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CHAPTER 1

GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

1.101 Title

These collected ordinances shall be known and referred to as the "Code of Ordinances, Rock County, Wisconsin." References to this Code shall be cited as follows: "Sec. - , Code of Ordinances, Rock County, Wisconsin." This Code may also be referred to by the shortened title "Rock County Code."

[State law references: Authority to codify ordinances, Wis. Stats. § 66.0103; citation of statutes, Wis. Stats. § 991.12.]

1.102 Construction

Except where the terms of the ordinance require otherwise, these ordinances shall be construed according to the rules of construction established by Wisconsin law.

1.103 Definitions

Except where an ordinance explicitly defines a term or word, the terms or words of these ordinances shall be given their usual and ordinary meaning in accordance with any generally recognized dictionary.

1.105 Scope

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the County. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the County to regulate such particular acts outside the corporate limits.

1.106 Conflicts

(a) If the provisions of different chapters conflict with each other, the provisions of each chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.

(b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

(c) If any of the provisions hereof conflict, and the conflict cannot be resolved by application of subsection (a) or (b) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

1.107 Catchlines

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

[State law references: Similar rule of construction for state code, Wis. Stats. § 990.001(6).]

1.108 History Notes, Editor's Notes; No Legal Effect

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

[State law references: Similar rule of construction for state code, Wis. Stats. § 990.001(6).]

1.109 References to Chapters

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified. Reference to any section of this Code shall be understood also to refer to and include the penalty section relating hereto, unless otherwise expressly provided.

1.110 Severability of Provisions

If any provision of this Code of Ordinances 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 provision of these ordinances.

[State law references: Severability, Wis. Stats. § 990.001(11).]

1.111 Prior Offenses or Rights Not Affected

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any county ordinance on the effective date of this Code.

1.112 Effective Date

(a) Code. This Code shall take effect from and after passage and publication as provided by state law.

(b) Subsequent ordinances. All ordinances passed by the County Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

[State law references: Similar provision regarding statutes, Wis. Stats. § 991.11.]

1.115 Existing Use Violations Not Authorized

The adoption of this Code shall not be interpreted as authorizing or allowing any use or the continuance of any use of a structure or premises in violation of any ordinance of the county in effect on the date of adoption of this Code.

1.120 Amendments

(1) All new ordinances and all amendments to these ordinances hereinafter enacted shall conform to the drafting style and format rules set forth in Part 1 of the Administrative Rules Manual of the Wisconsin Legislative Council. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion of a chapter, article, division, section or subsection, such repealed portions may be excluded from the Code by omission from affected reprinted pages; and the subsequent ordinances, as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the County Board.

(2) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this code in substantially the following language: "That section _____ of the Code of Ordinances of Rock County, Wisconsin is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(3) If a new section not heretofore existing in the code is to be added, the following language may be used: "That the Code of Ordinances of Rock County, Wisconsin is amended by adding a section to be numbered _____, which section reads as follows: . . . ." The new section may then be set out in full as desired.

(4) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

1.121 Effect of Amendments

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the County Board to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to the county's Code shall be understood and intended to include such additions and amendments.

1.122 Keeping Code Current; Reviser's Amendments

As each ordinance affecting this Code becomes effective, the clerk shall forward such ordinance to the reviser, who shall be the Rock County Corporation Counsel, and who shall incorporate the ordinance into this Code. The reviser shall make no substantive changes to such ordinances but may renumber, rearrange and correct obvious typographical errors and edit them without first submitting them to the County Board. Such rearranging, renumbering and editing shall not affect the validity of such ordinances or the provisions of this Code affected by such ordinances.

1.123 General Penalty

(a) Established. Except where a penalty is provided elsewhere in this Code or mandated by state law, or set forth in the schedule of forfeitures adopted from time to time by the County Board, any person over the age of 17 years who shall violate any of the sections of this Code shall, upon conviction of such violation, be subject to a penalty, as follows:

(1) First offense. For a violation of any provision of this Code which adopts a state law by reference, and unless otherwise provided by the statute adopted, the forfeiture shall be the same as the forfeiture for violation of the statute. For a violation of any other provision of this Code, the forfeiture shall be not less than $100.00 nor more than $5,000.00. In either case, the person shall pay the costs of prosecution and a penalty assessment pursuant to Wis. Stats. § 757.05(1), where required, for each offense.

(2) Second and subsequent offenses. In any case where an ordinance of the county does not provide for a second or subsequent violation, the person violating the ordinance for a second or subsequent time shall be subject to a forfeiture of not less than $150.00 nor more than $5,000.00 for each violation, together with the costs of prosecution and a penalty assessment pursuant to Wis. Stats. § 757.05(1), where required, except if the penalty expressly provided for the first violation of the ordinance exceeds $600.00, then that larger penalty shall be applicable to second and subsequent violations.

(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 county 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 the court for violation of any ordinance of the county, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(d) Injunctive remedies. In addition to any other penalty imposed under this section or any other penalty section of this Code, the county may institute an action or proceeding to enjoin any violation; such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the county is the issuing authority.

(e) Suspension of defendant's driver's license. The court may suspend the defendant's operating privilege, as defined in Wis. Stats. § 340.01(40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments, or both, are to be made and has not notified the court that he is unable to comply with the judgment, as provided under Wis. Stats. § 800.095(4)(a), except that the suspension period may not exceed two years. The court shall take possession of the suspended license and shall forward the license, along with a notice of the suspension, clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation. This subsection does not apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the violator's operation of a motor vehicle.

(f) Court authority to impose alternative juvenile dispositions and sanctions.

(1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Wis. Stats. § 938.343 and Wis. Stats. § 938.344 in accordance with the provisions of those statutes.

(2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stats. § 938.343 and Wis. Stats. § 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. § 938.355(6)(d) in accordance with the provisions of those statutes.

(g) Abatement of nuisances. In addition to all penalties and remedies provided in this section, the county shall have the right to abate any public nuisance, as provided in this Code and by state law, and to recover permissible costs therefor.

(h) Other remedies. The county shall have any and all other legal and equitable remedies afforded by state law in addition to those specifically enumerated in this chapter.

(i) Time of payment. Any forfeiture and costs imposed as a penalty pursuant to this section or any penalty provision of this Code shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.

(j) Failure to pay forfeiture or costs. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the county, the court may, in lieu of ordering imprisonment of the defendant, or after the

defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs, or proceed with any of the remedies afforded by Wis. Stats. §§ 66.0114, 345.47, 800.09 and 800.095.

[State law references: Penalty for violation of ordinances, Wis. Stats. § 66.0109; bail generally, Wis. Stats. § 66.0417; outstanding unpaid forfeitures, Wis. Stats. § 66.0115; actions for violations of municipal ordinances, Wis. Stats. § 66.0114; fines and costs in municipal court, Wis. Stats. § 814.65; juvenile justice code, Wis. Stats. § 938.01 et seq.; juvenile courts, Wis. Stats. § 48.03 et seq.; disposition in juvenile cases, Wis. Stats. § 48.33.]

1.124 Abatement of Nuisances

Chapter 823 (Nuisances) of the Wisconsin Statutes (2009-2010) and as thereafter amended, is adopted by reference with full force and effect as if set forth in full.

1.127 Clerk to Maintain Code

(a) County code of ordinances. Copies of this Code shall be kept available at the county clerk's office for public inspection.

(b) Material adopted by reference. Whenever any standard code, rule, regulation, statute 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 county clerk shall maintain in his office a copy of any such material as adopted and as amended from time to time.

(c) Open public records. Materials on file at the county clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the county clerk, subject to such restrictions on examination as the clerk imposes for the preservation of the materials.

1.130 Fee Schedule

Fees for permits, licenses, and other county services shall be as established from time to time by resolution or ordinance, as required by law, of the County Board.

1.131 Establishing Cut-Off Reception Time for Filing and Recording of Real Estate Related Documents.

The cut-off reception time for the filing and recording of real estate related documents in the office of the Register of Deeds shall be 4:00 p.m. on any official business day during which time the Register of Deeds office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception. For all other purposes, the office shall remain open to the public until 5:00 p.m.

1.132 Limitation on Claims for Damage by Dogs to Certain Domestic Animals

Claims by owners of certain domestic animals, as defined in Chapter 174, Stats., that have been injured by dogs shall be submitted in accordance with all requirements of section 174.11, Stats. Claims shall be submitted on the standard form as prescribed by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection and administered locally through the County Clerk's office. A certified copy of a police or sheriff's investigative report shall be attached to all claim forms. The maximum amount payable for damages by dogs to certain domestic animals under section 174.11, Stats., shall be limited on a per incident basis to the lesser of the owner's out-of-pocket costs related to the deductible associated with a private insurance policy or $1,000.00 provided that sufficient funds are available in the dog license fund to pay the amount allowed.

Definitions:

Per incident basis - all claims arising from occurrences within a 24 hour period.

1.133 Interjurisdictional Agreements Required

(1) It is the intent of this section to allow appropriate crisis intervention services and to prevent the taxpayers of the County from paying the costs associated with residents of other jurisdictions when those residents are placed in certain temporary living situations within the County.

(2) This section requires certain facilities that accept such placements of out-of-county residents to obtain and maintain current interjurisdictional agreements, thus effectively facilitating proper crisis intervention services and relieving the County taxpayers of unnecessary expenses.

(3) For the purposes of this section, an interjurisdictional agreement shall consist of a written document containing the following:

(a) The name of the person being placed in the County from another jurisdiction (subject) and the date placement is to be effected.

(b) The physical address and telephone number where the subject is to be placed (placement).

(c) The type of license or certification held by the placement (e.g., skilled nursing facility, child family foster home, adult family home, community-based rehabilitation facility).

(d) The name and mailing address of the legal entity holding the license or certification identified in item (c) above (licensee).

(e) The name, mailing address, telephone number and after-hours contact information for the jurisdiction placing the subject (home jurisdiction).

(f) The legal status of the subject (e.g., Wis. Stats. §51.20, § 55.12, ch. 48, ch. 938, ch. 54 voluntary).

(g) A statement that the subject remains a resident of the home jurisdiction, and that the home jurisdiction retains financial responsibility for the subject, including costs associated with Wis. Stats. § 51.15, emergency detention or § 55.13, emergency protective services, while placed in the County.

(h) Any special instructions deemed necessary by the home jurisdiction for after-hours care or hospitalization.

(i) Signatures of authorized representative of both licensee and home jurisdiction.

(4) An interjurisdictional agreement shall be provided to the County department of health and human services at or before the date of placement of the subject in the County. Current documentation of subject's legal status shall accompany the interjurisdictional agreement.

(5) The interjurisdictional agreement and documentation of legal status shall be updated and provided to the County department of health and human services by the licensee within five calendar days of any changes to the agreement or client's legal status.

(6) Penalty.

(a) Any person, firm, or corporation who fails to comply with the provisions of this section shall, upon conviction thereof, forfeit not less than $25.00 nor more than $100.00 and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. Each subject residing at the placement facility shall constitute a separate violation.

(b) The penalty provisions of this section shall be invoked when a subject receives crisis intervention services through the County, including but not limited to Wis. Stats. § 51.15, emergency detention of § 55.13, emergency protective services.

(7) Exemption. An interjurisdictional agreement under this section shall not be required for any person placed from a County that is a current signatory to an intercounty agreement on adult venue to which the County is also a party.

Repealed and Recreated 1/10/13 Res. No. 12-12A-190
Section 1.120 Amended 9/11/14 Res. No. 14-8A-080
Section 1.133 Created 7/9/15 Res. No. 15-6B-325

Chapter 2

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CHAPTER 2

ADMINISTRATION

Part 1 – In General

2.101 Self-Organized County

The County of Rock, by a majority vote of the entire membership of its County Board of Supervisors duly assembled on the 27th day of June, 1985, elected to act as a self-organized county under Section 59.03(1) of the 1983-84 Wisconsin Statutes.

2.102 Mileage

Each Supervisor shall receive mileage for each mile driven in going to and returning from the meetings of the board or committees thereof by the most usual traveled route, at the rate established from time to time by the County Board. Mileage shall be determined in accordance with the Rock County Administrative Policy and Procedures Manual, sec. 2.16 and as subsequently amended.

2.103 Required Signatures on Nomination Papers

The number of required signatures on nomination papers for candidates for the office of county supervisor shall be not less than 50 nor more than 200 electors. This section shall take effect on the November 15th following its enactment.

2.104 County Board – Apportionment of Districts From Which Supervisors are Elected (Maps)

The apportionment of districts from which supervisors are elected is set forth in Rock County Board of Supervisors Resolution No. 12-3B-625 along with attachments thereto which is incorporated and made a part hereof by reference.

2.105 Abatement Orders

The Rock County Administrator, or his/her delegate, shall serve as the official who may modify or withdraw abatement orders issued under sec. 173.11, Wis. Stats.

Part 2 – Finance

Subpart 1. Generally

2.201 Payments in Rock County

(1) Worthless Checks. If a personal check tendered to make any payment to Rock County, or any agency of Rock County, is not paid by the bank on which it is drawn,

the person to whom the check has been tendered shall remain liable for the payment of the amount for which the check was tendered for all legal penalties, additions and a charge set by the Rock County Finance Committee which is comparable to charges for unpaid drafts made by establishments in the private sector. In addition, the officer to whom the check was tendered may, if there is probable cause to believe that a crime has been committed, provide any information or evidence relating to the crime to the Rock County District Attorney for prosecution as provided by law. If any license has been granted upon any such check, the license shall be subject to cancellation for the nonpayment of the check.

(2) Overpayments and Underpayments. The Rock County Finance Committee shall establish regulations pursuant to which the various offices and agencies of Rock County may retain overpayments of fees, licenses, and similar charges when the overpayment is $2 or less, unless such refund is specifically requested in writing or where otherwise provided by state or federal law. Such regulations may also provide that underpayments of not more than $2 may be waived when the administrative cost of collection would exceed the amount of underpayment.

2.202 Foreclosure of Tax Liens by Action In Rem

From and after the 1st day of January, 1986, the County of Rock elects to adopt the provisions of Section 75.521, Wis. Stats., for the purpose of enforcing tax liens in such county in the cases where the procedure provided by such section is applicable.

2.203 County Sales and Use Tax

(1) Authority and Purpose. This Ordinance is enacted under the authority of Subchapter V of Chapter 77 of the Wisconsin Statutes. The sole purpose for imposing a county sales and use tax is to directly reduce the property tax levy. It is intended that in applying the sales and use tax revenues preference shall be given to capital items that would otherwise be funded by deferred financing.

(2) Imposition of Tax. Pursuant to, and in strict conformity with, the provisions of Subchapter V of Chapter 77 of the Wisconsin Statutes, the County of Rock does hereby elect to impose a county sales and use tax at the rate of 0.5% in the manner and to the extent permitted by Subchapter V of Chapter 77 of the Wisconsin Statutes and enactments amendatory thereto.

(3) Effective Date. The County Clerk is directed to deliver a certified copy of the adopted Ordinance to the Secretary of the Wisconsin Department of Revenue prior to December 1, 2006, with the Ordinance thereafter to become effective on April 1, 2007.

2.204 Property Assessed Clean Energy Financing

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

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

(3) Definitions. In this section:

(A) Annual installment – means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.

(B) Borrower - means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.

(C) Default loan balance – means the outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.

(D) Foreclosure proceeds – means the proceeds received by the County from the disposition of a subject property through an in rem property tax foreclosure.

(E) Loan amount – means the principal, interest, administrative fees (including the Program Administrator's fees) and other loan charges to be paid by the borrower under the PACE loan.

(F) PACE – means the acronym for property assessed clean energy.

(G) PACE default provisions – means:

1. The delinquent annual installment(s) due when the County initiates the *in rem* property tax foreclosure on the subject property;

2. Any additional annual installment(s) that become due between the time that the County initiates *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;

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

4. Any default loan balance.

(H) PACE lender – means any person that makes a PACE loan, and which may include an affiliate of the borrower.

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

(J) Person – means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stat. § 66.0627.

(K) Program Administrator – means the person retained by the Wisconsin PACE Commission as provided in subsection (5)(B).

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

(M) Supplemental agreement – means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (7).

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

(4) Pace Loans as Special Charges; Delinquent Amounts as Liens. Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured pursuant to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stat. § 66.0627 as amended.

(5) Wisconsin Pace Commission.

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

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

(6) Loan Approval.

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

(B) The County shall approve the financing arrangements between a borrower and PACE lender.

(7) Supplement Agreement.

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

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

2. Shall recite the amount and the term of the PACE loan;

3. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;

4. Shall provide whether default interest may be applied to unpaid annual installments;

5. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;

6. Shall provide for any fees payable to the County and/or Program Administrator;

7. Shall recite that the supplemental agreement is a covenant that runs with the land;

8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and

9. May allow for amendment by the parties.

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

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

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

(8) Annual Installments Added to Tax Rolls. Upon the request of the Program Administrator, the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Wis. Stat. § 66.0627, as amended.

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

(10) Property Tax Foreclosure Procedures.

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

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

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

(11) Sale of Foreclosed Property. If the County prevails in an *in rem* property tax foreclosure action against a subject property, the County shall diligently proceed to sell

the subject property pursuant to the procedures set forth in Wis. Stat. § 75.69, as amended.

(12) Distribution of Foreclosure Proceeds. The County treasurer shall follow the procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

Subpart 2. Purchasing

2.211 Purpose

(1) This ordinance is intended to achieve greater efficiency and economy in the operation of Rock County government and to encourage competition and business in Rock County by centralizing all County purchasing within the Finance Department, except insofar as otherwise specifically authorized by provisions of this ordinance.

(2) This ordinance shall not be construed to grant any rights to any vendor or any person applying to be a vendor of goods or services to Rock County.

(3) This ordinance shall be administered and construed in a manner consistent with all applicable State and Federal laws and, insofar as any State or Federal law is intended to preempt local authority, any provision of this ordinance which is inconsistent with such State or Federal law, that provision of this ordinance shall be null and void to the extent of the inconsistency.

2.212 Authority

This ordinance is created pursuant to the authority granted by, without limitation by reason of enumeration, Sections 59.03(1), 59.51(2), 59.52(6), 59.52(8), 59.52(9) and 59.52(29) of the Wisconsin Statutes.

2.213 Administration

The provisions of this ordinance and any regulations adopted hereunder shall be administered, supervised and enforced by the Finance Director, subject to the authority of the County Administrator and policy review by the Finance Committee. Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance and on-going administrative, financial and legal review of all contract documents entered into on behalf of Rock County. The Finance Committee may by rule require additional procedures or impose limitations beyond those expressly set forth in this ordinance insofar as the Committee determines that such action will further the intent and purpose of this ordinance.

2.214 Appropriations

All procurement transactions shall be in accordance with the appropriations made by the County Board for the operation of the respective County departments and agencies. No

transaction shall be substantially completed unless adequate funds have been appropriated for the purpose. Items not separately enumerated in the annual County budget, including furniture and equipment, must be approved for purchase, in advance, by the County Administrator or designee upon written justification.

2.215 Definitions

(1) Bidder - shall mean all natural persons, corporations, partnerships, associations, joint ventures, trusts, or any other form of business affiliation whatever, submitting an offer for the provision of goods or services to the County in accord with specifications supplied by the County, or making an offer to purchase an item in accord with a call for bids issued by the County.

(2) Decentralized Purchasing Authority - shall mean the authority to determine the need for and procure goods and services in accordance with the delegation of such authority by the Finance Committee to a department other than the Purchasing Division of the Finance Department. Such authority may only be exercised in the requisitioning of specified purchases in a designated period of time as described in a written purchase order issued by the Purchasing Division.

(3) Most Responsible and Responsive Bidder - shall mean that Bidder who offers, as appropriate, either lowest cost or highest payment, the best quality to the County, and who possesses the necessary financial responsibility, skill, ability and integrity to perform the obligations required by the transaction. However, in no instance may a bidder who has been convicted of bid rigging or price fixing within three years of submission of the bid involved and which involved a contract with the County, be considered the most responsible and responsive bidder.

(4) Professional Services - shall mean unique or technical functions performed by independent contractors whose primary occupation is the rendering of these services. Such services are characterized by extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Examples of professional services include, without limitation by reason of enumeration, medicine and the medical arts, management and systems consultation, research, the performing arts, surveyor and surveyor services, engineering and architectural design services.

(5) Purchase of Goods - shall mean any transaction between the County and any party or parties by which the County is to receive a tangible commodity or property, excepting real property, in exchange for money or other valuable consideration.

(6) Purchase of Services - shall mean any transaction between the County and any party by which the County is to receive useful labor or activity in return for money or other valuable consideration, but does not include labor performed as an employee of Rock County.

(7) County Auction - shall mean an auction conducted on behalf of Rock County which is advertised in advance and open to the general public.

(8) Regulations - shall mean those rules or guidelines issued by the Finance Committee to implement the provisions or administration of this ordinance.

(9) Transactions - shall mean any act or agreement between the County and any other party or parties which alters the legal relationship between them, such as, but not limited to, contracts or agreements for services or goods or any real or personal property, concessions, leases and rentals.

2.216 Finance Director and Finance Committee

The Finance Director, acting under the administrative authority of the County Administrator and the policy oversight of the Finance Committee, shall exercise the following duties and functions relating to this ordinance:

(1) Implement the provisions of this ordinance through the activities of the Purchasing Division of the Finance Department, and by providing administrative assistance, training and support to all County officials and employees in activities governed by this ordinance.

(2) Ensure that sufficient appropriate written regulations are in place to provide guidance to those engaged in activities within the scope of this ordinance, and monitor the administration of prescribed policies and procedures.

(3) Enforce the provisions of the ordinance by suitable measures.

(4) Advise and consult with all concerned departments and committees concerning the conduct of transactions in accordance with this ordinance, upon request, or as deemed necessary by the Finance Director, the County Administrator, or the Finance Committee.

(5) Promote standardization of equipment and supplies within Rock County government.

(6) In conjunction with the Finance Committee, provide suitable safeguards and procedures so that relatively small or routine matters need not be automatically referred to the Board or its committees.

(7) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.

(8) In conjunction with the Finance Committee, designate decentralized buying authorities, as provided for under sec. 2.218(3)(A) of this ordinance.

2.217 Disposal of Unsuitable or Unusable Goods

All equipment or supplies which have become unsuitable or unnecessary to their needs shall be disposed of through a County auction, except for items which are to be traded in or

applied on any purchases or are determined to be worthless. Exceptions may be made by the Finance Committee for the sale of certain items on the open market at a minimum predetermined price to be approved by the Committee, and for items needed by any county department or municipality. Sales of items to another municipality shall be at a price approved by the Committee. Surplus County property shall not be sold to any County employee, officer or agent, except through a County auction.

In addition, the Finance Committee may authorize the Purchasing Division to dispose of items by alternative means including but not limited to: outside auctions, listings on the Internet, either government or private, by donation to not-for-profit organizations or other means that may become available in the future.

2.218 Procedure (Purchase of Goods and Certain Contracts for Professional Services)

(1) Procedure and Bids - General

(A) Compliance with sec. 59.52 (29). All public work, as defined under state statutes and including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work exceeds $25,000, shall be let by contract to the lowest responsible bidder in accordance with sec. 66.0901(2), Wis. Stats, except that the County Board may by a three-fourths vote provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. If the estimated cost of any public work is between $5,000 and $25,000, the board shall give a class I notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901(2). The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance. This subsection does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make, or to the emergency repair or reconstruction of public facilities when the County Board by resolution determines that the public health or welfare of the County is endangered by damage or threatened damage to such facilities.

(B) All invitations for furnishing goods, and non-professional services, where the estimated cost exceeds $25,000 shall be bid only after notice by publication, once (class I notice) in the official newspaper of Rock County. Additional newspapers or trade magazines may be used to obtain the best advertising and widest notice at the most reasonable cost. The advertisement shall call for sealed bids to furnish the desired items, or supplies or services, in accordance with specifications prepared or approved by the Purchasing Division, which specifications shall describe completely the items, supplies or services to be furnished, the department for which the same are required, and the quantities desired.

Bids shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the Advertisement for Bid. The reading of all bids shall be open to the public. A Bid bond or certified check in the amount

required by the bid specifications may be required to accompany the bid. A performance bond or material/payment bond may also be required of the bidder upon acceptance of the bid.

(C) All contracts for purchases where the estimated cost is between $5,000 and $25,000 may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such contracts shall be made only after multiple quotations or proposals have been solicited, where practicable. Quotations obtained in this manner shall be confirmed by the successful quoter.

(D) Purchases under $5,000 may be made directly by the Purchasing Division from approved dealers or suppliers.

(E) The Finance Committee or Purchasing Division may reject any or all bids, proposals or quotations; waive any technicality or error in any bid, proposal or quotation, or part thereof, and to accept the same, or combinations thereof, in whole or in part, whenever such waiver and acceptance is deemed to be in the best interest of Rock County.

(F) Contracts for purchases shall be awarded to the lowest, most responsible and responsive bidder or quoter.

(2) Procedure and Bids – Direct Purchases Allowed

(A) If bids, quotations or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency situation, purchases may be made directly from an approved supplier. The County Administrator or Finance Committee may also authorize direct purchases without bids or multiple quotations under circumstances deemed justified and advantageous to Rock County.

(B) The justification and reasons for awards of contracts for purchases made by the procedures authorized above, shall be recorded and kept on file in the Finance Director's office.

(3) Special Purchases

(A) Goods and Services. Consistent with all other provisions of this ordinance, departments requiring goods and services may be granted decentralized purchasing authority by the Finance Committee, in consultation with the Finance Director, in accordance with sec. 2.216(8) of this ordinance. Such authority shall be exercised by the requisitioning department only after the issuance of a purchase order by the Purchasing Division covering specified purchase(s) for a designated period of time.

(B) Highway Purchases. The Highway Commissioner is authorized to make purchases directly related to highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. Purchases not directly related to highway construction and maintenance shall be made through the Purchasing Division. The

Highway Commissioner, at his/her discretion, may utilize the services of the Purchasing Division for any or all highway related purchases. All purchases related to County highway, parks and airport activities not specifically otherwise regulated by state statute or County Board Resolution shall be made through the Purchasing Division.

(C) Purchases from Governmental Units. Materials, supplies, machinery and equipment offered for sale by the federal government or by any municipality may be purchased without bids, at prices to be agreed upon between the Purchasing Division and the respective department or agency for whom the item is to be acquired.

(4) Intergovernmental Cooperative Purchases. The Finance Committee is herein authorized to enter into cooperative purchasing agreements with the State of Wisconsin and other Wisconsin municipalities consistent with sec. 16.73 and 66.0301 or 66.0303, Wis. Stats. for the purpose of administering, sponsoring or conducting purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services.

2.219 Purchase of Services

(1) Purchases of services shall be made by contract or purchase order through the Purchasing Division. The department or agency which requires the services shall prepare relevant specifications or standards and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.

(2) Purchases of professional services are exempt from bidding requirements, but are subject to all other purchasing policies and procedures.

(3) Services specifically required under State and/or Federal regulations may be purchased with the approval of the County Committee or Board administering such services, where the demand for services and market conditions do not allow for compliance with bidding and Request for Qualification procedures established under this ordinance.

2.220 Severability

Should any section or provision of this ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected thereby.

2.221 Effect on Other Ordinances

Provisions of other ordinances of Rock County inconsistent herewith are hereby repealed.

2.222 Time of Effectiveness

This ordinance shall take effect immediately upon passage and publication.

Part 3 – Public Records

Subpart 1. Access to Public Records

2.301 Legal Custodians

(1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) Unless otherwise prohibited by law, the County Clerk or the Clerk's designated deputy clerks shall act as legal custodians for the County Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the County Board.

(3) For every authority not specified in subs. (1) or (2), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(4) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate. This subsection does not apply to members of the County Board.

(5) The designation of a legal custodian does not affect the powers and duties of an authority.

2.302 Procedural Information

Pursuant to sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records and the costs thereof. This section does not apply to members of the County Board.

2.303 Access to Records, Fees

(1) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of sec. 19.35 (1), Wis. Stats.

(2) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to sec. 19.35 (1)(b), Wis. Stats., or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to sec. 19.35 (1)(f), Wis. Stats., with facilities comparable to those used by its employees to inspect, copy, and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying,

duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(3) (A) Each authority shall impose a fee upon the requester of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.

(B) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(C) Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is $50 or more.

(D) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(E) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds $5.

2.304 Time for Compliance and Procedures

Each authority in acting upon a request for any record shall respond as required by the following provisions which are set out in sec. 19.35 (4), Wis. Stats.

(1) Each authority, upon a request for any record, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.

(2) If a request is made orally, the authority may deny the request orally unless a demand for a written statement of reasons denying the request is made by the requester within 5 business days of the oral denial. If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request. Every written denial of a request by a authority shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under sec. 19.37 (1), Wis. Stats., or upon application to the attorney general or the district attorney.

2.305 Separation of Information

If a record contains information that may be made public and also information that may not be made public, the authority, after consultation with the County Corporation Counsel, shall

provide only the information that may be made public, if it will not unreasonably jeopardize disclosure of the exempt material.

2.306 Limitations on Right to Access

(1) As provided by sec. 19.36, Wis. Stats., the following records are exempt from inspection under this chapter:

(A) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

(B) Any record relating to investigative information obtained for law enforcement purposes if exemption from disclosure is required by federal law or regulations or if exemption from disclosure is a condition to receipt of aids by the state;

(C) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to examination and copying; and

(D) A record or portion of a record containing information qualifying as a common law trade secret.

(2) As provided by sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this chapter.

(3) The following may be used as grounds for denying public access to a record only if the authority or legal custodian under sec. 23.01, after consulting with the Corporation Counsel, makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

(A) Records of deliberation after a quasi-judicial hearing.

(B) Records of deliberation concerning dismissal, demotion, licensing, discipline, employment, promotion, compensation or performance evaluation of any County officer or employee.

(C) Records considering strategy for crime detection or prevention.

(D) Records of deliberations or negotiations on the purchase of County property, the investing of County funds, or other County business whenever competitive or bargaining reasons require non-disclosure.

