhouses
- Cosmetic manufacturing
- Distributors
- Electrical appliances manufacturing
- Electronic devices manufacturing
- Farm machinery sales and repair
- Food locker plants
- Glass manufacturing
- Jewelry manufacturing
- Instrument manufacturing
- Laboratories
- Leather fabrication, not including tanning
- Machine shops
- Manufacture and bottling of nonalcoholic beverages
- Mini warehousing
- Packaging and packing of confections
- Packaging and assembly of products made from fur
- Painting
- Pharmaceutical processing
- Printing and publishing

Storage and sale of machinery and equipment
Tobacco and toiletries
Upholstery
Warehousing
Wholesaling

- (3) Permitted accessory uses.
 - (a) Garages for storage of vehicles used in conjunction with the operation of an industry.
 - (b) Off-street parking and loading areas.
 - (c) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
 - (d) Residential quarters for the owner or caretaker.
 - (e) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
 - (f) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- (4) Certain incompatible uses prohibited. The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:
 - (a) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, ~~pyroxylin~~proxline, and radium.
 - (b) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coat tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, ~~pyroxylin~~pyroxyline, and radioactive materials.
 - (c) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
 - (d) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- (5) Area, height and yard requirements:
 - (a) Lot area: sufficient area and width for principal building(s) and its accessory buildings, off-street parking and loading areas and required yards.
 - (b) Building:
 - [1] Height: maximum 35 feet.
 - [2] Area: no more than 30% of the lot area.

- (c) Yards setback:
 - [1] Rear: minimum 30 feet.
 - [2] Side: minimum 15 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 150 feet.
- Y. I-1, ETZ, Institutional District. The I-1 ETZ Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
 - (1) Permitted uses.
 - (a) Public or private schools, colleges, universities, field campuses, or outdoor educational facilities.
 - (b) Churches.
 - (c) Funeral homes.
 - (d) Hospitals, sanatoriums, nursing homes, and clinics.
 - (e) Libraries, community centers, conference centers, museums, and public art galleries.
 - (f) Observatories and planetariums.
 - (g) Public administrative offices, and public service buildings, including fire and police stations.
 - (h) Municipal utility offices.
 - (2) Permitted accessory uses.
 - (a) Residential quarters for caretakers or clergy.
 - (b) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
 - (c) Service buildings and facilities normally accessory to the permitted use.
 - (d) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional

engineer shall certify that the structure is adequate to support the load.

(3) Conditional uses.

- (a) Those uses set forth in [§ 390-0223C. \[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. I\)\]](#)~~Section 18.0504, 18.0511 and 18.0513.~~

(4) Area, height and yard requirements.

- (a) Lot area: minimum 12,000 square feet with: minimum 90 feet.

(b) Building:

[1] Height: maximum 35 feet.

[2] Area: residential uses shall comply with the single-family area requirements of the R-4, ETZ, Multiple-Family Residence District.

(c) Yards setback:

[1] Rear: minimum 30 feet.

[2] Side: minimum 15 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highway: minimum 85 feet.

[4] Shore: minimum 150 feet.

- (5) Plans and specifications to be submitted to Extraterritorial Zoning Committee. To encourage an institutional use environment that is compatible with the residential character of the Village of Williams Bay, and the extraterritorial zoning area, zoning permits for permitted uses in the Institutional District shall not be issued without review and approval of the appropriate joint Extraterritorial Zoning Committee and the Village of Williams Bay Plan Commission and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

Z. PUD ETZ Planned Unit Development Overlay District. The Planned Unit Development (PUD) Overlay District is intended to permit areas to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and public, quasi-public, agricultural and/or conservation areas.

- (1) Purpose and intent. The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring

substantial compliance with the basic intent of the Zoning Ordinance and the general plan for community development. Consistent with this intent it allows diversification and variation in relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and can encourage and facilitate preservation of open land. The unified and planned development of a site in single or corporate ownership or control or in common ownership under the Unit Ownership Act as set forth in Chapter 703 of the Wisconsin Statutes (Condominiums) may be permitted by the Village upon specific petition under this section of the [chapterOrdinance](#) and after public hearing, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the [chapterOrdinance](#) have been met.

- (2) Permitted uses. Uses permitted in a PUD shall conform to the uses, principal and/or conditional, permitted in the underlying zoning district classification.
- (3) Minimum area requirements. Areas designated as Planned Unit Development Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

Principal Uses	Minimum Area of PUD (acres)
Residential PUD	20
Commercial PUD	30
Industrial PUD	35

- (4) Procedural requirements.
 - (a) Pre-petition conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District or development of said [districtDistrict](#), the owner or his agent making such petition is encouraged to consult with the Plan Commission of the town in which the property is located. Subsequent to that meeting or, if no meeting is held with the town Plan Commission prior to the official submission of the petition the owner or his agent making such petition shall meet with the appropriate joint Extraterritorial Zoning Committee to discuss the scope and proposed nature of the contemplated development.
 - (b) Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as required by [§ Section](#) 390-1718 and the following information:
 - [1] A statement which sets forth the relationship of the proposed PUD to the Village's and the extraterritorial master plan or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - [a] Total area to be included in the PUD, area of open space, residential

density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

- [b] A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - [c] A general outline of the organizational structure of a property owners' or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - [d] Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations, or administrative rules, or other universal guidelines.
 - [e] The expected date of commencement of physical development as set forth in the proposal.
- [2] A general development plan including:
- [a] A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - [b] The location of existing and proposed public and existing private roads, existing and proposed driveways, and existing and proposed parking facilities.
 - [c] The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 - [d] The location of institutional, recreation, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and ~~drainageways~~[drainage ways](#).
 - [e] The type, size, and location of all structures.
 - [f] General landscape treatment.
 - [g] Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
 - [h] The existing and proposed location of public sanitary sewer and water supply facilities.
 - [i] The existing and proposed location of all private utilities or other easements.
 - [j] Characteristics of soils related to contemplated specific uses.
 - [k] Existing topography on the site with contours at not greater than

two-foot intervals.

- [l] A stormwater management plan for development of the site.
 - [m] A construction erosion control plan for the project.
 - [n] Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- (c) Referral to Joint Extraterritorial Zoning Committee (ETZ Joint Committee) and Plan Commission. The petition for a Planned Unit Overlay Development District shall be referred to the appropriate ETZ Joint Committee and Plan Commission, which shall formulate tentative recommendations for the petition, including any additional conditions or restrictions which it may deem necessary or appropriate. The ETZ Joint Committee shall then hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to which the petition pertains as a Class 2 notice, under Ch. 985, Wis. Stats., during the preceding 30 days, and by mailing notice to the Town Clerk of the ~~town~~^{Town} in which the land to which the petition pertains is located. Following the public hearing, the ETZ Joint Committee shall vote on the proposed petition including any conditions or restrictions which it may deem necessary or appropriate. The Village may not adopt the petition, or amendments thereto, unless the petition, or amendments thereto, receives a favorable vote of the majority of the six members of the ETZ Joint Committee. Such vote shall be deemed action taken by the entire Plan Commission.
- (d) Referral to Village Board. The Village Board may adopt by ordinance the proposed petition for a Planned Unit Development Overlay District including the conditions or restrictions recommended by the ETZ Joint Committee after giving notice and holding a hearing as provided in Subsection Z(4)(c), or the Village Board may change the proposed conditions or restrictions for the proposed Planned Unit Development District after first submitting the proposed changes to the ETZ Joint Committee for recommendation and report. The ETZ Joint Committee and the Village Board may hold a joint hearing on the proposed changes after giving notice as provided in Subsection Z(4)(c).
- (e) The ETZ Joint Committee recommendation and the proposed changes shall be submitted to the Village Board in accordance with the voting requirements set forth in Subsection Z(4)(c).
- (5) Basis for approval of the petition. The ETZ Joint Committee in making its recommendation and the Village Board in making its determination shall consider:
- (a) That the proposed Planned Unit Development Overlay District is consistent in all respects with the purpose of this section and the spirit and intent of this ~~chapter~~^{Ordinance}; is in conformity with the adopted master plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
- [1] The ETZ Joint Committee shall specify lot area, width, yard, and height

requirements in the granting of a permit. The requirements of the underlying zoning district may be relaxed to the discretion of the ETZ Joint Committee but in no case shall the maximum number of units per square foot in relation to the total development be exceeded for the underlying zoning district. However, the ETZ Joint Committee shall not grant approval for any building or structure exceeding 35 feet in height.

[2] The ETZ Joint Committee₁ in making its recommendations₁ and the Village Board₁ in making its determination₁ shall further find that:

- [a] The proposed site shall be provided with adequate drainage facilities for surface water and stormwater.
- [b] The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
- [c] No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas, by the proposed development.
- [d] The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- [e] Public water and sewer facilities shall be provided.
- [f] Natural areas such as significant woodlands, meadows, wetlands, wildlife habitat areas, lakes, streams, and floodplain shall be protected as "environmental corridors." Environmental corridors shall not be used in the calculation of residential densities within a planned unit development.
- [g] The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one owner, the petition for such Planned Unit Development Overlay district shall be considered as one tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Walworth County.

(b) That in the case of a proposed residential Planned Development project:

- [1] Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
- [2] The total net density within the Planned Unit Development Overlay District will be compatible with the density of development either existing

or permitted in areas adjacent to the proposed PUD project.

- [3] Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
- [4] Adequate, continuing fire and police protection is available.
- [5] The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- [6] Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(c) That in the case of a proposed commercial Planned Unit Development project:

- [1] The proposed development will be adequately served by off-street parking and truck service facilities.
- [2] The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
- [3] The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- [4] The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(d) That in the case of a proposed industrial Planned Unit Development project:

- [1] The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
- [2] The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
- [3] The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- [4] The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of public streets.

- (6) Changes and additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the appropriate Joint Extraterritorial Zoning Committee and Plan Commission for its review and approval and, if in the opinion of the ETZ Joint Committee, such change or addition constitutes a material alteration of the original plan, the procedural requirements Subsection Z(4)(c) and (d) shall apply
- (7) Subsequent land division. The division of any land or lands within a Planned Unit Development District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a preliminary plat of lands to be divided shall accompany the petition for PUD approval.
- (8) Development of preexisting ~~Planned Unit Development Districts~~[planned-unit development districts](#). It shall be the policy of the Village of Williams Bay to create ETZ Planned Unit Development Districts only in those areas where a detailed unified development plan has been presented and approved. In areas where the district was applied prior to the enactment of this [articleOrdinance](#), or where approved petitions have not been implemented within a reasonable period of time, the subsequent development of the PUD shall require the issuance of a conditional use permit. Such conditional use permit shall be issued only after a new petition has been filed and approved by the Joint Committee and the Village Board after a new public hearing in the manner required in Subsection Z(4)(d). The Village Board may set a time schedule for the completion of a planned unit development project. Any existing undeveloped Planned Unit Development District shall be reviewed annually in April by the ETZ Joint Committee and report regarding the disposition of that district shall be made to the Village Board.
- (9) Applicability. This section shall be applicable to all property within the Extraterritorial Zoning Jurisdiction of the Village of Williams Bay with the exception of that property located within the Town of Walworth. It is the intent that no PUD shall be permitted in the Town of Walworth.

§ 390-1704. Incorporation of portions of Village Zoning Ordinance. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

To ensure consistent, equitable, and proper administration of extraterritorial zoning by the Village, the following sections of the Village Zoning Ordinance, as set forth in Chapter 390 of the Municipal Code of the Village, are hereby incorporated into this [articleOrdinance](#) as though fully set forth herein, including any future amendments thereto, and shall apply to all property within the ETZ Boundaries and the zoning districts existing therein:

- A. [Sections 390-0102 through 390-0110](#)~~Section 18.0202 .0203~~, General Provisions.
- B. [Sections 390-0803 through 390-0806](#)~~Section 18.0600~~, Traffic, Parking and Access.
- C. [Sections 390-0504 through 390-0506](#)~~Section 18.0700~~, Modifications.
- D. [Article 10, Signage](#)~~Section 18.0800, Signs~~.
- E. [Article 6](#)~~Section 18.0900~~, Nonconforming [Situations](#)~~Uses, Structures, and Lots~~.

- F. Section ~~390-1206~~~~18.1000~~, Site Plan. ~~Review and Architectural Control.~~
- G. ~~Article 8~~~~Section 18.1100~~, Performance Standards.
- H. ~~Section 390-0114~~~~Section 18.1307~~, ~~Floodland District Boundary Changes Limited.~~
- I. ~~Section 18.1308~~, ~~Shoreland C-1 Amendments.~~
- J. ~~Section 18.1309~~, ~~Protest.~~
- K. ~~Section 18.1500~~, Definitions.
- L. ~~Chapter 18~~, ~~Appendices, B-F.~~

§ 390-1705. Duties of Zoning Administrator and Building Inspector.