(E) Financial, medical, social or personal histories or disciplinary data of specific persons or records concerning charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data.

(F) Communications between legal counsel for the County and any officer, agent or employee of the County, when advice is being rendered concerning strategy with respect to litigation in which the County or any of its officers, agents or employees is or is likely to become involved.

(4) Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect.

Subpart 2. Destruction of Obsolete County Records

2.307 Purpose; Authorization; Record Retention Periods

(1) For the purpose of gaining needed space, obsolete county records may be destroyed and their destruction is authorized. No county record may be destroyed unless it is authorized by state statute and this section. Nothing herein shall be construed to supersede state statutes. This section is authorized by sec. 19.21 (5), Wis. Stats. The governing committee of each office or agency, in consultation with the department head, shall have supervisory authority over the destruction of the agency's or office's records. Prior to the destruction of any county records, the records shall be offered to the State Historical Society under secs. 59.716 - 59.717, Wis. Stats. Records listed in sec. 59.715, Wis. Stats. may be destroyed pursuant to that section after the period of time set forth in that section.

(2) The records listed below may be maintained and destroyed as indicated on the schedule. If an agency, department, or office of Rock County wishes to destroy obsolete records which are not listed below, the agency or office shall first obtain permission to destroy the records from the agency's governing committee.

(A) SHERIFF'S DEPARTMENT

Division	Type of Record	Retention Time
Jail	1. Daily Jail Records	8 years (s. 59.27(8) Stats.)
	2. Jail Menus	60 days (PW-C 50.04, Wis. Adm. Code)
	3. Jail Processing Record	8 years (s. 59.27 (8), Stats.)
	4. Inmate Property Register	8 years (s. 59.27 (8), Stats.)
	5. Authority to Release Property and Receipt	8 years
	6. Inmate Conduct Report	8 years
	7. Inmate Medical and Dental Report	8 years
	8. Inmate Medication Report	8 years

	9. Medication Log	8 years
	10. Daily Visitor Register	8 years
	11. Daily Log	8 years
	12. Inmate Count	8 years
	13. Activity Worksheet	8 years
	14. Voluntary Work Agreements	8 years
	15. Huber Law Special Permission	8 years
	16. Huber Law Employment Record	8 years
	17. Huber Law Daily Work Record	8 years
	18. Huber Law Fund Record	8 years
	19. Temporary Detention	30 days Without Commitment
	20. Inmate Court Record	30 days
	21. Court Activity Report	30 days
	22. Visits Completed Log	30 days
	23. Razor/Mirror Checkout	30 days
	24. Commissary List	30 days
	25. Commissary Articles Needed	30 days
	26. Commissary Date of Sale List	30 days
	27. Commissary Monthly Purchase Sales/Balance Sheet	30 days
	28. Court Commitments	10 years
General	1. Sheriff's Dockets	8 years (s. 59.27 (8), Stats.)
	2. Cash Books	8 years
	3. Arrest Reports	8 years

4. Offense Reports	8 years
5. Incident Report	8 years
6. Uniform Traffic Citation	8 years
7. Vehicle Hold	30 days
8. Radio Punch Tour Cards	30 days
9. Radio Punch Assignment Cards	10 years
10. Officer's Daily Activity Report	30 days
11. Uniform State Accident Reports and Photos	10 years
12. Warning Ticket	30 days
13. Violation Notice	30 days
14. Dispatch Tapes	30 days Erased and Reused
15. Canceled Checks	7 years (Huber Law)

ADDITION ADOPTED SEPTEMBER 11, 1997 BY RESOLUTION 97-8A-051

All audio tapes of telephone and radio communications created by the Rock County Sheriff's Department and/or the Rock County Communications Center shall be maintained for a minimum of 120 days from the date of creation, after which the same may be erased or other disposition made, subject to any obligation to offer the same to the State of Wisconsin Historical Society and any other rules or laws which may be applicable, any existing provisions of Section 22.08 of the Rock County Ordinances inconsistent herewith are hereby repealed.

This Ordinance shall take effect immediately upon passage and publication.

(B) COUNTY CLERK

TYPE OF RECORD	RETENTION
1. Hunting and Fishing Licenses	3 years
2. Dog Licenses	3 years
3. Marriage License Applications	10 years (s. 59.715(22), Stats.)

4. Unused Election Materials	7 days after election (s. 7.23 (1), Stats.)
5. Registration and Poll Lists	90 days after Spring Election or General Election next succeeding the election at which created (unless contested) (s. 7.23 (1),Stats.)
6. Other Materials and Supplies Associated with an Election	90 days after the election (s. 7.23 (1), Stats.)
7. Election Notices, Proofs of Publication, Correspondence Concerning Election Notice	1 year after election (unless contested, contested, than 1 year after settled) (s. 59.715(10), Stats.)
8. Applications for Ballots or Registration for Registration for Federal Elections	22 months after the election (s. 7.23(1), Stats.)
9. Financial Registration Statements	6 years after termination of Registration (s. 7.23(1), Stats.)
10. Payroll Records	7 years
11. Deduction Records, Deferred Compensation Life Insurance, Credit Union)	Permanent
12. Vacation and Sick Leave Records	Permanent
13. Claims, Including Garnishments, Worker's and Unemployment Compensation	7 years (s. 59.715(a), Stats.)
14. Vouchers	7 years (s. 59.715 (9), Stats.)
15. Contracts, Notices of Taking Bids, Insurance Policies	7 years after last effective date (s. 59.715 (10), Stats.)
16. Original Papers, Resolutions and Reports	6 years after date of first publication of Board Proceedings (s. 59.717 (1), Stats.)
17. Official Bonds and Oaths	6 years (s. 59.715 (8), Stats.)
18. Copies of Treasurer's Receipts	4 years or after audit, whichever is earlier (s. 59.715 (14), Stats.)
19. Notice of County Owned Lands	3 years (s. 59.715 (15),Stats.)

20. Notice of Tax Apportionment	3 years (s. 59.715 (2), Stats.)
21. Crop Reports	3 years (s. 59.715 (5), Stats.)
22. Notice of Taking Tax Deeds and Tax Certificates	15 years (s. 59.715 (7), Stats.)
23. Tax Deeds	Permanent

(C) COUNTY TREASURER

Type of Record	Retention Time
1. Tax Receipts	15 years (s. 59.715 (16), Stats.)
2. Other Receipts	7 years (s. 59.715 (17), Stats.)
3. Canceled Checks	7 years (s. 59.715 (18), Stats.)
4. Illegal Tax Certificates	3 years (s. 59.715 (6), Stats.)
5. Tax Rolls	15 years (s. 59. 717 (2), Stats.)
6. Tax Stub Book	11 years (s. 74.09,75.20, Stats.)

(D) GENERAL SERVICES

Type of Record	Retention Time
1. Purchase Orders	7 years
2. Invitation to Bids (Over $5,000)	7 years (s. 59.715 (10), Stats.)
3. Request for Quotations	7 years
4. Annual Auction Sales	7 years

(E) EMERGENCY GOVERNMENT

Type of Record	Retention Time
1. Functional Files (i.e., working papers, schedules, minutes)	3 years
2. Correspondence Files	3 years

3. State and Federal Grant Records	3 years (from date of final or annual expenditure report)
4. Plans and Programs	Permanent

(F) DEPARTMENT OF SOCIAL SERVICES

Division: Public Assistance

Type of Record	Retention Time
1. Open Cases:	
a) all data forms; case determination sheets; work-sheets; medical assistance certification sheets; documents verifying changeable items; correspondence.	Most recent 6 year period (s.59.715 (21), Stats., HSS 245.03,Wis. Admin. Code)
b) Documents verifying unchangeable items such as social security numbers, birthdates, citizenship	throughout period the case is open
c) Financial Record of all Payments not on File in DHSS computer network	throughout period the case is open
2. Closed Cases:	
a) Records listed in 1.a), Supra, covering 6 years prior to closing	3 years from date of closing
b) Records listed in 1.b), and c), Supra, and most and c), Supra, and most recent data form and materials relating to any lack of cooperation on part of recipient.	6 years from date of closing
3. Denied Cases: Most recent data form and records specified in 1 b), Supra.	3 years from date of denial.
4. Exception General Relief Cases	
a) Most recent data form and financial record of all payments.	1 year after last date for filing claims in recipient's estate. (s. 49.08 and s. 859. Stats.)
b) State Dependent Recipient and Non-resident Recipients.	Until claims have been settled and audited.

(G) HEALTH DEPARTMENT

Type of Records	Retention Time
Division: Nursing	
1. Health Records	10 years
2. Immunization Records	10 years
3. Blood Pressure Records	10 years
Division: Environment	
1. Permits for Private Sewage System	Permanent
2. Investigative Files	5 years after closed
Division: Inspection	
1. Inspection Forms: Restaurants, Mobilehome Parks, Swimming Pools	3 years after establishment has gone out of business
Division: Financial	
1. State Grant Records	5 years after end of project activity.

(H) HEALTH CARE CENTER

Type of Record	Retention Time
1. Treatment Records	7 years after treatment completed (HSS 92.12, Wis. Admin. Code)
2. Treatment Records for Minors	7 years after treatment completed or until minor becomes 19 years of age whichever is longer.
3. Client Record for Billing and Collection including date, time, nature and duration of service contacts individual account control record and client collection file.	5 years after date record becomes inactive, except inpatient mental health client records shall be maintained 10 years after date of last transaction where liability remains. (HSS 1.06 and 92.12 Wis. Admin. Code)
4. Prescriptions Dispensed	5 years after date of last renewal.

(I) PERSONNEL

Type of Record	Retention Time
1. Personnel Files	7 years
2. Selection Files	2 years after position filled
3. Test and Interview Records	2 years
4. Litigation Files	Permanent
5. Grievance Files	Permanent
6. Negotiation Files	Permanent
7. Equal Employment Opportunity – 4 Reports	Permanent
8. Discrimination Complaints	Permanent
9. Asbestos Surveillance Program	20 years
10. OSHA - Log Reports	5 years

(J) CORPORATION COUNSEL

Type of Record	Retention Time
1. Litigation Files	7 years after closed
2. Legal Opinions, Interpretations and advice to Boards, Commissions, Committees, Agencies and Officers of County.	Permanent
3. Claims, Denials and Associated Materials	6 years after closed or denied
4. Condemnation Proceedings	6 years after closed
5. Contracts and Leases	7 years after last effective date
6. Miscellaneous Civil Matters and Correspondence	6 years after matter closed

(K) PUBLIC WORKS

Type of Record	Retention Time
Division: Parks	
1. Land Acquisition File	Permanent
2. Equipment File	Until item is sold or destroyed
3. Herbicides Use Records	Permanent
4. Picnic Permits	4 years
5. Wood Permit	5 years
6. Law Con and Other State and Federal Project Grant Records	7 years
7. Young Adult Conservation Corps Records and Other Personnel Files and Budget Documents	7 years
8. Snowmobile Program – Grant and Billing Records	7 years
Division: Airport	
1. Contracts and Leases	7 years
2. Daily Airport Inspection Report	6 months
3. Ledgers, Statements of Account	7 years
4. Traffic Reports and Statistics	7 years
5. Federal Aviation Reports	7 years
6. Correspondence with FAA	7 years
7. Federal Aid Request Application	7 years
Division: Highway	
1. Time Sheets, Recap Sheets	7 years
2. Payroll Vouchers, Revenue Vouchers, Bill Vouchers	7 years
3. Personnel Records	7 years

4. Ledger Book	7 years
5. Construction Maps	Permanent
6. Correspondence	7 years

Part 4 – 911 Emergency Telephone

2.401 Authority

This Ordinance is enacted under the authority of section 146.70, Wis. Stats.

2.402 Purpose

This Ordinance is enacted for the purpose of creating an emergency telephone system which can be accessed from any telephone located in the County of Rock by dialing the numbers 9-1-1.

2.403 Severability

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

2.404 Definitions

As used in this chapter, the following words and phrases shall have the meanings indicated:

(1) Automatic Location Identification - has the meaning set forth in sec. 146.70(1)(a), Wis. Stats.

(2) Automatic Number Identification - has the meaning set forth in sec. 146.70(1)(b), Wis. Stats.

(3) Cutover - shall mean the date on which the 9-1-1 emergency telephone system is activated by the service supplier.

(4) 9-1-1 emergency telephone system or system - shall mean a sophisticated system as defined in sec. 146.70(1)(i), Wis. Stats.

(5) PSC - shall mean the Public Service Commission of Wisconsin.

(6) Public Safety Answering Point - has the meaning set forth in sec. 146.70(1)(gm), Wis. Stats., and in this ordinance refers to the Public Safety Answering Point operated by Rock County.

(7) Service Supplier - shall mean that telecommunications utility which directly contracts with Rock County to provide the 9-1-1 emergency telephone system to Rock County residents. The service supplier may have a contractual relationship with other telecommunications utilities serving Rock County's 9-1-1 emergency telephone system area and to the extent permitted by law, such other telecommunications utilities are included within the term service supplier as used herein.

(8) Telecommunications utility - has the meaning set forth in sec. 196.01(10) Wis. Stats.

2.405 Plan of Operation

There is hereby created in the County of Rock a 9-1-1 emergency telephone system with a single Public Safety Answering point. The system shall be partially funded through a surcharge on the telephone bills of the users of said system as permitted by sec. 146.70(3), Wis. Stats. The service supplier shall provide the essential components of such a system, including arrangements with other telecommunications utilities to allow the system to be functional throughout Rock County.

2.406 Emergency Network and Universal Number Service: Installation of Equipment

The service supplier shall install and maintain a 9-1-1 emergency telephone system and provide a universal central office number 9-1-1 for the use of County's public safety answering point engaged in assisting local governments within the 9-1-1 emergency telephone system area in protecting the safety and property of the general public. The system features described in section 2.409 hereof to all access lines served by central offices in Rock County.

2.407 Provision of Emergency Network and Universal Number Service: 24 Hour Per Day Availability

The features offered under the 9-1-1 system shall be available 24 hours a day, 7 days a week.

2.408 Application of Tariff

The service supplier's provision of the services contemplated herein shall be governed by its tariff.

2.409 Network Features

The 9-1-1 system shall have the following features:

(1) Automatic Number Identification (ANI) and

(2) Automatic Location Identification (ALI)

(3) Emergency Service Numbers (ESN) (On Premise Master Street Address Guide (MSAG)

2.410 Network Configuration

The telephone users in the areas set forth in section 2.416 hereof shall be included in the Rock County 9-1-1 system.

2.411 System Costs: Assessed Against Users

The service supplier shall bill its customers within the county in amounts sufficient to recover its nonrecurring and recurring charges, as provided for in sec. 146.70(3), Wis. Stats. and in the manner allowed by PSC rules, regulations and tariffs.

2.412 User Rates: Subject to Change

The Service Supplier shall review access line counts 60 days before cutover and annually thereafter. This count shall be provided to the County. The access line count shall be used as the basis for adjusting the monthly user rate.

2.413 User Charges: Selective Routing

Telephone utility costs for selective routing, whether for equipment or recurring expenses, shall not be included in any user charge authorized under this Ordinance. A municipality which elects to have a telephone utility selectively route 9-1-1 calls directly to the municipality's public safety answering point shall be solely responsible for all costs associated therewith.

2.414 Liability: Service Supplier's Services Limited

In furnishing the use of its facilities to enable the County and its personnel to respond to such calls when received by such personnel on the County's premises, the service supplier is not required to answer or forward 9-1-1 calls.

2.415 Liability: Liability of Service Supplier to Third Parties

This ordinance is not intended to, nor shall it be construed to, create, amend, abridge, modify or in any other way affect any obligation or liability of the service supplier, by way of civil action or otherwise, to third parties, including members of the public, for injuries, death or loss to persons or property resulting from its acts or omissions or for its suppliers' acts or omissions under this ordinance.

2.416 Areas Covered by 9-1-1 Operational Plan

The 9-1-1 system established herein shall be provided to all Rock County telephone users located within the Plan of Operation established under this Ordinance and served by the Wisconsin Public Service Commission approved Service Supplier and Participating

Carriers with whom Rock County has entered into a written agreement for enhanced 9-1-1 service.

2.417 User Charges

The service supplier is hereby authorized to assess the following charges against telephone lines located in Rock County, except that no charges are authorized against lines of the State of Wisconsin.

Recurring charges shall be recovered by the service supplier by dividing the recurring costs by the number of service users in the county and establishing a rate not to exceed the maximum rate established by Wis. Stats. sec. 146.70. The recurring rate shall be established in accordance with section 2.411 of this Ordinance and incorporated into written agreements, or addenda to such agreements, which shall be approved by the County Board.

Part 5 – Emergency Government

This is an ordinance providing for an Emergency Management organization within the county and for protection and promotion of public safety, health and welfare during all types of emergencies. This ordinance governing Emergency Management in the County of Rock shall be entitled "Emergency Management for Rock County" and shall be interchangeable with the term "Emergency Government."

2.501 Purpose

To ensure that the County of Rock will be prepared to cope with emergencies resulting from enemy action, natural disasters or technological emergencies, an Emergency Management Organization is created to carry out the purposes set forth in Chapter 323 of Wisconsin Statutes.

2.502 Definitions

(1) Civil defense - means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

(2) Emergency - means any event which threatens to, or actually does, inflict damage to property or people.

(3) Enemy action - means any hostile action taken by a foreign power which threatens the security of the United States of America and State of Wisconsin.

(4) Emergency Government (Management) - includes "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:

(A) To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population;

(B) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

(5) Natural disaster - includes all other extraordinary misfortunes affecting the county, natural, technological or man made, not included in the term "enemy action".

2.503 County Emergency Government (Management) Committee (Section 323.14(c), Stats.)

(1) How Constituted. The Emergency Government (Management) Committee pursuant to the County Board rules is the County Public Safety and Justice Committee. The Chair of the County Board appoints the Chairman and members of the Public Safety and Justice Committee.

(2) Duties of the Emergency Government (Management) Committee. The County Emergency (Management) Government Committee shall be an advisory and planning group and shall advise the County Emergency Management Coordinator and the County Board of Supervisors on all matters pertaining to emergency government. The Emergency Management Coordinator shall keep the Committee informed and advised on emergency government matters to enable it to properly perform its policy making role. It shall meet upon call of the chair or on specific meeting dates.

2.504 County Emergency Management Office/Program Costs

(1) Emergency Management Office. There is hereby created the Emergency Management Office for Rock County, Wisconsin. The Emergency Management Coordinator shall have the duties and responsibilities set forth herein as it relates to the county and municipalities.

(2) Term, Appointment and Status of Emergency Management Coordinator.

(A) Term. The Rock County Emergency Management Coordinator shall serve at the pleasure of the County Administrator pursuant to the Rock County Personnel Ordinance.

(B) Appointment. The Emergency Management Coordinator shall be appointed by the County Administrator subject to approval by the County Board.

(C) Status. The County Emergency Management Coordinator shall be considered an employee of the County. He/she shall report to the County Administrator, with policy oversight from the Board and Public Safety and Justice Committee (Emergency Government (Management) Committee).

(3) Office and Staff. The Rock County Board shall provide offices, office furniture, administrative support and such office supplies as the County Board deems necessary to carry out the functions of the County Emergency Management Office. The costs thereof

may be defrayed by the County of Rock as funds are available along with the assistance of available Federal and/or State funds.

(4) Major Equipment and Services Procured by the County on Behalf of the Municipalities. The acquisition of equipment and services shall be borne 100(%) percent by the municipal government when Federal matching funds are procured by the Emergency Management Coordinator, for such purchases. Federal matching fund reimbursements shall be passed through to the municipality purchasing the equipment or services.

2.505 General Duties of the County Emergency Management Coordinator

The Coordinator in his/her capacity as county coordinator shall, subject to the policy, oversight and direction of the County Administrator and under the general supervision of the County Board and Emergency Management Committee perform the following on behalf of the county:

(1) Develop and promulgate emergency operations plans and annexes for Rock County in compliance with the laws of the State of Wisconsin and Federal laws and consistent with planning guidance issued by the Wisconsin Division of Emergency Government and Federal Emergency Management Agency, as necessary.

(2) Coordinate and assist, when requested, with the development of city, village or town emergency operations plans within the county, and coordinate such plans with the county plan.

(3) Direct the County emergency management programs and coordinate with the municipalities.

(4) Direct county-wide emergency management training programs and exercises to include cities and municipalities within Rock County, when indicated.

(5) Advise the state Administrator of all emergency management planning for the county and render such reports as may be required by the state Administrator.

(6) Perform such other duties relating to emergency management as may be required by the County Board, Public Safety and Justice Committee, or the County Administrator.

(7) Perform all administrative duties necessary for the rendering of reports and procurement of matching Federal and/or state funds for the county and it's municipalities.

(8) Act as a clearinghouse for information regarding available resources in the event of an emergency or disaster within the County.

(9) In the case of a state of emergency proclaimed by the governor, direct the county emergency management activities and coordinate activities with the cities and municipalities within the county, subject to the coordinating authority of the state Administrator of Division of Emergency Government.

(10) In the case of an emergency, direct County emergency management activities and coordinate with the municipalities the emergency management activities within the County.

2.506 Declaration of an Emergency

Pursuant to statutes, a governor may declare an emergency under section 323.10, Stats. A city, village or town may declare an emergency pursuant to section 66.325(1), Stats. The County may only concur in a declaration of an emergency declared by a city, village or town. The County need not concur in the declaration of an emergency in order to assist the municipality in coordinating their response to an emergency.

The County will concur in the declaration of an emergency declared by any municipality within it's geographic boundaries, if necessary, to permit any municipality to obtain funding or other assistance from the federal or state government.

2.507 Response by Municipalities and the County When an Emergency Occurs

In the event of an emergency or a natural or man-made disaster, the County Emergency Management Coordinator will coordinate the response to the emergency with the affected municipalities, if requested. The County shall render such County assistance as may be available from the County's resources to assist the municipalities once the municipality has expended their available resources to address the emergency.

2.508 Hazardous Discharge Response and Reimbursement

(1) Definitions.

(A) Discharge - has the meaning given in s. 292.01(3), Wis. Stats., or in any amendments thereto.

(B) Hazardous Substance - has the meaning given in s. 292.01(5), Wis. Stats., or any Amendments thereto.

(C) Local Agency - means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service, a public works department, or a local agency designated to respond to level “B” hazardous materials spills in Rock County.

(2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

(3) If action required under sub. (2) is not being adequately taken or the identity of the person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may taken any

emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the Department of Natural Resources under s. 292.11(5) Wis. Stats. and that it considers appropriate under the circumstances.

(4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under sub. (5), reimburse a local agency for actual, reasonable and necessary expense incurred under sub. (3).

(5) An Administrative Review Team consisting of an Assistant to the County Administrator, Emergency Management Coordinator and the Chair of the Local Emergency Planning Committee is hereby designated as the reviewing entity under this subsection.

(A) A local agency seeking reimbursement under sub. (4) shall submit a claim stating its expense to the reviewing entity for the County in which the discharge occurred.

(B) The Administrative Review Team and/or designees shall review claims submitted under par. (5)(A) and determine the amount of reasonable and necessary expenses incurred. The Administrative Review Team and/or designees shall provide a person who is liable for reimbursement under sub. (4) with a notice of the amount of expenses it has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the Administrative Review Team receives a claim.

(C) If a person receiving a notice under par. (B) objects to the amount of expenses in the notice, the person may request the Administrative Review Team to review its determination. Such request must be in writing, must contain the reasons for the objection to the expense, and must be made within 10 days of receipt of notice of the amount of expenses provided in par. (B) above. The Administrative Review Team may modify the determination and shall notify the person of the result of its review in writing.

(D) A person liable for reimbursement under sub. (4) shall pay the reimbursement directly to each local agency.

2.509 The County Encourages All Municipalities to Cooperate and Participate in Emergency Management in the Following Manner

(1) Appoint a Municipal Emergency Management Director/ Coordinator as required by section 323.14, Stats., to direct the municipal emergency management organization and coordinate with County Emergency Management, as required by section 323.15, Stats., and pass a municipal ordinance regarding the same.

(2) Develop and promulgate a municipal Emergency Operations Plan in accordance with Section 323.01(1), Stats., and integrate that plan with the County Emergency Management plan.

(3) Coordinate and direct the municipal resources in response to an emergency.

(4) Direct participation of the municipality in such Emergency Management training programs and exercises as may be required by the Division of Emergency Government through the County.

(5) Perform the administrative tasks necessary for filing of and submission of reports for procurement of Federal matching funds for the municipality requesting Federal matching funds.

2.510 Procedures

The Rock County Emergency Operations Plan, and Annexes as necessary, shall outline the procedures to be followed in the event of an emergency or disaster, including designation of an Emergency Operation Center, and Emergency Succession to Office. County Department Directors shall be made aware of procedures affecting their respective agencies.

2.511 Penalties

Pursuant to section 323.28, Stats., whoever intentionally fails to comply with the directives of emergency management authorities during the state of emergency or during any training program or exercises may be fined not more than $200 or imprisoned not more than 90 days or both.

2.512 Repeal of Prior Resolutions

Any resolution hereinbefore adopted by the County Board of Supervisors for purposes of Emergency Management inconsistent with the provisions of this ordinance are hereby repealed.

2.513 Effective Dates

This Ordinance shall take effect and be in force upon passage by County Board of Supervisors and publications.

Repealed and Recreated 01/10/13, Res. No. 12-12A-190
Section 2.105 created 01/09/14, Res. No. 13-12A-465
Chapter 2, Part 2, Subpart 2 amended 11/17/2016, Res. No. 16-10B-138
Revisor’s change to 2.203 and 2.305
Section 2.204 created 10/24/19, Res. No. 19-10A-331
Revisor’s changes: Numbering to conform with the Admin. Rules Manual; Correct numbering reflect new code references vs. old code to 2.306(3) & 2.417

CHAPTER 3

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CHAPTER 3

PUBLIC PEACE AND ORDER

Part 1 – Traffic Code

3.101 State Traffic Laws Adopted

Except as hereinafter provided, all provisions of Chapters 340 to 349, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereafter made thereto are hereby adopted and incorporated herein by reference as if fully set forth herein. It is the intent of this section to adopt and be in strict conformity therewith all of the provisions of the Wisconsin Uniform Motor Vehicle and Traffic Code, Chapters 340 to 349, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereinafter made thereto. It is the further intention of this section to adopt by reference all provisions of Chapters 340 to 349, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereafter made thereto for which a mandatory jail sentence is not imposed as a penalty and to exclude herefrom only those provisions or penalties of Chapters 340 to 349, Wisconsin Statutes, including changes or amendments now or hereafter made thereto, which impose a mandatory jail sentence upon conviction. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance.

All sections of Chapters 340 to 349 are adopted herein by reference including without limitation by reason of listing the following:

340.01	(Words and phrases defined)
340.01(15s)	(Definition - energy emergency)
341.11(4)	(Display of registration certificate)
341.15	(Display of registration plates)
341.16(4)	(Issuance of duplicate plates)
341.42(4)	(Reciprocity permits)
341.55	(Penalty for misuse of plates)
341.57(3)	(Registration of finance companies and banks)
341.63	(When registration is to be suspended)
342.05(4)	(Certificate of title required)

342.15(5), (6) and (7)	(Transfer of interest in vehicle)
342.23	(Secured party's and owner's duties)
342.30, 342.31, 342.34	(Anti-Theft and Anti-Fraud Provisions)
342.40	(Vehicle abandonment)
343.01	(Words and phrases defined)
343.05	(Operators to be licensed - first offense)
343.10	(Occupational licenses)
343.125	(Chauffeurs to obtain special licenses)
343.22	(Notice of change of address or name)
343.305	(Implied consent)
343.35	(Surrender of license upon cancellation, revocation or suspension)
343.43 to 343.46	(Unlawful Practices Relative to Licenses)
343.60 to 343.72	(Licensing of Driver Schools and Instructors)
343.73	(Penalty)
344.01	(Words and phrases defined)
344.45 to 344.47	(Penalties for Violation of Chapter)
344.51	(Financial responsibility for domestic rented vehicles)
345.01	(Words and phrases defined)
345.20 to 345.53	(General Provisions in Traffic Forfeiture Actions)
345.55	(Traffic officer not to profit from arrests)
346.01	(Words and phrases defined)
346.02	(Applicability of chapter)

346.03	(Applicability of rules of the road to authorized emergency Vehicles)
346.04(1) and (2), 346.05 to 346.16	(Driving, Meeting, Overtaking and Passing)
346.17	(Penalty for violating ss. 346.04 to 346.16)
346.18 to 346.21	(Right of Way)
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346.23 to 346.29	(Drivers and Pedestrians)
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346.31 to 346.35	(Turning and Stopping and Required Signals)
346.36	(Penalty for violating ss. 346.31 to 346.35)
346.37 to 346.42	(Traffic Signs, Signals and Markings)
346.43	(Penalty for violating ss. 346.37 to 346.42)
346.44 to 346.485	(Required Stops)
346.49	(Penalty for violating ss. 346.to 346.485)
346.50 to 346.55	(Restrictions on Stopping and Parking)
346.56	(Penalty for violating ss. 346.50 to 346.55)
346.57	(Speed Restrictions)
346.58	(Special speed restrictions)
346.59	(Minimum speed regulation)
346.60	(Penalty for violating ss. 346.57 to 346.595)
346.61	(Applicability of sections relating to reckless and drunken driving)
346.62(1) and (3)	(Reckless driving)

346.63(1), (3) and (4)	(Operating under "influence" of intoxicant)--first offense in 5 years
346.64	(Employment of drunk operators)
346.65	(Penalty for violating ss. 346.62 to 346.64)
346.66	(applicability of sections relating to accident and accident reporting)
346.68 and 346.69	(Duty upon striking unattended vehicle--upon striking property on or adjacent to highway)
346.70 (1), (2) or (3) 346.71, 346.72, 346.73	(Duty to report accident, etc.)
346.70(4)	(Police and traffic agencies to report)
346.70(5)	(Falsifying reports)
346.77 to 346.81	(Bicycles and Play Vehicles)
346.82	(Penalty for violating ss. 346.77 to 346.81)
346.87 to 346.94	(Miscellaneous Rules)
346.95	(Penalty for violating ss. 346.87 to 346.94)
347.01 to 347.05	(General Provisions)
347.06 to 347.29	(Lighting Equipment)
347.30	(Penalty for violating lighting equipment requirements)
347.35 to 347.49	(Other Equipment)
347.50	(Penalty for violating ss. 347.35 to 347.49)
348.01 to 348.02	(Size, Weight, Load--General provisions)
348.05 to 348.10	(Size and Load)
348.11	(Penalty for violating size and load limitations)
348.15 to 348.20	(Weight)

348.21	(Penalty for violating weight limitations)
348.25 to 348.27	(Permits)
348.28	(Permits to be carried--Penalty)
349.11(8)	(Limitation on local powers)
349.11(15)	(Expiration special statute)

3.102 Other Laws Adopted

There are hereby adopted by reference the following chapters and/or sections of the Wisconsin Statutes and Wisconsin Administrative Code, including all changes, amendments and revisions now or hereafter made thereto, but the prosecution of such offenses under this ordinance shall be as provided in Chapters 340 to 350, Wisconsin Statutes, 1981-1982, and the penalty for violation thereof shall be limited to a forfeiture as provided in section 3.108 (3)(a) of this chapter:

(1) 941.01 (1) (Negligent operation of vehicle off highway)

(2) Chapter 350, Wisconsin Statutes, Relating to Snowmobiles and Their Operation.