- A. The Village Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this ~~article~~~~ordinance~~, subject to the review of the ETZ Joint Committee in its discretion except where such authority is otherwise specifically delegated to a town Building Inspector. In the absence of a Village Zoning Administrator, the Village Building Inspector is hereby designated as the Village Zoning Administrator for the provisions of this ~~article~~~~Ordinance~~. The duty of the Zoning Administrator shall be to interpret and administer this ~~article~~~~Ordinance~~ and to issue, after on-site inspection, all permits required by this ~~article~~~~Ordinance~~.
- B. No structure shall be hereafter located, erected, moved, reconstructed, extended, enlarged or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector of the town consistent with the procedural requirements of the ordinance establishing the position of town Building Inspector, unless otherwise exempted pursuant to ~~§ Sections~~ 390-1707 of this ~~article~~~~ordinance~~.
- C. In addition to the duties set forth above, the Village Zoning Administrator shall further, subject to review of the ETZ Joint Committee in its discretion:
 - (1) Maintain records of all permits issued, fees collected, inspections made, work approved, and other official actions.
 - (2) Record the lowest floor elevations of all structures erected, moved, altered, or improved in the floodland districts.
 - (3) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 - (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this ~~article~~~~ordinance~~.
 - (5) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this ~~article~~~~ordinance~~ to the owner, resident, agent, or occupant of the premises, and report on corrected violations to the Village Attorney in a manner specified by the Attorney.
 - (6) Assist the Village Attorney in the prosecution of ordinance violations.

- (7) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this [articleOrdinance](#). If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.
- (8) Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
- (9) Request assistance and cooperation from the appropriate township, Sheriff's Department and Village Attorney as deemed necessary.
- (10) Attend all such meetings of the ETZ Joint Committee as requested by the ETZ Joint Committee.

§ 390-1706. Zoning permit required.

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted pursuant to [§ Section](#) 390-1707 of this [articleOrdinance](#).

- A. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:
 - (1) Name and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision, or metes and bounds; addresses of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a [professionalregistered](#) land surveyor showing the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off [street](#) parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - (4) The Zoning Administrator may waive the plat of survey requirement for accessory buildings and additions to single-family and two-family dwellings when the building or addition is less than 250 square feet in area. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.
 - (5) Additional information as may be required by the Joint Committee, Village Engineer or Zoning Administrator.

- B. A zoning permit shall be granted or denied in writing by the Zoning Administrator within 45 days of submission subject to review by the ETZ Joint Committee in its discretion. The permit shall expire within six months unless substantial work has commenced, or within 18 months if the structure for which the permit is issued is not substantially completed. Any permit issued in conflict with the provisions of this [articleOrdinance](#) shall be null and void.

§ 390-1707. Uses not requiring zoning permit.

- A. No zoning permit shall be required for any of the following cases:
- (1) For building an accessory building less than 100 square feet in area.
 - (2) For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use.
 - (3) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.
- B. However, no structure or development in a floodland district shall be exempt from obtaining a zoning permit, and any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, yard, height, and other requirements set forth in this [chapterOrdinance](#).

§ 390-1708. Certificate of compliance required.

- A. No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create a change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of compliance shall have been issued by the Zoning Administrator and town Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this [articleOrdinance](#). Such certificate shall be applied for at the time of occupancy of any land and/or building.
- B. No land within the floodland districts shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this [chapterOrdinance](#) have been fully complied with. Such certification shall include the first floor elevation of any structure erected on the site.
- C. No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator and town Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Extraterritorial Zoning Ordinance, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the applicable town and State of Wisconsin. Such certificate for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for a certificate of compliance shall be made in the same manner as for a zoning permit

pursuant to ~~§ Section~~ 390-1706 of this ~~article~~Ordinance.

§ 390-1709. Shoreland regulations.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to all land lying within 1,000 feet of the ordinary high ~~water~~ mark of any lake and all lands lying within 300 feet of the ordinary high ~~water~~ mark of navigable rivers or streams, or the landward side of the floodplain, whichever is greater. Rivers and streams in the ETZ District shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps referenced in Section 3.2 of the Walworth County Shoreland Zoning Ordinance. If evidence to the contrary is presented, the Village Zoning Administrator shall make the initial determination whether or not the river or stream in question is navigable under laws of this state. The Village Zoning Administrator shall contact the appropriate district DNR office for a determination of navigability or ordinary high-water mark. Flood Hazard Boundary Maps, or Flood Insurance Study Maps (or soil maps or other existing county maps used to delineate floodplain areas which have been adopted by Walworth County) shall be used to determine the extent of the floodplain of rivers or streams in the ETZ District.

A. Tree cutting, shrubbery clearing, and earth movements shall require a zoning permit and a conservation plan. In addition, the Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out an approved land conservation plan. The amount of such surety shall be determined by the Zoning Administrator and the form and type of all sureties shall be approved by the ETZ Joint Committee. The Zoning Administrator may, as appropriate, request a review of the proposed cutting, clearing, or earth movement activity by the Wisconsin Department of Natural Resources, and the USDA Natural Resources~~Soil~~ Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a zoning permit but not to exceed 30 days. All cutting, clearing, and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural beauty of the ETZ District. Paths and trails shall not exceed 10 feet in width and shall be so designed and constructed as to result in the least removal and disruption of natural ground cover and the minimum impairment of natural beauty. In the strip of land 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 or the same proportion of a smaller lot shall be clear-cut.

- (1) Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. These provisions do not apply to the removal of dead or diseased trees.
- (2) Cutting plan. A special cutting plan allowing greater cutting may be permitted by the ETZ Joint Committee by issuance of a conditional use permit~~Conditional Use Permit~~, pursuant to ~~§ Section~~ 390-1714. An application for such a permit shall include a survey of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The ETZ Joint Committee may grant such a permit only if it finds that such special cutting plans will not cause undue erosion or destruction of scenic beauty and will provide

- substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the ETZ Joint Committee may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.
- (3) Beyond the thirty-five-foot strip, a zoning permit shall be required with conservation plans for projects within 300 feet of the OHWM (ordinary high ~~water~~ mark) and which are either:
- (a) On slopes more than 20%;
 - (b) Larger than 1,000 square feet on slopes of 12% to 20%; or
 - (c) Larger than 2,000 square feet on slopes less than 12%.
- B. Required setbacks.
- (1) All structures, except piers, wharves, boat hoists, open fence, boathouse, patios, bridges, dams, walkway and stairway which are necessary to provide pedestrian access to the shoreline, shall require a setback of at least 75 feet from the ordinary high-water mark although a greater setback may be required where otherwise regulated by more restrictive ordinances.
- (2) Structures which require authorization or permits from the DNR pursuant to Chapters 30 and 31, Wisconsin Statutes, or which are to be located below the ordinary high-water mark, namely bridges, dams, culverts, piers, wharves, shoreland riprap, navigational aids, and waterway crossings of transmission lines, shall comply with all applicable federal, state, county and local regulations.
- C. Boathouse. Boathouses shall not extend below the ordinary high ~~water~~ mark, shall not be located on lands having a slope of 12% or greater, shall be located so as to minimize earth ~~disturbing~~ activities and shoreland vegetation removal, and shall be designed exclusively for the storage of watercraft and related marine equipment and shall not be used for human habitation or commercial purposes. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipment, shall not be deemed to be a boathouse. Fireplaces, patio doors, plumbing, heating, cooking facilities, or any features inconsistent with the use of the structure exclusively as a boathouse are not permitted in or on boathouses. The highest point to the roof elevation of the boathouse shall ~~not be~~ be more than 14 feet vertical measurement above the ordinary high ~~water~~ mark, shall not exceed 400 square feet in horizontal area covered, and shall not be closer than three feet to any side lot line. Railings shall not be placed on top of the boathouse, nor shall boathouse roofs be designed to provide general outdoor living space, i.e., as a deck. Only one boathouse is permitted on a lot as an accessory structure.
- D. Shore yards may be reduced to the average of the shore yards of the principal structures existing on the abutting properties within a distance of 100 feet of the subject site but shall not be reduced to less than 40 feet.
- E. Patios. Patios are exempted from the shoreland setback requirements, provided that the structure shall be located so as to minimize earth ~~disturbing~~ activities and shoreland vegetation removal during construction. Further, no permanent benches or tables shall be

attached to the patio, the patio shall not exceed a height of six inches above the original grade, and canopies, roofs, and railings on such structures are prohibited. The patio must be placed within the 30 in 100-foot area that is allowed to be clear-cut and shall be no more than 150 square feet in area.

- F. Stairway, walkway, lift, piers, and wharves. Stairway, lift and walkway and that portion of piers and wharves landward of the ordinary high ~~water~~ water mark are exempted from the shoreland setback requirements, provided that the structure is necessary to access the shoreline because of steep slopes or wet, unstable soils. Further, the structure shall be located so as to minimize earth ~~disturbing~~ disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than 48 inches wide; open railings are permitted only where required by safety concerns; canopies, roofs, and closed railings/walls on such structures are prohibited; landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 25 feet in area.
- G. Fences. Residential fences four feet in height or less are permitted in the shore yard on the property line but shall not be located on the shoreline. The fence shall not be designed to cross between property lines in the seventy-five-foot shore yard setback and shall minimize the barrier to wildlife movement. Also refer to ~~§ 390-0809 Article 7~~, incorporated by reference in ~~§ Section~~ § Section 390-1704.
- H. Retaining walls. Retaining walls and terracing shall only be allowed in the shoreline setback area where the applicant can successfully prove to the ETZ Joint Committee that there is a current erosion problem that cannot be remedied by resloping and revegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall only be permitted to the extent that they resolve a continuing erosion problem and shall not be used to provide level outdoor living space in the near-shore area.
- I. Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, or removal of stream or lake bed materials are conditional uses requiring review, public hearing, and approval by the ETZ Joint Committee in accordance with ~~§ Section~~ § Section 390-1714. However, such earth movements having a DNR permit under Chapter 30 of the Wisconsin Statutes are exempt from this provision.
- J. No waste materials such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity or temperature so as to contaminate, pollute or harm the waters shall be so located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters.
- K. Tillage, grazing, livestock watering, and the spreading, stacking and stockpiling of manure shall be permitted only when such uses are conducted in accordance with Walworth County's Conservation Standards, and when such uses do not cause the discharge of animal wastes into drainage ways or surface waters. Spreading of manure or fertilizer on frozen ground, stockpiling or stacking of manure, and the establishment and use of feed lots shall be prohibited when such practice would cause direct runoff of surface waters into a ~~drainageway~~ drainage way or watercourse.
- L. Surface water withdrawal, diversion, or discharge for irrigation, processing, or cooling

purposes is prohibited except upon issuance of a special permit by the State Department of Natural Resources under rules and regulations adopted pursuant to § 281.65, Wis. Stats.

§ 390-1710. Other permits.

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

§ 390-1711. Site restrictions.

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. Thereafter, the ETZ Joint Committee may issue recommendations to affirm, modify or withdraw the determination of unsuitability to the Village Plan Commission. The Village Plan Commission may adopt the recommendations of the ETZ Joint Committee or may change the recommendations after first submitting the proposed changes to the ETZ Joint Committee for recommendation and report. The ETZ Joint Committee recommendation on the proposed changes shall be submitted to the Plan Commission, which may adopt or modify the recommendations of the ETZ Joint Committee. In addition:

- A. All lots shall abut upon a public street, or other approved way, and each lot shall have a minimum street frontage of 50 feet.
- B. All principal structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. Upon recommendation by the ETZ Joint Committee, the Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, upon recommendation by the ETZ Joint Committee, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- C. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards in the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

§ 390-1712. 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 uses shall be permitted in that district.
- B. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices. ~~[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)] as defined in this Ordinance.~~
- C. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the ETZ Joint Committee in accordance with ~~§ Section~~ 390-1714 of this ~~article~~Ordinance. Any development within 500 feet of the existing or proposed rights-of way of freeways, expressways, and interstate and controlled access traffic ways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. Such development shall be specifically reviewed and approved by the ETZ Joint Committee as provided in ~~§ Section~~ 390-1714 of this ~~article~~Ordinance.
- D. Unclassified or unspecified uses may be permitted by the ETZ Zoning Board of Appeals, provided that such uses are similar in character to the principal uses permitted in the district.
- E. 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 ETZ Zoning Board of Appeals.

§ 390-1713. Reduction or joint use.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ~~article~~Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

§ 390-1714. Conditional use permit.

- A. General provisions.
 - (1) It is recommended that, prior to the filing of an application for the approval of a conditional use permit, the applicant consult with the Plan Commission of the Town in which the property is located in order to obtain its input and assistance.
 - (2) It is required that, prior to the filing of an application for the approval of a conditional use permit, the applicant consult with the Village Board which shall forward its recommendation to the ETZ Joint Committee.
 - (3) The ETZ Joint Committee may authorize the Zoning Administrator to issue a conditional use permit for conditional uses.
 - (4) The ETZ Joint Committee shall hold a public hearing on the application. Notice of the hearing shall be given by publication of a newspaper having general circulation in

the area in which the subject property is located, as a Class 2 notice, under Ch. 985, Wis. Stats., during the preceding 30 days and by mailing notice to the Town Clerk of the town in which the subject property is located.

- (5) The ETZ Joint Committee may approve the application after giving notice and holding a hearing as provided in Subsection A(4) above, or the ETZ Joint Committee may change the conditions of approval of the application following the hearing.