In addition to Chapter 350, Wisconsin Statutes, no person shall operate a snowmobile upon any street, highway or alley within the county in violation of sections: 346.04, 346.05, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.48, 346.50 (1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1), (6), (6m) and (9), Wisconsin Statutes.

(3) Chapter 194, Wisconsin Statutes, Relating to Motor Vehicle Transportation.

(4) Chapter MVD5, Standards For Motor Vehicle Equipment, Wisconsin Administrative Code.

(5) 23.33, Wisconsin Statutes, Relating to All-Terrain Vehicles.

3.103 Specific Speed Limits

In addition to all other limits incorporated by reference, no person shall drive in excess of the following limits unless different limits are indicated by official traffic signs.

(1) 10 miles per hour at any point on the grounds of the Rock County Health Care Center.

(2) County Trunk Highway “A”

(a) 45 miles per hour, Town of Janesville, Rock County, from a point 200 feet west of Arbor Ridge Way easterly to a point 0.26 mile east of Arbor Ridge Way (Janesville city limit), for a distance of 0.3 mile (1500 feet).

(b) 35 miles per hour, Town of Johnstown, Rock County, from a point 0.50 mile west of its intersection with County Trunk Highway “M” easterly to a point 0.40 mile east of its intersection with County Trunk Highway “M”, for a distance of 0.90 mile (4750 feet).

(3) County Trunk Highway “BT”’

(a) 45 miles per hour, Town of Turtle, Rock County, from the intersection of County Trunk Highway “G” easterly to the intersection of County Trunk Highway “S”, for a distance of 1.4 mi (7400 feet).

(4) County Trunk Highway “D”

(a) 25 miles per hour, Town of Beloit, Rock County, from a point at the intersection of Burton Street northerly to a point at the intersection of Cherry Street, for a distance of 0.12 mile (634 feet).

(b) 45 miles per hour, Town of Beloit, Rock County, from a point at the intersection of Cherry Street northerly to a point at the intersection of County Trunk Highway “Q”, for a distance of 0.97 mile (5139 feet).

(c) 35 miles per hour, Town of Rock, Rock County, from the intersection of Noss Road northerly to a point 1200 feet south of South River Road, for a distance of 1.30 miles (6,890 feet).

(d) 45 miles per hour, Town of Rock, Rock County, from a point 1200 feet south of South River Road northerly to a point 700 feet north of Fawn Lane, for a distance of 2.66 miles (14,042 feet).

(5) County Trunk Highway “E”

(a) 45 miles per hour, Town of Janesville, Rock County, from a point 0.20 mile east of Hackbarth Road southeasterly to the intersection of Golf Course Road, for a distance of 1.18 mile (6240 feet).

(6) County Trunk Highway “F”

(a) 35 miles per hour, Town of Janesville, Rock County, from the intersection of Black Bridge Road northerly to the intersection of USH 51, for a distance of 1.83 miles (9640 feet).

(b) Indianford

a. 25 miles per hour, Town of Fulton, Rock County, from a point 1690 feet south of County Trunk Highway “M” northerly to the intersection of County Trunk Highway “M” (easterly intersection), for a distance of 0.32 mi (1690 feet) as measured in the northbound lane.

b. 25 miles per hour, Town of Fulton, Rock County, from the intersection of County Trunk Highway “M” (westerly intersection) northerly to a point 1530 feet north of the intersection of County Trunk Highway “M”, for a distance of 0.29 mi (1530 feet) as measured in the northbound lane.

c. 25 miles per hour, Town of Fulton, Rock County, from a point 1890 feet north of County Trunk Highway “M” southerly to the intersection of County Trunk Highway “M” (westerly intersection), for a distance of 0.36 mi (1890 feet) as measured in the southbound lane.

d. 25 miles per hour, Town of Fulton, Rock County, from the intersection of County Trunk Highway “M” (easterly intersection) southerly to a point 1870 feet south of the intersection of County Trunk Highway “M”, for a distance of 0.35 mi (1870 feet) as measured in the southbound lane.

(c) 35 miles per hour, Town of Fulton, Rock County, from a point 1500 feet south of Hain Road northerly to the intersection of Hain Road (Edgerton city limit), for a distance of 0.28 mi (1500 feet).

(7) County Trunk Highway “G”

(a) 30 miles per hour, City of Beloit, Rock County, from the intersection of Shopiere Road northerly to the intersection of Cranston Road, for a distance of 0.52 mi (2746 feet).

(b) 35 miles per hour, City of Beloit, Rock County, from the intersection of Cranston Road northerly to the intersection of Inman Parkway, for a distance of 1.54 mi (8131 feet).

(c) 45 miles per hour, Towns of Beloit and Turtle, Rock County, from the intersection of Inman Parkway northerly to a point 400 feet north of Philhower Road, for a distance of 1.07 mi (5660 feet).

(d) 45 miles per hour, Towns of Beloit and Turtle, Rock County, from the intersection of Philhower Road northerly to the intersection of Sunny Lane, for a distance of 2.09 miles (11035 feet).

(e) 45 miles per hour, Towns of Rock and La Prairie, Rock County, from a point 0.61 mile south of the intersection with STH 11 northerly to the intersection of STH 11, for a distance of 1.00 mi (5,280 feet).

(f) 35 miles per hour, Towns of Rock and La Prairie, Rock County, from the intersection of STH 11 northerly to the intersection of Burbank Avenue, for a distance of 0.74 mi (3900 feet).

(8) County Trunk Highway "H"

(a) 45 miles per hour, Town of Newark, Rock County, from the intersection of STH 81 northerly to the intersection of Beloit-Newark Road, for a distance of 1.15 mi (6072 feet).

(b) 45 miles per hour, Town of Plymouth, Rock County, from a point 500 feet S of Orfordville-Hanover Road northerly to the intersection of W High Street, for a distance of 0.20 mi (1000 feet).

(c) 25 miles per hour, Town of Plymouth, Rock County, from W High Street northerly to a point 1,100 feet north of W Race Street, for a distance of 0.47 mi (2,500 feet).

(d) 45 miles per hour, Town of Plymouth, Rock County, from a point 1,100 feet north of W Race Street northerly to a point 235 feet north of Ellis Road, for a distance of 0.31 mi (1,660 feet).

(e) 35 miles per hour, Town of Fulton, Rock County, from a point 2600 feet north of County Trunk Highway "M" (south intersection) northerly to a point 630 feet north of County Trunk Highway "M" (north intersection), for a distance of 0.60 mi (3151 feet).

(9) County Trunk Highway "J"

(a) 35 miles per hour, Town of Turtle, Rock County, from a point 1275 feet north of Creek Road southerly and easterly to a point 2075 feet east of County Trunk Highway "S", for a distance of 0.87 mi (4575 feet).

(b) 45 miles per hour, Town of Turtle, Rock County, from a point 2075 feet east of County Trunk Highway "S" easterly to a point 0.2 mi east of the RR overpass, for a distance of0.95 mi (5000 feet).

(10) County Trunk Highway "K"

(a) 40 miles per hour, Town of Newark, Rock County, from a point 0.3 mi south of Brandherm Road northerly to a point 0.2 mi north of Brandherm Road, for a distance of 0.48 mi (2553 feet).

(11) County Trunk Highway “M”

(a) 35 miles per hour, Town of Union, Rock County, from the intersection of USH-14 northerly to a point 400 feet north of Northridge Drive, for a distance of 0.73 mi (3870 feet).

(b) 45 miles per hour, Town of Fulton, Rock County, from the intersection of County Trunk Highway “H” (north intersection) easterly to a point 150 feet east of Staff Road, for a distance of 0.32 mi (1700 feet).

(c) 25 miles per hour, Town of Fulton, Rock County, from a point 2570 feet west of County Trunk Highway “F” (southbound intersection) easterly to a point 600 feet east of County Trunk Highway “F” (southbound intersection), for a distance of 0.60 mi (3170 feet).

(d) 35 miles per hour, Town of Fulton, Rock County, from a point 600 feet east of County Trunk Highway “F” (Southbound intersection) easterly to a point 2881 feet west of US 51 (northern intersection), for a distance of 0.35 mi (1855 feet).

(e) 35 miles per hour, Town of Milton, Rock County, from a point 200 feet west of Forest Lake Drive easterly to a point 175 feet east of Ivanhoe (Milton west city limit), for a distance of 0.25 mi (1337 feet).

(f) 35 miles per hour, Town of Milton, Rock County, from Milton (south city limit) southeasterly to a point 3194 feet north of Harmony-Milton Townline Road, for a distance of 0.42 mi (2225 feet).

(g) 45 miles per hour, Town of Milton, Rock County, from 3194 feet north of Harmony-Milton Townline Road southeasterly to the intersection of Harmony-Milton Townline Road, for a distance of 0.60 mi (3194 feet).

(h) 35 miles per hour, Town of Johnstown, Rock County, from the intersection of Hall Road southeasterly to a point 1150 feet southeast of County Trunk Highway “A”, for a distance of 0.38 mi (2000 feet).

(12) County Trunk Highway “MM”

(a) 35 miles per hour, City of Janesville, Rock County, from the intersection of Wright Road easterly to the intersection of USH 14, for a distance of 0.48 mi (2560 feet).

(13) County Trunk Highway "O"

(a) 35 miles per hour, Town of La Prairie, Rock County, from a point 1200 feet east of Todd Drive easterly to a point 950 feet east of Read Road of a distance of 0.44 mi (2332 feet).

(b) 40 miles per hour, Town of La Prairie, Rock County, from a point 950 feet east of Read Road easterly to the I-39/90 Overpass, for a distance of 0.26 mi (1379 feet).

(14) County Trunk Highway "Q"

(a) 45 miles per hour, Town of Beloit, Rock County, from the intersection of County Trunk Highway "D" easterly to the intersection of USH 51, for a distance of 0.8 mi (4200 feet).

(15) County Trunk Highway "S"

(a) 35 miles per hour, Town of Turtle, Rock County, from the intersection of Hart Road northeasterly to a point 2425 feet north of Trail Drive, for a distance of 0.60 mi (3125 feet).

(b) 45 miles per hour, Town of Turtle, Rock County, from a point 2425 feet north of Trail Drive northeasterly to a point 650 feet south of Water Street, for a distance of 2.45 mi (12975 feet).

(c) 35 miles per hour, Town of Turtle, Rock County, from a point 650 feet south of Water Street northeasterly to the intersection of County Trunk Highway "J", for a distance of 0.18 mi (950 feet).

(16) County Trunk Highway "T"

(a) 35 miles per hour, Town of Spring Valley, Rock County, from a point 150 feet south of 23rd Street northerly to the intersection of 10th Street in Brodhead, for a distance of 0.80 mi (4200 feet).

(b) 25 miles per hour, Town of Spring Valley, Rock County, from the intersection of 10th Street in Brodhead northerly to the intersection of STH 11, for a distance of 0.70 mi (3700 feet).

(17) County Trunk Highway "WC"

(a) 45 miles per hour, Town of Janesville, Rock County, from a point 225 feet west of Waveland easterly to a point 840 feet west of Sunset, for a distance of 0.17 mi (900 feet).

(18) County Trunk Highway "X"

(a) 35 miles per hour, Town of Clinton, Rock County from 325 ft. east of Olson Drive easterly to a point 175 ft. east of Scot Drive, for a distance of 0.35 mi (1850 feet).

(19) County Trunk Highway "Y"

(a) 25 miles per hour, Town of Harmony, Rock County, from the intersection of STH 26 northwesterly to the intersection of John Paul Road, for a distance of 0.32 mi (1700 feet).

(b) 45 miles per hour, Town of Harmony, Rock County, from the intersection of John Paul Road northerly to a point 650 feet south of Walnut Grove, for a distance of 0.27 mi (1400 feet).

(c) 45 miles per hour, Town of Milton, Rock County, from a point 275 feet south of Vincent Street northerly to the intersection of High Street (Milton city limit), for a distance of 0.30 mi (1565 feet).

(20) Any person violating any subsection of county ordinance 3.103 may be required to forfeit not less than $20.00 nor more than $200.00.

(21) Section 3.103 shall be effective upon publication and once official signs giving notice of the limits have been erected by the County.

3.104 Parking Prohibited in Certain Specified Places

In addition to all other parking restrictions incorporated by reference, the following specific parking ordinance shall apply.

(1) Janesville Ordinance – Parking in Court House Lots

(a) Parking on the east and west side of the Court House in Janesville is covered by a Janesville parking ordinance, section 10.44.020, and policed by the Janesville Police Department, pursuant to agreement between the County and the City of Janesville.

It would be confusing to have a county ordinance covering the same ground. The regulations of the Janesville ordinance are set forth at this point for easy reference only to the regulations.

Janesville Ordinance:

10.44.020 Courthouse parking lots--Additional restrictions.
In the upper and lower courthouse parking lots, the following restrictions shall apply in addition to all others provided by this title:

(A) No person shall stop, park or leave standing any vehicle in any space specifically designated for a particular person, official or type of vehicle, unless such person is that particular person or official or is driving that type of vehicle.
(B) The limitations regarding parking in the courthouse parking lots shall apply only from seven-thirty a.m. until five-thirty p.m. on Monday through Friday. Such limitations shall not be applicable on Saturdays, Sundays or holidays on which the courthouse is not open for the transaction of official business.
(C) The courthouse parking lots shall be closed for all purposes between ten p.m. and six a.m., except by specific permission of the police department. (Ord. 83-335 §1(part), 1983).

(2) Janesville Township Parking

(a) No person shall park any vehicle on the east side of County Trunk Highway “E” from a point 100 feet southeasterly of the southern-most intersection of County Trunk Highway “E” and North Hackbarth Road to a point 100 feet northwesterly of the intersection of County Trunk Highway “E” and West Hilltop Drive, a distance of 1,060 feet, in Janesville Township.

(3) Plymouth Township Parking

(a) No person shall park any vehicle on either the east or west sides of County Trunk Highway "H" from Front Street to South Street, a distance of 1,350 feet, in Plymouth Township.

(4) Any person violating county ordinances 3.104 (1) through (2) may be required to forfeit not less than $3.00 nor more than $50.00.

(5) Any person violating those county ordinances incorporating and set out fully in Wisconsin Statues 346.50 to 346.55 shall be subject to the forfeiture as provided in s. 346.56, Stats.

3.105 Traffic Officer May Move Improperly Parked Vehicle

(1) Whenever any traffic officer finds a vehicle parked in violation of a prohibition, limitation or restriction on stopping, standing or parking, he is authorized to move such vehicle, or to require the operator in charge thereof to move such vehicle or to arrange to have such vehicle moved to a position where parking is not prohibited. In

the event an officer arranges to have a vehicle moved pursuant to this ordinance, the charge, if any therefore, shall be charged to either the owner or operator of said vehicle.

(2) In case of abandonment under section 342.40 (over 48 hours) the Sheriff may dispose of the vehicle pursuant to that section to meet impounded costs.

3.106 Prohibited Practice, Unlicensed Vehicle

(1) No person shall ride or operate go-carts, snowmobiles, or any other unlicensed motorized vehicle upon the sidewalks or highways, except for purposes of removing snow on sidewalks.

(2) Any person violating this ordinance may be required to forfeit not less than $4.00 nor more than $50.00.

3.107 Temporary Parking Restrictions

(1) The Rock County Sheriff or his delegated agent is hereby empowered to make temporary parking regulations to provide for abnormal conditions. Such regulations shall be effective for not to exceed 30 days at a time. A list of such regulations shall be placed on file at the Rock County Sheriff's Department and be open for public inspection. To be effective, such temporary regulations must be posted in the areas affected.

(2) Any person violating such temporary regulations may be required to forfeit not less than $3.00 nor more than $50.00.

3.108 Enforcement

(1) This Ordinance shall be enforced in accordance with the provisions of ss. 345.20 to 345.61, Wisconsin Statutes, 1981-1982, and s. 66.12, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereafter made thereto.

(2) The Rock County Sheriff's Department may enforce all county parking violations by use of a simplified notice of parking violation. The form of such notice shall be approved by the District Attorney. The Rock County Sheriff is authorized to accept the minimum forfeiture of $3.00 and no costs within ten (10) days of issuance, so long as no arrest has been made or summons issued.

(3) Penalty.

(a) The penalty for violations of any provision of this ordinance shall be forfeiture as herein provided, or shall conform to forfeitures for violation of the comparable state statutes if none is provided herein, or if not provided elsewhere, a general forfeiture of not to exceed $50.00, together with the cost of prosecution imposed as provided in ss. 345.20 to 345.53, Wisconsin Statutes, 1981-1982.

(b) Authority to Stay Execution. The judgment or imposition of any fine or forfeiture, costs or alternative penalty may be suspended or deferred for not more than 60 days in the discretion of the court.

(c) Sentence in the Alternative. If the judgment is not paid, the court may order that the defendant be incarcerated in the county jail for a time specified by the court until the judgment is paid, but not to exceed 30 days.

(d) Ordinance Penalty to Control. Any forfeiture or penalty specified within this Code of General Ordinances shall supercede and prevail over any fine, forfeiture or penalty imposed by the Laws of the State of Wisconsin, if in conflict therewith.

3.109 Reference to Statutes

References to specific statutory sections whenever used in this ordinance shall mean the Wisconsin Statutes of 1981-1982, including all changes and amendments now or hereafter made thereto.

3.110 Conformity

The County Board in adopting this traffic and parking code has the intention of drafting its provisions to be in strict conformity with the state statutes. It is the intention of the County Board that courts will construe this code to be in strict conformity unless the language compels a different construction.

3.111 Severability

It is the intention of the County Board that each section, paragraph, sentence, clause and provision of this code is severable and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the code nor any part thereof other than that affected by such decision.

3.112 Effective Date

This ordinance shall take effect the day after its publication.

Part 2 – Public Peace and Order

3.201 Disorderly Conduct

No person in a public or private place shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

3.202 Unnecessary and Annoying Noise

(a) No person, in any public or private place, shall operate a motor vehicle in such a manner as to cause unnecessary and annoying noise or sound.

(b) All persons owning, possessing or harboring a dog shall prevent such dog from barking or howling in the unincorporated areas of the county. Barking or howling does not mean barking or howling on infrequent occasions, but does mean barking or howling sufficiently often so as to be unreasonably disturbing to other persons in the neighborhood.

(c) No person shall make any unnecessary and annoying noise. No person shall through the means of sound amplifiers or other instruments, make or emit loud or raucous noise in the public streets, public parks or other public places.

3.203 Penalties for Violating ss. 3.201 and 3.202

Any person violating any of the provisions of ss. 3.201 or 3.202 shall be subject upon conviction to a forfeiture not to exceed $500, and in default of payment, by imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

3.204 State Alcohol Beverage Law Adopted

All of the provisions of the following Wisconsin Statutes relating to crimes are hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto, except that the penalty for violating any of these provisions shall be a forfeiture or, in the case of a minor, pursuant to 48.343, Wis. Stats., 2011-2012. It is the intent of this section to adopt the following state statutes and to strictly conform to said statutes as the same may be amended from time to time.

(1) 125.07 Underage and intoxicated persons; presence on licensed premises; possession;

(a) 125.07(1)(a)1, 2, 3, 4 Alcohol Beverages; Restrictions Relating to Underage Persons;

(b) 125.07(2)(a)1, 2 Sales of Alcohol Beverages to Intoxicated Persons;

(c) 125.07(3)(a) Presence in Places of Sale;

(d) 125.07(4)(a), (b), (bm) Underage Persons; Prohibitions;

(2) 125.075 Injury or death by providing alcohol beverages to a minor.

(3) 125.085 Proof of age.

(4) 125.09 General restrictions.

(a) 125.09(1) Public Place.

(b) 125.09(2) Possession of Alcohol.

(c) 125.09(3) Place-To-Place Deliveries.

(5) 125.105(1) Impersonating an officer.

(6) 125.315 Evading provisions of law by giving away fermented malt beverages.

(7) Penalties and enforcement.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than $100.00, nor more than $250.00 for each violation together with the costs of prosecution and forfeiture.

Section 3.204 shall be effective upon publication.

3.205 Littering

Whoever does any of the following shall be subject, upon conviction, to a forfeiture not to exceed $200, and in default of payment, by imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days:

(1) Dumps, deposits, places, throws, abandons, or otherwise disposes of any can, bottle, paper, debris, refuse or other solid waste material in any public place or any property owned or operated by Rock County, except by leaving in receptacles provided for that purpose.

(2) Dumps, deposits, places, throws, abandons, or otherwise disposes of any can, bottle, paper, debris, refuse or other solid waste material on or along any highway or on any private place.

3.206 State Criminal Laws Adopted

All of the provisions of the following Wisconsin Statutes relating to crimes are hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto, except that the penalty for violating any of these provisions shall be a forfeiture or, in the case of a minor, pursuant to 48.343, Wis. Stats., 1981-1982. It is the intent of this section to adopted the following state statutes and to strictly conform to said statutes as the same may be amended from time to time.

(1) 940.19 (1) BATTERY.

Whoever causes bodily harm to another, as bodily harm is defined in 939.22 (4), Wis. Stats., 1981-1982, by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed shall be subject upon conviction to a forfeiture not to exceed $1000.

(2) 941.10 NEGLIGENT HANDLING OF BURNING MATERIAL.

(a) Whoever handles burning material in a highly negligent manner shall be subject upon conviction to a forfeiture not to exceed $1000.

(b) Burning material is handled in a highly negligent manner if, under the circumstances, the person should realize that he/she creates an unreasonable risk and high probability of death or great bodily harm to another or serious damage to another's property.

(3) 941.13 FALSE ALARMS.

Whoever intentionally gives a false alarm to any public officer or employe, whether by means of a fire alarm system or otherwise, shall, upon conviction, be subject to a forfeiture not to exceed $1000.

(4) 941.20 RECKLESS USE OF WEAPONS.

(1) Whoever does any of the following shall, upon conviction thereof, be subject to a forfeiture not to exceed $1000:

(a) Endangers another's safety by reckless conduct in the operation or handling of a firearm, airgun, knife or bow and arrow; or

(b) Operates or goes armed with a firearm while he is under the influence of an intoxicant; or

(c) Intentionally points a firearm at or toward another.

(d) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

(2) Reckless conduct consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take known chances of perpetrating an injury. It is intended that this definition embraces all of the elements of what was heretofore known as gross negligence in the criminal law of Wisconsin.

(5) 941.22 POSSESSION OF PISTOL BY MINOR.

(a) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor shall be, upon conviction, subject to s. 48.343, Wis. Stats.

(b) This section does not apply to a minor who is armed with a pistol when such pistol is being used in target practice under the supervision of an adult nor does it apply to an adult who transfers a pistol to a minor for use only in target practice under his supervision.

(c) All sheriffs, their undersheriffs, and deputies, constables, and policemen shall take from a minor any pistol found in his possession in violation of this section.

(d) In this section pistol means any firearm having a barrel less than 12 inches long.

(6) 943.01 (1) DAMAGE TO PROPERTY.

Whoever intentionally causes damage to any physical property of another without the person's consent shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(7) 943.13 TRESPASS TO LAND.

(a) Whoever does any of the following shall be, upon conviction, subject to a forfeiture not to exceed $1000:

1. Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

2. Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

3. Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

4. Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(b) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11 inches square must be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(c) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (b) without obtaining the express consent of the lawful occupant of or holder of legal title to such land shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(d) Nothing in this section shall prohibit a representative of a labor union from conferring with any employe provided such conference is conducted in the living quarters of the employe and with the consent of the employe occupants.

(e) Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with him in the housing area he occupies.

(8) 943.14 TRESPASS TO DWELLINGS.

Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(9) 943.20 (1)(a) THEFT.

(a) Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without his express consent and with intent to deprive the owner permanently of possession of such property shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(b) Definitions. In this section:

1. "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

2. "Movable property" means property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

3. "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

(10) 943.21 FRAUD ON HOTEL OR RESTAURANT KEEPER.

(a) Whoever does either of the following shall be, upon conviction, subject to a forfeiture not to exceed $1000.

1. Having obtained any food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.

2. While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.

(b) Under this section, prima facie evidence of an intent to defraud is shown by:

1. The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any campground, hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of the relationship as guest. Those facts also constitute prima facie evidence of an intent to abscond without payment.

2. The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.

3. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.

4. The drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(11) 943.23 OPERATING VEHICLE WITHOUT OWNER'S CONSENT.

(1) Whoever intentionally takes and drives any vehicle without the consent of the owner shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(12) 943.24 ISSUE OF WORTHLESS CHECK.

(1) Whoever issues any check or other order for the payment of money less than $500 which, at the time of issuance, he or she intends shall not be paid, shall be, upon conviction, subject to a forfeiture not to exceed $500.

(2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

(13) 943.50 RETAIL THEFT.

(1) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(2) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(3) Definitions:

1. "Merchant" includes any merchant as defined in s. 402.104 (1), Stats., or any innkeeper, motelkeeper or hotelkeeper.

2. "Value of merchandise" means:

(a) For property of the merchant, the value of the property; or

(b) For merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.

(14) 943.55 REMOVAL OF SHOPPING CART.

Whoever intentionally removes a shopping cart or stroller from either the shopping area or a parking area adjacent to the shopping area to another place without authorization of the owner or person in charge and with the intent to deprive the owner permanently of possession of such property shall be, upon conviction, subject to a forfeiture not to exceed $50.

(15) 946.40 REFUSING TO AID OFFICER.

(a) Whoever, without reasonable excuse, refuses or fails, upon command, to aid any person known by the person to be a peace officer shall be, upon conviction, subject to a forfeiture not to exceed $500.

(b) This section does not apply if under the circumstances the officer was not authorized to command such assistance.

(16) 946.41 RESISTING OR OBSTRUCTING OFFICER.

(a) Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, shall be, upon conviction, subject to a forfeiture not to exceed $1000.

(b) In this section:

1. "Officer" means a peace officer or other public officer or public employe having the authority by virtue of his office or employment to take another into custody.

2. "Obstructs" includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any summons or civil process.

(c) Whoever by violating this section hinders, delays or prevents an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or his superior for any damages adjudged against either of them by reason thereof.

(17) 947.012 UNLAWFUL USE OF TELEPHONE.

Whoever does any of the following shall be, upon conviction, subject to a forfeiture not to exceed $1,000:

(1) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(2) With intent to frighten, intimidate, threaten, abuse, harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(3) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(4) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(5) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten or harass any person at the called number.

(6) Knowingly permits any telephone under his or her control to be used for ay purpose prohibited by this section.

(18) 947.15 CONTRIBUTING TO THE DELINQUENCY OF CHILDREN; NEGLECT;

(a) The following persons shall be, upon conviction, subject to forfeiture not to exceed $1000.

1. Any person 18 or older who intentionally encourages or contributes to the delinquency of any child as defined in s. 48.02 (3m) or the neglect of any child. This subsection includes intentionally encouraging or contributing to an act by a child under the age of 12 which would be a delinquent act if committed by a child 12 years of age or older; or

2. Any parent, guardian or legal custodian who by neglect, or disregard of the morals, health or welfare of his or her child contributes to the delinquency of that child. This subsection includes neglect or disregard on the part of the parent which results in the commission or probable commission by a child under the age of 12 of an act which would be a delinquent act if committed by a child 12 years of age or older.

(b) An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.

(19) Repealed. Resolution 13-2A-244, 02/28/2013

(20) 961.41 (3) POSSESSION OF CONTROLLED SUBSTANCE.

(a) It is unlawful for any person to possess a controlled substance, as that term is defined in Chapter 961, Wisconsin Statutes, other than a controlled substance classified in Schedule I or II of Chapter 961, Wisconsin Statutes, which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner as defined in Chapter 961, Wisconsin Statues, while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

(b) Possession of Drug Paraphernalia. Wisconsin Statutes § 961.573 is adopted by reference and made a part of this chapter as if fully set forth herein.

(c) Any person who violates this section shall be, upon conviction, subject to a forfeiture not to exceed $500.

3.207 Trespass at Rock County Jail or Rock County Youth Services Center.

(a) Whoever enters any restricted area posted as a restricted area pursuant to the requirements of par. (b) in an area within 50 feet of the Rock County Jail or Rock County Youth Services Center shall be, upon conviction, subject to a forfeiture of not less than $100 nor more than $1,000.

(b) For the land to be posted, a sign at least 11 inches square must be placed in at least 2 conspicuous places for every 500 feet around the Rock County Jail and Rock County Youth Services Center. The sign must carry an appropriate notice and that the notice is given by order of the Rock County Board of Supervisors and the Rock County Sheriff. Proof that appropriate signs, as herein provided, were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(c) Nothing in this section shall prohibit an off-duty employee of the Sheriff's Department or anyone else who has obtained the express permission or consent of the Sheriff of Rock County, or the Sheriff's authorized representative, from entering the area specified in par. (a).