B. Application.

- (1) Application for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:
 - (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (b) Description of the subject site by lot, block, and recorded site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For shoreland conditional use, such description shall also include information that is necessary for the ETZ Joint Committee to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first ~~floor~~ elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 - (c) Plat of survey prepared by a ~~professional~~registered land surveyor showing all of the information required under ~~§ Section—~~390-1210 for a ~~building permit~~Building Permit and, in addition, the mean and historic high ~~water~~ lines and floodlands on or within 40 feet of the subject premises and existing and proposed landscaping.
 - (d) Additional information as may be required by the ETZ Joint Committee, the Town and/or Village Board, Village Engineer or Zoning Administrator.
- (2) A party shall not file an application for a conditional use permit affecting the same land more than once every 12 months. Twelve months is to be calculated from the date of the conclusion of the first ETZ Joint Committee public hearing. If a change in the Williams Bay Extraterritorial Zoning Ordinance or state statute affects the subject matter of the permit request, the party may apply again even if there has been a prior application concerning the same land within the twelve-month period.

- C. Review and approval. The ETZ Joint Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water

systems, and the proposed operation.

- (1) Conditions such as landscaping, architectural design, type of construction, ~~floodproofing~~~~flood-proofing~~, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the ETZ Joint Committee upon its finding that these are necessary to fulfill the purpose and intent of this ~~article~~~~Ordinance~~.
- (2) Compliance with all other provisions of this ~~article~~~~Ordinance~~, such as lot width and area, yards, height, parking, loading, traffic, and highway access, shall be required of all conditional uses. Variances shall only be granted as provided in ~~§ Section~~ 390-1716 of this ~~article~~~~Ordinance~~.
- (3) Revocation of conditional use permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the ETZ Joint Committee or should the use or characteristics of the use be changed without prior approval by the ETZ Joint Committee, the ~~conditional use permit~~~~Conditional Use Permit~~ may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in ~~§ Section~~ 390-1714A.

§ 390-1715. Land division.

Any person requesting a ~~land division~~~~Land Division~~ for property within the ETZ area shall follow the procedures set forth in Chapter 375, Land Division, of the Village of Williams Bay Municipal Code.

§ 390-1716. ETZ Zoning Board of Appeals.

- A. There is hereby established a Zoning Board of Appeals for each Extraterritorial Zoning District of the Village of Williams Bay for the purpose of hearing appeals and applications and for granting variances and exceptions to the provisions of this ~~article~~~~Ordinance~~.
- B. Membership. Each Zoning Board of Appeals shall consist of five members, two from the Town in which the ETZ is located and three from the Village, appointed by the Village President and confirmed by the Village Board.
 - (1) Terms shall be for staggered three-year periods.
 - (2) Chairperson shall be designated by the Village President.
 - (3) The Village President shall appoint a first alternate member from the Village and a second alternate member from the town to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
 - (4) The Secretary shall be appointed by the Zoning Board of Appeals.
 - (5) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

- (6) Official oath shall be taken by all members in the quorum per § 19.01, Wis. Stats., within ~~five~~¹⁰ days of receiving notice of their appointment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (7) Vacancy shall be filled for the unexpired term in the same manner as appointments for full term.
- C. Organization. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this article~~Ordinance~~.
- (1) Meetings shall be held at the call of the Chairperson~~Chairman~~ and shall be open to the public.
 - (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
 - (3) If a quorum is present, a majority vote of the members of the Board present may take action to correct an error; grant a variance; make an interpretation; and permit a temporary, unclassified or substituted use. [Amended 10-3-2016 by Ord. No. 2016-9]
- D. Powers. The Zoning Board of Appeals shall have the following powers:
- (1) Errors. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or ETZ Joint Committee.
 - (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this article~~Ordinance~~ shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
 - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the ETZ Joint Committee has made a review and recommendation.
 - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the ETZ Joint Committee has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the ETZ Joint Committee has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Zoning Board of Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this article~~Ordinance~~ shall be required.

- (6) Permits. The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
 - (7) Assistance. The Board may request assistance from other Village officers, departments, commissions, and boards.
 - (8) Oaths. The ~~Chairperson~~Chairman may administer oaths and compel the attendance of witnesses.
- E. Appeals and applications. Appeals of the decision of the Zoning Administrator concerning the literal enforcement of this ~~article~~Ordinance may be made by any person aggrieved or by any officer, department, board or bureau of the Village or by the ETZ Committee. Such appeals shall be filed with the Village Clerk within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Village Clerk. Such appeals and applications shall include the following:
- (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 - (2) Plat of survey prepared by a ~~professional~~registered land surveyor showing all of the information required under ~~§ Section~~ 390-1706 for a zoning permit.
 - (3) Additional information required by the Village Engineer, Zoning Board of Appeals, or Zoning Administrator.
- F. Hearings. The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in ~~§ Section~~ 390-1203 of the Village Zoning Ordinance, and shall give due notice to the parties in interest, the Zoning Administrator, the ETZ Joint Committee and the Plan Commission of the town in which the property is located or, if there is no such Plan Commission, to the Town Board. At the hearing, the appellant may appear in person, by agent, or by attorney.
- G. Notice to DNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to floodland regulations or to C-1 or C-4 District regulations, and a copy of all shoreland and floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment not less than 10 days prior to the public hearing. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy regulations in a shoreland or to floodland regulations, and a copy of all decisions related to shoreland and floodland appeals, shall be transmitted to the DNR within 10 days of the effective date of such decision.
- H. Wetland and floodland mapping disputes.
- (1) Wetland disputes. Whenever the Board of Appeals is asked to interpret a C-1 Conservancy District or C-4 Conservancy District boundary where an apparent discrepancy exists between the Village's or County's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the

Board of Appeals shall direct the ETZ Joint Committee to initiate appropriate action to rezone the property within a reasonable amount of time.

- (2) Floodland disputes. Whenever the Board of Appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by use of the flood profiles contained in an engineering study or, where such information is not available, by experience, flood maps or any other evidence available to the Board of Appeals. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the Board of Appeals shall advise the ETZ Joint Committee of its findings and the ETZ Joint Committee shall proceed to initiate appropriate action for a map amendment.

I. Findings. No variance to the provisions of this [articleOrdinance](#) shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- (1) Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this [articleOrdinance](#) should be changed.
- (3) Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (4) Preservation of property rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this [articleOrdinance](#) or the public interest.
- (6) Additional requirements in C-4 ETZ Districts. No variance shall be granted where:
 - (a) Filling and development contrary to the purpose and intent of the C-4 ETZ District would result.
 - (b) A change in the boundaries of the C-4 ETZ District would result.
 - (c) A lower degree of flood protection than a point two feet above the [100one hundred](#)-year recurrence interval flood for the particular area would

result.

- (d) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code would result.
- J. Decision. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and ETZ Joint Committee.
- (1) Conditions may be placed upon any building permit ordered or authorized by this Board.
 - (2) Variances, substitutions, or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 390-1717. Changes and amendments.

- A. Authority. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Village Board of Trustees may, by ~~ordinance~~[Ordinance](#), change the zoning district boundaries or amend, change, or supplement the regulations established by this ~~article~~[ordinance](#) or amendments thereto. Such change or amendment shall be subject to the review, recommendation, and approval of the Joint Extraterritorial Zoning Committee for the affected town. The procedure set herein shall apply to amendments to the ~~Extraterritorial Zoning Ordinance~~[extraterritorial zoning ordinance](#). In the case of a protest against an amendment, the applicable provisions under § 62.23(7)(d), Wis. Stats., shall be followed.
- B. Initiation. A change or amendment may be initiated by the Village Board, Village Plan Commission, or appropriate Joint Extraterritorial Zoning Committee, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- C. Pre-petition consultation. It is recommended that, prior to the filing of a petition to change district boundaries or amendments to the regulations, the petitioner consult with the Plan Commission of the town in which the property is located.
- D. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk and Town Clerk of the appropriate town, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
 - (1) Plot plan drawn to scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the locations and existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
 - (3) Additional information required by the Village Plan Commission, Village Board, or relevant Joint Extraterritorial Zoning Committee.

- (4) Limitation on applications. A party shall not file a petition for a zoning change affecting the same land more than once every 12 months. Twelve months is to be calculated from the date of the ETZ Joint Committee's first public hearing.

E. Review, recommendations and approval of Joint Extraterritorial Zoning Committee.

- (1) The appropriate Joint Extraterritorial Zoning Committee shall formulate tentative recommendations for amendments to the district plan and regulations and shall hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to be zoned, as a Class 2 notice, under Ch. 985, Wis. Stats., during the preceding 30 days, and by mailing the notice to the town clerk of the town for which the plan and regulations are proposed. The notice shall contain the layout of tentative districts either by maps or words of description, and may contain the street names and house lot numbers for purposes of identification if the ETZ Joint Committee or the governing body so determines. At a public hearing, an opportunity to be heard shall be afforded to representatives of the town board of the town and to any person in the town for which the plan and regulations are proposed.
- (2) Only the members of the appropriate ETZ Joint Committee shall vote on matters relating to the amendments thereto. A separate vote shall be taken on the proposed rezone or amendment for each town and the town members of the ETZ Joint Committee shall vote only on matters affecting the particular town which they represent. The ETZ Joint Committee shall not approve and forward the proposed rezone or amendment unless the proposed rezone or amendment receives a favorable vote of at least four members of the ETZ Joint Committee. Upon such approval, the ETZ Joint Committee shall forward its approval and recommendation to the Village Board.

F. Village Board action.

- (1) The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in ~~§ Section~~ 390-1717E listing a time, place and changes or amendments proposed.
- (2) As soon as possible after such public hearing, and after careful consideration of the ETZ Joint Committee's recommendation, the Village Board shall act on the petition either approving or disapproving the same. The Village Board may deny the petition recommended for approval by the ETZ Joint Committee or recommend modifications to the petition only by the favorable vote of 2/3 of the full Village Board membership; otherwise, the petition as recommended by the ETZ Joint Committee shall be deemed approved by the Village Board. If the Village Board shall recommend a modification to the petition, such recommendation shall be made to the appropriate ETZ Joint Committee and the petition returned thereto for recommendation and report. The ETZ Joint Committee and the Village Board may hold a hearing on the proposed changes after giving notice as provided in ~~§ Section~~ 390-1717E. The ETZ Joint Committee recommendations of the proposed changes shall be submitted to the Village Board in accordance with the voting requirements set forth in ~~§ Section~~ 390-1717E(2). The Village Board shall not adopt the proposed

plan and regulations or amendments thereto unless the proposed plan and regulations or amendments thereto receive a favorable vote of a majority of the six members of the appropriate ETZ Joint Committee.

§ 390-1718. Fees and penalties.

- A. Permit fees. All persons, firms or corporations performing work by which this ~~article~~Ordinance requires the issuance of a permit shall pay a fee for such permit to the appropriate Town Clerk or to the Village Clerk as provided below to help to defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for permits shall be as provided in the Village Fee Schedule.¹¹ [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~follows:—~~
- ~~(1) Town permits.—~~
 - ~~(a) Building permit or a certificate of compliance: \$25.—~~
 - ~~(2) Zoning permits.—~~
 - ~~(a) Single family dwelling (new): \$140.—~~
 - ~~(b) Multifamily dwelling (new): \$140 (per unit).—~~
 - ~~(c) Commercial: \$160.—~~
 - ~~(d) All others except as otherwise specified: \$80.—~~
 - ~~(e) Planned unit development application: \$100.—~~
 - ~~(f) Conditional use permit: \$75.—~~
 - ~~(g) Variance or appeal: \$75.—~~
 - ~~(h) Amendment to ordinance (map or text): \$100.—~~
- B. Double fee. A double fee may be charged by the Zoning Administrator or town Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ~~article~~Ordinance nor from prosecution for violation of this ~~article~~Ordinance.
- C. Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of this ~~article~~Ordinance. In the case of any violation, the Village Board, the Zoning Administrator, the Plan Commission, the ETZ Joint Committee or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ~~article~~Ordinance or cause a structure to be vacated or removed.
- D. Remedial action. Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator, or the Village

11. Editor's Note: The current Fee Schedule is on file in the Village office.

Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

- E. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this [articleOrdinance](#) or any order of the Zoning Administrator issued in accordance with the [articleOrdinance](#) or resists enforcement shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution of each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

390 Attachment 1

Village of Williams Bay

Figure 390-0305A: Table of Residential Land Uses

AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0306 for detailed descriptions of and standards for each land use category
P/C	P	P	P	P	P	P	P	P	P	P								Single-family
							P	P	P	P								Two-flat
							P	P	P	P								Twin house
							P	P	P	P								Duplex
							P	P	P									Townhouse 3 to 4 du/building
								C	P									Townhouse 5 to 8 du/building
								P	P									Multiplex 3 to 4 units
								C	P									Multiplex 5 to 8 units
									C									Multiplex 9 to 16 units
								P	P									Apartment 3 to 4 units
								C	P									Apartment 5 to 8 units
									C									Apartment 9 to 16 units
									C									Mobile home subdivision
									C									Mobile home park
										C	C	C	C					Mixed-use dwelling unit

Figure 390-0305B: Table of Agricultural Land Uses

Land Uses Permitted: Refer to § 390-0307 for detailed descriptions of and standards for each land use category	AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	
	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Cultivation
	C																		Husbandry
	P																		On-site agricultural retail
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Selective cutting
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Clear-cutting
	C																		Intensive agriculture
	C															C			Agricultural services
	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	Community garden
	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	Market garden