3.208 Possession or Consumption of Beer and Liquor Restricted

No person shall carry about any open can, bottle or other container containing fermented malt beverage or intoxicating liquor or drink from the same on any public street, road, highway, alley, or walk or other public place without a license or permit to do the same. This section does not apply to a public park. Any person who violates this section shall be, upon conviction, subject to a forfeiture not to exceed $200.

3.209 Animals at Large, Untagged Dogs and Dogs Rabies Program

(1) An owner, keeper, or custodian of an animal shall not permit, whether negligently or otherwise, the animal to run at large. An animal is considered to be running at large if it is off the premises of the owner, keeper, or custodian and not under the control of the owner, keeper, or custodian.

(2) If the owner, keeper, or custodian of an animal negligently or otherwise permits an animal to run at large, he/she shall forfeit not less than $25 nor more than $100 for the first offense and not less than $50 nor more than $200 for subsequent offenses.

(3) The following Wisconsin Statutes relating to dogs are hereby adopted and incorporated herein by reference including all changes, amendments and revisions now or hereafter made thereto:

(A) 174.02(2) PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE.

(a) *Without notice*. The owner of a dog shall forfeit not less than $50 nor more than $2,500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) *After notice*. *The* owner of a dog shall forfeit not less than $200 nor more *than* $5,000 if the dog injures or causes injury to a person, domestic_animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(B) 174.042 (2) & (3) Untagged Dogs Subject to Impoundment; Penalties.

(2) UNTAGGED DOG. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(3) DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT. Any officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(C) 95.21 Rabies control program.

(2) RABIES VACCINATION REQUIRED FOR DOGS.

(a) *Requirement for vaccination*. Except as required in s. 174.054 or sub. (9)(d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05(2)(d), at no later than 5 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 5 **4** 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 revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05(2)(d), before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(4) QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES.

(a) *Quarantine or sacrifice of dog or cat*. An officer shall 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.

(5) QUARANTINE OF DOG OR CAT.
(a) *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. If an officer delivers a dog or orders a dog to be delivered to an isolation facility and the dog is exempt from the requirement to be vaccinated against rabies under sub. (9)(d), the owner of the dog may choose an isolation facility that is a veterinary hospital.

(10) PENALTIES.
(a) *Failure to obtain rabies vaccination*. An owner who fails to have a dog vaccinated against rabies as required under sub. (2)(a) may be required to forfeit not less than $50 nor more than $100.
(b) *Refusal to* comply *with order or quarantine*. An owner who refuses to comply with an order issued under this section 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 shall be fined not less than $100 nor more than $1,000.

(4) Abatement of Violations.

(A) Issuance of Order. If a humane officer or law enforcement officer after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons.

(B) Content of Order. An abatement order issued under sub. (A) shall contain all of the following:
(1) The name and address of the person to whom directed.
(2) The statute or ordinance alleged to be violated.
(3) A prohibition on further violations.
(4) A description of measures necessary to correct the alleged violation.
(5) A description of the hearing and appeal provisions under subs. (C) and (E)

(C) Hearing. Any person named in an abatement order may appeal such order to the Rock County Administrator or his/her designee within 10 days of service of the order. The hearing shall be held within 10 days after the request is

made, unless the requester agrees to a later date. The hearing shall be informal in nature.

(D) Decision. Within 10 days after the hearing, the Rock County Administrator or his/her designee shall affirm the order, modify and affirm the order or withdraw the order.

(E) Appeal. Any person adversely affected by a decision under sub. (3) may seek judicial review by commencing an action in circuit court within 30 days after the day that the decision is issued.

3.210 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 actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace 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 the actor to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace 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 the peace officer at the time, would have dispelled the alarm. A person who violates this section shall, upon conviction, be subject to a forfeiture not to exceed $500.

3.211 Fireworks Regulated

Section 167.10, Wisconsin Statutes, including all changes, amendments and revisions now or hereafter made thereto, is hereby adopted and incorporated herein by reference provided, however, that the penalty for violating any of the provisions of s. 167.10 shall be a forfeiture of not more than $1000.

3.212 Shining Animals; Possession of Live Wild Animals

(1) Section 29.314 of the Wisconsin Statutes of 2011-2012 and as may be thereafter amended is adopted by reference hereby as if set forth in full. It is intended that this ordinance shall strictly conform to the Wisconsin Statutes. Whenever this ordinance and the statutes conflict, the statutes shall control.

(2) Section 169.04 of the Wisconsin Statutes of 2011-2012 and as may be thereafter amended is adopted by reference hereby as if set forth in full. It is intended that this ordinance shall strictly conform to the Wisconsin Statutes. Whenever this ordinance and the statutes conflict, the statutes shall control.

(3) Penalty. A person who violates any of the provisions of this ordinance shall be, upon conviction, subject to a forfeiture of not more than $1000.

3.213 Regulation of Boating

(1) All of the provisions and sections of 30.50 to 30.71, and 30.80, Wis. Stats., including all changes, revisions and amendments now or hereafter made thereto are hereby adopted and incorporated herein by reference. All of the provisions and sections of NR-5, Boat Regulations and Registration, Wisconsin Administrative Code, including all changes, revisions and amendments now or hereafter made thereto are hereby adopted and incorporated herein by reference. It is the intent of this section to be at all times in strict conformity with sections 30.50 to 30.71, and 30.80, Wis. Stats., and NR-5, Wisconsin Administrative Code.

(2) Boat Excluded Area

To protect the public's safety, no person shall operate a boat in the following described area of the Rock River in the Town of Fulton: Beginning at a line paralleling the centerline of the County Trunk highway "M" Bridge 46' north thereof, then including the entire waterway downstream of said line to the Indianford Dam. This area shall be designated by regulatory markers approved by the Department of Natural Resources.

(3) Penalties

Any person violating any provisions adopted in (1) or (2) of this section shall be subject to penalties in strict compliance with s. 30.80, Wis. Stats., with violations of incorporated NR-5 provisions subject to the general penalty provision thereunder.

3.214 Penalties

(1) Any person, except a minor, convicted of violating any of the above sections of this chapter who fails to pay or defaults in payment of the forfeiture and costs imposed may be imprisoned in the county jail but not to exceed 30 days.

(2) Section 938.534(1)(b) of the Juvenile Justice code of the Wisconsin Statutes (2009-2010) relating to the use of short-term detention as a dispositional option for youth on intensive supervision is hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto.

3.215 Severability

It is the intention of the County Board that each section, paragraph, sentence, clause, and provision of this chapter is severable and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the chapter nor any part thereof other than that affected by such decision.

3.216 Habitual Truancy Prohibited

(1) No child subject to school attendance laws shall be a habitual truant as defined in this section.

(2) For purposes of this section, "habitual truant" means a child or pupil who is absent from school without an acceptable excuse as provided in sec. 118.15, Wis. Stats., as may be amended from time to time, for either of the following:

(a) Part or all of five or more days out of ten consecutive days on which school is held during a school semester.

(b) Part or all of ten or more days on which school is held during a school semester.

(3) A child found to have violated the provisions of this section shall be subject to one or more of the following dispositions by the court pursuant to sec. 48.125, Wis. Stats., as may be amended from time to time:

(a) Suspension of the child's operating privilege, as defined in sec. 340.01(40), Wis. Stats., as may be amended from time to time, for not less than 30 days nor more than 90 days. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the direction of the suspension.

(b) An order for the child to participate in counseling, community service or a supervised work program under sec. 48.34(9), Wis. Stats., as may be amended from time to time.

(c) An order for the child to remain at home except during hours in which the child is attending religious workshop or a school program, including travel time required to get to and from the school program or place of workshop. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(d) An order for the child to attend an educational program under sec. 48.34(12), Wis. Stats., as may be amended from time to time.

3.217 Contributing to Truancy

(1) Except as provided in sub. (2), any person 18 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under sec. 118.16(1)(c), Wis. Stats., as may be amended from time to time, of a child is guilty of a violation.

(2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under sec. 49.50(7)(h), Wis. Stats., as may be amended from time to time.

(3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(4) A person adjudged to have violated sections 3.216 or 3.217 of this ordinance shall be subject to a forfeiture of not less than $50 nor more than $500.

EFFECTIVE DATE: This ordinance shall take effect the day after its publication.

3.218 Burglar Alarm Systems

(1) Purpose and Authority

Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by the Sheriff's Department with minimization of time spent on alarms which are false or improper. The County Board is authorized under s. 59.54(6) to regulate the use of alarms.

(2) Definitions. As used in this section:

(a) "Alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems(s).

(b) "Alarm system" means any mechanical or electrical equipment designed and arranged to immediately signal or otherwise notify the occurrence or potential occurrence of a burglary or robbery, including, but not limited to, local and other alarms employing an audible signal and/or a flashing light or beacon designed to signal persons outside the premises. Excluded from this definition and from the scope of this chapter are alarms and alarm systems used solely to alert or signal person s within the premises in which the alarm system is located.

(c) "Answering service" refers to a telephone answering service which receives on a generally continuous or ongoing basis through trained or other employees, emergency signals from alarm systems and thereafter immediately relaying the alarm, signal or message or the fact of the alarm, signal or message by any means or form including, but limited to, by live voice to the communication or alarm center of the sheriff's department.

(d) "Annunciator" means the instrument(s) or device(s) on an alarm console or other device at the receiving terminal of a signal line which through visual and/or audible signals indicates that an alarm device at a particular location has been activated. The activation of an "Annunciator" may also result from line trouble.

(e) "Automatic dialing device" refers to an alarm system which over regular telephone lines and by direct connection or otherwise automatically sends a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

(f) "Burglar alarm system" refers to an alarm system signaling an entry or attempted entry into the area protected by the system.

(g) "Holdup alarm system" refers to an alarm system signaling a robbery or attempted robbery.

(h) "Direct connect" means an alarm system which has the capability of transmitting system signals to and then receiving them at an agency maintained by the local government; for example, a public safety communication center.

(i) "False police alarm" means an alarm notification summoning the sheriff's department to the location of an alarm activation in which the responding police officer finds no evidence of the crimes of burglary, attempted burglary, robbery or attempted robbery. "False police alarm" does not include an alarm activation signal caused by extraordinary extremes of weather such as high winds, lightning storms or other systemic electric disturbances, nor shall the owner be penalized for alarms intentionally started by invitees or trespassers.

(j) "Interconnect" means the connection of an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the telephone line to transmit an emergency message or alarm upon the activation of the alarm system.

(k) "Modified central station" means a location to which remote alarm and supervisory signaling devices are connected and in which operators supervise the circuits.

(l) "Primary trunkline" means a telephone line leading directly into the communication center of the sheriff's department/ communication center that is for the purpose of handling emergency calls on a person-to-person basis, which is identified as such by a specific emergency number or numbers listed in the telephone directory issued by the telephone company, and which covers service area within the sheriff's departments' jurisdiction.

(m) "Subscriber" means a person who buys, leases, or otherwise obtains an alarm signaling device system or related service(s) and thereafter contracts with, hires or retains an alarm business to monitor and/or service the alarm device or system.

(3) Automatic Dialing Devises Prohibited

No person shall interconnect any automatic dialing device to the sheriff's department primary trunkline. The sheriff may approve, however, a direct line installation between a modified central station or answering service to the sheriff's department, but only if the full costs thereof shall be borne by the intermediate service. The sheriff may revoke such approval and require disconnection of any alarm system whenever he judges it to be producing an excessive number of false alarms until satisfied that effective and permanent corrective action has been taken.

(4) Direct Connections to the Sheriff’s Department

Alarms from business premises may be terminated in the sheriff's department by direct connect. Such connections must receive individual approval of the Sheriff. Such connections shall be accomplished in the following manner:

(a) All connections shall terminate in an annunciator panel.

(b) The alarm subscribers approved for a direct connection to the sheriff's department or the alarm business contracting for servicing the subscriber's alarm system, shall be responsible for obtaining the leased telephone line between subscriber's premises and the alarm receiving equipment the Sheriff's department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the standard annunciator panel.

(c) The alarm subscriber will provide the sheriff's department with the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by the automatic alarm device, and who can open the premises wherein the device is installed. If none of such persons can be contacted, or fail to appear to open the premises, or deactivate a false alarm, within thirty (30) minutes after being notified, then the alarm system subscriber may be guilty of a violation of this ordinance. The alarm subscriber shall be responsible for keeping the call list current by submitting names with an authorized agent's signature.

(d) No residential alarm system will be directly connected to or terminated at the sheriff's department annunciator panel(s).

(e) All installation, connections, and maintenance of private alarm systems with the sheriff's department shall be performed by technicians who have been registered with and approved by the sheriff.

(f) All alarm systems shall be registered with the sheriff's department and shall include the names of the service company installing the system and the location of the alarm.

(5) Testing

(a) No alarm system designed to transmit emergency messages directly to the Sheriff's Department shall be tested or demonstrated without first notifying the Sheriff's Department dispatcher.

(6) Charge for False Alarms

(a) In the event the privately owned alarm system malfunctions because of faulty equipment or improper installation or operation, and a false alarm is generated, whether received or direct connection or via any intermediary, requiring a sheriff's department response, there shall be a charge for repeated false alarms. For any two responses during a calendar year to a premises where a false alarm has occurred, no offense shall be deemed to have occurred. Thereafter, there shall be a charge for the false alarm due and owing as follows: $50.00 for the third response in any calendar year, $80.00 for the fourth response in any calendar year, $100.00 for the fifth response in any calendar year, and $200.00 for the sixth and all subsequent responses in that calendar year. The charge shall not be imposed when the alarm is caused by a hurricane, tornado, earthquake, fire, electrical storms, or other violent conditions as determined by the sheriff.

(b) All monthly charges for false alarms shall be immediately due and payable and shall be paid to the sheriff's department. In the event that any such charges are not paid in 30 days, the alarm system shall be disconnected, and shall not be reconnected until all delinquent charges are paid and the Sheriff approves reconnection.

(c) After the second false alarm, for which a fee has been charged, the sheriff shall warn the owner/user that probation and disconnection are the next steps. After the third false alarm, for which a fee has been charged, the Sheriff shall place the business on notice of "Probationary Status" via registered mail. The Probationary period shall be six (6) months in length. During the probationary period the Sheriff shall have sole authority to require the owner/user to disconnect his alarm. Such disconnection shall not exceed six (6) months, and the Sheriff may suspend such disconnection at any time he is convinced that effective and permanent corrective action has been taken.

(7) Effective Date

This ordinance shall take effect and be in force upon passage and publication. False alarms for 1991 shall be counted from January 1, 1991, then each calendar year

thereafter, but no charge shall be imposed for responses prior to his effective date. Any person who violates any provision of this ordinance, other than by generating a false alarm, shall forfeit not less than fifty dollars ($50.00) nor more than two-hundred fifty dollars ($250.00) together with costs of prosecution.

3.219 Endurance Contests Prohibited

(1) Contests Prohibited. No person, firm or corporation shall advertise, operate, maintain, participate in, promote or aid in advertising, operating, maintaining or promoting any physical endurance contest, exhibition, performance or show in the nature of a "marathon", "walkathon", "skatathon" or any other physical endurance contest, exhibition, performance or show of a like or similar nature, whether or not an admission is charged or a prize is awarded to any person for participation in such physical endurance contest, wherein any person participates in such contest for a period of more than 16 hours in any 24 hours over a period of more than 6 days in one month.

(2) Penalty. Any person, firm or corporation convicted of violating any of the provisions of Section 9.01(1) shall have judgment entered against him that he pay in addition to costs a fine or forfeiture of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred and Fifty Dollars ($250.00) for each such offense, and in default of the payment of the judgment that he be imprisoned in the county jail for such time as the court deems fit, not exceeding thirty (30) days for each violation, unless such judgment is sooner paid. Each day for which any of the provisions of said Section 9.01(1) is violated shall constitute a separate offense.

Originally adopted November 16, 1934, Proceedings, Vol. VI, Part 2, page 107.

NOTE: The original ordinance specifically prohibited any "amusement commonly known as Walkathon". In 1935 the state legislature passed a statute, subsection (1) of which is the same as 9.01(1). The statute is presently number 175.15.

3.220 Mistreatment of Animals

The following Wisconsin Statutes are hereby adopted by reference to the 2011-2012 statutes and as subsequently amended:

(A) Definitions: The definitions in Wis. Stats. 951.01 and as subsequently amended apply to this section.

(B) 951.02 Mistreating animals. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.

(C) 951.05 Transportation of animals. No person may transport any animal in or upon any vehicle in a cruel manner.

(D) 951.13 Providing proper food and drink to confined animals. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

(1) FOOD. The food shall be sufficient to maintain all animals in good health.

(2) WATER. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

(E) 951.14 Providing proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

(1) INDOOR STANDARDS. Minimum indoor standards of shelter shall include:

(a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(2) OUTDOOR STANDARDS. Minimum outdoor standards of shelter shall include:

(a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals

(b) Shelter from inclement weather. 1. 'Animals generally.' Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. 'Dogs." If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(3) SPACE STANDARDS. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) SANITATION STANDARDS. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

(F) 951.15 Abandoning animals. No person may abandon any animal.

(G) Whoever violates this section shall be subject to a forfeiture not to exceed $500 upon conviction.

Section 3 – Large Assemblies

3.300 Intent

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

(2) It is the intent of the County Board of Supervisors of the County of Rock that all sections and provisions of this chapter have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of said County Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the chapter.

3.301 License Required

(1) No person shall permit, maintain, promote, conduct, advertise, act as enterpreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 1,500 or more people which continues or can reasonably be expected to continue for 8 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the County Board of Supervisors of the County of Rock, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(2) As used in this legislation:

(a) "Person" means any individual natural human being, partnership, corporation, firm, company, association, society or group.

(b) "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

(3) A separate license shall be required for each day and each location in which 1,500 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be $100.

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

(5) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(a) The license shall not permit such assembly to be held or conducted outside the hours of 9:00 o'clock A.M. to 6:00 o'clock P.M.

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

(7) This chapter shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of Rock County.

3.303 Conditions for Issuing License

Before he may be issued a license the applicant shall first:

(1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality;

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

(a) a fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass;

(b) potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day;

(c) separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;

(d) a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person, per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;

(e) physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1.500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;

(f) if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

(g) a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

(h) telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons;

(i) if the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this municipality, sufficient to provide camping accommodations for the maximum number of people to be assembled;

(j) security guards, either regularly employed, duly sworn, off duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 200 people;

(k) fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this municipality, and sufficient emergency personnel to efficiently operate the required equipment.

(l) all reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;

(m) a bond, filed with the clerk of Rock County, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of $5.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

3.304 Application

(1) Application for a license to hold an actual or anticipated assembly of 1,500 or more persons shall be made in writing to the Rock County Board of Supervisors at least 30 days in advance of such assembly.

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

(3) The application shall contain and disclose:

(a) the name, age, residence and mailing address of all persons required to sign the application by section 3.304(2) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation;

(b) the address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;

(c) proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property to an assembly of 1,500 or more persons;

(d) the nature or purpose of the assembly;

(e) the total number of days and/or hours during which the assembly is to last;

(f) the maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight;

(g) the maximum number of tickets to be sold, if any;

(h) the plans of the applicant to limit the maximum number of people permitted to assemble;

(i) the plans for fencing the location of the assembly and the gates contained in such fences.

(j) the plans for supplying potable water including the source, amount available and location of outlets;

(k) the plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;

(l) the plans for holding, collection, and disposing of solid waste material;

(m) the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

(n) the plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;

(o) the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;

(p) the plans for telephone service including the source, number and location of telephones;

(q) the plans for camping facilities, if any, including the facilities available and their location;

(r) the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(s) the plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;

(t) the plans for sound control and sound amplification, if any, including the number, location and power of amplifiers and speakers;

(u) the plans for food concessions and concessioner who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.

(4) The application shall include the bond required in s. 3.303(2)(m), and the license fee required in s. 3.301(3).

3.305 Issuance

The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with, The issuing agent for the Rock County Board of Supervisors shall be the Rock County Clerk.

3.306 Revocation

The license may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

3.307 Enforcement

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

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

(3) Any person who violates s.3.301(1) or who violates any condition upon which he is granted a license shall be subject upon conviction to a fine or forfeiture not less than $1,000 nor more than $10,000. Each day of violation shall be considered a separate offense.

Part 4 – Carnivals

An ordinance regulating and licensing carnivals.

3.401 Carnivals Defined; License Required

(a) Definition. A carnival is a traveling amusement show featuring exhibits and rides.

(b) License Required. No person shall set up or operate or conduct any road carnival without first procuring a license therefor, as hereinafter provided.

3.402 Application and Fee

Application for license shall be made in writing by the owner or proprietor or manager of said road carnival to the County Clerk of said county and be accompanied by a license fee of One Hundred Fifty Dollars ($150.00) for each day or part thereof for each carnival using for its transportation not more than twenty-five (25) vehicles; for each road carnival using more than twenty-five (25) vehicles and less than fifty (50) vehicles for its transportation the license fee shall be One Hundred Seventy-five Dollars ($175.00) for each day or part thereof, and for each road carnival using fifty (50) or more vehicles for its transportation the license fee shall be Two Hundred Dollars ($200.00) for each day or part thereof. Each application for license shall give the name or names of the owners of such road carnival, if owned by a person or partnership, and their places of residence, or if owned by a corporation, the name of said corporation, together with the principal office of said owner, or owners, or corporation. Such application shall be filed with said County Clerk at least three (3) days prior to the date when said road carnival shall first open and shall give the date when and the place where it is proposed to set up, operate and conduct said road carnival. Upon said application and the payment of the fee as herein provided, said County Clerk shall issue a permit for the setting up, operating and conducting of such carnival giving therein the name of the owner or owners thereof, and their address, the dates upon which and the place where said carnival is to be set up, operated and conducted.

3.403 Waiver of Payment

Waiver of the payment of the fee under this ordinance shall not be made except be a two-thirds (2/3) vote of the entire membership of the Rock County Board.

3.404 Inspection

It shall be the duty of said County Clerk, upon the issuance of said permit, forthwith, to notify five (5) Inspectors or if in his judgment a lesser number would be sufficient, residing

nearest to the place where such road carnival is to be held, and it shall be the duty of such Inspectors to be present at such carnival during the hours of day and night that same is open to the public, to see that the laws of the State, and the ordinances, rules, and regulations of the County and local ordinances are complied with and enforced, and for this purpose such Inspector shall have the powers of a Deputy Sheriff. Each such Inspector shall be furnished by the County with a star or badge bearing thereon the word "Inspector", and shall wear the same where easily seen while on duty. Such badges to be returned to the County Clerk upon his or her termination of such office. Each such Inspector shall, before 10:00 a.m. of the day following the setting up, operating or conducting of any carnival, file a written report with said County Clerk as to the general conduct of such carnival and any violations of laws, ordinances, or rules or regulations governing the same which may have come under his or her observation. Such Inspector, while present at any such carnival, in case of any gross violation or vulgar disorder, or conduct on the part of those setting up, operating, or conducting any such carnival or of those in their employ, or of those present, may, in the name of the County, order such carnival discontinued or closed.

3.405 Inspectors Designated

The Inspectors of amusements heretofore elected and qualified under and by virtue of an ordinance enacted by the County Board of Supervisors of Rock County, Wisconsin, in pursuance of authority granted by Chapter 222 of the Laws of 1923, creating Subsection 8 of Section 59.08 of the Statutes, being an ordinance regulating public dance halls and public dances, are hereby designated as Inspectors under this ordinance.

3.406 Inspectors' Compensation

Inspectors of amusements while on duty at any carnival shall receive compensation in the sum of Five Dollars ($5.00) for each twenty-four (24) hours or part thereof.

3.407 Rules and Regulations

The following rules and regulations shall govern the conduct, operation and management of all carnivals:

(1) No person shall possess, bring or offer to any person, intoxicating liquor as defined by the Statute, on the grounds occupied by said carnival, nor shall any person under the influence of liquor or drugs be permitted to loiter or be upon said grounds.

3.408 Revocation of License

The Chairman of the County Board of Supervisors shall, upon the filing of a written report, by any Inspector of amusements, which said report shall show any violation of the State law, or the ordinances or rules or regulations of the County or of any local ordinances, revoke the license of any carnival, provided that any person or persons whose license shall

be so revoked, may be reinstated by the County Board at its next session, if upon petition by the licensee the Board shall be of the opinion that said license should be reinstated.

3.409 Reinstatement.

Upon revocation of any such license, no new license shall be issued to the same licensee within eighteen (18) months following the date of such revocation, upon which the same shall be reinstated as provided in the preceding section.

3.410 Powers of Sheriff's Department

The Sheriff of the County and all Deputy Sheriffs appointed by him, shall have the same powers to enforce the provisions of this ordinance as Inspectors, and when acting as Inspectors of such amusements, upon the request of the County Clerk, shall receive the same compensation as is provided in this ordinance.

3.411 Payment of Fees

All fees provided herein shall be paid into the County Treasury and the compensation of the Inspectors of amusements shall be paid by the County Treasurer as other moneys are paid, but no compensation shall be made for any inspection unless a written report thereof has been filed as provided by Section 3.404 of this ordinance.

3.412 Exemptions

This ordinance does not apply to any city or village which by ordinance regulates and controls road carnivals. See 59.07(18)(d), Wisconsin Statutes.

3.413 Penalty

In case any person is convicted of violating any provision of Part 4 of this Chapter, judgment shall be entered against him that he pay in addition to costs a fine or forfeiture of not less than Ten Dollars ($10.00 nor more than Two Hundred Dollars ($200.00) for each such offense, and in default of the payment of the judgment that he be imprisoned in the County Jail for such time as the court deems fits, not exceeding thirty (30) days for each violation unless such judgment is sooner paid. Each day that a violation continues to exist shall constitute a separate offense.

***3.414 Maintenance Costs**

Prisoners in the Rock County Jail under sentence for a crime, non-payment of fine or forfeiture, contempt of court or as a condition of probation and who are gainfully employed or who receive unemployment compensation or employment training benefits, shall be liable for their full per capita maintenance cost and said cost shall be as established by the County Board.

*Amended May 13, 1982

Part 5 – Boating Safety; Slow-No-Wake

3.501 Applicability

The provisions of this Ordinance shall apply to the reaches of the Rock River and each named and unnamed river and stream located within Rock County, Wisconsin.

3.502 Purpose

The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic ecosystems by: (A) limiting boats on the Rock County rivers and streams to slow-no-wake speed when the water level of the river exceeds the recommended levels, (B) establishing slow-no-wake areas in certain locations where that is warranted by boating congestion, (C) authorizing the Rock County Sheriff to impose slow-no-wake speed limits on other rivers and streams in the county during permitted special events or when that is warranted by exceptional circumstances.

3.503 Authority

This Ordinance is adopted by the Rock County Board of Supervisors pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

3.504 Definitions

The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

(A) Boat, Watercraft. "Boat" or "Watercraft" means any device used for navigation on water, including personal watercraft.

(B) Slow-No-Wake Speed. "Slow-No-Wake Speed" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

3.505 Speed Restrictions

(A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the northern Rock County line to the Indianford Dam, when the gauge water level at the US Geological Survey Gauge 05427235 (Lake Koshkonong near Newville, Wisconsin) is above 8.0 feet. This information can be obtained from the NOAA website. [http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1,1 (Graph NVLW3)]

(B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the Indianford Dam to the West B-R Town Line Road Bridge when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 6.5 feet. This information can be obtained from the NOAA website. [http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage= aftw3&hydro_type=0&view=1,1,1,1,1,1 (Graph AFTW3)]

(C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the West B-R Town Line Road Bridge to the southern Rock County line when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 8.5 feet. This information can be obtained from the NOAA website. [http://water.weather.gov/ahps2/hydrograph. php?wfo=mkx&gage= aftw3&hydro_type=0&view=1,1,1,1,1,1 (Graph AFTW3)]

(D) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the following areas, which are more specifically described as follows:

(1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville Bridge (Highway 59).

(2) An area 250 feet on either side of the railroad bridge over the Rock River in the Town of Fulton.

(3) From the Indianford Bridge to approximately 1,000 feet north of the Indianford Bridge on the Rock River in the Town of Fulton.

(E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to Section 3.506(A).

(F) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to Section 3.506(B).

(G) Persons or groups may operate a boat or watercraft at greater than slow-no-wake speed within an area of any river that is currently designated a slow-no-wake area only

for the purposes of participating in a permitted ski show or like event (e.g. Rock Aqua Jays) provided such events are approved by all governing bodies of each city, village or town within which such event is to be performed and by the Rock County Sheriff.

3.506 Duties and Powers of the Rock County Sheriff

(A) Special Events. On the application of a person proposing to conduct a special event on any river or stream in the County and with the approval of the governing body of each city, village or town within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event Permit and may impose a slow-no-wake speed on the operation of boats or water craft not participating in the special event. Any permit issued under this Section shall specify the time, date and location of the event and the boundaries of the slow-no-wake area so designated and shall be posted in accordance with Section 3.507.

(B) Boating Hazard Zone. The Rock County Sheriff may designate all or any part of any river or stream within Rock County as a Boating Hazard Zone if the Sheriff determines that high water levels or emergency conditions resulting from storms or other conditions warrant the imposition of a slow-no-wake speed restriction. Each such designation shall specify the boundaries of the Boating Hazard Zone so designated and notice of the imposition of the slow-no-wake speed restriction shall be posted in accordance with Section 3.507.

3.507 Notice and Posting

The Rock County Sheriff shall notify media sources serving the area affected by any slow-no-wake speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of such restrictions at all public access points within such areas. Such notices shall be sent and posted as soon as practicable after the issuance of the permit or designation and when the Rock River water level reaches or is anticipated to reach the level specified in Section 3.505(A) and or 3.505(B) within 24 hours. The Sheriff shall notify the media and remove such notices as soon as possible when the conditions resulting in the slow-no-wake speed restriction have passed.

3.508 Enforcement and Penalties

(A) Enforcement. This Ordinance may be enforced by law enforcement officers of the Rock County Sheriff's Office and the Wisconsin Department of Natural Resources.