Figure 390-0305C: Table of Institutional Land Uses

Land Uses Permitted: Refer to § 390-0308 for detailed descriptions of and standards for each land use category	P&R Parks and Recreation																		
	P&I Public and Institutional																		
AH Agricultural Holding	GI General Industrial																		
	LI Light Industrial																		
ER Estate Residential	CB Community Business																		
	LSB Lakeshore Business																		
SF-1 Low Density Residential	VC Village Center																		
	SB Small Business																		
SF-2 Large Lot Residential	MF-18 Multifamily Residential																		
SF-3 Suburban Residential	MF-12 Small Multifamily Residential																		
SF-6 Village Residential	TF-Two-Family Residential																		
SF-CPP Cedar Point Park																			
SF-2 Large Lot Residential																			
SF-3 Suburban Residential																			
SF-6 Village Residential																			
AH Agricultural Holding																			

Figure 390-0305D: Table of Recreational Land Uses

Land Uses Permitted: Refer to § 390-0309 for detailed descriptions of and standards for each land use category				
	Passive outdoor recreation			
	Active outdoor recreation			
	Intensive outdoor activity			
	Lake-related recreation			
AH Agricultural Holding	P	P		C
ER Estate Residential	P	P		
SF-1 Low Density Residential	P	P		
SF-2 Large Lot Residential	P	P		
SF-3 Suburban Residential	P	P		
SF-6 Village Residential	P	P		
SF-CPP Cedar Point Park	P	P		
TF-Two-Family Residential	P	P		
MF-12 Small Multifamily Residential	P	P		
MF-18 Multifamily Residential	P	P		
SB Small Business	P	P		
VC Village Center	P	P	C	C
LSB Lakeshore Business	P	P	C	C
CB Community Business	P	P	C	C
LI Light Industrial	P	P	C	C
GI General Industrial	P	P		C
P&I Public and Institutional	P	P	C	C
P&R Parks and Recreation	P	P	P	C

Figure 390-0305E: Table of Business Land Uses

Land Uses Permitted: Refer to § 390-0310 for detailed descriptions of and standards for each land use category														
	Office	Personal or professional service	Artisan studio	Artisan production shop	Indoor sales and service	Outdoor display	Indoor commercial entertainment	Outdoor entertainment	Drive-through sales and service	Bed-and-breakfast establishment	Commercial indoor lodging	Boarding house	Tourist rooming house	Campground
Office														
Personal or professional service														
Artisan studio														
Artisan production shop														
Indoor sales and service														
Outdoor display														
Indoor commercial entertainment														
Outdoor entertainment														
Drive-through sales and service														
Bed-and-breakfast establishment														
Commercial indoor lodging														
Boarding house														
Tourist rooming house														
Campground														
Group day-care center (9+ children)														
Commercial animal boarding														
Indoor maintenance service														
Outdoor maintenance service														
AH Agricultural Holding														
ER Estate Residential														
SF-1 Low Density Residential														
SF-2 Large Lot Residential														
SF-3 Suburban Residential														
SF-6 Village Residential														
SF-CPP Cedar Point Park														
TF-Two-Family Residential														
MF-12 Small Multifamily Residential														
MF-18 Multifamily Residential														
SB Small Business	P	P	C		P	C	C		C	C	C	C	C	
VC Village Center	P	P	C		P	C	C	C	C	C	C	C	C	
LSB Lakeshore Business	P	P			P	C	C	C	C	C				
CB Community Business	P	P	C	C	P	C	C	C	C	C	C			
LI Light Industrial	P	P	C	C										
GI General Industrial	P		C	C										
P&I Public and Institutional														
P&R Parks and Recreation								C						

Land Uses Permitted: Refer to § 390-0310 for detailed descriptions of and standards for each land use category			
	Vehicle sales	Commercial greenhouse/garden center	Sexually oriented land use
AH Agricultural Holding			
ER Estate Residential			
SF-1 Low Density Residential			
SF-2 Large Lot Residential			
SF-3 Suburban Residential			
SF-6 Village Residential			
SF-CPP Cedar Point Park			
TF-Two-Family Residential			
MF-12 Small Multifamily Residential			
MF-18 Multifamily Residential			
SB Small Business		C	
VC Village Center			
LSB Lakeshore Business			
CB Community Business	P	C	
LI Light Industrial			C
GI General Industrial			C
P&I Public and Institutional			
P&R Parks and Recreation			

Figure 390-0305F: Table of Industrial Land Uses

[illegible]

Figure 390-0305G: Table of Storage Land Uses

Land Uses Permitted: Refer to § 390-0312 for detailed descriptions of and standards for each land use category			
	Indoor storage and wholesaling		
	Outdoor storage and wholesaling		
	Personal storage facility		
AH Agricultural Holding			
ER Estate Residential			
SF-1 Low Density Residential			
SF-2 Large Lot Residential			
SF-3 Suburban Residential			
SF-6 Village Residential			
SF-CPP Cedar Point Park			
TF-Two-Family Residential			
MF-12 Small Multifamily Residential			
MF-18 Multifamily Residential			
SB Small Business			
VC Village Center			
LSB Lakeshore Business			
CB Community Business			C
LI Light Industrial	P	C	C
GI General Industrial	P	C	
P&I Public and Institutional			
P&R Parks and Recreation			

Figure 390-0305H: Table of Transportation Land Uses

Land Uses Permitted: Refer to § 390-0313 for detailed descriptions of and standards for each land use category	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0313 for detailed descriptions of and standards for each land use category
	C																		Transit center
																			Distribution center
																			Freight terminal
																			Airport
																			Off-site parking

Figure 390-0305I: Table of Extraction and Disposal Land Uses

Land Uses Permitted: Refer to § 390-0314 for detailed descriptions of and standards for each land use category	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	
	C															C			Extraction
	C															C			Composting
	C															C			Recycling and waste disposal
	C															C			Junk or salvage yard

Figure 390-0305J: Table of Accessory Land Uses
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0315 for detailed descriptions of and standards for each land use category
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				Home occupation
P	P	P	P	P	P	P	P	P	P	P	P								Family day-care home 4 to 8 children
C	C	C	C	C	C	C		C	C	C	C								Intermediate day-care home 9 to 15 children
P	P	P	P	P	P	P	P	P	P	P	P								In-home suite
	C																		Accessory dwelling unit
	P	P																	Caretaker house or guest house
P																			Farm residence
C																			Migrant employee housing
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		Residential garage or shed
P	P	P	P	P	P	P	C	P	P	P	P	P	P	P			P		Residential recreational facility
C																			Residential kennel or stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	On-site parking
												P	P	P	P	P	P		Company cafeteria
												P	P	P	P	P	P		Company on-site recreation
C											P	P	P	P					Incidental outdoor display
															P	P			Incidental indoor sales

Land Uses Permitted: Refer to § 390-0315 for detailed descriptions of and standards for each land use category													
	Incidental light industrial	Exterior communications device	Lawn care	Stormwater facilities	Small solar energy system	Drive-through sales and service incidental to on-site principal land use	Concession stands and equipment rental	Bathhouses	Filling				
AH Agricultural Holding	P												
ER Estate Residential	P	P	P	P	P								
SF-1 Low Density Residential	P	P	P	P	P								
SF-2 Large Lot Residential	P	P	P	P	P								
SF-3 Suburban Residential	P	P	P	P	P								
SF-6 Village Residential	P	P	P	P	P								
SF-CPP Cedar Point Park	P	P	P	P	P								
TF-Two-Family Residential	P	P	P	P	P								
MF-12 Small Multifamily Residential	C	P	P	P	P								
MF-18 Multifamily Residential	C	P	P	P	P								
SB Small Business	C	P	P	P	P	C							
VC Village Center	C	P	P	P	P	C							
LSB Lakeshore Business	C	P	P	P	P	C							
CB Community Business	C	P	P	P	P	C							
LI Light Industrial	P	P	P	P	P	C							
GI General Industrial	P	P	P	P	P	C							
P&I Public and Institutional	P	P	P	P	P	C							
P&R Parks and Recreation	P	P	P	P	P		P	P	C				

Figure 390-0305K: Table of Temporary Land Uses
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Land Uses Permitted Refer to § 390-0316 for detailed descriptions of and standards for each land use category	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted Refer to § 390-0316 for detailed descriptions of and standards for each land use category
	T									T	T	T	T	T				
										T	T	T	T	T				
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
Temporary farm product sales																		Temporary outdoor assembly
Temporary outdoor sales																		Temporary shelter structure
Temporary portable storage unit																		Temporary construction storage
Temporary relocatable building																		Temporary garage or estate sale (auction)
Farmers market																		

390 Attachment 2

Village of Williams Bay

Figure 390-0502: Summary of Residential Bulk Standards

Zoning Districts											
	AH	ER	SF-1	SF-2	SF-3	SF-6	SF-CPP	TF	MF-12	MF-18	SB
Minimum lot area	Res: 35 ac or 40,000 sf (w/CUP)	Res: 65,000 sf Nonres: 2 ac	Res: 1 ac Nonres: 2 ac	Res: 20,000 sf Nonres: 20,000 sf	Res: 12,000 sf Nonres: 20,000 sf	Res: 7,200 sf Nonres: 12,000 sf	See § 390-0213	Res: SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du Nonres: 12,000 sf	Res: SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sf Nonres: 12,000 sf	Res: SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sf Nonres: 12,000 sf	12,000 sf
Maximum lot area	5 ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum gross density	1 du/35 ac	0.7 du/ac	1 du/ac	2 du ac	3.5 du/ac	6 du/ac	See § 390-0213	10 du/ac	12 du/ac	18 du/ac	3.5 du/ac
Maximum building coverage	30%	30%	30%	30%	30%	30%	See § 390-0213	40%	40%	40%	30%
Minimum landscape surface ratio	50%	50%	50%	50%	50%	50%	See § 390-0213	50%	50%	50%	50%
Minimum lot width	200 ft.	200 ft.	200 ft.	120 ft.	90 ft.	60 ft.	See § 390-0213	Res: SF: 60 ft. TF: 55 ft./du Townhouse: 30 ft./du Nonres: 100 ft.	Res: SF: 60 ft. TF: 55 ft/du Townhouse: 30 ft./du MF: 100 ft. Nonres: 100 ft.	Res: SF: 60 ft. TF: 55 ft/du Townhouse: 30 ft./du MF: 100 ft. Nonres: 100 ft.	90 ft.
Minimum front and street side yard setback	30 ft.	30 ft. 100 ft. from Cedar Point Drive	30 ft.	30 ft.	30 ft.	30 ft.	See § 390-0213	30 ft.	30 ft.	30 ft.	30 ft.
Minimum shore yard setback	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.

Zoning Districts											
	AH	ER	SF-1	SF-2	SF-3	SF-6	SF-CPP	TF	MF-12	MF-18	SB
Minimum interior side yard setback	30 ft.	30 ft.	30 ft.	20 ft.	15 ft.	10 ft.	See § 390-0213	8 ft.	Res: SF: 8 ft. TF: 8 ft. Townhouse: 8 ft.	Res: SF: 8 ft. TF: 8 ft. Townhouse: 8 ft.	15 ft.
Minimum rear yard setback	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	See § 390-0213	30 ft.	30 ft.	30 ft.	30 ft.
Maximum principal building height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	See § 390-0213	35 ft.	35 ft.	35 ft.	35 ft.
Minimum building separation	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	20 ft.	See § 390-0213	16 ft.	16 ft.	16 ft.	30 ft.
Accessory structure interior side yard setback*	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	See § 390-0213	5/10 ft.	5/10 ft.	5/10 ft.	5 ft.
Accessory structure rear yard setback*	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	See § 390-0213	5/10 ft.	5/10 ft.	5/10 ft.	5 ft.
Maximum accessory structure height	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	See § 390-0213	15 ft.	15 ft.	15 ft.	15 ft.

NOTE:

* <200 sf structure/> 200 sf structure

390 Attachment 3

Village of Williams Bay

Figure 390-0503: Summary of Nonresidential Bulk Standards

Zoning District										
	AH	SB	VC	LSB	CB	LI	GI	P&I	P&R	
Minimum lot area	35 ac	12,000 sf	N/A	20,000 sf	20,000 sf	40,000 sf	40,000 sf	12,000 sf	N/A	
Maximum lot area	5 ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum building coverage	30%	30%	75%	50%	50%	30%	30%	30%	30%	
Minimum landscape surface ratio	50%	40%	0%	20%	20%	15%	15%	40%	40%	
Maximum building size	N/A	5,000 sf (1-story) 10,000 sf (2-story)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum lot width	200 ft.	90 ft.	N/A	100 ft.	100 ft.	100 ft.	100 ft.	90 ft.	N/A	
Minimum front and street side yard setback	30 ft.	30 ft.	0 ft.	30 ft.	20 ft.	30 ft.	30 ft.	30 ft.	40 ft.	
Maximum front and street side yard setback	N/A	N/A	5 ft. (more w/CUP)	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum shore yard setback	150 ft.	150 ft.	150 ft.	75 ft.	75 ft.	150 ft.	150 ft.	150 ft.	150 ft.	
Minimum interior side yard setback	30 ft.	15 ft.	0/10 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	40 ft.	
Minimum rear yard setback	30 ft.	30 ft.	20 ft.	30 ft.	25 ft.	30 ft.	30 ft.	30 ft.	40 ft.	

Zoning District									
	AH	SB	VC	LSB	CB	LI	GI	P&I	P&R
Maximum principal building height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft. 45 ft. w/CUP
Minimum principal building separation	30 ft.	30 ft.	0/10 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	40 ft.
Accessory structure interior side yard setback	5/10 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Accessory structure rear yard setback	5/10 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum accessory structure height	35 ft.	15 ft.	15 ft.	15 ft.	15 ft.	35 ft.	35 ft.	15 ft.	35 ft. 45 ft. w/CUP

390 Attachment 4

Village of Williams Bay

Figure 390-0906: Landscaping Requirements for Regular Development*

	Landscaping Components			
	Building Foundation	Street Frontages	Paved Areas	Developed Lots
Types of landscaping	Shade trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; a minimum of 50% of points devoted to shade/tall trees and 30% to medium trees	A minimum of 30% of points devoted to shade/tall trees and 40% to shrubs	All plant categories can be used to meet this requirement
Placement of landscaping	Located so that at maturity the plant's drip line is located 10 feet of building foundation	Located within 10 feet of the public right-of-way	Within paved area or within 10 feet of the paved area	Located away from areas that meet other landscaping requirements (i.e., building foundation, street frontage, paved areas)
Calculation of landscaping points	Points per 100 feet of building foundation	Points per 100 linear feet of building foundation	Greater of: points per 20 parking stalls or 10,000 square feet of paved area	Points per 1,000 square feet of total building footprints

	Landscaping Components			
	Building Foundation	Street Frontages	Paved Areas	Developed Lots
AH Agricultural Holding	20	20	40	10
ER Estate Residential	40	40	80	20
SF-1 Low Density Residential	40	40	80	20
SF-2 Large Lot Residential	40	40	80	20
SF-3 Suburban Residential	40	40	80	20
SF-6 Village Residential	40	40	80	20
SF-CPP Cedar Point Park	40	40	80	20
TF Two-Family Residential	45	45	90	20
MF-12 Small Multifamily	50	50	95	25
MF-18 Multifamily Residential	60	60	100	30
SB Small Business	40	40	80	20
LSB Lakeshore Business	40	40	80	20
CB Community Business	40	40	80	20
VC Village Center	0	0	80	0
LI Light Industrial	25	40	80	10
GI General Industrial	20	20	40	5
P&I Public and Institutional	40	40	80	20
P&R Parks and Recreation	40	40	80	20

Zoning Districts:

* Note: Landscaping is not required for single-family or agricultural land uses.

390 Attachment 5

Village of Williams Bay

Figure 390-0909A: Required Buffer Yard Opacity Values

	Subject Property's Zoning District														
	AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF Two-Family Residential	MF-12 Small Multifamily	MF-18 Multifamily Residential	SB Small Business	LSB Lakeshore Business	CB Community Business	VC Village Center	LI Light Industrial
Apply the required opacity value from this table to Figure 390-0909B and select the most appropriate buffer yard option for the site. Note that certain land uses, conditional uses, and planned development projects may have more stringent buffer yard requirements.															
AH Agricultural Holding	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
ER Estate Residential			0	0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-1 Low-Density Residential				0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-2 Large Lot Residential					0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-3 Suburban Residential						0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-6 Village Residential							0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-CPP Cedar Point Park								0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
TF Two-Family Residential									0.2	0.2	0.3	0.3	0.3	0.5	0.5
MF-12 Small Multifamily Residential										0.2	0.2	0.2	0.2	0.4	0.4
MF-18 Multifamily Residential											0.2	0.2	0.2	0.4	0.4
SB Small Business												0.2	0.2	0.4	0.4
LSB Lakeshore Business													0	0.3	0.3
CB Community Business														0.3	0.3
VC Village Center															0.3
LI Light Industrial															0.5
P&R Parks and Recreation															*
P&I Public and Institutional															*
GI General Industrial															1.0
LI Light Industrial															0.6
VC Village Center															0.6
CB Community Business															0.6
LSB Lakeshore Business															0.6
CB Community Business															0.6
VC Village Center															0.6
LI Light Industrial															0.5

Apply the required opacity value from this table to Figure 390-0909B and select the most appropriate buffer yard option for the site. Note that certain land uses, conditional uses, and planned development projects may have more stringent buffer yard requirements.	Subject Property's Zoning District															
	AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF Two-Family Residential	MF-12 Small Multifamily	MF-18 Multifamily Residential	SB Small Business	LSB Lakeshore Business	CB Community Business	VC Village Center	LI Light Industrial	GI General Industrial
	P&R Parks and Recreation	P&I Public and Institutional	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation	P&R Parks and Recreation

* Note: Refer to Future Land Use Map of the Village's Comprehensive Plan and identify most likely future zoning district on future land use designation.

Figure 390-0909B: Detailed Bufferyard Requirements

Opacity	Required Number of Landscaping Points per 100 feet	Width (feet)	Required Structure ^{1, 2}
0.05	00	10+	Minimum 44-inch picket fence
	00	10+	Minimum 4-foot wood rail fence
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10+	Minimum 44-inch picket fence
	38	10+	Minimum 4-foot wood rail fence
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35+	N/A
	00	35+	Minimum 4-foot berm
0.20	00	10+	Minimum 6-foot solid fence
	84	10+	Minimum 44-inch picket fence
	133	15+	Minimum 4-foot wood rail fence
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35+	Minimum 4-foot berm
	135	40+	N/A
	00	40+	Minimum 5-foot berm
0.30	00	10+	Minimum 6-foot solid fence
	198	15+	Minimum 44-inch picket fence
	320	20	N/A
	240	20+	Minimum 4-foot wood rail fence
	276	25	N/A
	252	30	N/A
0.30	235	35	N/A
	104	35+	Minimum 4-foot berm
	223	40	N/A
	44	40+	Minimum 5-foot berm
	215	45	N/A
	209	50+	N/A
	00	50+	Minimum 6-foot berm

Opacity	Required Number of Landscaping Points per 100 feet	Width (feet)	Required Structure ^{1, 2}
0.40	53	10+	Minimum 6-foot solid fence*
	330	20+	Minimum 44-inch picket fence*
	440	25	N/A
	362	25+	Minimum 4-foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35+	Minimum 4-foot berm
	327	40	N/A
	148	40+	Minimum 5-foot berm
	310	45	N/A
	299	50+	N/A
	56	50+	Minimum 6-foot berm
0.50	135	15+	Minimum 6-foot solid fence
	564	30	N/A
	405	30+	Minimum 44-inch picket fence
	492	30+	Minimum 4-foot wood rail fence
	499	35	N/A
	319	35+	Minimum 4-foot berm
	454	40	N/A
	261	40+	Minimum 5-foot berm
	422	45	N/A
	405	50	N/A
	160	50+	Minimum 6-foot berm
	388	55	N/A
	374	60+	N/A
0.60	221	20+	Minimum 6-foot solid fence
	433	35+	Minimum 4-foot berm
	541	35+	Minimum 44-inch picket fence
	630	35+	Minimum 4-foot wood rail fence*
	626	40	N/A
	379	40+	Minimum 5-foot berm
	570	45	N/A
	525	50	N/A
	270	50+	Minimum 6-foot berm
	500	55	N/A
	480	60+	N/A

Opacity	Required Number of Landscaping Points per 100 feet	Width (feet)	Required Structure ^{1, 2}
0.80	415	30+	Minimum 6-foot solid fence
	655	40+	Minimum 4-foot berm
	627	45+	Minimum 5-foot berm
	873	45+	Minimum 44-inch picket fence
	910	50	N/A
	505	50+	Minimum 6-foot berm
	809	50+	Minimum 4-foot wood rail fence
	804	55	N/A
	744	60	N/A
	710	65	N/A
	677	70+	N/A
1.00	636	40+	Minimum 8-foot solid fence
	732	50+	Minimum 8-foot solid fence
	751	50+	Minimum 8-foot solid fence
	867	55+	Minimum 8-foot solid fence
	1091	60+	Minimum 8-foot solid fence
	1136	60+	Minimum 8-foot solid fence
	1083	65	Minimum 8-foot solid fence
	994	70	Minimum 8-foot solid fence
	934	75	Minimum 8-foot solid fence
	892	80+	Minimum 8-foot solid fence

NOTES:

¹ Fences contributing to buffer yard requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet buffer yard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

² A building wall that does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the buffer yard requirements.

Opacity standards provided courtesy of Lane Kendig, Inc.

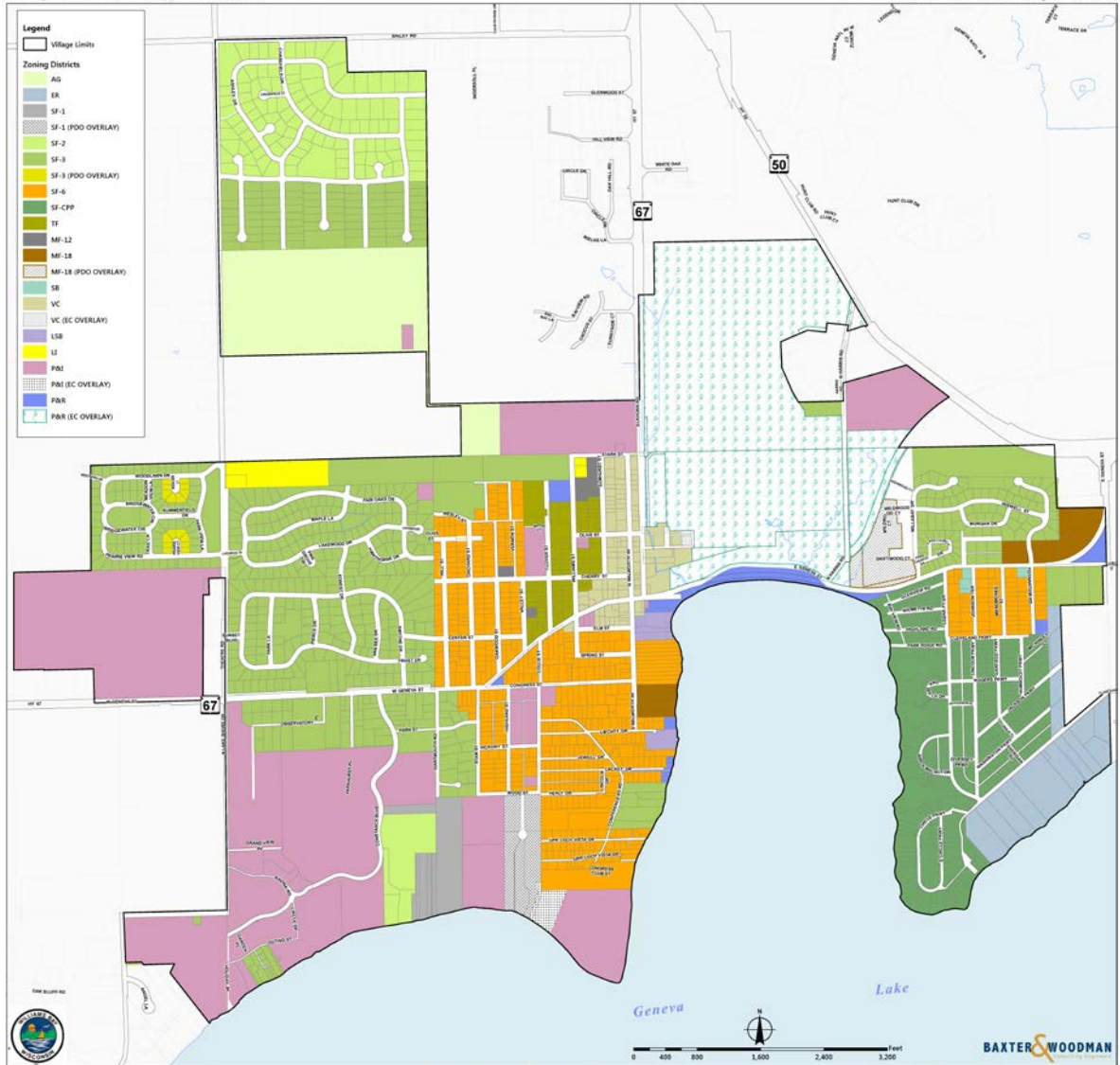
390 Attachment 6

Village of Williams Bay

ZONING MAP

Village of Williams Bay, Wisconsin

Effective Date: May 15, 2017



Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Village of Williams Bay reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the 2021 publication of the Code was Ord. No. 2020-07, adopted December 21, 2020.

§ DL-1. Disposition of legislation.

KEY:

NCM = Not Code material (legislation is not general or permanent in nature).
NLP = New legislation is pending.