(B) Obstruction. No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

(C) Enforcement Procedure. The provisions of Sections 66.0109, 66.0113, 66.0114 and 30.50 to 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this

Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The County elects to use the citation method of enforcement.

(D) Other Remedies. The issuance of a citation hereunder shall not preclude the County or any authorized person from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

(E) Penalties and Deposits. Any person violating the provisions of this Ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

3.509 Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall be in effect.

This Ordinance shall take effect immediately upon passage and publication as provided by law.

Part 6 – Fair Housing

3.601 Intent

It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this County that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation as defined in Sec. 111.32(13m), Wis. Stats., disability, religion, national origin, gender identity, gender expression, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

3.602 Statutes Adopted

This ordinance adopts Sec. 106.50, Wis. Stats., in its entirety, including all changes or amendments hereafter made which are hereby adopted and incorporated herein by reference as if fully set forth herein. Any act required to be performed or prohibited by any portion of 106.50, Wis. Stats., incorporated herein is required or prohibited by this ordinance.

3.603 Penalties

(a) Any person who willfully violates this section or any lawful order issued under this section shall, for the first violation, forfeit not less than $100 nor more than $1,000.

(b) Any person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation within the five (5) years, shall forfeit not less than $1,000 nor more than $10,000.

(c) Payment of a forfeiture under this section shall be stayed during the period in which any appeal may be taken and during the pendency of the appeal.

Part 7 – Rock County Smoking and Tobacco Ordinance

Subpart 1: Smoking Ordinance

3.701 Smoking in Certain Places Prohibited

(1) Authority. This Ordinance is adopted under the authority granted by § 101.123, Wis. Stats. as may be amended.

(2) Purpose. The purpose of this Ordinance is to promote the health and comfort of the public and Rock County employees.

(3) Definitions. As used in this Section.

(a) Assisted Living Facility – means a community based residential facility, as defined in Sec. 50.01(1g), Wis. Stats., a residential care apartment complex, as defined in Sec. 50.01(1d), Wis. Stats. or an adult family home as defined in Sec. 50.01(1)(b), Wis. Stats.

(b) Building – means any enclosed, indoor area of a structure owned by the County or any enclosed, indoor area of that part of a structure leased by the County.

(c) County owned – means any buildings, as defined in this Section, owned by the County.

(d) County leased – means any part of a building, as defined in this Section, which is leased by the County.

(e) Enclosed Indoor Area – means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether opened or closed, covering more than fifty percent (50%) of the combined surface area of the vertical planes constituting the perimeter of the area.

(f) Entrance – means a doorway which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot, opened windows, and any building ventilation systems.

(g) Smoking – means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, electronic cigarette or any other lighted smoking equipment in any manner or in any form.

(h) Vehicle – means any automobile, truck, or other motorized piece of equipment owned, leased, or operated by the county.

(i) Workplace – means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, a storage area, or an employee cafeteria. A private residence shall not be considered a place of employment unless it is used as a child care, adult day care, or health care facility.

(4) Smoking Prohibited.

(a) No person shall smoke in any County owned or County leased building, work place or vehicle at any time.

(b) Smoking is prohibited within thirty (30) feet of any entrance of a County owned or County leased building, or workplace.

(c) No person shall smoke within the buildings, within thirty (30) feet of any building, or within designated nonsmoking areas of the campus grounds, at UW-Rock County.

(d) No person shall smoke within the building or the campus area of Rock Haven.

1. The "campus of Rock Haven" shall be defined for the purpose of this ordinance as those areas, both indoors and outdoors, falling within the perimeter of the campus boundary surrounding the skilled nursing facility building at Rock Haven.

(5) Exceptions. The prohibition in Subsection (3) shall not apply to the following structures or the following areas:

(a) County owned or County leased residential rooms in assisted living facilities, which are designated smoking as defined in §§ 101.123(3)(i) and 101.123(3)(j), Wis. Stats.

(b) Private residences in buildings owned or leased by Rock County, unless the building is otherwise designated as smoke free.

(c) Outside smoking areas, designated and approved by the County Board.

(6) Responsibilities. The County shall post signs prohibiting smoking at least thirty (30) feet from the public entrance of County owned and County leased buildings and work places. The signs shall be: (a) of uniform dimensions and other characteristics required under § 101.123(2m), Wis. Stats., specified by § 101.123(6), Wis. Stats.; (b) be posted at doorway entrances of County owned and County leased buildings, and work places.

(7) Penalties and Enforcement.

(a) Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than $100.00, nor more than $250.00 for each violation together with the costs of prosecution and forfeiture.

(8) Effective Date. This Ordinance shall be full force and effect as of May 13, 2013.

Subpart 2: Possession of Tobacco Products by Children

3.702 Possession of Tobacco Products by Children Prohibited

1. Definitions:

   In this Chapter:

   A. Child - means a person who is less than 18 years of age as defined by Section 48.02(2) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

   B. Cigarettes - means any roll of tobacco wrapped in paper or any substance other than tobacco and as defined in Section 139.30(1) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

   C. Law Enforcement Officer - means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of laws or ordinances he or she is employed to enforce and as defined in Sections 30.50(4s) or 165.85(2)(c) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

   D. Tobacco Products - means cigars; cheroots; stogies; periques; granulated; plug cut; crimp cut; ready-rubbed and other tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps; clippings; cuttings; cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing and smoking as defined in Section 139.75(12) of the Wisconsin Statutes, as from time to time amended, revised or renumbered. "Tobacco Products" does not include cigarettes.

2. Adoption of State Laws Prohibiting the Purchase and Possession of Cigarettes and Tobacco Products by Children.

   Any and all Wisconsin Statutes and administrative code provisions pertaining to and governing the purchase and possession of cigarettes and tobacco products by a child, including but not limited to Section 48.983 of the Wisconsin Statutes, as from time to time amended, revised or renumbered, are hereby adopted by reference and incorporated herein as if fully set forth.

3. Prohibition against the purchase of or possession of cigarettes or tobacco products by children.

   A. Except as provided in sub. (2), no child may do any of the following:

      (i) Buy or attempt to buy any cigarette or tobacco products.

(ii) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
(iii) Possess any cigarette or tobacco product.

B. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

4. Seizure

A law enforcement officer shall seize any cigarette or tobacco products involved in a violation of this Chapter committed in his or her presence.

5. Prohibition Against Violating State Laws Prohibiting Purchase or Possession of Cigarettes or Tobacco Products by Children

No Person may violate any provision of the Wisconsin Statutes prohibiting the purchase or possession of cigarettes or tobacco products by children, under Section 48.983 of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

6. Severability

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remaining provisions shall not be affected hereby.

7. Violations - Penalty

If the court finds a child has violated any provision of this chapter, it shall enter an order making one or more of the following dispositions pursuant to Section 48.343 of the Wisconsin Statutes, as from time to time amended, revised or renumbered:

A. Impose a forfeiture of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). Any such order shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for payment. If a child fails to pay the forfeiture, the court may suspend any license issued under Chapter 29 of the Wisconsin Statutes or suspend the child's operating privileges as defined in Section 340.01(40) of the Wisconsin Statutes, for not less than 30 days nor more than 90 days. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which will thereupon return the licenses to the person.

B. Order the child to participate in a supervised work program pursuant to Sections. 48.343(3) and 48.34(9) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

Repealed and Recreated 1/10/13, Res. No. 12-12A-190
Section 3.206(19) Repealed 2/28/2013, Res. No. 13-2A-244
Section 3.220 Created 02/28/2013, Res. No. 13-2A-244
Section 3.701 Repeal and Recreate, 04/25/13 (adopted) effective 05/13/13, Res. No. 13-41-289
Chapter 3, Part 5 Repeal and Recreate, 06/27/13, Res. No. 13-6B-363
Section 3.2014 Repeal and Recreate, 07/11/13, Res. No. 13-6B-362
Section 3.103(2) Amended, 09/12/13, Res. No. 13-8A-381
Revisor Change to titles, 3.206(6), (7), (8), 01/13/14
Revisor Change, 3.102(5)
Section 3.104(1) Repealed and subsections renumbered, 09/11/14, Res. No. 14-8A-079
Section 3.212 Repealed and Recreated, 09/11/14, Res. No. 14-8A-079
Section 3.103 Repealed and Recreated, 10/23/14, Res. No. 14-10A-127
Chapter 3, Part 6 and Section 3.207 amended 5/28/2015, Res. Nos. 15-5A-286 and 15-5A-287
Section 3.103 amended 6/25/15, Res. 15-6A-317
Section 3.103(7)(e) amended 11/19/15, Res. 15-10B-398
Section 3.103 amended 09/14/17, Res. No. 17-8A-319
Section 3.104 amended 09/28/17, Res. No. 17-9A-331
Section 3.209 amended 9/27/18, Res. No. 18-9A-065

CHAPTER 4

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CHAPTER 4

LAND USE MANAGEMENT AND ZONING, ENVIRONMENTAL MANAGEMENT AND BOARD OF ADJUSTMENT

Subchapter 1 – Land Use Management

Part 1 – Land Division and Management

Subpart 1: Introduction

4.101 Authority

This Ordinance is adopted by the Rock County Board of Supervisors pursuant to Sections 59.69 (4), 236.45, 281.31, and 703.115, Wisconsin Statutes.

4.102 Title and Effective Date

This Ordinance shall hereafter be known, cited, and referred to as the Rock County Land Use, Zoning and Environmental Management Ordinance and shall be effective after adoption by the Rock County Board of Supervisors and publication as provided by law.

[*Note*: This Ordinance has been amended on April 14, 1994, December 14, 2000, April 28, 2005, and August 28, 2008 with said amendments incorporated herein.]

4.103 Intent and Purpose

The intent and purpose of this Ordinance is to identify the process and requirements for regulation of all land division and other development activity in unincorporated areas of Rock County so as to maintain and advance the public health, safety, and general welfare of the County, its communities, and its residents, including the administration of certain Town land division, other development, and related activity standards and regulations in accordance with Memorandums of Agreement ("MOAs") between Rock County and said Town(s), all as defined in 4.107 of this Ordinance, by ensuring the following:

(1) Orderly, economical, efficient, equitable, and environmentally-sound layout and use of land, including siting and construction of buildings, accessory buildings, and improvements, and other earth-disturbing activities, protection and preservation of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and open space, promotion of a regional land use and community planning and development vision, and enhancement of community character;

(2) Prevention and minimization of hazards to life or property, including but not limited to those related to overcrowding of land, congestion, pollution, fire, flood, disease,

noise, soil, bedrock formation, topography, drainage, steep slope, erosion, sewage treatment and disposal, water supply, and all other utilities;

(3) Adequate public improvements and associated services, including but not limited to those related to transportation, sewage treatment and disposal, water supply, all other utilities, drainage, and outdoor recreation;

(4) Adequate and safe lot ingress and egress;

(5) Uniform, consistent, and accurate monumenting, mapping, and legal description of lots;

(6) Consistency with the most current versions of the *Rock County Comprehensive Plan*, *Rock County Farmland Preservation Plan*, or any similar successive and other relevant County plan or document, Town, City, and Village comprehensive plans, Town, City, Village, and County zoning ordinances, and Sections 236 and 703, Wisconsin Statutes;

4.104 Compliance with other Ordinances, Statutes, Regulations, and Plans

Any land division or other development activity, including any activity stipulated in a Memorandum of Agreement ("MOA") and subject to this Ordinance, in accordance with 4.108 herein, shall also be subject to and consistent with the following:

(1) Chapters 236 and 703, Wisconsin Statutes and Chapters COMM. 83 and 85, TRANS. 233, and N.R. 115, 116, and 121, Wisconsin Administrative Code;

(2) All other applicable Rock County ordinances and regulations, and the most current versions of the *Rock County Comprehensive Plan*, *Rock County Farmland Preservation Plan*, or any similar successive and other relevant County plan or document;

(3) All applicable Town, City, or Village ordinances, regulations, and plans;

(4) All other applicable ordinances, rules, regulations, standards, statutes, or other provisions of law;

4.105 Interpretation, Abrogation and Greater Restrictions, Severability, and Repeal

(1) Interpretation. The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of Rock County and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

(2) Abrogation and greater restrictions. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, standard, statute, or other provision of law. Where any provision of this Ordinance imposes a restriction similar to

those imposed by any other provision of this Ordinance or any other ordinance, rule, regulation, standard, statute, or other provision of law, whichever is more restrictive or imposes higher standards shall control.

(3) Severability. Each Article, Section, Sub-section, paragraph, sentence, clause, word, and provision of this Ordinance is severable. If any of the aforementioned components of this Ordinance are held unconstitutional or invalid for any reason, such decision shall not affect the remainder of said Ordinance.

(4) Repeal. All other ordinances or parts of ordinances of Rock County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

4.106 Revision and Amendment

This Ordinance may be revised and amended by the Rock County Board of Supervisors. The Rock County Planning & Development Committee ("Committee") shall hold a public hearing on all proposed revisions and amendments to this Ordinance, in accordance with Sections 59.02 and 236.45, Wisconsin Statutes, to review and provide recommendation on said revisions and amendments to the Rock County Board of Supervisors. After this public hearing, the Rock County Board of Supervisors shall also hold a public hearing to adopt any Ordinance revisions or amendments recommended by the Committee.

Any land division or other development activity, including any activity stipulated in a Memorandum of Agreement ("MOA") and subject to this Ordinance, in accordance with 4.108 herein, shall be reviewed for compliance with this Ordinance in the manner it exists at the time of submission to the Administrator of the application for preliminary land division, other development activity, or an activity stipulated in a MOA.

4.107 Definitions

The following terms shall, for the purpose of this Ordinance, have the definition stated in this Sec. Any other term contained in this Ordinance not defined in this Sec. but vital to the interpretation of this Ordinance shall be construed to have a legal definition:

Accessory building – Any structure affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property, not requiring either a connection to a public sanitary sewer system or installation of a private onsite wastewater treatment system ("POWTS")

Adjacent Land Sale or Transfer – The act or process of conveyance by a landowner of a portion of an existing lot to an adjacent landowner/lot in which no new, additional lots are created and the modified lots are not reduced below the minimum size and dimension required by law

Administrator – Staff of the Rock County Planning, Economic & Community Development Agency ("Agency") designated by the Rock County Planning & Development Committee ("Committee") to administer and enforce this Ordinance

Agency – The Rock County Planning, Economic & Community Development Agency, authorized by the Rock County Board of Supervisors, in accordance with Sec. 59.69 (2) Wisconsin Statutes, to develop and implement policies and procedures related to specific aspects of community planning and development in Rock County, with oversight provided by the Rock County Planning & Development Committee ("Committee")

Alley – A public or private right-of-way primarily serving or designated to serve as a secondary vehicular access to a lot

Applicant – A landowner requesting review of and action on an application for land division, other development activity, or land division and development activity stipulated in a Memorandum of Agreement ("MOA"), or agent of said landowner(s) having gained legal consent of the landowner(s) on which the aforementioned activity will take place

Arterial street – A public right-of-way, including but not limited to Federal and State highways, primarily serving or designated to serve the rapid movement of concentrated volumes of vehicular traffic over relatively long distances and providing for movement between, rather than within, activity areas

Block – A group of lots within well-defined and fixed boundaries, including but not limited to those boundaries provided by streets, public parks, cemeteries, rail lines, shorelines, or general purpose districts, and having a designation through which it may be identified

Board – The Rock County Board of Adjustment, authorized by the Rock County Board of Supervisors, in accordance with Sec. 59.694, Wisconsin Statutes, to hear and take action on requests by an applicant for variances to and appeals of administration and enforcement of this Ordinance

Building – Any structure affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property, requiring either a connection to a public sanitary sewer system or installation of a private onsite wastewater treatment system ("POWTS")

Building envelope – The area of a lot in which building and accessory building sites are allowed

Building setback line – A line located at the front, rear, and on all sides of a lot between which lines and the lot lines, building and accessory building sites are prohibited

Building Site Permit ("BSP") – A document issued by the Administrator specifying the allowance of a building or accessory building site on a lot, so classified in this Ordinance as either a Rock County Building Site Permit or a Town Building Site Permit

Building site plan – A document prepared and submitted by an applicant if a building or accessory building site is proposed for construction or location on a lot, so classified in this Ordinance as either a Rock County building site plan or a Town building site plan

Centerline – A line parallel to the boundary lines of a street or right-of-way, bisecting said street or right-of-way into equal parts and separating vehicular or other traffic moving in opposite directions

Certified Survey Map ("CSM") – A map of a minor land division, or identifying lands subject to a lot combination or an adjacent land sale or transfer, prepared by a land surveyor in accordance with Sec. 236.34, Wisconsin Statutes and submitted by an applicant in both a preliminary and final form

Cluster development – A planned development and minor land division consisting of lots of reduced size and specifying building and accessory building sites so as to provide for protection and preservation of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and/or open space

Collector street – A public right-of-way primarily serving or designated to serve moderate amounts of vehicular traffic between local and arterial streets, providing access to lots and for movement within, rather than between, activity areas

Committee – The Rock County Planning & Development Committee, authorized by the Rock County Board of Supervisors in accordance with Sec. 59.69 (2), Wisconsin Statutes, to administer and enforce this Ordinance

Condominium – A building(s), accessory building(s), and the associated grounds in which units of property, such as apartments, are owned by individuals and common parts of property, such as the building(s) and grounds, are owned jointly by all unit owners

Condominium instrument – The declaration, plats, and plans of a condominium together with any attached exhibits or schedules, prepared and submitted by an applicant

Condominium plat – A map of condominium units on a lot, prepared by a land surveyor in accordance with Sec. 703.11, Wisconsin Statutes, and submitted by the applicant as a component of a condominium instrument

Conservation development – A planned development and major land division (sub-division) consisting of lots of reduced size and specifying building and accessory building sites so as to provide for protection and preservation of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and/or open space

Conservation easement – A document, in accordance with Sec. 700.40, Wisconsin Statutes, prohibiting building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the document, in Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and/or open space

Corner lot – A lot abutting two or more streets at their intersection, provided the corner of such intersection has an angle of one hundred and thirty five (135) degrees or less measured on the lot side

Cul-de-sac – A local street with a singular vehicular outlet containing an appropriate terminal for the safe and convenient reversal of traffic movement

Cultural resources – Any building or structure, archaeological or cultural site, or historical marker in the State of Wisconsin Historical Society's Architecture and History Program, Archaeological Sites Inventory Program, or Historical Markers Program, or any building, structure, site, or marker so identified as a cultural resource in any Rock County cultural resources inventory, plan, or program

Double frontage lot – A lot whose front yard and rear yard both abut a street

Drainageway – A naturally-occuring or constructed channel designated to collect and disperse stormwater runoff so as to minimize potential occurrences of flooding, sedimentation, and erosion

Driveway – A public or private right-of-way primarily serving or designated to serve as a vehicular access to a lot from a public street

Easement – A non-fee simple interest in land either allowing use of the land by an individual or party other than the landowner and/or restricting use of the land by the landowner

Environmentally Sensitive Areas ("ESA") – Natural resource features listed in accordance with 4.109 (3) of this Ordinance (Certain said features were previously termed in all relevant Rock County plans, documents, and regulations as Environmentally Significant Open Space Areas (ESOSA).)

Extra-Territorial Plat Approval Jurisdiction ("ETJ") area – Any lands within one and one half (1 ½) miles of the boundary of a village or fourth-class city, or within three (3) miles of the boundary of a first, second, or third-class city, in accordance with Sec. 62.05 (1) and 236.02 (5), Wisconsin Statutes, in which said cities and villages may review and approve or object to land divisions, provided each have enacted an official map or sub-division control ordinance

Flag lot – A lot whose width at the building site far exceeds its street frontage, containing both a "pole", a long, narrow strip of land utilized solely to provide vehicular access to the building site, and a "flag", containing the building site

Foundation survey – A map prepared by a land surveyor and submitted by an applicant as a component of the building site plan, identifying lot lines, building setback lines, a building and/or accessory building foundation or footings, and the distance from the lot lines to the foundation or footings, and floodplain

Frontage – The length of the front lot line of a lot abutting a street and/or the length of the rear lot line of a lot abutting a surface water feature

Front yard – The area of a lot between the building setback line at the front of the lot and the adjacent boundary of the street upon which the lot abuts, in which building and accessory building sites are prohibited (A corner lot shall have two (2) front yards.)

Full width – The distance between the parallel boundaries of a street or right-of-way, measured perpendicular from said boundaries

General planned development – A planned development consisting of lots of reduced size and specifying building and accessory building sites so as to provide for protection and preservation of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and/or open space

General purpose district – A unit of government, including Counties, Towns, Cities, and Villages, providing a wide array of vital services to residents living within their borders

Grade – The slope of a street specified in percent

Half width – One-half (1/2) of a street or right-of-way measured perpendicular from the street or right-of-way boundary to its centerline

Household – A building capable of serving as a residence, and occupied or otherwise inhabited

Improvements – Any building, accessory building, or construction activity or product on a lot intended to increase the value of the lot

Land division – The act or process of dividing an existing lot into two (2) or more lots normally for the purpose of ownership transfer or building construction or location, so classified in this Ordinance as either minor or major (sub-division), or the land area thereof

Landowner – Any individual or party having legal title to land subject to a land division or other development activity, including any activity stipulated in a Memorandum of Agreement ("MOA")

Landscape plan – A document prepared and submitted by an applicant as a component of a final land division, at the applicant's option and for a major land division (sub-division) only, detailing preservation, establishment, and maintenance of vegetation on the land division, including trees, shrubs, grasses, and other groundcover

Land surveyor – A person registered and licensed in the State of Wisconsin to perform land surveys

Local street – A public right-of-way of limited continuity primarily serving or designated to serve vehicular traffic over relatively short distances, providing access to abutting properties within neighborhoods and to collector streets

Lot – A land area created by a land division or otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations

Lot area – The total square footage or acreage of a lot, excluding any public or private right-of-way or surface water feature

Lot combination – The act or process of consolidating two (2) or more lots into a single lot, with the lots subject to consolidation contiguous at more than a corner and under identical ownership in accordance with Rock County Tax Records

Lot lines – The boundary lines of a lot

Major land division (Sub-division) – A land division requiring a Sub-division Plat, creating five (5) or more new, additional lots of any size concurrently or by successive land division within five (5) years of the recordation date of the first lot created (A parent lot subject to a major land division and not included in a Sub-division Plat shall require a Plat of Survey ("POS") or Certified Survey Map ("CSM"), in accordance with the definition of parent lot as stated in this Sec.)

Memorandum of Agreement ("MOA") – A voluntary agreement executed by a Town and Rock County providing for the County to administer and enforce standards and regulations for specified land division, other development, and related activities within the Town, as set forth in the MOA

Minor land division – A land division requiring either a Plat of Survey ("POS") or a Certified Survey Map ("CSM"), creating any of the following:

(1) One (1) to four (4) new, additional lots with each lot larger than thirty five (35) acres, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – POS required.

(2) One (1) to four (4) new, additional lots with each lot thirty five (35) acres or smaller, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – CSM required.

(3) A public dedication or reservation

(A parent lot subject to a minor land division shall require a POS or CSM in accordance with the definition of parent lot as stated in this Sec.)

Municipality – A general purpose district having incorporated status, including a City or Village

Neighborhood development – A planned development and major land division (sub-division) consisting of lots of reduced size, increased building densities, and mixed land uses (residential, commercial/business, governmental/quasi-governmental, and outdoor recreation/open space) in close proximity, so as to provide for protection and preservation of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and/or open space

Open space – A land area largely devoid of buildings, accessory buildings, or other visible, intensive construction activities or products, intended to provide outdoor recreation opportunities and/or maintain and enhance ecosystem health

Other development activity – An act or process that alters the natural landscape through a construction activity or product, or changes the dimensions or ownership interests of a lot

Outlot – A land area, other than a lot or block, not to be utilized as a building or accessory building site and so designated on a Plat of Survey ("POS"), Certified Survey Map ("CSM"), or Sub-division Plat

Parent lot – An existing lot from which a new, additional lot is created through a land division, not to include the new, additional lot and requiring either a Plat of Survey ("POS") or Certified Survey Map ("CSM") in accordance with the following:

(1) Parent lot larger than thirty five (35) acres – CSM or POS not required;

(2) Parent lot thirty five (35) acres or smaller and not included in a Sub-division plat – CSM required;

(3) Parent lot larger than thirty five (35) acres that may require a re-zone, in accordance with a Town zoning ordinance, as a result of the land division – POS required;

Pedestrian way – A public or private right-of-way whose primary purpose is conveyance of foot traffic

Planned development – A major land division (sub-division) entailing a minimum of five (5) acres in which building and improvement sites and construction are planned and undertaken as a single project, incorporating a variety of land uses and not subject to standard development design requirements

Plat of Survey ("POS") – A map of a minor land division, or identifying lands subject to an adjacent land sale or transfer, prepared by a land surveyor and submitted by an applicant in both a preliminary and final form

Private onsite wastewater treatment system ("POWTS") – A sanitary sewer treatment and disposal system consisting of a septic tank and soil absorption field, or similar improvements or infrastructure, serving a building(s) and located either on the same or a different lot than said building(s), and not owned by a general purpose district

Productive agricultural soils – Soils so identified in the *Rock County Farmland Preservation Plan: 2011 Update* or any similar successive Rock County plan or document

Public dedication or reservation – The act or process by which a landowner conveys land to a general or special purpose district for uses, including but not limited to streets, parks, and outdoor recreation, or the act or process by which said districts retain land for said uses

Public improvement – Any building, accessory building, or construction activity or product on a lot intended to increase the value of the lot and which a general purpose or special purpose district may ultimately assume operation and maintenance responsibility

Public improvement plan – A document prepared by an applicant and submitted as a component of a final land division, detailing design, construction, and maintenance of all public improvements on the land division, with all costs of construction to be borne by the applicant, so classified in this Ordinance as either a Rock County public improvement plan or a Town public improvement plan

Public sanitary sewer system – Sanitary sewer treatment and disposal infrastructure constructed and maintained by a general or special purpose district to serve the sewage treatment and disposal needs of residents living within their boundaries

Public water supply system – Water supply infrastructure constructed and maintained by a general or special purpose district to serve the clean water supply needs of residents living within their boundaries

Public way – A right-of-way owned by a general or special purpose district, including but not limited to a street or pedestrian way, primarily serving or designated to serve the conveyance of vehicular, bi-pedal, foot, or other traffic

Rear yard – The area of a lot opposite the front yard and between the building setback line at the rear of the lot and its rear lot line, in which building and accessory building sites are prohibited (A corner lot shall have its rear yard opposite the street from which the driveway providing access to the building is located.)

Right-of-way – A public or private land area primarily serving or designated to serve as the location of a street, pedestrian way, rail line, or utility line

Roadway – The portion of a street under pavement or other surface

Rock County Comprehensive Plan – A document developed in accordance with Sec. 66.1001, Wisconsin Statutes and adopted by the Rock County Board of Supervisors to guide specified aspects of community planning and development in the County

Sewer service area – A land area in which a general or special purpose district is able to provide public sanitary sewer system service given existing infrastructure and capacity, as delineated in either an Areawide Water Quality Management Plan (per Sec. NR 121, Wisconsin Administrative Code) general purpose district comprehensive plan, or special purpose district plan or document

Side yard – The area of a lot between the building setback line on all sides of the lot and the adjacent side lot line(s), in which building and accessory building sites are prohibited

Special purpose district – A unit of government providing a single or few focused services to residents living within its borders

Street (Road) – A public or private right-of-way, not including driveways, primarily serving or designated to serve vehicular traffic and provide access within and/or between activity areas

Stormwater management and erosion control plan – A document prepared by an applicant and submitted as a component of a final land division, detailing measures to be taken by the applicant on the land division to ensure adequate stormwater management and minimization of erosion during and after improvement construction and associated earth-disturbing activity, in accordance with *Article II – Stormwater Management* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County* (Administered by the Rock County Land Conservation Department)

Sub-division Plat – A map of a major land division (sub-division) prepared by a land surveyor in accordance with Sections 236.11 and 236.20, Wisconsin Statutes and submitted by an applicant in both a preliminary and final form

Surface water feature – A river, lake, stream, or any other navigable water body, in accordance with Sec. 30.10, Wisconsin Statutes

Town – Any of the twenty (20) Towns located in Rock County, including the Town Board, Town Clerk, or any other designated Town Committee

Town zoning ordinance – The current zoning ordinance of any of the twenty (20) Towns located in Rock County, adopted by said Town Board

Unit – A part of a condominium, such as an apartment, owned by an individual and not jointly by all other condominium owners

Utility easement – A public or private right-of-way reserved for the location of utility lines and other utility infrastructure

Woodlands – Lands comprising five (5) acres or more of contiguous deciduous and/or coniferous vegetation, as delineated by the Agency

Subpart 2: General Provisions

4.108 Applicability

(1) Jurisdiction. This Ordinance shall apply only to land division and other development activity, including any activity stipulated in a Memorandum of Agreement ("MOA"), in unincorporated areas of Rock County. In those Towns where a duly adopted Town land division and development ordinance exists and is more restrictive than this Ordinance, the Town's greater restrictions shall apply.
The Committee may review, and approve or object to, any Sub-division Plat located in a municipality if said plat conflicts with parks, parkways, expressways, major highways, airports, drainageways, schools or other planned public development, in accordance with Sec. 236.12 (2) (b), Wisconsin Statutes.

(2) Activities regulated. This Ordinance shall apply to all of the following:

(a) Land division creating a lot of any size;

(b) Rock County Building Site Permit ("Rock County BSP") issuance;

(c) Public dedication or reservation;

(d) Adjacent land sale or transfer, lot combination, public improvement design, construction, and maintenance, Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, woodlands, and/or open space protection and preservation, Town Building Site Permit ("Town BSP") issuance, and any other related activity, all only if stipulated in an MOA;

(3) Activities not regulated. This Ordinance shall not apply to any of the following:

(a) Transfers of interest in land by will or pursuant to court order;

(b) Mortgages, easements, or leases for a term not to exceed ten (10) years;

(c) Cemetery plats or assessor's plats created under Sec. 70.27, Wisconsin Statutes;

(d) The re-survey of an existing lot which does not result in a land division;

4.109 Suitability

(1) Hazards and conditions. Land division or other development activity, including any activity stipulated in a MOA, shall not occur on lands the Committee deems uninhabitable due to hazards of life or property, including but not limited to those related to fire, flood, disease, noise, soil, bedrock formation, topography, erosion, drainage, steep slope, sewage treatment and disposal, water supply, and all other utilities, or on lands possessing any other conditions rendering them uninhabitable, unless the hazards and conditions have been eliminated or adequate methods to correct said hazards and conditions are developed by the applicant to the satisfaction of the Committee.