Ord. No.	Adoption Date	Subject	Disposition
7-10	9-20-2010	Comprehensive Plan	Ch. 364
1-11	4-4-2011	Adopting Amendments to the Code of Ordinances	NLP; see Ch. 1, Art. II
2-11	8-15-2011	Peace and Good Order Amendment	Ch. 264
2-2011	1-17-2011	Repeal of s. 1.08	Repealer only
3-2011	1-17-2011	Elections Amendment	Ch. 33
4-11	11-7-2011	Land Division	Ch. 375
5-11	11-7-2011	Zoning	Ch. 390
7-11	12-19-2011	Peace and Good Order Amendment	Ch. 264
	1-3-2012	Peace and Good Order Amendment	Ch. 264
2-12	2-20-2012	Zoning Map Amendment	NCM
3-12	3-19-2012	Animals: Dogs and Cats Amendment	Ch. 136, Art. I
3-12	2-20-2012	Finance and Taxation Amendment	Ch. 46
	1-21-2013	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I

§ DL-1

WILLIAMS BAY CODE

§ DL-1

Ord. No.	Adoption Date	Subject	Disposition
	7-15-2013	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
	8-19-2013	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
	3-17-2014	Peace and Good Order Amendment	Ch. 264
	8-18-2014	Zoning Amendment	Ch. 390
	8-18-2014	Land Division Amendment	Ch. 375
	2-2-2015	Zoning Amendment	Ch. 390
	2-2-2015	Vehicles and Traffic Amendment	Ch. 345
	2-2-2015	Peace and Good Order Amendment	Ch. 264
	7-20-2015	Court, Municipal Amendment	Ch. 22
12-1-2015	12-21-2015	Officers and Employees Amendment	Ch. 80
12-2-2015	12-21-2015	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2016-1	1-18-2016	Residency Requirement for Administrator	No copy available
2016-2	2-15-2016	Police Department Amendment	Ch. 87
2016-3	4-18-2016	Vehicles and Traffic Amendment	Ch. 345
2016-4	5-16-2016	Fires and Fire Prevention Amendment	Ch. 189
2016-5	5-16-2016	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2016-6	6-6-2016	Village Board Amendment	Ch. 110
2016-7	6-20-2016	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2016-8	6-20-2016	Boards, Commissions and Committees Amendment	Ch. 12
2016-9	10-3-2016	Zoning Amendment	Ch. 390
2016-10	11-7-2016	Records: Retention and Disposal Amendment	Ch. 95, Art. I
2016-11	12-5-2006	Sex Offenders	Repealed by Ord. No. 2017-8

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§ DL-1

DISPOSITION LIST

§ DL-1

Ord. No.	Adoption Date	Subject	Disposition
2017-1	3-6-2017	Vehicles and Traffic amendment	Ch. 345
2017-2	4-17-2017	Repeal of Sec. 9.05, Milk and Milk Products	Repealer only
2017-4	6-19-2017	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2017-5	6-19-2017	Public Waters and Beaches: Geneva Lake	Ch. 281, Art. IV
2017-6	8-7-2017	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2017-7	10-16-2017	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2017-8	9-18-2017	Sex Offenders	Ch. 299
2018-1	1-15-2018	Village Board Amendment	Ch. 110
2018-2	2-19-2018	Vehicles and Traffic Amendment	Ch. 345
2018-3	3-5-2018	Temporarily Prohibiting Conditional Use Permits for Tourist Rooming Houses	Repealed by Ord. No. 2018-9
2018-4	4-16-2018	Officers and Employees Amendment	Ch. 80
2018-5	4-16-2018	Public Waters and Beaches: General Regulations Amendment	Ch. 281, Art. I
2018-6	8-20-2018	Zoning Amendment	Ch. 390
2018-7	8-6-2018	General Provisions: Construction and Penalties Amendment	Ch. 1, Art. I
2018-8	8-20-2018	Finance and Taxation Amendment; Short-Term Rental of Residential Dwellings	Ch. 46; Ch. 205, Art. III
2018-9	1-7-2019	Repeal of Ord. No. 2018-3	Repealer only
2018-10	12-17-2018	Housing Standards and Rental Property: Registration and Inspection of Residential Rental Property Amendment	Ch. 205, Art. II
2019-01	4-15-2019	Water: Cross-Connections Amendment	Ch. 350, Art. II
2019-02	4-15-2019	Finance and Taxation Amendment	Ch. 46

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§ DL-1

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§ DL-1

Ord. No.	Adoption Date	Subject	Disposition
2019-03		Officers and Employees Amendment	Not adopted
2019-04		Officers and Employees Amendment	Not adopted
2020-01	3-2-2020	Zoning Amendment	Ch. 390
2020-02	3-2-2020	Alcohol Beverages Amendment	Ch. 128
2020-03	8-31-2020	Boards, Commissions and Committees Amendment; Village Board Amendment	Ch. 12; Ch. 110
2020-04	7-22-2020	Comprehensive Plan Amendment	NCM
2020-05			Not adopted
2020-06	8-17-2020	Zoning Map Amendment	NCM
2020-07	12-21-2020	Building Construction Amendment	Ch. 153

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of 2011 Code to 2021 Code

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and sections of the 2011 Code have been included in the 2021 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 2011 Code to 2021 Code

NCM = Not Code material (legislation is not general or permanent in nature).
REP = Repealed effective with adoption of Code; see Ch. 1, Art. II.
NLP = New legislation is pending.

Chapter/Title From 2011 Code	Location in 2021 Code
Ch. 1, Village Government	
§§ 1.01 to 1.03 (Village Board)	Ch. 110
§ 1.04, Appointed officials	Ch. 80
§ 1.05, Boards and commissions	Ch. 12
§ 1.06, Regulations regarding employees	Ch. 80
§ 1.07, City bid statute adopted	Ch. 46
§ 1.08, Nonpartisan spring primary	Ch. 33
§ 1.09, Receipt of gifts and gratuities	REP
§ 1.10, Geneva Lake Area Transportation Commission	Ch. 12
§ 1.11, Registration of electors	Ch. 33
§ 1.12, Municipal Judge and Municipal Court	Ch. 22
§ 1.13, Code of Ethics	Ch. 40
§ 1.14, Village Administrator	Ch. 80
Ch. 2, Financial Procedure	
§§ 2.01 to 2.07 and 2.09 to 2.11	Ch. 46
§ 2.08, Destruction of obsolete public records	Ch. 95, Art. I
§ 2.12, Short-term rental of residential dwellings	Ch. 205, Art. III
Ch. 3, Police Department	Ch. 87

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WILLIAMS BAY CODE

§ DT-1

Chapter/Title From 2011 Code	Location in 2021 Code
Ch. 4, Volunteer Fire Department	
§§ 4.01 to 4.04	Ch. 49
§§ 4.05 to 4.23	Ch. 189
Ch. 5, Emergency Management	
§§ 5.01 to 5.07 and 5.09	Removed (county ordinance)
§ 5.08	Ch. 281, Art. II
Ch. 6, Traffic Code	Ch. 345
Ch. 7, Streets and Sidewalks	
§§ 7.01 to 7.03 and 7.05 to 7.07	Ch. 314
§§ 7.04 and 7.045 (trees)	Ch. 331
§ 7.10, Penalty	Ch. 314; Ch. 331
Ch. 8, Licenses and Permits	
§ 8.01, Intoxicating liquor, fermented malt beverages and soda water beverages	Ch. 128
§ 8.02, Transient merchants	Ch. 327
§ 8.03, Public amusements	Ch. 132
§ 8.04, Bicycles	Ch. 145
§ 8.05, Mobile homes and mobile home parks/tents	Ch. 242
§ 8.06, Riding and livery stables	Ch. 136, Art. II
§ 8.07, Dogs	Ch. 136, Art. I
§ 8.08, Cleaning dry wells and septic tanks	REP
§ 8.09, Use of explosives	Ch. 182
§ 8.10, Motor driven cycles	Ch. 345
§ 8.11, Group activities on municipally owned property	Ch. 264
§ 8.12, Items designed or marketed for use with illegal cannabis or drugs	Ch. 264
§ 8.13, Regulation of emergency alarms	Ch. 125
§ 8.14, Penalty and enforcement	Ch. 128; Ch. 132; Ch. 136, Art. II; Ch. 182; Ch. 242
Ch. 9, Health and Sanitation	
§ 9.01, Rules and regulations	Ch. 201

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§ DT-1

DERIVATION TABLE

§ DT-1

Chapter/Title From 2011 Code	Location in 2021 Code
§ 9.02, Health nuisances	Ch. 201
§ 9.03, Cross connection to public water system prohibited	Ch. 350, Art. II
§ 9.04, Prohibition of Village dump	REP
§ 9.05, Milk and milk products	Repealed by Ord. No. 2017-2
§ 9.06, Swimming pools, standards	REP
§ 9.07, Private wells prohibited	Ch. 350, Art. II
§ 9.08, Animal waste	Ch. 136, Art. III
§ 9.09, Property maintenance	Ch. 276
§ 9.10, Regulation of disposal of construction materials	Ch. 153
§ 9.11, Well Number 3, well head protection	Ch. 386
§ 9.12, Penalty	Ch. 136, Art. III; Ch. 201; Ch. 276; Ch. 350, Art. II
Ch. 10, Orderly Conduct	
§§ 10.01 to 10.08, 10.10, 10.13 to 10.16, 10.18, 10.20 to 10.23, 10.25, 10.26 and 10.30	Ch. 264
§ 10.09, Curfew	Ch. 238, Art. I
§ 10.11, Burning	Ch. 189
§ 10.12, Storage and use of flammable liquids	Ch. 189
§ 10.17, Truancy	Ch. 238, Art. II
§ 10.19, Inoperable, wrecked or discarded vehicles	Ch. 342
§ 10.24, Cigarette and tobacco products	Ch. 164
§ 10.27, Feeding of waterfowl	Ch. 136, Art. IV
§ 10.28, Smoking regulated	Ch. 164
§ 10.29, Kishwauketoe Nature Conservancy	Ch. 220
§ 10.31, Regulation of skateboard, bicycles and in-line skates	Ch. 145
§ 10.315, Rules established for Municipal Beach	Ch. 281, Art. III
§ 10.32, Penalties	Ch. 145; Ch. 164; Ch. 220; Ch. 264; Ch. 281, Art. III
Ch. 11, Public Nuisances	
§§ 11.01 to 11.05 and 11.06 to 11.08	Ch. 253

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§ DT-1

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Chapter/Title From 2011 Code	Location in 2021 Code
§ 11.055, Threats to trees	Ch. 331
Ch. 12, Public Waters and Beaches	Ch. 281, Art. I
Ch. 13, Municipal Utilities	
§§ 13.01 to 13.07, Water Utility	Ch. 350, Art. I
§§ 13.10 to 13.35, Sewer User Regulations	Ch. 295, Art. I
§§ 13.28 and 13.35	REP
Ch. 14, Plumbing Code	Ch. 270
Ch. 15, Building Code	
§§ 15.01, 15.04 to 15.08, 15.10 and 15.15	Ch. 153
§ 15.02, Construction site erosion control	Ch. 178, Art. I
§ 15.03, Outdoor lighting and advertising signs	Ch. 229
§ 15.09, New development stormwater management	Ch. 178, Art. II
Ch. 16, Housing Code	
§§ 16.01 to 16.06	Ch. 205, Art. I
§ 16.07, Registration and inspection of residential rental property	Ch. 205, Art. II
Ch. 17, Land Division	Ch. 375
Ch. 18, Zoning Ordinance	Ch. 390
Ch. 19, Cable Television	Ch. 160
Ch. 20, Construction and Effect of Ordinances	
§§ 20.01, 20.02, 20.03 and 20.05	Ch. 1, Art. I
§ 20.04 (citations)	Ch. 19
§§ 20.06 to 20.09	NLP; see Ch. 1, Art. II
Ch. 22, Solid Waste, Composting and Mandatory Recycling	Ch. 308
Ch. 24, Administrative Review Procedures	Ch. 5
Ch. 25, Impact Fee Ordinance	Ch. 371
Ch. 26, Comprehensive Plan	Ch. 364
Ch. 27, Sex Offenders	Ch. 299

Village of Williams Bay Code Adoption Ordinance 2021

Schedule A Specific Revisions at Time of Adoption of Code

Fees.

The following sections are amended to remove the fees therefrom and instead state that such fee is as provide in the Village Fee Schedule: §§ 125-6D, 132-1, 136-5, 136-13C, 145-1C(2), 182-2, 182-7, 242-6A(2), 270-6B, 342-11, 342-12, 342-15A, 345-7C(2)(b), 345-9E, 350-4B(1) and (2), 375-0813A, 375-1102, 375-1105, and 390-1718A.

Chapter 1, General Provisions.

Article I, Construction and Penalties.

- A. Section 1-4D(2) is amended to change " on file in the office of the Clerk" to "on file with the Municipal Clerk, Police Department and Municipal Court Clerk."
- B. Original Sec. 20.05, Subsection (5), Issuance of citations, Subsection (6), Procedure, and Subsection (7), Nonexclusivity, are repealed.

Chapter 5, Administrative Review.

- A. Section 5-2A is amended to change "a fermented malt beverage or intoxicating liquor license" to "an alcohol beverage license."
- B. Section 5-3D is amended to read:
"The grant, denial, suspension or revocation of an alcohol beverage license under § 125.12(1), Wis. Stats."
- C. In § 5-4, the definition of "Municipal Authority" is amended to add "and any board" following "Village Board."

Chapter 12, Boards, Commissions and Committees.

- A. Section 12-3 is amended to change "Walworth County Board of Health" to "Walworth County Health and Human Services Board."
- B. Section 12-4A(1) and (3) is amended to change Park and Memorial Board to Park and Memorial Advisory Committee.
- C. Section 12-6 is amended to delete the subsections thereof.

Chapter 19, Citations.

- A. Section 19-4 is amended to change " on file in the office of the Chief of Police and in the office of the Clerk" to "on file with the Municipal Clerk, Police Department and Municipal Court Clerk."
- B. Section 19-6 is amended to include the Village Attorney and other persons designated by the Village Board.
- C. Section 19-7 is amended to add the following thereto: " The Village Treasurer shall transmit all penalty assessments to the State Treasurer as provided in § 66.0114(1)(bm), Wis. Stats."

Chapter 22, Court, Municipal.

- A. Section 22-1D(2) is amended to change State Administrator of Courts to Director of State Courts.
- B. Section 22-3A is amended to change 7 days to 30 days.
- C. Section 22-6C is amended to change Wisconsin Board of County Judges to the Wisconsin Judicial Conference.

Chapter 33, Elections.

- A. Section 33-1B is amended to read: "Papers shall be circulated according to deadlines as set forth in § 8.04(4), Wis. Stats."
- B. Section 33-2 is added:
 - § 33-2. *Polling hours; scheduling of election officials.*
 - A. *Polling hours. The polling hours for elections within the Village of Williams Bay are hereby established as follows: The polls shall open at 7:00 a.m. and close at 8:00 p.m.*
 - B. *Scheduling election officials. Two or more sets of election officials may be selected to work different times on election days, and the Clerk and his/her designee may establish different working hours for different election officials assigned to the same polling place.*

Chapter 40, Ethics.

- A. Section 40-5A is amended to add "and one alternate" following "three members."
- B. Section 40-6K is amended, in part, as follows: "The affirmative vote of a majority of the Board..."

Chapter 46, Finance and Taxation.

- A. Section 46-1A is amended to read: "All contracts for public construction shall be let by the Village Board in accordance with § 62.15, Wis. Stats."
- B. Section 46-6 is amended to change Finance Committee to Finance and Personnel Committee.
- C. Original § 2.10(4), regarding public parking fee, is repealed.

Chapter 80, Officers and Employees.

Original § 1.04(4), regarding Clerk-Treasurer, of the 2011 Code, is repealed.

Chapter 110, Village Board.

- A. Section 110-3C is amended to change "Village Fire, Rescue, Dive Team and Police Departments" to the "Village Fire Department, Police Department, Emergency Medical Service (Rescue) Squad, and Dive Team."
- B. Section 110-3F is amended to change Water and Sewer Departments to Water Utility and Sewer Department.

Chapter 128, Alcohol Beverages.

- A. Section 128-1 is amended to delete reference to § 66.0433, Wis. Stats., and the reference to soda water beverages.
- B. Section 128-2 is amended to read: "Fees for licenses issued pursuant to this chapter are set from time to time by the Village Board by resolution. Current fees are on file with the Village Clerk."
- C. Section 128-3 is amended to add Subsection K:
K. A provisional operator's license may be issued by the Village Clerk in accordance with § 125.17(5), Wis. Stats., only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the Village Board. A provisional license expires 60 days after its issuance or when a regular operator's license is issued to the holder, whichever is sooner. The fee for a provisional operator's license shall be established as provided in § 128-2.

Chapter 132, Amusements.

- A. Section 132-1 is amended to change Clerk-Treasurer to Clerk.
- B. Section 132-2 is amended to change "requiring a license" to "requiring a permit."

Chapter 136, Animals.**Article I, Dogs and Cats.**

- A. Section 136-4 is amended to read:
A dog license fee shall be paid by the applicant according to the schedule established by resolution of the Village Board. The current schedule is on file with the Village Clerk.
- B. Section 136-7 is amended as follows:
The owner of a dog shall have the dog vaccinated against rabies by a veterinarian ~~within 30 days after the dog reaches four months of age~~ at no later than five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached ~~four~~ five months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state.
- C. Section 136-9 is amended to change Health Officer to County Health Officer.
- D. Original § 8.07(10)(e), regarding possession of a scoop or bag, is repealed.

Chapter 153, Building Construction.

- A. Section 153-7E and F are amended to change "Building Inspection Division" to "Building Inspector."
- B. Section 153-7M(2)(a) is amended to delete the reference to Figure 3.
- C. Section 153-7P and 153-8L are amended to change Heating Inspector to Building Inspector.

Chapter 164, Cigarettes and Tobacco Products.

Section 164-1 is amended as follows:

"Section 254.92, Wis. Stats., describing and defining regulations with respect to the use of cigarettes and tobacco products by ~~children in the Village~~ persons under 18 years of age, is hereby adopted by reference and made a part of this section as if fully set forth herein."

Chapter 182, Explosives.

Sections 182-3 and 182-5 are amended to change State Industrial Commission to Department of Safety and Professional Services.

Chapter 189, Fire and Fire Prevention.

- A. Section 189-3B(4) is amended to delete the second sentence thereof.
- B. Section 189-10A, B and C are amended to add the following at the end of the lead-in sentences thereof:
...are hereby adopted and by reference made a part of this section as if fully set forth herein.
- C. Section 189-10A is amended to delete the reference to Chapter ATCP 93.
- D. Section 189-10B is amended to change "Uniform Fire Code, 2006" to "NFPA 1 – Fire Code."

Chapter 201, Health and Sanitation.

Sections 201-1 and 201-2B are amended to change Walworth County Board of Health and Health Office to Health and Human Services Board.

Chapter 238, Minors.**Article I, Curfew.**

- A. Section 238-1A is amended to delete the phrase "shall carry a pass issued by the Chief of Police" from the last sentence thereof.
- B. Sections 238-1B and 238-2 are amended to delete references to Emancipation of Mature Minors Act.
- C. Section 238-2 is amended, in part, as follows: "upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots, or other unsupervised places in the Village."

Chapter 242, Mobile Homes, Recreational and Commercial Motor Vehicles and Tents.

- A. Section 242-1. The definition of "all-terrain vehicle" (Subdefinition A of "recreational vehicle") is amended to read:
- ALL-TERRAIN VEHICLE -- A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more low-pressure tires or nonpneumatic tires.
- B. Section 242-3E is amended to delete the second and third sentences thereof.
- C. Section 242-5B(1) is amended to change "Building and Zoning Inspector" to "Building Inspector."
- D. Section 242-6A(2) is amended to change the first instance of "Clerk-Treasurer" to "Clerk" and the second instance of "Clerk-Treasurer" to "Treasurer."
- E. Section 242-6A(3) and B(1) are amended to change "Clerk-Treasurer" to "Clerk."

Chapter 253, Nuisances.

Section 253-6A is amended to delete the reference to the Health Officer.

Chapter 264, Peace and Good Order.

- A. Section 264-1 is amended to delete the reference to § 941.24, Wis. Stats.
- B. Section 264-11 is amended to delete "or policeman" from the second sentence thereof.
- C. Section 264-12C is amended to change the second instance of "streets" to "alleys."
- D. Section 264-19A is amended to change § 10.35 of the Municipal Code to § 940.19(1), Wis. Stats.
- E. Section 264-20B is amended as follows:
- Any person who conspires to violate § 943.01, 943.20 or 940.19(1), respectively, of the Wisconsin Statutes, with intent that such a violation be committed, ~~may shall~~, if one or more of the parties to the conspiracy does an act to effect its object, ~~shall~~ be ordered to pay a forfeiture of not less than \$5 nor more than \$200 together with cost of prosecution, and in default of such payment shall be imprisoned in the County Jail until payment is made but not exceeding six months.
- F. Section 264-27 is amended as follows:
- "Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Municipal Code."

Chapter 270, Plumbing Standards.

Section 270-9 is amended to delete "shall be used" from the end of the first sentence thereof.

Chapter 276, Property Maintenance.

- A. Section 276-2 is amended to add the following definition:

GARBAGE - Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food or from the handling, storage, and sale of food products or produce.

- B. Section 276-3B is amended to change "commands" to "requirements."

Chapter 281, Public Waters and Beaches.

- A. In § 281-2D, the definition of "registration" is amended to delete the phrase "lawfully within the jurisdiction of the Village."
- B. Section 281-14 is amended to change § 62.04, Wis. Stats., to § 61.34, Wis. Stats.

Chapter 295, Sewers and Sewage Disposal.

Article I, Sewer Use.

- A. In § 295-4, the definition of "standards methods" is amended to change Water Pollution Control Federation to Water Environment Federation.
- B. Section 295-5B(1) is amended to delete the reference to the Health Officer.
- C. Section 295-7J is amended to change Clerk-Treasurer to Treasurer.

Chapter 308, Solid Waste and Recycling.

Section 308-5H is amended to delete the second sentence thereof.

Chapter 314, Streets and Sidewalks.

- A. Section 314-1A is amended to change Clerk-Treasurer to Clerk.
- B. Section 314-3B is amended to change Clerk-Treasurer to Treasurer.

Chapter 327, Transient Merchants.

- A. Section 327-3H is amended, in part, as follows: "... proof that such charitable organization is registered under § 202.12, Wis. Stats. Any charitable organization not registered under § 202.12, Wis. Stats., or which is exempt from the statute's registration requirements, shall be required to register under this chapter."
- B. Sections 327-4B(3) and 327-10 are amended to change "license" to "registration."

Chapter 331, Trees.

Section 331-3G(2)(f) is amended to delete "and paid out of the Park's budget."

Chapter 345, Vehicles and Traffic.

- A. Section 345-4C(9) is amended to change 15 feet to 10 feet.
- B. Section 345-4C(20) is amended to delete the reference to § 341.14(1r), Wis. Stats. and to include minimum forfeiture of \$150 and maximum forfeiture of \$300.
- C. Section 345-10D is amended to add "except for a handicapped parking violation" to the end of the first sentence thereof.

Chapter 371, Impact Fees.

- A. Section 371-2A is amended to add the following subsections thereto:
- (2) May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed.*
- (8) May not include expenses for operation or maintenance of a public facility.*
- B. Section 371-2A(3), (5) and (9) is amended to change "political subdivision" to "municipality."
- C. Section 371-2A(6) is amended as follows: "Shall be reduced to compensate for moneys received from the federal or state government specifically to provide ~~for payment of~~ or pay for the public facilities for which the impact fees are imposed.
- D. Section 371-7 is amended to change 20 years to eight years.

Chapter 375, Land Division.

- A. Section 375-0306H(6) is amended to change the recording time frames to "within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map."
- B. Section 375-0402R is amended to delete the incomplete sentence "To systems are to be installed."
- C. Section 375-0402S is amended, in part, as follows: "The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater."
- D. Original § 17.0508, Recordation, is repealed.
- E. Section 375-0603C is amended as follows: "Location of soil boring tests where required by Chapter SPS 385 of the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth."
- F. Original § 17.0606, Recordation, is repealed.
- G. Section 375-0813B is amended to change Park Commission to Park and Memorial Advisory Committee.
- H. Section 375-0903A is amended to change County Planning, Zoning and Sanitation Department to Land Use and Resource Management Department.
- I. Original § 17.1106, Public site fee, is repealed.
- J. Section 375-1202 is amended to delete the definition of "street, collector."

Chapter 390, Zoning.

- A. Section 390-0114.
- (1) The definition of "family" is amended to read:
- FAMILY — One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit

dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

- (2) The definition of "green space ratio" is amended to delete the reference to minimum green space ratio.
- B. Section 390-0202 is amended to change the district name of Large Multi-Family Residential to Multifamily Residential.
- C. Section 390-0209A is amended to change "areas zoned in Large Lot Residential" to "areas zoned in Low Density Residential."
- D. Section 390-0210A is amended to change "areas zoned Low Density Residential" to "areas zoned Large Lot Residential."
- E. Section 390-0213M(1) is amended to delete "(G)" after "this section" and change "Sections (H) through (K), inclusive" to "Articles 4 and 5."
- F. Section 390-0215. Subsection D(9), Stormwater facilities, is added.
- G. Section 390-0222. Subsection C(24), Community garden and market garden, is added to the list of uses allowed by conditional use permit.
- H. Section 390-222, Subsection E(2), Drive-through sales and service incidental to on-site principal land use, is added.
- I. Section 390-224, Subsection D(7), Bathhouses, is added.
- J. Section 390-0303I is amended, in part, as follows: "more than one principal building may be permitted on any one lot upon granting of a conditional use permit for group development (Subsection K) or large development ~~regulations in compliance~~ (Subsection L)."
- K. Figure 390-0305F, Table of Industrial Land Uses, is amended to add:
 - (1) "C" for large solar energy system in the GI District.
 - (2) "C" for large solar energy system in the P&R District.
- L. Figure 390-0305J, Table of Accessory Land Uses, is amended to add "C" for drive-through sales and service incidental to on-site principal land use in the P&I District.
- M. Figure 390-0305K, Table of Temporary Land Uses, is amended to add "T" for temporary farm product sales under the LSB District.
- N. Section 390-0706V is amended to delete the reference to § 30.01(1d), Wis. Stats.
- O. Section 390-0810H is amended to change "on rear or side lots only" to "in rear or side yards only."
- P. Section 390-0821F(8)(b) is amended as follows: "The lowest point on the top of such screening elements shall be at least as high as the highest point on any mechanical equipment."
- Q. Section 390-1006 is amended to change " Public Park and Recreation districts" to "Public and Institutional and Parks and Recreation Districts."
- R. Section 390-1013A(6) is amended to change Electrical Inspector to Building Inspector.
- S. Section 390-1105A(8) is amended to change 10 days to five days.
- T. Section 390-1205D(2)(a) is amended to delete the reference to WisDNR.