(2) Non-conformance. Land division or other development activity, including any activity stipulated in a MOA, shall not occur in a manner the Committee deems would increase an existing instance of non-conformance of a building, accessory building, construction activity or product, lot, or land use with this Ordinance or any other applicable ordinance, rule, regulation, standard, statute, or other provision of law, nor shall land division or other development activity, including any activity stipulated in a MOA, be allowed in a manner the Committee deems would create a new instance of non-conformance of a building, accessory building, construction activity or product, lot, or land use.

(3) Environmentally Sensitive Areas. The Committee shall encourage land division or other development activity, including any activity stipulated in a MOA, to occur in a manner which the Committee deems will not significantly degrade or deplete, or compromise the function or integrity, of any Environmentally Sensitive Areas ("ESA"). The location of ESA shall reflect the most current and best data and information available to the Agency at the time of administration and enforcement of this Ordinance. ESA shall include all of the following:

(a) Floodplain – Lands identified as floodplain by the Federal Emergency Management Agency (FEMA), as delineated in accordance with the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors;

(b) Groundwater protection areas – Lands identified as groundwater protection areas, as delineated by the Agency;

(c) Hydric soils – Lands with soils identified as hydric, as delineated by the Agency;

(d) Kettles and depressional topography – Lands identified as kettles and/or depressional topography, as delineated by the Agency;

(e) Natural areas – Lands with scores of five (5) or higher, in accordance with the *Rock County Natural Areas Survey – 2001;*

(f) Shallow bedrock – Lands identified with bedrock within twenty (20) inches of the surface, as delineated by the Agency;

(g) Shorelands – Lands identified within seventy-five (75) feet of the ordinary high water mark of a surface water feature;

(h) Steep slopes – Lands identified with slopes sixteen percent (16%) and greater, as delineated by the Agency;

(i) Wetland – Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity;

(j) Wetland buffers – Lands identified within fifty (50) feet of wetlands, as delineated by the Agency;

(4) Cultural resources, productive agricultural soils, and woodlands. The Committee shall encourage land division or other development activity, including any activity stipulated in a MOA, to occur in a manner which the Committee deems will not significantly degrade or deplete, or compromise the function or integrity, of any cultural resources, productive agricultural soils, or woodlands. The location of cultural resources, productive agricultural soils, and woodlands shall reflect the most current and best data and information available to the Agency at the time of administration and enforcement of this Ordinance.

(5) Determination of suitability. If the Committee prohibits a land division or other development activity, including any activity stipulated in a MOA, in accordance with (1), (2), (3), or (4) of this Sec., the Committee shall state this determination of land suitability at a public meeting, through an action of denial with findings of an application for preliminary land division, or other development activity, and forward this action in writing to the applicant within five (5) business days of said action.

Subpart 3: Land Division Procedure

4.110 Overview

(1) Classification. Land divisions are classified in this Ordinance as follows:

(a) Minor land division – A land division requiring either a Plat of Survey ("POS") or a Certified Survey Map ("CSM"), creating any of the following:

1. One (1) to four (4) new, additional lots with each lot larger than thirty five (35) acres, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – POS required;

2. One (1) to four (4) new, additional lots with each lot thirty five (35) acres or smaller, created concurrently or by successive land division within five (5) years of the recordation date of the first lot created – CSM required;

3. A public dedication or reservation in accordance with Sec. 38-18. of this Ordinance – CSM required.

(b) Major land division (sub-division) – A land division requiring a Sub-division Plat, creating five (5) or more new, additional lots of any size concurrently or by successive land division within five (5) years of the recordation date of the first lot created;

(c) A parent lot subject to a major or minor land division (sub-division) and not included in a Sub-division Plat shall require a POS or CSM in accordance with the following:

1. Parent lot larger than thirty five (35) acres – CSM or POS not required;

2. Parent lot thirty five (35) acres or smaller – CSM required;

3. Parent lot larger than thirty five (35) acres that may require a re-zone, in accordance with a Town zoning ordinance, as a result of the land division – POS required;

(2) Process. Land divisions shall be processed by the Administrator at the direction of the Committee. The procedure for a minor land division requires submittal of an application for preliminary land division and a final land division, and recordation and alteration and modification (if applicable). The process for a major land division (sub-division) requires all those components as listed previously for a minor land division, in addition to a consultation in accordance with 4.111 of this Ordinance.

4.111 Consultation

Prior to submission of an application for preliminary land division, the applicant shall schedule and attend a consultation with the Administrator, Town, and City/Village (if land division is within City/Village Extra-Territorial Plat Approval Jurisdiction ("ETJ") area) for all major land divisions (sub-division) to ensure the applicant has an adequate understanding of all Rock County, Town, City/Village (if applicable), State, and Federal standards and requirements.

At the consultation, the applicant shall provide a map at 24"x36" or larger, at a convenient scale not to exceed one hundred (100) feet to the inch, and containing all of the following:

(1) Two (2) foot contour intervals on the land division (if required by Administrator), approximate location and dimension of all property owned by the applicant on and adjacent to the land division, approximate location, dimension (if applicable), and name (if applicable) of all existing and/or proposed utilities within three hundred (300) feet, and all existing and/or proposed public or quasi-public buildings, land ownership, government boundaries, streets, alleys, public ways, rail lines, easements, vegetative land cover types, ESA, cultural resources, productive agricultural soils, woodlands, and surface water features within one thousand (1,000) feet, of any lot line of the land division;

(2) A title containing the proposed major land division name, landowner and/or applicant's last name and the text "DEVELOPMENT MAP – MAJOR LAND DIVISION";

(3) A scale, north arrow, and date of creation;

(4) The name, address, and telephone number of the landowner and applicant;

4.112 Preliminary Land Division

(1) Application submission requirements. The applicant shall submit to the Administrator an application for preliminary land division. Application information and forms are available at the office of the Administrator and on the Rock County website. The application shall include:

(a) A POS or CSM clearly marked "PRELIMINARY CSM or POS" for a minor land division or a Sub-division Plat clearly marked "PRELIMINARY PLAT" for a major land division (sub-division), displaying the land division at a convenient scale not to exceed five hundred (500) feet to the inch for a POS or CSM and one hundred (100) feet to the inch for a Sub-division Plat, with the POS, CSM, or Sub-division Plat pages numbered in sequence if more than one (1) page is required, and total number of POS, CSM, or Sub-Division Plat pages identified on each page. A copy of said POS, CSM, or Sub-division Plat shall also be

provided in electronic format in a manner compatible with the Agency's Geographic Information System (GIS). The POS, CSM, or Sub-division Plat shall contain all of the following:

1. The location of the land division by section, township, and range, approximate location and dimension of all property lines on and adjacent to the land division, to include ownership, and existing and proposed County, Town, and City/Village (if applicable) zoning designations on the land division;

2. The approximate location and dimension of all existing and/or proposed lots, outlots, units, and blocks numbered for reference, and indication of lot, outlot, unit, or block use if other than single-family residential, on the land division;

3. The approximate location, dimension (if applicable), and name (if applicable) of all existing and/or proposed buildings, accessory buildings, streets, alleys, public ways, rail lines, private water wells or public water supply systems, POWTS or public sanitary sewer systems, any other utilities, easements, vegetative land cover types, ESA, cultural resources, productive agricultural soils, woodlands, surface water features, drainageways, detention or retention areas, cemeteries, bridges/culverts, and rock outcroppings on the land division, and any other information required by the Administrator;

4. The approximate location, dimension, and name (if applicable) of all proposed dedicated public parks or outdoor recreation lands, or other public or private dedication or reservation, with designation of the purpose thereof and any conditions of the dedication or reservation, as well as the location of proposed utility, drainageway, and pedestrian way easements, on the land division;

5. A preliminary concept for connection with an existing public sanitary sewer and water supply system or an alternative means of providing treatment and disposal of sewage and water supply, on the land division;

6. A preliminary concept for collecting and discharging stormwater on the land division;

7. Topography with two (2) foot contour interval on the land division (Sub-division Plats only);

8. A scale, north arrow, and date of creation;

9. Any other information as required in accordance with Sec. 236.34 and 236.11, Wisconsin Statutes;

(b) A proposed timeline for submission of a Rock County public improvement plan (if applicable);

(c) An application form to include the name, address, and telephone number of the landowner, applicant, and land surveyor/developer, proposed name of the land division (major land division (sub-division) only), and signature of the applicant. The proposed name of a major land division (sub-division) shall not duplicate or too closely approximate phonetically the name of any other major land division (sub-division) in Rock County and if the Committee determines this is the case, the Committee shall have final authority to designate the name of any major land division (sub-division), to be determined when the application for preliminary land division is approved by the Committee, in accordance with (7) of this Sec.;

(d) An application fee;

(2) Application submission requirements: Optional landscape plan. The applicant may submit a landscape plan to the Administrator as a component of an application for preliminary land division. The plan shall be submitted at the option of the applicant and for major land divisions (sub-divisions) only, with said plan providing for preservation, establishment, and maintenance of vegetation on the land division, including trees, shrubs, grasses, and other groundcover, to minimize soil erosion, screen and buffer differing land uses, and stabilize and enhance ecosystem health and community character.

The landscape plan shall encourage and promote landscaping that maintains and/or establishes large, contiguous areas of native vegetation that preserve, establish, or enhance scenic viewsheds and are located adjacent to stormwater and retention ponds, at the periphery of exterior lots, and in areas where differing land uses interface.

Each lot subject to the landscape plan shall require a minimum of one hundred (100) landscape points for each one thousand (1,000) square feet of impervious surface on the lot, to include any land under buildings, accessory buildings, and paved surfaces. In calculating required landscape points, all areas and distances on which calculations are based shall be rounded up to the nearest whole number. Landscape points are dependent on a vegetation category/type's typical growth rate, mature height, and classification as deciduous or conifer. Vegetation shall be of a minimum dimension at installation in order to be eligible for landscape points. Existing vegetation may be eligible for landscape points if said vegetation is non-invasive, a desirable species as determined by the Administrator, and will be preserved during construction activity. **Figure I** identifies Vegetation Category, Landscape Points, Minimum Installation Dimension, and Vegetation Type specifications for a landscape plan. The Administrator is authorized to award landscape points for any vegetation type identified in a landscape plan and not listed in **Figure I** if said vegetation type provides a landscape function similar to those vegetation types identified in **Figure I.**

Figure I: Landscape Plan –
Vegetation Category, Landscape Points, Minimum Installation Dimension, and Vegetation Type

Vegetation Category	Landscape Points	Minimum Installation Dimension	Vegetation Type
Climax tree	75	2 inch caliper	
			Sugar Maple
			Ginkgo
			Oak: Red, White, and Pin
Tall deciduous tree	30	1 inch caliper	
			Maple: Red, Silver, and Norway
			Honeylocust
			Bigtooth Aspen
			Linden: Basswood and Littleaf
Medium deciduous tree	15	6 feet tall	
			Birch: River and Paper
			Cherry: Choke and Pin
			Willow
Low deciduous tree	10	4 feet tall	
			Serviceberry
			Hawthorn: Cockspur and Downy
			Crabapple
Tall conifer tree	40	5 feet tall	
			White Fir
			Pine: Red, White, and Scots
			Canada Hemlock
Medium conifer tree	20	4 feet tall	
			American Arborvitae
Short conifer tree	12	3 feet tall	
			Juniper: Mountbatten and Red Cedar
			Arborvitae: Pyramidal and Techny
Tall deciduous shrub	5	3 feet tall	
			Dogwood: Grey and Pagoda

			Lilac: Chinese and Hyancinth
			Viburnum: Arrowwood and Wayfaringtree
Medium deciduous shrub	3	2 feet tall	
			American Filbert and Hazelnut Americana
			Cotoneaster
			Forsythia: Border, Early, and Weeping
			Rose: Virginia and Rugosa

Figure I: Landscape Plan –
Vegetation Category, Landscape Points, Minimum Installation Dimension, and Vegetation Type

Vegetation Category	Landscape Points	Minimum Installation Dimension	Vegetation Type
Short deciduous shrub	1	1 ½ foot tall	
			Shrubby St. Johnswort
			Spirea: Froebel and Snowmound
Medium conifer shrub	5	1 ½ foot tall/wide	
			Pfitzer Juniper:
			Japanese Yew
Short conifer shrub	3	1 foot tall/wide	
			Juniper: Sargent, Creeping, and Andorra

The landscape plan shall contain all of the following:

(a) A map at 24”x36” or larger, prepared by the applicant or a qualified landscape professional at a convenient scale not to exceed one hundred (100) feet to the inch and containing all of the following:

1. Approximate location and dimension of all lots in the land division;

2. Approximate location, dimension, and vegetation category/type (if applicable) of existing woodlands and other vegetative land cover types (to include designation of Preservation or Removal), ESA, productive agricultural soils, cultural resources, and surface water features or other water bodies within one thousand (1,000) feet of any lot line of the land division;

3. Approximate location and quantity of any deciduous trees greater than three (3) inch caliper and conifer trees ten (10) feet high or greater in the land division;

4. Approximate location, dimension, quantity, and vegetation category/type of all proposed vegetation on the land division, including trees, shrubs, grasses, and other groundcover, and schedule for installation within one (1) year of the date of issuance of an occupancy permit for any building on the lot(s);

5. A landscape point total, per **Figure I**, of not less than one hundred (100) points for each 1,000 square feet on a lot, for each lot in the land division, identifying the landscape points for each existing/proposed vegetation species/types;

6. An estimate of landscape plan implementation costs, to include both vegetation installation and replacement for a two (2) year period, with all of said costs to be borne by the applicant;

7. A statement to the effect that two (2) years after the initial vegetation installation date, maintenance and replacement of all vegetation on the lot(s) as identified in the landscape plan shall be the responsibility of the lot owner and maintenance and replacement requirements shall run with the lot and be binding upon all future lot owners;

8. A scale, north arrow, date of creation, and major land division (sub-division) name;
9. The name, address, and telephone number of the landowner and applicant;

(3) Incomplete or inaccurate application. Failure by the applicant to submit a complete application for preliminary land division or submittal of an inaccurate application, both in accordance with (1), and (2) if applicable, of this Sec. shall be cause for the application to be returned by the Administrator to the applicant, with the application not subject to any further review or action until the applicant has submitted a complete and accurate application.

(4) Other reviewing parties. The Administrator shall provide the application for preliminary land division to other reviewing parties for comment, to include:

(a) Rock County Public Works, Health, Land Conservation, and Land Records Departments, and the Rock County Surveyor;

(b) Town Board and Planning and Zoning Committee/Commission;

(c) City and/or Village if land division is within said City and/or Village ETJ area;

(d) Any applicable utility entity;

(e) Wisconsin Department of Transportation if land division is adjacent to a State road;

Any comments by other reviewing parties shall be provided to the Administrator within ten (10) business days of receipt of the application by the party from the Administrator. Failure by any other reviewing party to provide comments to the Administrator within the aforementioned timeline shall indicate said party(s) has no comment.

(5) Administrator review. The Administrator shall review the application for preliminary land division for compliance with this Ordinance, as well as the comments from all other reviewing parties. To facilitate timely review of the application, field inspection and staking along the center-line of all proposed streets in the land division by the Administrator may be required at the discretion of the Committee. After review, the Administrator shall provide an application recommendation, either approval, approval with conditions, or denial with findings, to other reviewing parties as stated in (4) (a), (b), (c), (d) and (e) of this Sec. within ten (10) business days of receipt of the application by the Administrator.

(6) Town and City/Village review and action. The application for preliminary land division, comments of all other reviewing parties, the Administrator's recommendation, and any other relevant information shall be provided by the Administrator to the Town and the City/Village (only if the land division is to take place within the ETJ of said City/Village) for their respective review at a public meeting. The Town and City/Village (if applicable), at their discretion, shall take action and approve, approve with conditions, or deny the application.

(7) Committee review and action. The Committee shall review the application for preliminary land division, comments of all other reviewing parties, the Administrator's recommendation, Town review and action, City/Village review and action (if applicable), and any other relevant information at a public meeting. The Committee shall take action only after (1) – (6) of this Sec. have been completed and shall approve, approve with conditions, or deny with findings the application within ninety (90) days of receipt of the application by the Administrator, unless this timeline is extended by mutual agreement between the Committee and the applicant, with the exception that if Town and City/Village (if applicable) action is not expected to occur prior to said ninety (90) day timeline, the Committee shall take action on said application. One (1) copy of the application review form, containing the Committee action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within five (5) business days of said action. If the Committee fails to take action on the application within the aforementioned ninety (90) day timeline, and unless this timeline is extended by mutual agreement between the applicant and all required parties, said application shall be deemed approved by the Committee.

(a) If the application for a preliminary land division is a minor land division requiring a POS, in accordance with 4.110 (1) of this Ordinance, said application shall not require Committee review and action as stated in (7) of this Sec. and the

Administrator shall review and take action on this application in the manner described in (7) of this Sec.;

(8) Effectiveness of Administrator or Committee approval or approval with conditions. An application for a preliminary land division approved or approved with conditions by the Committee or Administrator in accordance with (7) of this Sec. shall be effective for twelve (12) months for a POS or CSM, and thirty six (36) months for a Sub-division Plat, from the Committee or Administrator action date, at the end of which approval of a final land division, in accordance with 4.113 of this Ordinance, must be obtained by the applicant from the Administrator. Any application not receiving Administrator approval as a final land division within the aforementioned timeline shall be null and void and the applicant shall be required to submit a new application if wishing to proceed with the land division. Extension of the aforementioned timeline may be applied for by the applicant prior to expiration of effectiveness and granted by the Committee at their discretion upon findings that delays are beyond the control of the applicant and that no material change in the land division, as stated in the application, has occurred or is reasonably expected to occur.

4.113 Final Land Division

(1) Submission requirements. Following the approval or approval with conditions of the application for preliminary land division by the Committee or Administrator, the applicant shall submit the final land division to the Administrator for approval. The final land division shall conform with the application for preliminary land division, application conditions of approval as required by the Administrator, Committee, Town, and City/Village (if applicable), and State and Federal standards and regulations, and contain all of the following:

(a) A POS or CSM for a minor land division and a Sub-division Plat for a major land division (sub-division) displaying the land division at a convenient scale not to exceed five hundred (500) feet to the inch for a POS or CSM and one hundred (100) feet to the inch for a Sub-division Plat, with the POS, CSM, or Sub-division Plat pages numbered in sequence if more than one (1) page is required, and total number of POS, CSM, or Sub-division Plat pages identified on each page. A copy of the POS, CSM, or Sub-division Plat shall also be provided in electronic format in a manner compatible with the Agency's GIS. The POS, CSM or Sub-division Plat shall contain all of the following:

1. All information specified in accordance with Sections 236.20, 236.21, and 236.34, Wisconsin Statutes, including but not limited to:

a. A notarized certificate by the landowner in substantially the form found in Sec. 236.21 (2) (a), Wisconsin Statutes indicating the landowner has caused the land to be mapped, surveyed, divided, and/or dedicated;

b. The location of the land division in accordance with Sec. 236.20 (3), Wisconsin Statutes;

2. A note identifying restrictions or limitations on specified lots if the lots have physical characteristics that may limit or restrict the opportunity for building, accessory building, or POWTS sites, as required by the Committee or Administrator;
3. Public way access control restrictions as required by the Committee and/or in accordance with *Article V – Trunk Highway Access Control, Chapter 42 – Traffic and Vehicles, Code of Ordinances, Rock County*, and other covenants and restrictions previously reviewed and approved by the Administrator;

(b) A Rock County public improvement plan with any and all maps contained in the plan at 24”x36” and at a scale not to exceed fifty (50) feet to the inch, illustrating a functional scheme for public improvement design, construction, and maintenance;

(c) Results of a soil and site evaluation for all lots designed to contain a POWTS, in accordance with COMM. 85, Wisconsin Administrative Code;

(d) A stormwater management and erosion control plan submitted in accordance with *Article II – Stormwater Management, Chapter 16 – Environment* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County*;

(e) A landscape plan, if submitted by the applicant as a component of the application for preliminary land division and in accordance with 4.112 (2) of this Ordinance;

(f) Written assurance and documentation from all applicable utility entities that all necessary utilities are installed and paid for, with said entities also guaranteeing restoration of lots to pre-installation condition, as required at the discretion of the Administrator;

(g) Applicable covenants and/or restrictions if the applicant intends to create a homeowners association in conjunction with the land division, to be submitted a minimum of fourteen (14) days before the date of action on the final land division by the Administrator, in accordance with (5) of this Sec.;

(2) Administrator review. The Administrator shall review the final land division to ensure compliance with this Ordinance and the application for preliminary land division, including all conditions of approval. This review shall include the Rock County public improvement, stormwater management and erosion control, and landscape plans (if applicable), and the Administrator shall either approve the plans or provide the applicant with required modifications, with the exception of the Rock County public improvement plan which is reviewed for illustrative purposes only to ensure a functional scheme for public improvement. This review may also include a

field inspection by the Administrator to ensure all erosion measures, improvements, dedications, easements, and landscaping are provided for as indicated in said plans. The Committee may direct the Rock County Surveyor to field check the land division according to State standards for survey accuracy, monumenting, legality and completeness of maps, to verify consistency between the POS, CSM or Sub-division Plat with those contained in the application for preliminary land division, or to review the POS, CSM or Sub-division Plat for compliance with this Ordinance and Sec. 236.15, Wisconsin Statutes.

(3) Objecting agency review. The Administrator or applicant shall provide the final land division, not to include any final land division requiring a POS, to all of the following objecting agencies, in accordance with Sec. 236.12, Wisconsin Statutes, within two (2) days of receipt of the final land division by the Administrator from the applicant:

(a) Wisconsin Department of Administration for any major land division (sub-division);

(b) Wisconsin Department of Transportation for any land division abutting or adjoining a State road or connecting road;

(c) Wisconsin Department of Safety and Professional Services for any land division lacking access to a connection to a public sanitary sewer system, or any local official designated by said department to act as their agent in accordance with Sec. 236.12 (2) (a), Wisconsin Statutes;

Objecting agencies shall review the final land division and provide to the Administrator or applicant any objections, stated on the face of the CSM or Sub-division Plat, within twenty (20) business days of receipt of the final land division from the Administrator or applicant. Failure by any objecting agency to provide objections to the Administrator or applicant within the aforementioned timeline shall indicate said agencies have no objections.

(4) Town and City/Village review and action. The final land division shall be provided by the applicant to the Town and City/Village (only if the land division is located within the ETJ area of said City/Village) for their respective review and action at a public meeting. The Town and City/Village (if applicable), at their discretion, shall take action and approve or deny the final land division.

(5) Administrator action. The Administrator shall take action and approve or deny with findings the final land division only after Town and City/Village review and action, in accordance with (4) of this Sec., and shall provide written notice of action to the applicant within sixty (60) days of receipt of the final land division, with said timeline to commence only after Town and City/Village have completed said review and the Administrator is in receipt of the final land division. The Administrator shall approve a final land division if all objections by objecting agencies have been

cleared and if the final land division complies and conforms substantially to the Committee-approved application for preliminary land division and conditions of approval for said application. If the Administrator fails to provide notice of approval or denial action to the applicant within the aforementioned timeline, and an agreement between the Administrator and applicant has not extended this timeline, and if all objections filed by objecting agencies have been cleared, the final land division shall be deemed approved by the Administrator.

(6) Statement of payment of property taxes. The applicant shall provide to the Rock County Treasurer the final land division approved by the Administrator along with the following text:

Rock County Treasurer,
I hereby certify that the property taxes on the parent lot are current and have been paid as of _____, 20___.
_____
Rock County Treasurer;

4.114 Recordation

The final land division approved by the Administrator shall be recorded by the applicant with the Rock County Register of Deeds within twenty four (24) months of Committee approval of the application for preliminary land division and within six (6) months of Administrator approval of the final land division for a CSM, or within thirty six (36) months of Committee approval of the application for preliminary land division and within twelve (12) months of Administrator approval of the final land division for a Sub-division plat, all in accordance with Sections 236.34 and 236.25, Wisconsin Statutes. A final land division approved by the Administrator shall be filed by the applicant with the Rock County Surveyor within twenty four (24) months of Administrator approval of the application for preliminary land division and within six (6) months of Administrator approval of the final land division for a POS.

Title may not be transferred for a lot created under this Ordinance without recordation of the land division with the Rock County Register of Deeds or filing of the land division with the Rock County Surveyor, nor without approval by the Committee or Administrator of the application for preliminary land division and approval by the Administrator of the final land division.

4.115 Alteration or Modification

(1) Procedure. Alteration or modification of a land division recorded with the Rock County Register of Deeds may be undertaken only if such alteration or modification does not affect any area of the land division dedicated or reserved to the public and said alteration or modification shall be subject to applicable provisions of this Ordinance and Sections 236.36 through 236.445, Wisconsin Statutes.

(2) Recordation. After Administrator approval of the final land division in accordance with this Ordinance, the altered or modified final land division shall be re-recorded in the Rock County Register of Deeds Office in accordance with 4.114 of this Ordinance, along with a copy of the original unmodified and unaltered land division indicating the area of the original land division so modified or altered.

Subpart 4: Land Division Development Design and Public Dedication and Reservation Requirements

4.116 Standard Development Design

(1) Design. All land divisions shall be designed to achieve the intent and purpose of this Ordinance, as stated in 4.103 herein, and shall be appropriately coordinated with and related to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, and County, Town, and City/Village (if applicable) zoning ordinances.

(2) Lots. Lot size, dimension, configuration, orientation, and building setback lines shall be appropriate for the location of the land division and the land use proposed. Lots shall generally be proportionate in length and width and the use of flag lots shall be discouraged. If flag lots are utilized, they shall be in accordance with (e) of this Sub-sec. Minimum lot size shall be appropriately increased to provide for a building envelope consistent with County, Town, and City/Village (if applicable) zoning ordinances.

(a) Residential lots without access to a connection to a public sanitary sewer system shall have a minimum size of forty thousand (40,000) square feet for a single family residential building and fifty five thousand (55,000) square feet for a two (2) family residential building. Each residential building shall utilize a POWTS and water well, and the lot shall contain an adequate POWTS area, to include a primary area and replacement area. Each lot shall contain a building envelope of two thousand (2,000) square feet excluding front, rear, and side yards in accordance with applicable building setback lines, ESA, and cultural resources, with said building envelope not to be located closer than ten (10) feet from any part of the POWTS area. Each lot shall also contain useable open space of not less than seventy percent (70%) of the gross area of the lot, entailing the gross square footage of the lot, less three thousand (3,000) square feet for potential building, driveway, or parking use, less fifty percent (50%) of the POWTS area. The minimum lot width at the front yard building setback line for these lots, in accordance with applicable Town and County building setback lines, or (g) of this Sub-sec., shall be one hundred (100) feet.

(b) Residential lots with access to a connection to a public sanitary sewer system shall have a minimum size of six thousand (6,000) square feet except in the Rock County Shoreland Overlay Zoning District, in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*, where the minimum size shall be

fifteen thousand (15,000) square feet. The minimum lot width at the front yard building setback line for these lots, in accordance with applicable Town and County building setback lines, or (g) of this Sub-sec., shall be fifty (50) feet.

(c) Commercial, industrial, and other non-residential lots shall be of adequate size, dimension, configuration, and orientation to provide for off-street parking and loading facilities required for the type of proposed use.

(d) Lot configuration shall recognize topography and other natural landscape conditions. Lot lines shall abut at right angles or radial to streets, when feasible. Lot frontage on a public street shall be at least one hundred (100) feet for all lots without access to a connection to a public sanitary sewer system and at least fifty (50) feet for all lots with access to a connection to said system or fronting a cul-de-sac. Double frontage lots shall be avoided except for corner lots where they may be required to separate residential land uses from arterial streets or in order to overcome topography, other landscape conditions, or orientation disadvantages. Dimensions of corner lots shall adhere to front yard building setback lines, in accordance with Town building setback lines or (g) of this Sub-sec., from both streets that bound the lot.

(e) Flag lots shall be allowed only in special circumstances when various factors render creation of a more proportionate lot, in length and width, unachievable. The "pole" of a flag lot shall not exceed two hundred fifty (250) feet in length unless additional length is needed to either avoid significant degradation or depletion of ESA, cultural resources, productive agricultural soils, and/or woodlands, or disruption of efficient agricultural operations. The "pole" shall be used exclusively for vehicular access with specified improvements including landscaping, fencing, utilities, mailboxes, and signs also permitted on the "pole". The "pole" shall maintain a minimum width of one hundred (100) feet for all lots without access to a connection to a public sanitary sewer system, and fifty (50) feet for all lots with access to a connection to said system, for the entire length of the "pole". No "pole" shall be located within two hundred (200) feet of another on the same side of the street unless said "poles" utilize a joint driveway.

(f) Lot orientation shall be in a manner so as to obtain maximum solar access and energy conservation, with the lot length being north to south and block length being east to west when feasible.

(g) Front yard building setback lines as stated in this paragraph (g) shall be applicable only on those lots adjacent to a Rock County road and not within the Rock County Shoreland Overlay Zoning District. Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way for those lots without access to a connection to a public sanitary sewer system and twenty five (25) feet from the right-of-way

for those lots with access to a connection to said system. Building setback lines less than those stated in the aforementioned may be permitted by the Administrator in cases of unusual topography or landscape conditions, existing patterns of lesser building setback lines on nearby properties, varying alignment of streets, or in accordance with Town zoning ordinances.