- U. Section 390-1206E(7)(b)[4] is amended to change "maintained" to "minimized."
- V. Section 370-1207E(2)(b) is amended, in part, as follows: " Will not result in a substantial or undue adverse impact on nearby property,..."
- W. Section 390-1207E(3) is amended to change the second instance of "Plan Commission" to "Village Board."
- X. Section 390-1207H(4) is amended to read, in part, as follows: "If the Village Board wishes to make significant changes in the proposed conditional use..."
- Y. Section 390-1216D(2) is amended so that the first sentence thereof reads: "The Zoning Administrator shall prepare a written report indicating the interpretation of the Zoning Administrator and forward the report to the Plan Commission with a copy to the applicant."
- Z. Section 390-1703L(2) is amended to delete "nurses homes."
- AA. Section 390-1703Y(3)(a) is amended to change "Sections 18.0504, 18.0511 and 18.0513" to "§ 390-0223C."
- BB. Section 390-1704 is amended so that the subsections thereof read as follows:
 - A. Sections 390-0102 through 390-0110, General Provisions.*
 - B. Sections 390-0803 through 390-0806, Traffic, Parking and Access.*
 - C. Sections 390-0504 through 390-0506, Modifications.*
 - D. Article 10, Signage.*
 - E. Article 6, Nonconforming Situations.*
 - F. Section 390-1206, Site Plan.*
 - G. Article 8, Performance Standards.*
 - H. Section 390-0114, Definitions.*
- CC. Section 390-1712B is amended to delete "as defined in this Ordinance."
- DD. Section 390-1716B(6) is amended to change 10 days to five days.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter DT

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and sections of the 2011 Code have been included in the 2021 Code, or the reason for exclusion.

§ DT-1 Derivation Table of 2011 Code to 2021 Code

NCM	=	Not Code material (legislation is not general or permanent in nature).
REP	=	Repealed effective with adoption of Code; see Ch. 1, Art. II.
NLP	=	New legislation is pending.

Chapter/Title From 2011 Code		Location in 2021 Code
Ch. 1, Village Government		
	§§ 1.01 to 1.03 (Village Board)	Ch. 110
	§ 1.04, Appointed officials	Ch. 80
	§ 1.05, Boards and commissions	Ch. 12
	§ 1.06, Regulations regarding employees	Ch. 80
	§ 1.07, City bid statute adopted	Ch. 46
	§ 1.08, Nonpartisan spring primary	Ch. 33
	§ 1.09, Receipt of gifts and gratuities	REP
	§ 1.10, Geneva Lake Area Transportation Commission	Ch. 12
	§ 1.11, Registration of electors	Ch. 33
	§ 1.12, Municipal Judge and Municipal Court	Ch. 22
	§ 1.13, Code of Ethics	Ch. 40
	§ 1.14, Village Administrator	Ch. 80
Ch. 2, Financial Procedure		
	§§ 2.01 to 2.07 and 2.09 to 2.11	Ch. 46
	§ 2.08, Destruction of obsolete public records	Ch. 95, Art. I
	§ 2.12, Short-term rental of residential dwellings	Ch. 205, Art. III
Ch. 3, Police Department		
Ch. 4, Volunteer Fire Department		Ch. 87
	§§ 4.01 to 4.04	Ch. 49
	§§ 4.05 to 4.23	Ch. 189
Ch. 5, Emergency Management		
	§§ 5.01 to 5.07 and 5.09	Removed (county ordinance)
	§ 5.08	Ch. 281, Art. II
Ch. 6, Traffic Code		Ch. 345
Ch. 7, Streets and Sidewalks		
	§§ 7.01 to 7.03 and 7.05 to 7.07	Ch. 314
	§§ 7.04 and 7.045 (trees)	Ch. 331
	§ 7.10, Penalty	Ch. 314; Ch. 331
Ch. 8, Licenses and Permits		
	§ 8.01, Intoxicating liquor, fermented malt	Ch. 128

beverages and soda water beverages	
§ 8.02, Transient merchants	Ch. 327
§ 8.03, Public amusements	Ch. 132
§ 8.04, Bicycles	Ch. 145
§ 8.05, Mobile homes and mobile home	Ch. 242
parks/tents	
§ 8.06, Riding and livery stables	Ch. 136 , Art. II
§ 8.07, Dogs	Ch. 136 , Art. I
§ 8.08, Cleaning dry wells and septic tanks	REP
§ 8.09, Use of explosives	Ch. 182
§ 8.10, Motor driven cycles	Ch. 345
§ 8.11, Group activities on municipally	Ch. 264
owned property	
§ 8.12, Items designed or marketed for use	Ch. 264
with illegal cannabis or drugs	
§ 8.13, Regulation of emergency alarms	Ch. 125
§ 8.14, Penalty and enforcement	Ch. 128 ; Ch. 132 ; Ch. 136 , Art. II ; Ch. 182 ; Ch. 242

Ch. 9, Health and Sanitation

§ 9.01, Rules and regulations	Ch. 201
§ 9.02, Health nuisances	Ch. 201
§ 9.03, Cross connection to public water	Ch. 350 , Art. II
system prohibited	
§ 9.04, Prohibition of Village dump	REP
§ 9.05, Milk and milk products	Repealed by Ord. No. 2017-2
§ 9.06, Swimming pools, standards	REP
§ 9.07, Private wells prohibited	Ch. 350 , Art. II
§ 9.08, Animal waste	Ch. 136 , Art. III
§ 9.09, Property maintenance	Ch. 276
§ 9.10, Regulation of disposal of	Ch. 153
construction materials	
§ 9.11, Well Number 3, well head	Ch. 386
protection	
§ 9.12, Penalty	Ch. 136 , Art. III ; Ch. 201 ; Ch. 276 ; Ch. 350 , Art. II

Ch. 10, Orderly Conduct

§§ 10.01 to 10.08, 10.10, 10.13 to 10.16,	Ch. 264
10.18, 10.20 to 10.23, 10.25, 10.26 and	
10.30	
§ 10.09, Curfew	Ch. 238 , Art. I
§ 10.11, Burning	Ch. 189
§ 10.12, Storage and use of flammable	Ch. 189
liquids	
§ 10.17, Truancy	Ch. 238 , Art. II
§ 10.19, Inoperable, wrecked or discarded	Ch. 342
vehicles	
§ 10.24, Cigarette and tobacco products	Ch. 164
§ 10.27, Feeding of waterfowl	Ch. 136 , Art. IV
§ 10.28, Smoking regulated	Ch. 164
§ 10.29, Kishwaukee Nature Conservancy	Ch. 220
§ 10.31, Regulation of skateboard, bicycles	Ch. 145
and in-line skates	
§ 10.315, Rules established for Municipal	Ch. 281 , Art. III

	Beach	
	§ 10.32, Penalties	Ch. 145 ; Ch. 164 ; Ch. 220 ; Ch. 264 ; Ch. 281 , Art. III
Ch. 11, Public Nuisances		
	§§ 11.01 to 11.05 and 11.06 to 11.08	Ch. 253
	§ 11.055, Threats to trees	Ch. 331
Ch. 12, Public Waters and Beaches		Ch. 281 , Art. I
Ch. 13, Municipal Utilities		
	§§ 13.01 to 13.07, Water Utility	Ch. 350 , Art. I
	§§ 13.10 to 13.35, Sewer User Regulations	Ch. 295 , Art. I
	§§ 13.28 and 13.35	REP
Ch. 14, Plumbing Code		Ch. 270
Ch. 15, Building Code		
	§§ 15.01, 15.04 to 15.08, 15.10 and 15.15	Ch. 153
	§ 15.02, Construction site erosion control	Ch. 178 , Art. I
	§ 15.03, Outdoor lighting and advertising signs	Ch. 229
	§ 15.09, New development stormwater management	Ch. 178 , Art. II
Ch. 16, Housing Code		
	§§ 16.01 to 16.06	Ch. 205 , Art. I
	§ 16.07, Registration and inspection of residential rental property	Ch. 205 , Art. II
Ch. 17, Land Division		Ch. 375
Ch. 18, Zoning Ordinance		Ch. 390
Ch. 19, Cable Television		Ch. 160
Ch. 20, Construction and Effect of Ordinances		
	§§ 20.01, 20.02, 20.03 and 20.05	Ch. 1 , Art. I
	§ 20.04 (citations)	Ch. 19
	§§ 20.06 to 20.09	NLP; see Ch. 1 , Art. II
Ch. 22, Solid Waste, Composting and Mandatory Recycling		Ch. 308
Ch. 24, Administrative Review Procedures		Ch. 5
Ch. 25, Impact Fee Ordinance		Ch. 371
Ch. 26, Comprehensive Plan		Ch. 364
Ch. 27, Sex Offenders		Ch. 299

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Chapter DL

Disposition List

The following is a chronological listing of legislation of the Village of Williams Bay reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the 2021 publication of the Code was Ord. No. 2020-07, adopted December 21, 2020.

§ DL-1 Disposition of legislation.

KEY:

NCM	=	Not Code material (legislation is not general or permanent in nature).
NLP	=	New legislation is pending.

Ord. No.	Adoption Date	Subject	Disposition
7-10	9-20-2010	Comprehensive Plan	Ch. 364
1-11	4-4-2011	Adopting Amendments to the Code of Ordinances	NLP; see Ch. 1 , Art. II
2-11	8-15-2011	Peace and Good Order Amendment	Ch. 264
2-2011	1-17-2011	Repeal of s. 1.08	Repealer only
3-2011	1-17-2011	Elections Amendment	Ch. 33
4-11	11-7-2011	Land Division	Ch. 375
5-11	11-7-2011	Zoning	Ch. 390
7-11	12-19-2011	Peace and Good Order Amendment	Ch. 264
	1-3-2012	Peace and Good Order Amendment	Ch. 264
2-12	2-20-2012	Zoning Map Amendment	NCM
3-12	3-19-2012	Animals: Dogs and Cats Amendment	Ch. 136 , Art. I
3-12	2-20-2012	Finance and Taxation Amendment	Ch. 46
	1-21-2013	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
	7-15-2013	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
	8-19-2013	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
	3-17-2014	Peace and Good Order Amendment	Ch. 264
	8-18-2014	Zoning Amendment	Ch. 390
	8-18-2014	Land Division Amendment	Ch. 375
	2-2-2015	Zoning Amendment	Ch. 390
	2-2-2015	Vehicles and Traffic Amendment	Ch. 345
	2-2-2015	Peace and Good Order Amendment	Ch. 264
	7-20-2015	Court, Municipal Amendment	Ch. 22
12-1-2015	12-21-2015	Officers and Employees Amendment	Ch. 80
12-2-2015	12-21-2015	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2016-1	1-18-2016	Residency Requirement for Administrator	No copy available
2016-2	2-15-2016	Police Department Amendment	Ch. 87
2016-3	4-18-2016	Vehicles and Traffic Amendment	Ch. 345
2016-4	5-16-2016	Fires and Fire Prevention	Ch. 189

		Amendment	
2016-5	5-16-2016	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2016-6	6-6-2016	Village Board Amendment	Ch. 110
2016-7	6-20-2016	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2016-8	6-20-2016	Boards, Commissions and Committees Amendment	Ch. 12
2016-9	10-3-2016	Zoning Amendment	Ch. 390
2016-10	11-7-2016	Records: Retention and Disposal Amendment	Ch. 95 , Art. I
2016-11	12-5-2006	Sex Offenders	Repealed by Ord. No. 2017-8
2017-1	3-6-2017	Vehicles and Traffic amendment	Ch. 345
2017-2	4-17-2017	Repeal of Sec. 9.05, Milk and Milk Products	Repealer only
2017-4	6-19-2017	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2017-5	6-19-2017	Public Waters and Beaches: Geneva Lake	Ch. 281 , Art. IV
2017-6	8-7-2017	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2017-7	10-16-2017	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2017-8	9-18-2017	Sex Offenders	Ch. 299
2018-1	1-15-2018	Village Board Amendment	Ch. 110
2018-2	2-19-2018	Vehicles and Traffic Amendment	Ch. 345
2018-3	3-5-2018	Temporarily Prohibiting Conditional Use Permits for Tourist Rooming Houses	Repealed by Ord. No. 2018-9
2018-4	4-16-2018	Officers and Employees Amendment	Ch. 80
2018-5	4-16-2018	Public Waters and Beaches: General Regulations Amendment	Ch. 281 , Art. I
2018-6	8-20-2018	Zoning Amendment	Ch. 390
2018-7	8-6-2018	General Provisions: Construction and Penalties Amendment	Ch. 1 , Art. I
2018-8	8-20-2018	Finance and Taxation Amendment; Short-Term Rental of Residential Dwellings	Ch. 46 ; Ch. 205 , Art. III
2018-9	1-7-2019	Repeal of Ord. No. 2018-3	Repealer only
2018-10	12-17-2018	Housing Standards and Rental Property: Registration and Inspection of Residential Rental Property Amendment	Ch. 205 , Art. II
2019-01	4-15-2019	Water: Cross-Connections Amendment	Ch. 350 , Art. II
2019-02	4-15-2019	Finance and Taxation Amendment	Ch. 46
2019-03		Officers and Employees Amendment	Not adopted
2019-04		Officers and Employees Amendment	Not adopted
2020-01	3-2-2020	Zoning Amendment	Ch. 390
2020-02	3-2-2020	Alcohol Beverages Amendment	Ch. 128
2020-03	8-31-2020	Boards, Commissions and Committees Amendment; Village Board Amendment	Ch. 12 ; Ch. 110

2020-04	7-22-2020	Comprehensive Plan Amendment	NCM
2020-05			Not adopted
2020-06	8-17-2020	Zoning Map Amendment	NCM
2020-07	12-21-2020	Building Construction Amendment	Ch. 153