(3) Driveways. Driveways shall access lots from a public street, and if in close proximity to an intersection, with a minimum distance to the intersection in the manner delineated in **Figure II**:

Figure II: Driveway Distance to Intersection

Intersection	Driveway Distance to
Local Street – Local Street (Both with posted speeds 25 m.p.h. or less)	25 feet
Local Street – Local Street (Any with posted speeds 25 m.p.h. or greater)	75 feet
Local, Collector, or Arterial Street – Collector or Arterial Street	100 feet

Driveways shall access double frontage or corner lots via the street having the lowest functional classification. All driveways shall be spaced from another in accordance with the *County Trunk Highway Access Control, Chapter 42 – Traffic and Vehicles, Rock County, Code of Ordinances* and *Rock County Driveway Access Policy* or any similar successive County ordinance, regulation, policy, plan, or document.

(4) Utilities. The applicant shall ensure all necessary utilities other than a POWTS are available to all lots in a land division.

(a) An easement, entailing a minimum of eight (8) feet on each side of all rear lot lines or side lot lines, running across lots or along front lot lines where necessary, shall be required for the installation of utility facilities. If required, such easements shall be noted as "Utility Easement" on the CSM or Subdivision Plat. Prior to the Administrator's approval of the final land division, the Administrator shall provide the land division to the applicable utility entity for review and comment on the location and width of the Utility Easement. The utility entity shall have ten (10) business days from receipt of the application from the Administrator in which to review said land division. Failure by any utility entity to provide comments to the Administrator within the aforementioned timeline shall indicate said agency has no comments.

(b) Underground installation of utilities, including but not limited to telephone lines, electric lines under 15,000 volts, and cable television lines, shall be required within the Utility Easement. Underground installation of said utilities shall not be required if any of the following conditions apply:

1. Location, topography, soil conditions, trees, or other circumstances would render excessive cost for underground installation;

2. Temporary overhead utility facilities are necessary to serve a construction site or due to severe weather conditions, with such overhead facilities to be removed within a reasonable time period after installation of permanent underground utility facilities;

3. Associated above-ground utility facilities are necessary for the proper operation and maintenance of underground utilities, said above-ground facilities including but not limited to substations, pad-mounted transformers, and pedestal mounted terminal boxes;

4. Utilities are located in non-residential zoning districts;

(c) Written assurance and documentation from all applicable utility entities that all necessary utilities are installed and paid for, with said entities also guaranteeing restoration of lots to pre-installation condition, shall be required at the discretion of the Administrator.

(5) Sanitary sewer facilities. All lots shall have either the capacity for a POWTS, or access to a connection to a public sanitary sewer system, to adequately provide for treatment and disposal of sewage generated on said lots.

(a) If the lot has access to a connection to a public sanitary sewer system, the applicant shall connect the lot with said system and provide sewers accessible to each lot. If the lot does not have access to said system and the lot is within the boundary of a sewer service area, the lot may utilize a POWTS.

(b) Public sanitary sewer facilities shall connect with the public sanitary sewer system, installed by the applicant to serve each lot, to grades and sizes required by relevant agencies. Individual or group POWTS or treatment plants shall be permitted when found to be in compliance with COMM. 83 and 85, Wisconsin Administrative Codes, and assurances are provided to the Administrator by the applicant that said POWTS or treatment plant will be maintained into perpetuity.

(6) Stormwater management and erosion control. All lots shall be designed so as to ensure stormwater runoff occurring as a result of the land division, and any construction and earth-disturbing activities on the land division, shall be adequately diverted and accommodated in the downstream area and erosion and sedimentation will not increase in comparison to conditions prior to the land division, in accordance with *Article II – Stormwater Management* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County*.

(7) Landscaping. All major land divisions (sub-divisions) may be subject to a landscape plan, at the option of the applicant and in accordance with 4.112 (2) of this Ordinance, that promotes and encourages landscaping that maintains and/or establishes large contiguous areas of native trees and vegetation that preserve, establish, or enhance scenic viewsheds, located adjacent to stormwater and retention ponds, at the periphery of exterior lots, and in areas where differing land uses interface.

(8) Monuments. The applicant shall place survey monuments on the land division as required by the Committee and in accordance with Sec. 236.15, Wisconsin Statutes.

4.117 Planned Development Design

To provide for greater flexibility and efficiency in meeting the intent and purpose of this Ordinance as stated in 4.103 herein, the provisions of 4.116 of this Ordinance may be waived by the Committee for planned developments provided said developments appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, and the natural landscape, and are not in conflict with this Ordinance's intent and purpose nor any other applicable standard or regulation. All planned developments shall be consistent with and adhere to all other applicable provisions of this Ordinance, County, Town, and City/Village (if applicable) comprehensive plans and zoning ordinances, and any State or Federal standard or regulation. Planned developments are classified in this Ordinance as a general planned development, cluster development, conservation development, and neighborhood development.

(1) General planned development. A general planned development allows for creation of five (5) or more lots from a lot five (5) acres or greater. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a general planned development.

The new, additional lots shall be located in accordance with 4.109 of this Ordinance, with at least one (1) of the lot lines of said lots contiguous with the same of another and with a minimum of two (2) of said lots having two (2) lot lines contiguous with another (Streets for the purposes of 4.117 only shall not interrupt contiguity.).

(2) Cluster development. A cluster development allows for creation of one (1) to four (4) lots from a lot forty (40) acres or greater. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a cluster development.

Cluster developments shall require designation of a Development Area and a Conservation Area. The Development Area shall consist of the new, additional lots designated for residential use. The Conservation Area shall consist of the parent lot, possessing ESA, cultural resources, productive agricultural soils, woodlands, and/or open space, and shall be restricted from further land division, and specified building and accessory building construction or location, by a Natural Resources and Open

Space, Cultural Resources, or Agricultural Resources Conservation Easement in accordance with (6) of this Sec.

The new, additional lots shall be located in the Development Area in accordance with 4.109 of this Ordinance, with at least one (1) of the lot lines of said lots contiguous with the same of another and with a minimum of two (2) of said lots having two (2) lot lines contiguous with another (Streets for the purposes of 4.117 only shall not interrupt contiguity). Residential unit density in a cluster development, to include both the Development Area and the Conservation Area, shall not exceed one (1) residential unit per twenty (20) acres. Residential acreage ratio in a cluster development, to include both the Development Area and the Conservation Area, shall not exceed one (1) residential acre for every twenty (20) of agricultural or open space acreage. All acreage in the Development Area shall be considered residential acreage whereas no acreage in the Conservation Area shall be considered residential acreage.

(3) Conservation development. A conservation development allows for creation of five (5) or more lots from a lot with a residential or planned unit development, or similar, zoning designation in accordance with Town zoning ordinances. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a conservation development.

Conservation developments shall require designation of a Development Area and a Conservation Area. The Development Area shall consist of the new, additional lots, designated for residential use and shall not exceed sixty percent (60%) of the total acreage of the conservation development. The Conservation Area shall consist of the parent lot, possessing ESA, cultural resources, productive agricultural soils, woodlands, and/or open space and shall be restricted from further land division, and specified building and/or accessory building construction or location, by a Natural Resources and Open Space, Cultural Resources, and/or Agricultural Resources Conservation Easement in accordance with (6) of this Sec., or shall be dedicated to the public as outdoor recreation or open space land in accordance with 4.118 (2) of this Ordinance (Said easement shall also restrict further land division in the Development Area.).

The new, additional lots shall be located in the Development Area in accordance with 4.109 of this Ordinance, with at least one (1) of the lot lines of said lots contiguous with the same of another and with a minimum of two (2) of said lots having two (2) lot lines contiguous with another (Streets for the purposes of 4.117 only shall not interrupt contiguity). Residential unit density in a conservation development, to include only the Development Area, shall not exceed two (2) residential units per one (1) acre in areas in which public sanitary sewer service and facilities are not readily available and shall not exceed eight (8) residential units per one (1) acre in areas in which public sanitary sewer service and facilities are readily available.

(4) Neighborhood development. A neighborhood development allows for the creation of lots from a lot twenty (20) acres or greater in an area in which public sanitary sewer

service and facilities are readily available, with traditional neighborhood development, planned unit development, or a similar, zoning designation in accordance with Town zoning ordinances. A conditional use permit shall be obtained from the Town by an applicant wishing to undertake a neighborhood development.

Neighborhood developments shall require designation of a Development Area, to include Residential, Commercial and Business, Public, and Mixed Use Sectors, and an Outdoor Recreation and Open Space Area. The Outdoor Recreation and Open Space Area shall consist exclusively of outdoor recreation, open space, and associated land uses. Within the Development Area, the Residential Sector shall consist exclusively of residential and associated land uses, the Commercial and Business Sector shall consist exclusively of commercial, business, and associated land uses, the Public Sector shall consist exclusively of governmental, quasi-governmental, and associated land uses, and the Mixed Use Sector shall consist of a mixture of the aforementioned land uses.

The Development Area shall not exceed ninety percent (90%) of the total acreage of the neighborhood development. Block length within a Development Area shall not exceed six hundred (600) feet nor be less than four hundred (400) feet. Lots within the Residential Sector shall not be less than six thousand (6,000) square feet or more than ten thousand (10,000) square feet each nor collectively exceed fifty percent (50%) of the total acreage of the Development Area. Eighty percent (80%) of lots within the Residential Sector shall be within one-quarter (1/4) mile of a Commercial and Business, Public, or Mixed Use Sector. A Commercial and Business Sector shall be within one-quarter (1/4) mile of a Public or Mixed Use Sector, and all lots within the Commercial and Business Sector shall not exceed ten percent (10%) of the total acreage of the Development Area. A Public Sector shall be within one-quarter (1/4) mile of a Commercial and Business or Mixed Use Sector, and all lots within the Public Sector shall not exceed five percent (5%) of the total acreage of the Development Area. A Mixed Use Sector shall be within one-quarter (1/4) mile of a Commercial and Business or Public Sector, and all lots within the Mixed Use Sector shall not exceed ten percent (10%) of the total acreage of the Development Area. The lots shall be located in the Development Area in accordance with 4.109 of this Ordinance. Street right-of-ways within a Development Area shall not exceed twenty five percent (25%) of the total acreage of the Development Area.

Neighborhood developments shall also require designation of an Outdoor Recreation and Open Space Area, consisting of lands possessing ESA, cultural resources, woodlands, and/or open space, and contain a minimum of ten percent (10%) of the total acreage of the neighborhood development dedicated to the public as outdoor recreation or open space land, in accordance with 4.118 (2) of this Ordinance.

(5) Cluster development CSM and general planned, conservation, and neighborhood development Sub-division Plat. A cluster development shall require a CSM and a general planned, conservation, and neighborhood development shall require a Sub-division Plat, in accordance with 4.110. (1) of this Ordinance. Said CSM or Sub-

division Plat shall require all information in accordance with 4.112 (1) (a) and 4.113 (1) (a) of this Ordinance in addition to the following:

(a) Identification and approximate location and dimension of Development Areas (and Residential, Commercial and Business, Public, and Mixed Use Sectors if applicable) and either Conservation Areas or Outdoor Recreation and Open Space Areas;

(b) Notice of restriction of further land division and specified building and accessory building construction or location in the Cluster and Conservation Development - Conservation Areas, and further land division in the Conservation Development - Development Area, and reference to a conservation easement on the Conservation Areas;

(6) Natural Resources and Open Space, Cultural Resources, and Agricultural Resources Conservation Easement. A cluster development and a conservation development shall both require a Natural Resources and Open Space, Cultural Resources, or Agricultural Resources Conservation Easement as prepared by the Administrator in accordance with Sec. 700.40, Wisconsin Statutes, and recorded with the Rock County Register of Deeds as a component of a final land division, in accordance with 4.114 of this Ordinance. Where applicable, said easement shall:

(a) Restrict further land division of any lots in the Conservation Development - Development Area;

(b) Restrict further land division and specified building and accessory building construction or location in any Conservation Area;

(c) Allow for access to the Conservation Development – Conservation Area and use by any member of the conservation development landowners or similar association;

(d) Stipulate easement grantor can continue in the current or a similar conforming use of the Conservation Area but any land within said area cannot be divided, nor be subject to residential building and accessory building construction or location, for a twenty (20) year period for all cluster developments and into perpetuity for all conservation developments, unless, for cluster developments only, said land is annexed by a municipality in which case the easement will become null and void;

4.118 Public Dedication and Reservation

(1) Offers. All offers of public dedication and reservation by the applicant shall be irrevocable and offer title free and clear of all liens and encumbrances.

(2) Outdoor recreation, open space and other public lands. If a land division contains all or part of lands designated in a County, Town, or City/Village comprehensive plan or official map as a future park, outdoor recreation area, school, or other public area

other than streets or drainageways, said lands shall be made part of the final land division and either dedicated to the public or reserved for acquisition by an appropriate general purpose or special purpose district at undeveloped land costs for two (2) years from the date of Administrator action of approval of the final land division. If said land is not acquired by such district within the aforementioned timeline, the land shall be released to the applicant.

Any major land division (sub-division) with at least five hundred (500) feet of frontage on a surface water feature that the Committee determines has a serious lack of public access facilities may require dedication of lands for a public access facility at a continuous width of at least seventy (70) feet from the ordinary median high-water mark to the nearest public street. This provision shall not apply to water bodies not designated as a surface water feature, in accordance with this Ordinance, or to water bodies created in conjunction with the land division and located entirely within the land division.

(3) Easements. The Committee may require public dedication of easements for utilities, drainageways, pedestrian ways, preservation of scenic viewsheds, and other public purposes on property owned by a general purpose or special purpose district, or a landowners association. The applicant shall dedicate a natural drainageway when said drainageway traverses the land division or construct a drainageway, if the stormwater management and erosion control plan indicates a need thereof, to specifications contained in said plan. The Committee at its discretion may determine whether the natural or constructed drainageway is to be dedicated as a drainageway easement or as outdoor recreation or open space land in accordance with (2) of this Sec.

Subpart 5: Other Development Activity Procedure

4.119 Condominium Instrument

(1) Application submission requirements. An applicant shall submit an application for condominium instrument to the Administrator. Application information and forms are available at the office of the Administrator and on the Rock County website. The application shall require an application form and fee, and a condominium plat prepared in accordance with Sec. 703.11 Wisconsin Statutes. All condominium instruments, to include the condominium plat, shall be submitted by the applicant to the Administrator for review in accordance with Sec. 703.11, Wisconsin Statutes.

(2) Review and action. The application for condominium instrument shall be reviewed in accordance with Sec. 703.115, Wisconsin Statutes and applicable components of 4.112 (3), (4), (5), and (6) of this Ordinance. The Administrator shall then take action and approve or deny the application, in accordance with Sec. 703.115, Wisconsin Statutes, within ten (10) business days of receipt of the application by the Administrator, and the Administrator shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the

Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.

(3) Recordation. The condominium instrument shall be recorded by the applicant with the Rock County Register of Deeds within twelve (12) months of the action of approval of the application for condominium instrument by the Administrator and in accordance with Sections 703.07 and 703.095, Wisconsin Statutes.

(4) Land division. If a land division, as defined in 4.107 of this Ordinance, is a component of a condominium instrument, the condominium instrument shall be subject to all applicable provisions of the Ordinance.

4.120 Rock County Building Site Permit

(1) Application submission requirements. An applicant shall submit an application for a Rock County Building Site Permit ("Rock County BSP") to the Administrator if a building or accessory building is being proposed for construction or location on a lot adjacent to a County road or within the Rock County Floodplain, Shoreland Overlay, or Airport Overlay Zoning Districts, in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*. Application information and forms are available at the office of the Administrator and on the Rock County website. The application shall require an application form and fee, and a Rock County building site plan. The Rock County building site plan shall identify all of the following (if applicable): construction activities and products, approximate location and dimension of lot lines, building setback lines, building/accessory building, driveway, and bounding streets, building/accessory building use, bounding streets name and type, approximate location of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, and woodlands, and a building envelope not to include any front, rear, or side yards, ESA, cultural resources, and required POWTS area and open space in accordance with 4.107 (2) (a) of this Ordinance.

(2) Administrator review. The Administrator shall review the application for a Rock County BSP for compliance with this Ordinance. The review shall be undertaken in accordance with 4.112 (3) of this Ordinance and completed by the Administrator within ten (10) business days of receipt of the application by the Administrator.

(3) Administrator action. After review, the Administrator shall take action and approve or deny with findings the application for a Rock County BSP within ten (10) business days of receipt of the application by the Administrator and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.

(4) Approval and issuance. If the Administrator approves the application for a Rock County BSP, a Rock County BSP shall be issued to the applicant within ten (10) business days of receipt of an application by the Administrator. Said Rock County

BSP shall contain the Rock County building site plan, with all construction activities and products completed to specifications identified therein within twelve (12) months of issuance of the Rock County BSP to the applicant by the Administrator. Approval and issuance of a Rock County BSP shall be subject to the following conditions:

(a) Building and accessory building sites shall adhere to the front yard building setback line in accordance with 4.116 (2) (g) of this Ordinance and any other applicable building setback line;

(b) Building and accessory building sites, if on a lot located within the Rock County Floodplain, Shoreland Overlay, or Airport Overlay Zoning Districts in accordance with *Chapter 44 – Zoning, Code of Ordinances, Rock County*, shall adhere to all requirements of said zoning districts;

(c) Erosion control measures are in place on the lot in accordance with a stormwater management and erosion control plan;

(d) The Rock County Health Department has issued a sanitary permit for the lot or a connection to a public sanitary sewer system has been approved for the lot;

(e) The Rock County Public Works Department or Town has issued a driveway/access control permit for the lot;

(f) The lot has been reviewed and approved by the Committee and Administrator in accordance with this Ordinance, or is otherwise permitted by law to be sold or used as a building site, containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations;

(g) Building and accessory building sites, as identified on the Rock County building site plan, less than ten (10) feet from the front yard building setback line on lots adjacent to a County road, or less than ten (10) feet from the front, rear, or side yard building setback line on lots within the Rock County Floodplain or Shoreland Zoning Overlay Districts, shall require a foundation survey provided by the applicant to the Administrator. The foundation survey shall identify the lot lines, building setback lines, and building and/or accessory building's foundation or footings, and the distance from the lot lines to said foundation or footings, and floodplain. The foundation survey shall be submitted to the Administrator within thirty (30) days of construction of the foundation or footings. This timeline may be extended in cases of extenuating circumstances at the discretion of the Administrator and upon submittal of a written extension request from the applicant to the Administrator.

(5) Completion. The applicant's Rock County BSP obligations shall be fulfilled only if all of the following conditions have been met within twelve (12) months of issuance of the Rock County BSP:

(a) Construction of the building and/or accessory building is substantially completed;

(b) All stormwater management and erosion control, landscaping, and final grading activities over which Rock County has review authority, in accordance with this Ordinance and any other applicable ordinances, statutes, regulations, and plans, are completed;

(6) Extension. If (5) (a) and (b) of this Sec. are not completed within twelve (12) months of issuance of the Rock County BSP to the applicant by the Administrator, a Rock County BSP extension shall be required if the applicant wishes to complete (5) (a) and (b). The applicant shall request a Rock County BSP extension from the Administrator and the Administrator shall issue said extension only if all of the following conditions have been met:

(a) Applicant requests the Rock County BSP extension prior to twelve (12) months from the date the BSP was issued;

(b) Applicant provides to the Administrator reasonable information regarding the need for the Rock County BSP extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the Rock County building site plan has or is reasonably expected to occur during the duration of the extension;

(c) The Committee reviews the information per (b) of this Sub-sec., finds the information sufficient, and approves the Rock County BSP extension at a public meeting;

A Rock County BSP extension may not exceed twelve (12) months unless the Committee approves an additional extension on a month-to-month basis for no longer than six (6) months, at the request of the applicant.

Subpart 6: Memorandums of Agreement With Towns – Land Division and Other Development Activity Procedure and Requirements

4.121 Overview

The Agency, at the direction and with the approval of the Committee, shall enter into Memorandums of Agreement ("MOA") with Towns to achieve the intent and purpose of this Ordinance as stated in 4.103 herein. A MOA shall be entered into voluntarily by both the Agency and the Town and shall be executed by the Town and the Committee. The MOA shall stipulate the Agency administer and enforce standards and regulations for any or all of the following land division, other development, or related activities:

(1) Adjacent land sale or transfer;

(2) Lot combination;

(3) Public improvement design, construction, and maintenance;

(4) Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, and woodlands protection and preservation;

(5) Town Building Site Permit ("Town BSP") issuance;

(6) Any other land division, other development, or related activity so desired by the Town and the Agency, not to include stormwater management and erosion control activities which shall remain subject to *Article II – Stormwater Management* and *Article III – Construction Site Erosion Control, Chapter 16 – Environment, Code of Ordinances, Rock County*;

The Agency shall administer and enforce standards and regulations for land division, other development, and related activities identified in (1) – (6) of this Sec. in accordance with 4.122., 4.123, 4.124, 4.125, and 4.126 of this Ordinance or as stipulated in a MOA.

4.122 Adjacent Land Sale or Transfer

(1) Application submission requirements. An applicant shall submit an application for preliminary adjacent land sale or transfer to the Administrator. Application information and forms are available at the offices of the Town and Administrator and on the Town and Rock County websites. The application shall require an application form and fee, and a preliminary adjacent land sale or transfer CSM prepared and submitted in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes. The CSM shall be required for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum size and dimension required by law. The Administrator may waive the requirement for a CSM if all of the following conditions are met:

(a) The new lot line has been staked by a land surveyor;

(b) A POS, containing a deed restriction, is filed with the applicable deed in the Rock County Register of Deeds Office with said restriction permanently prohibiting the grantee and all successors in interest from conveying the sold or transferred land separately from the adjacent lot owned by the grantee;

(c) The applicant provides to the Rock County Treasurer a POS approved by the Administrator, along with the following text:

Rock County Treasurer,
I hereby certify that the property taxes on the parent lot are current and have been paid as _____, 20___.

_____

Rock County Treasurer;

(2) Review and action. The application for preliminary adjacent land sale or transfer shall be reviewed, with actions taken, in accordance with 4.112 (3), (4), (5), and (6) of this Ordinance. The Administrator shall then take action and approve, or deny with findings, the application. If the application is denied, the applicant shall be notified in accordance with 4.112 (7) of this Ordinance. If the application is approved, a final adjacent land sale or transfer POS or CSM shall be prepared and submitted by the applicant to the Administrator in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes, if applicable. The final adjacent land sale or transfer shall be reviewed, with actions taken, in accordance with applicable components of 4.113 (2), (4), and (5) of this Ordinance.

(3) Recordation. The final adjacent land sale or transfer CSM approved by the Administrator shall be recorded by the applicant with the Rock County Register of Deeds within six (6) months of Administrator approval, or a final adjacent land sale or transfer POS approved by the Administrator shall be filed with the Rock County Surveyor within the aforementioned time period.

4.123 Lot Combination

(1) Application submission requirements. An applicant shall submit an application for preliminary lot combination to the Administrator. Application information and forms are available at the offices of the Town and Administrator and on the Town and Rock County websites. The application shall require an application form and fee, and a preliminary lot combination CSM prepared and submitted in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes. The lots subject to combination shall be contiguous at more than a corner and under identical ownership in accordance with Rock County Tax Records.

(2) Review and action. The application for preliminary lot combination shall be reviewed, with actions taken, in accordance with 4.112 (3), (4), (5), and (6) of this Ordinance. The Administrator shall then take action and approve, or deny with findings, the application. If the application is denied, the applicant shall be notified in accordance with 4.112 (7) of this Ordinance. If the application is approved, a final lot combination CSM shall be prepared and submitted by the applicant to the Administrator in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes, if applicable, The final lot combination shall be reviewed, with actions taken, in accordance with applicable components of 4.113 (2), (4), and (5) of this Ordinance.

(3) Recordation. The lot combination final CSM shall be recorded by the applicant with the Rock County Register of Deeds within six (6) months of the action of Administrator approval and in accordance with Sec. 236.34 (2) Wisconsin Statutes.

4.124 Public Improvement Design, Construction, and Maintenance

(1) Blocks. Block length shall not exceed one thousand five hundred (1,500) feet nor be less than four hundred (400) feet, except as the Town deems necessary to secure the efficient use of land or desired features of street layout. Block width shall be wide enough to allow two tiers of lots of sufficient depth to provide an adequate building envelope on each lot. The Town may approve block widths consisting of a single tier of lots when said lots front a major street or when topography or size prevents two tiers. If a single tier block is approved by the Town, an adequate area to screen and buffer differing land uses shall be provided and vehicular access from an abutting major street prohibited.

A pedestrian way may be required by the Town near the center of a block, and entirely across those blocks which exceed nine hundred (900) feet in length, to connect dead-end streets or to provide access to parks, schools, shopping areas, or other similar facilities. If a pedestrian way is required, a minimum ten (10) foot right-of-way shall be set aside with an eight (8) foot pavement (or other cover type as approved by the Town) width, at a grade not steeper than fifteen percent (15%), unless steps of adequate design are approved by the Town. A note shall be placed on the Sub-division Plat stating by whom such pedestrian way shall be maintained.

(2) Streets. All streets shall meet applicable jurisdictional construction standards and regulations. All streets shall be designed to appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, street systems, dedicated rights-of-way, population densities, special vehicular traffic generators such as commercial, business, and industrial districts, institutional facilities, and other social gathering areas. In areas to be utilized predominately for non-residential uses, streets shall be planned in coordination with building groupings, rail facilities, alleys, and truck loading and maneuvering areas, and pedestrian ways and parking areas shall be adequately provided and located so as to minimize conflict between various types of traffic. Streets shall normally intersect, as nearly as possible, at right angles and shall avoid a combination of steep grades and curves. Streets shall be arranged to provide access to lots and building and accessory building sites at or above street grade. Street design in a major land division (sub-division) shall provide for the continuation of existing streets in adjacent areas at the same or greater width as said existing streets, unless the Town deems such continuation undesirable for reasons of topography or design.

All streets shall be public unless the Town, prior to approval of the application for preliminary land division, agrees to the use of private streets. Private streets will be considered by the Town only in those instances where an association or other legal

entity is established by covenant with capability and responsibility for maintenance of said streets.

(a) Street width shall be as delineated in **Figure III**:

Figure III: Street Width

	Arterial Street	Collector Street	Local Street
Full Width	100 feet	80 feet	66 feet
Half Width	50 feet	40 feet	33 feet

(b) Street gradient shall not exceed nine percent (9%), nor eleven percent (11%), with approval of the Town, in areas of extreme topography. Gradient shall not exceed one point four percent (1.4%) for a minimum distance of fifty (50) feet from the intersection of street centerlines. Streets may be constructed diagonally across contours in areas of extreme topography and shall traverse the slope with minimum street grade, driveway grade, and earth movement.

(c) Cul-de-sac use shall not be encouraged, and if utilized, cul-de-sacs shall not be longer than six hundred (600) feet unless approved by the Town and shall terminate in a circular open space having a diameter at the outside of the right-of-way of at least one hundred forty (140) feet. Temporary cul-de-sacs may be permitted by the Town, to be constructed to the lot line and provided with a temporary circular or "T" shaped turn-around.

(d) Frontage or access streets shall be required in those instances where a major land division (sub-division) abuts or contains an existing or proposed arterial street on which traffic volume and vehicular speeds warrant special safety precautions to ensure no lots front arterial streets.

(e) A street approximately parallel to a rail line, expressway, freeway, or parkway right-of-way shall be required if the land division adjoins such facility for a considerable distance, with consideration given to the distance required for approach grades to future grade separations.

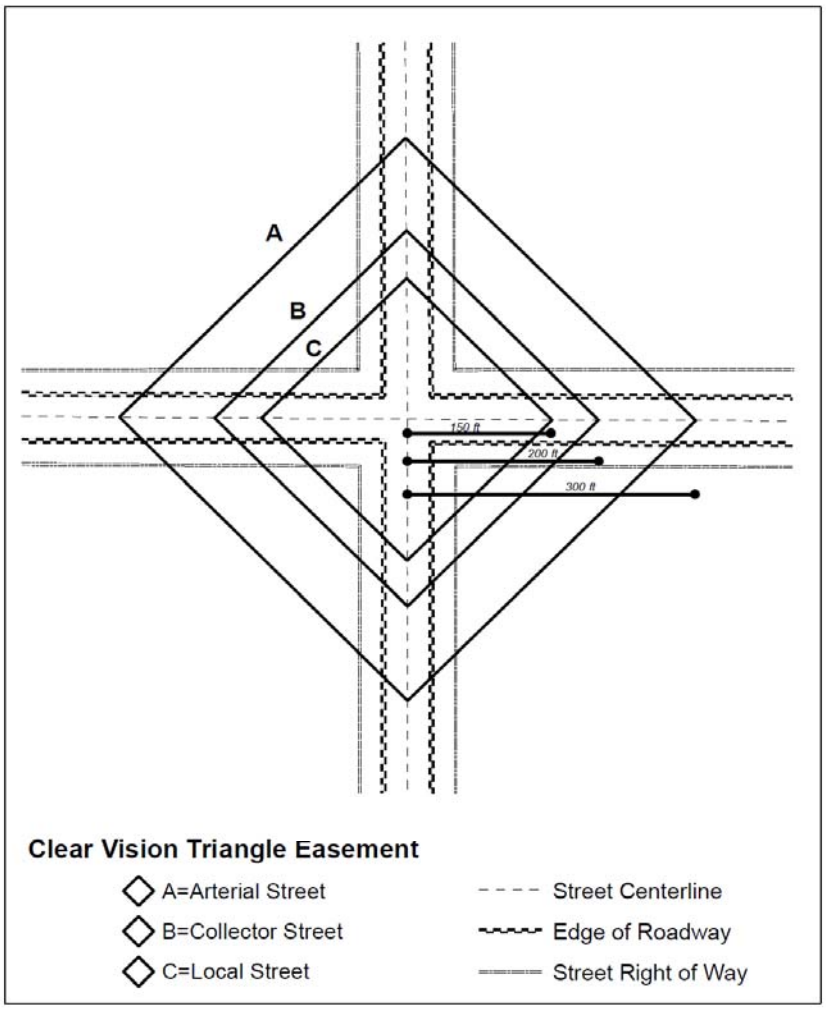
(f) A clear vision triangle (“triangle”), in each quadrant of every public street or rail line intersection, shall be maintained, bounded by the street centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated in **Figure IV** as contained herein, with the exception that a triangle shall be maintained for twenty five (25) feet from the right-of-way for any intersection in a Sub-division Plat. The triangle shall be cleared of all vegetation less than six (6) inches in diameter. Vegetation greater than six (6) inches in diameter may remain in the triangle at the

discretion of the Town. Any vegetation remaining in the triangle shall require trimming up to eight (8) feet above the ground.

(g) Grading, base course, surface course, marking and signing, landscaping, and stormwater management shall be in accordance with *Article II – Stormwater Management, Chapter 16 – Environment, Code of Ordinances, Rock County* and all other applicable Rock County ordinances, with all costs related to these activities borne by the applicant. The applicant shall come to terms with the Town on a method of financing to assure surface course is applied to the street. Surface course is to be applied approximately twelve (12) months after the base course is constructed. Financing and timing for application of surface course shall be a condition of approval of the application for preliminary land division.

(h) Bridges of primary benefit to the applicant shall be constructed at the expense of the applicant without reimbursement from the Town. Cost sharing for construction of bridges not of primary benefit to the applicant can be fixed by special agreement between the State, Rock County or Town and the applicant as a condition of approval of the application for preliminary land division. Said costs shall be charged by Rock County or Town to the applicant pro-rata as the acreage of the land developed so served.

Figure IV: Clear Vision Triangle



(3) Town public improvement plan. All public improvements shall be designed, constructed, and maintained by the applicant in accordance with (1) and (2) of this Sec. and a Town public improvement plan. The Town public improvement plan shall be submitted by the applicant to the Administrator in accordance with 4.113 (1) (b) of this Ordinance. The Administrator shall review the plan and either approve the plan or provide the applicant with required modifications. The plan shall contain all of the following:

(a) Elevation profiles of the centerline of all existing and proposed streets;

(b) Elevation profile of the centerline of all existing streets that intersect with a proposed street, within six hundred (600) feet of said intersection;

(c) Approximate radii of all curves, lengths of tangents, and central angles on all existing streets;

(d) Cross-sections of all proposed streets at one hundred (100) foot stations superimposed on existing topography (the Town may require cross-sections every fifty (50) feet in areas in excess of nine percent (9%) slope), and the location and cross-section of street pavements including drainageway easements, right-of-ways, and street signs;

(e) Location, dimension, and invert elevations of existing and proposed sanitary sewers, stormwater drainageways, drainage control facilities, and fire hydrants, identification of connections to any existing or proposed utility, and the location and size of all water, gas, or other underground utilities or structures;

(f) Location, dimension, and name (if applicable) of all streets and improvements designated for public dedication, and all necessary utilities;

(g) Any other special requirements deemed necessary by the Town to ensure the land division is in compliance with the Town comprehensive plan, *Rock County Comprehensive Plan*, or any similar successive and other relevant plan or document, and any applicable construction standard and regulation;

(h) Notation of approval on the cover page as follows:

Landowner	Date
Administrator	Date

(4) Financial guarantee. A written financial guarantee in a sum sufficient to pay the cost of construction of all public improvements shall be provided by the applicant to the Town, for all improvements as stated in the Town public improvement plan not constructed at the time of Administrator approval of the final land division, complying with all conditions of approval of the application for preliminary land division and assuring the construction and performance of all necessary improvements. Said financial guarantee shall take one of the following forms:

(a) An insurance contract from a bonding agency;

(b) An irrevocable letter of credit from a recognized financial institution;

(c) An escrow account in a recognized financial institution;

The monetary amount of said guarantee shall be limited to the cost of the current phase of improvement construction, in accordance with Sec. 236.13 (2) (a), Wisconsin Statutes.

(5) Inspection. The Administrator shall provide for inspection of public improvements during construction to ensure completion satisfactory to the Town. If the

Administrator finds the improvements have not been constructed in accordance with the Town public improvement plan, the applicant shall be responsible for taking corrective measures to ensure said improvements are constructed to the satisfaction of the Administrator or Town and in accordance with said plan.

(6) Maintenance. The applicant shall be required to maintain all public improvements and services associated with ensuring the adequate performance of all said improvements until acceptance of improvements by the applicable general or special purpose district, or homeowners association, including but not limited to snow removal on streets. The applicable special or general purpose district may on notice plow streets or affect emergency repairs and charge same to applicant. Utility entities shall be responsible for accurate replacement of all lot corners and monuments destroyed while installing utilities, within a reasonable time period after installation.

(7) Timeline. Public improvements shall be constructed by the applicant within twelve (12) months of the action of Administrator approval of the final land division, in accordance with 4.113 (5) of this Ordinance. Extensions to the aforementioned timeline may be applied for by the applicant prior to expiration of said timeline and granted by the Town upon findings that delays are beyond the control of the applicant and that no material change in standards or conditions of the final land division has occurred or is reasonably expected to occur.

4.125 Environmentally Sensitive Areas, Cultural Resources, Productive Agricultural Soils, and Woodlands Protection and Preservation

Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils and woodlands (collectively "Resources") shall be protected and preserved throughout the land division and development process, and land division and development shall not occur in a manner which significantly degrades or depletes any Resources, nor compromises their function or integrity, in accordance with 4.109 (3) and (4) of this Ordinance, Town comprehensive plans and zoning ordinances, *Chapter 44 – Zoning, Code of Ordinances, Rock County,* the *Rock County Comprehensive Plan,* or any similar successive ordinances, plans, or documents. Protection and preservation of Resources throughout the land division and development process shall be ensured utilizing any or all of the mechanisms identified in (1), (2), (3), and (4) of this Sec.

(1) Town building site plan. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, shall require a Town building site plan identifying all of the following (if applicable): construction activities and products, approximate location and dimension of lot lines, building setback lines, building/accessory building, driveway, and bounding streets, building/accessory building use, bounding streets name and type, identification and approximate location of Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, and woodlands, and a building envelope not to include any front, rear, or side yards, ESA, cultural resources, and required

POWTS area and open space in accordance with 4.116 (2) (a) of this Ordinance. The plan shall be required either as a condition of approval of an application for preliminary land division, or at the time of Town building permit or Town Building Site Permit ("Town BSP") application, in accordance with Sec. 4.126 of this Ordinance.

Building setback lines as identified on a Town building site plan shall be in accordance with the following:

(a) Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater, for all lots. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way for those lots without access to a connection to a public sanitary sewer system and twenty five (25) feet from the right-of-way for those lots with access to a connection to said system.

(b) Rear yard building setback lines shall be twenty five (25) feet from the rear lot line on all lots not abutting a surface water feature. Rear yard building setback lines on all lots abutting a surface water feature shall be seventy five (75) feet from the ordinary median high-water mark of said feature.

(c) Side yard building setback lines shall be fifteen (15) feet from the side lot line on lots without access to a connection to a public sanitary sewer system and eight (8) feet from the side lot line, with a minimum of twenty (20) feet between buildings, on lots with access to a connection to said system.

(d) Building setback lines less than those stated in (a), (b), and (c) of this Sec. may be permitted by the Town in cases of unusual topography or landscape conditions, existing patterns of lesser building setback lines on nearby properties, varying alignment of streets, or in accordance with Town zoning ordinances.

(e) Building setback lines, as stated in (b), (c), and (d) of this Sec. shall apply to all flag lots, applied exclusively on the "flag" of the lot. Front yard building setback lines shall apply to flag lots in the following manner. Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater, and twenty-five (25) feet from the front lot line of the "flag", for all flag lots. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way and twenty five (25) from the front lot line of the "flag" for flag lots without access to a connection to a public sanitary sewer system, and twenty five (25) feet from the right-of-way and twenty five (25) feet from the front lot line of the "flag" for flag lots with access to a connection to said system.

(2) Note on final land division or deed restriction. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, thirty five (35) acres or smaller and containing specified Resources, shall require either a note on the final land division POS, CSM, or Sub-division Plat, or a deed restriction, identifying specified Resources and prohibiting building and accessory building sites, and earth-disturbing activity that would significantly degrade or deplete or compromise the function or integrity of said Resources as identified therein. The note shall be required as a condition of approval of an application for preliminary land division, or the deed restriction shall be filed with the applicable deed in the Rock County Register of Deeds Office with said restriction required at the time of Town building permit or Town BSP issuance, in accordance with 4.126 of this Ordinance.

(3) Conservation easement. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, thirty five (35) acres or smaller and containing specified Resources, shall require a conservation easement. The conservation easement shall be required either as a condition of approval of an application for preliminary land division, or at the time of Town building permit or Town BSP issuance, in accordance with 4.126 of this Ordinance, and shall be recorded with the Rock County Register of Deeds. Said easement shall:

(a) Identify the land area subject to the easement and prohibit building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the easement, in/on any specified Resources as identified therein;

(b) Designate the owner of the lot subject to the easement as grantor therein and either Rock County, the Town, or some combination thereof, as grantee therein;

(c) Contain any additional information deemed appropriate by the Town, Agency, or Rock County Corporation Counsel;

(2) Utilization or modification of 4.125 (1) (2) (3) of this Ordinance in a MOA. Any provision of 4.125 (1) (2) or (3) of this Ordinance may be utilized in conjunction with any other provision of said Sec. in a MOA, and any of said provisions may be modified in any manner so as to ensure protection and preservation of Resources throughout the land division and development process.

4.126 Town Building Site Permit

(1) Application submission requirements. A Town Building Site Permit ("Town BSP") shall be required if a building or accessory building is proposed for construction or location on a lot. Application information and forms are available at the offices of the Town and Administrator, and on the Town and Rock County websites. The application shall require an application form and fee and a Town Building Site Plan prepared in accordance with 4.125 (1) of this Ordinance.

(2) Administrator review. The Administrator shall review an application for a Town BSP for compliance with this Ordinance. The review shall be undertaken in accordance with 4.112 (3) of this Ordinance and completed by the Administrator within ten (10) business days of receipt of the application by the Administrator.

(3) Administrator action. After review, the Administrator shall take action and approve or deny with findings the application for a Town BSP within ten (10) business days of receipt of the application by the Administrator and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.

(4) Approval and issuance. If the Administrator approves the application for a Town BSP, a Town BSP shall be issued to the applicant within ten (10) business days of receipt of an application by the Administrator. Said Town BSP shall contain the Town building site plan in accordance with 4.125 (1) of this Ordinance, with all construction activities and products to be completed to specifications contained therein within twelve (12) months of issuance of the Town BSP to the applicant by the Administrator. Approval and issuance of a Town BSP shall be subject to the following conditions:

(a) Building, accessory building, and earth-disturbing activity sites as identified in the Town building site plan shall not be in/on any specified Resources and either a deed restriction in accordance with 4.125 (2) of this Ordinance, or a conservation easement in accordance with 4.125 (3) of this Ordinance, shall be placed on the lot;

(b) Erosion control measures are in place on the lot in accordance with a stormwater management and erosion control plan;

(c) The Rock County Health Department has issued a sanitary permit for the lot or a connection to a public sanitary sewer system has been approved for the lot;

(d) The Rock County Public Works Department or applicable Town has issued a driveway/access control permit for the lot;

(e) The lot has been reviewed and approved by the Town and Administrator in accordance with this Ordinance, or is otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations;

(f) Building and accessory building sites, as identified in the Town building site plan, less than ten (10) feet from any building setback line, in accordance with 4.125 (2) (a), (b), (c), (d), and (e) of this Ordinance, shall require a foundation survey, provided by the applicant to the Administrator. The foundation survey shall identify lot lines, building setback lines, and a building and/or accessory

building's existing foundation or footings, and the distance from the lot lines to said foundation or footings, and floodplain. The foundation survey shall be submitted to the Administrator within thirty (30) days of construction of the foundation or footings. This aforementioned timeline may be extended in cases of extenuating circumstances at the discretion of the Administrator and upon submittal of a written extension request from the applicant to the Administrator;

(5) Completion. The applicant's Town BSP obligations shall be fulfilled only if all of the following conditions have been met within twelve (12) months of issuance of the Town BSP:

(a) Construction of the building and/or accessory building is substantially completed;

(b) All stormwater management, erosion control, landscaping, and final grading activities over which the Town and Rock County have review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed;

(6) Extension. If (5) (a) and (b) of this Sec. are not completed within twelve (12) months of issuance of the Town BSP to the applicant by the Administrator, a Town BSP extension shall be required if the applicant wishes to complete (5) (a) and (b). The applicant shall request a Town BSP extension from the Town and the Town shall issue said extension only if all of the following conditions have been met:

(a) Applicant requests the Town BSP extension prior to twelve (12) months from the date the Town BSP was issued;

(b) Applicant provides to the Town reasonable information regarding the need for the Town BSP extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the Town building site plan has or is reasonably expected to occur during the duration of the extension;

(c) The Town reviews the information per (b) of this Sub-sec., finds the information sufficient, and approves the Town BSP extension at a public meeting;

A Town BSP extension may not exceed twelve (12) months, unless the Town approves an additional extension on a month-to-month basis, at the request of the applicant.

Subpart 7: Administration and Enforcement

4.127 Rock County Planning and Development Committee and Administrator

The Rock County Board of Supervisors, in accordance with Sec. 59.69 (2), Wisconsin Statutes, delegates the authority to administer and enforce this Ordinance to the Rock County Planning and Development Committee ("Committee"). In administering and enforcing this Ordinance, the Committee shall have the following powers and responsibilities without limitation by reason of enumeration:

(1) Require submission of a complete and accurate application for preliminary land division and final land division, and any additional information necessary to make a reasonable evaluation of said application and final land division;

(2) Attach conditions of approval on an application for preliminary land division for improvements, development design, public dedication and reservation, and use restrictions, and inspect land division and improvements;

(3) Approve, approve with conditions, or deny with findings applications for preliminary land division and final land divisions;

(4) Require submission of a complete and accurate application for condominium instrument and Rock County BSP, and any additional information necessary to make a reasonable evaluation of said applications;

(5) Approve or deny with findings applications for condominium instruments and Rock County BSP;

(6) Maintain records of land division and other development activity approvals, conditions of approval, denials with findings, inspections, and all other official actions;

(7) Execute MOA's with Towns for Agency administration of standards and regulations for land division, other development, and related activities as stipulated in said MOA's;

(8) Ensure that all land divisions or other development activity, including any activity stipulated in a MOA, maintain and advance the intent and purpose of this Ordinance as stated in 4.103. herein;

(9) Delegate the responsibilities of administration and enforcement of this Ordinance to the Administrator;

4.128 Rock County Board of Adjustment and Variance and Appeal

The Rock County Board of Supervisors, in accordance with Sec. 59.694, Wisconsin Statutes, delegates the authority to hear and render action on any variance to or appeal of

any provision of this Ordinance by any individual or party aggrieved by administration and enforcement thereof, to the Rock County Board of Adjustment ("Board").

(1) Application for variance or appeal. Any individual or party aggrieved by administration and enforcement of this Ordinance may submit an application for a variance or appeal to the Board within thirty (30) days of the Committee and/or Administrator action causing the grievance.

(2) Board action. The Board shall take action on the application for variance or appeal at a public hearing, in accordance with Sec. 59.694, Wisconsin Statutes. The Board may approve an application if all findings have been made by the Board in accordance with 4.1209 (4) of the *Rock County Board of Adjustment Rules and Procedures*.

(3) Approval conditions. In approving an application for variance or appeal, the Board may require conditions which will, in its judgment, substantially secure the intent and purpose of this Ordinance, as stated in 4.103 herein.

4.129 Violations and Penalties

(1) Liable parties. Landowners or property owners, occupiers of land or premises, and agents of owners or occupiers, including but not limited to, building contractors, surveyors, engineers, architects, planners, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, lending institutions and their agents, and insurers and their agents, are responsible for compliance with this Ordinance which bear upon their area of competency and responsibility.

(2) Violations. All of the following shall be a violation of this Ordinance and any individual or party who violates this Ordinance or aids or abets in any of the following shall be liable to prosecution or remedial actions:

(a) Undertaking a land division or other development activity, including any activity stipulated in a MOA, not in compliance with this Ordinance or any other applicable ordinance, rule, regulation, standard, statute, or other provision of law, or with any condition placed upon an approval, variance, or appeal granted in due course under this Ordinance;

(b) Undertaking a land division or an offer or contract to convey a land division or any lot within a land division without first having the land division reviewed by the Committee and Administrator, approved by the Committee and/or Administrator, and recorded with the Rock County Register of Deeds or filed with the Rock County Surveyor, except that an offer or contract to convey may be made or entered into if said offer or contract states on its face that it is contingent upon Committee and Administrator approval of all land divisions necessary to effect the transaction and that the offer or contract shall be void if such approval is not granted;

(c) Recordation of a CSM or Sub-division or Condominium Plat with the Rock County Register of Deeds without having said CSM or plats reviewed by the Committee and/or Administrator, and approved by the Committee and/or Administrator, or filing of a POS, subject to this Ordinance, with the Rock County Surveyor without having said POS reviewed and approved by the Administrator;

(d) Failure, by the landowner, to place monuments or construct land division improvements as prescribed in the POS, CSM, or Sub-division or Condominium Plat as approved by the Committee and/or Administrator;

(3) Notification of violation. The Administrator is responsible for inspecting and investigating compliance of land divisions or other development activity, including any activity stipulated in a MOA, with this Ordinance. If, upon such inspection or investigation, the Administrator becomes aware of a condition which he or she concludes is or is likely to become a violation as defined in (2) of this Sec. the Administrator shall immediately provide notification of violation to the individual or party to the situation deemed to be responsible and potentially liable of the detected violation. Such notification shall consist of a written enforcement demand to said individual or party that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring, or remedied.

(4) Complaint and demand for prosecution. If a written enforcement demand is issued to the responsible individual or party, in accordance with (3) of this Sec., and is not complied with by said individual or party, and unless an administrative appeal has commenced and a stay order has been issued by the Rock County Circuit Court, the Rock County Corporation Counsel shall forthwith issue to the individual or party a complaint and demand for prosecution. Such complaint and demand shall consist of a written enforcement statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Rock County District Attorney's Office, enforcement officials, and State agencies.

(5) Injunction. If a written enforcement statement is issued to the responsible individual or party in accordance with (4) of this Sec., and is not complied with by said individual or party, an injunction restraining the individual or party from continuance of the violating condition shall be requested by the Rock County Corporation Counsel or the Rock County District Attorney's Office from the Rock County Circuit Court.

(6) Citation. The Administrator is authorized to issue an Ordinance citation, in accordance with *Article VII - Citations, Chapter 2 - Administration, Code of Ordinances, Rock County*, to any individual or party engaging in activities that are in violation of this Ordinance, in accordance with (2) of this Sec. Each day of violation, and each Ordinance section violated, shall be considered a separate offense and subject to additional enforcement action, including but not limited to, the issuance of additional Ordinance citations. Issuing a citation shall not release the individual or

party from full compliance with this Ordinance nor from prosecution for Ordinance violation.

(7) Conviction. Any individual or party who violates this Ordinance shall, upon conviction, thereof forfeit those amounts as established by reference in Rock County Resolution 08-8A-054 and any subsequent amendments thereto.

4.130 Fees

(1) Fees for land division and other development activity, including any activity stipulated in a Memorandum of Agreement ("MOA"), are determined by the Rock County Board of Supervisors to ensure adequate resources to administer and enforce this Ordinance and shall be paid in full by the applicant to the Agency. The effective land division and other development activity fee schedule is available at the office of the Administrator and on the Rock County website. The following activities shall be subject to fees:

(a) Review of application for preliminary land division;

(b) Review of final land division;

(c) Review of applications for condominium instruments and Rock County BSP;

(d) Review of application for variance to and appeal of this Ordinance;

(e) Review of application for adjoining land sale or transfer and lot combination, public improvement design, construction, and maintenance, Environmentally Sensitive Areas ("ESA"), cultural resources, productive agricultural soils, and woodlands protection and preservation, and Town BSP issuance and extension, if said activities are identified in an MOA;

(f) Any other land division and other development activity, as agreed upon by the Agency and the Town and identified in a MOA;

Part 2 – Zoning of Shorelands and County-Owned Lands

Subpart 1: Zoning of Shorelands

4.201 Statutory Authorization, Finding of Fact, Statement of Purpose And Title

(1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in ss. 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31 and to parallel as closely as possible the regulatory provisions of ch. NR 115 Wis. Adm. Code and the statutory language reflected in Act 55, 167 and 391 (2015).

(2) Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Rock County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by the County of Rock, Wisconsin.

(3) Purpose and Intent. For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

(A) Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution Through:
1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
2. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
3. Controlling filling and grading to prevent soil erosion problems.
4. Limiting impervious surfaces to control runoff which carries pollutants.

(B) Protect Spawning Grounds, Fish and Aquatic Life Through:
1. Preserving wetlands and other fish and aquatic habitat.
2. Regulating pollution sources.
3. Controlling shoreline alterations, dredging and lagooning.

(C) Control Building Sites, Placement of Structures and Land Uses Through:
1. Prohibiting certain uses detrimental to the shoreland-wetlands.
2. Setting minimum lot sizes and widths.
3. Setting minimum building setbacks from waterways.
4. Setting the maximum height of near shore structures.

(D) Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:
1. Restricting the removal of natural shoreland cover.
2. Preventing shoreline encroachment by structures.
3. Controlling shoreland excavation and other earth moving activities.
4. Regulating the use and placement of boathouses and other structures.

(4) Title. The Rock County Shoreland Zoning Ordinance.

4.202 General Provisions

(1) Areas to be Regulated. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Rock County which are:

(A) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. The Rock River is considered a flowage within Rock County.

(B) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

(C) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022, Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(D) 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 office of the Department for a final determination of navigability or ordinary high-water mark. The County may work with surveyors in regard to s. 59.692(1h).

(E) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
1. Lands adjacent to farm drainage ditches if:
   (a) Such lands are not adjacent to a natural navigable stream or river;
   (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

2. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(2) Shoreland-Wetland Maps. The most recent version of the Wisconsin Wetland Inventory maps (available at http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland) are made part of this ordinance along with other maps and images that can be readily used to help the Zoning Administrator and landowners evaluate the presence or absence and likely extent of wetlands on the property, as further defined in section 4.203(1)(A) of this ordinance.

(3) Compliance. The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

(4) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation are exempt when s. 30.2022 Wis. Stats., applies.

(5) Abrogation and Greater Restrictions. The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.692, Wis. Stats., which relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., is more restrictive than this ordinance, for example the Floodplain Zoning Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(A) Pursuant to s. 59.692(2)(a), Wis. Stats., this ordinance shall not require approval or be subject to disapproval by any town or town board.

(B) Pursuant to s. 59.692(2)(b), Wis. Stats., if an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

(C) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(D) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 4.201(3) of this ordinance.

(E) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:

1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
2. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(F) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

1. The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

(6) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County of Rock and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(7) Severability. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

4.203 Shoreland-Wetland District

(1) Designation. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(2) Locating Shoreland-Wetland Boundaries. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. Depending on the scope of the proposed activity, a third-party wetland delineation may be required by the Department or the County and all costs shall be assumed by the applicant. Maps do not represent the definitive presence and boundaries of wetlands and cannot serve as a substitute for a delineation of wetland boundaries. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

(3) Purpose. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(4) Permitted Uses. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

(A) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating.
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 pasturing of livestock;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

(B) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;

2. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance; and
5. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(C) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below. These uses may also require a Shoreland Conditional Use Permit under this ordinance.

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, 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 impact upon the natural functions of the wetland enumerated in section 4.203(6)(B);
   (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.
2. The construction or maintenance of nonresidential buildings, provided that:
   (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
   (b) The building cannot, as a practical matter, be located outside the wetland;
   (c) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
   (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

(a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;

(b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 4.203(3)(C)1. (a)-(d) and;

(c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

(a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

(b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 4.203(6)(B).

5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.

(5) Prohibited Uses. Any use not listed in sections 4.203(3)(A),(B) or (C) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 4.203(6) of this ordinance and s. 59.69(5)(e), Wis. Stats.

(6) Rezoning of Lands in the Shoreland-Wetland District.

(A) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;

3. A copy of the Rock County Planning and Development Agency's findings and recommendations on each proposed amendment within 10 days after

the submission of those findings and recommendations to the Rock County Board of Supervisors (County Board); and

4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

(B) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf .

(C) If the Department notifies the Rock County Planning And Development Agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 4.203(6)(B) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

4.204 Land Division Review and Sanitary Regulations

(1) Land Division Review.

(A) The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

1. Hazards to the health, safety or welfare of future residents.
2. Proper relationship to adjoining areas.
3. Public access to navigable waters, as required by law.
4. Adequate stormwater drainage facilities.
5. Conformity to state law and administrative code provisions.

(B) Land Division review under this section is separate from land divisions review authorized by the Rock County Land Division and Development Ordinance.

(2) Planned Residential Unit Development (PUD).

(A) Purpose. The Planned Residential Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(B) Requirements for Planned Residential Unit Development. The Committee may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

1. Area. The area proposed for the Planned Residential Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
2. Lots. Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of Section 4.205 shall be a non-riparian lot.
3. Vegetative buffer zone and preservation of ground cover. The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the vegetative buffer zone and ground cover of the shoreland to enhance scenic beauty of the navigable water, prevent erosion, and provide wildlife habitat. All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public

body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

4. Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total developable area of the subdivision by the minimum lot size required by Section 4.205 of this ordinance.
5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development the Committee shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 4.207 (2) shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
6. Consistency with other development ordinances. Planned Residential Unit Development shall be consistent with standards in other development ordinances administered by the County of Rock.

(3) Sanitary Regulations. Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

(A) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(B) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

4.205 Minimum Lot Size and Setbacks

(1) Purpose. Minimum lot sizes and setbacks in the shoreland area shall be established to afford protection against danger to health, safety and welfare, preserve natural beauty, reduce flood hazards and protect against pollution of the adjacent body of water. Shoreland setbacks standards are addressed in Section 4.206 of this Ordinance.

In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

(2) Sewered Lots

(A) Minimum Area and Width for Each New Lot. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

1. The width shall be calculated by averaging measurements at the following 4 locations:
   (a) The ordinary high water mark.
   (b) The building setback line.
   (c) One other location on the lot within 300 feet of the ordinary highwater mark.
   (d) The rear lot line

(B) Setbacks (Applicable to New and Existing Lots)

1. There shall be a side yard for each principal structure or building. The minimum width of one side yard shall be 8 feet. The minimum combined width of both principal side yards shall be 20 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.
2. The rear yard setback for all structures shall be 25 feet.
3. The front yard setback for all structures shall be 25 feet.

(3) Unsewered Lots

(A) Minimum Area and Width for Each New Lot. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

1. The width shall be calculated by averaging measurements at the following 4 locations:
   (a) The ordinary high water mark.
   (b) The building setback line.
   (c) One other location on the lot within 300 feet of the ordinary highwater mark.
   (d) The rear lot line

(B) Setbacks (Applicable to New and Existing Lots)

1. There shall be a side yard for each principal structure or building. The minimum width of one side yard shall be 15 feet. The minimum combined width of both principal side yards shall be 40 feet. There shall be a side yard of 5 feet for accessory structures excluding fences
2. The rear yard setback for all structures shall be 25 feet.
3. The front yard setback for all structures shall be 50 feet.

(4) Substandard Lots

(A) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
3. The substandard lot or parcel is developed to comply with all other ordinance requirements, including setbacks.

(B) Other Substandard Lots. Except for lots which meet the requirements of sections 4.205(4)(A) a building permit for the improvement of a lot having lesser dimensions than those stated in sections 4.205(2)(A) and 4.205(3)(A) shall be issued only if a variance is granted by the Rock County Board of Adjustment.

4.206 Setbacks. Permitted setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Additional setback standards are established in Section 4.205 of this ordinance.

(1) Shoreland Setback. Unless exempt under section 4.206(1)(A), or reduced under section 4.206(2), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

(A) Exempt Structures. All of the following structures are exempt from the shoreland setback standards in section 4.206(1):
1. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
   (a) The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary highwater mark of any navigable waters shall be prohibited.
   (b) Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation. The main door shall face the water.
   (c) One boathouse is permitted on a lot as an accessory structure.
   (d) Boathouses shall be set back a minimum 10 feet from the ordinary highwater mark and shall be constructed in conformity with local floodplain zoning standards.
   (e) Boathouses shall not exceed one story and 500 square feet in floor area.
   (f) Boathouses permitted after October 1, 2016 shall have a pitched roof of no flatter than 4/12 pitch.
   (g) The roof of an existing boathouse may be used as a deck provided that:
      1. The boathouse has a flat roof and was built prior to October 1, 2016

2. The roof has no side walls or screens.
3. The roof may have a railing that meets the Department of Safety and Professional Services standards.

(h) All other ordinance requirements shall be met, including impervious surface standards.

2. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats.
   (a) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
   (b) The floor area of all the structures in the shoreland setback area (excluding boathouses) will not exceed 200 square feet.
   (c) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
   (d) The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
   (e) An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

3. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

4. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

5. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

6. Devices or systems used to treat runoff from impervious surfaces.

(B) Existing Exempt Structures. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(2) Reduced Principal Structure Setback. A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows

(A) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
2. Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
3. Both of the existing principal structures are located less than 75' from the ordinary high water mark.
4. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

(3) Floodplain Structures. Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

4.207 Vegetation

(1) Purpose. To protect natural scenic beauty, fish and wildlife habitat, and water quality, the county shall regulate removal of vegetation in shoreland areas, consistent with sound forestry and soil conservation practices and considering the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

(2) Activities allowed within Vegetative Buffer. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows.

(A) The county may allow routine maintenance of vegetation.

(B) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors.

Per s. 59.692(1f)(b), Stats. the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.

(C) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with

"generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

(D) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the permit be replaced by replanting in the same area as soon as practicable.

(E) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subparagraph shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(3) Cutting More Than 35 Feet Inland. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

4.208 Filling, Grading, Lagooning, Dredging, Ditching and Excavating. Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other local, state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty in compliance with the standards below:

(1) General Standards. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 4.208 may be permitted in the shoreland area provided that:

(A) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

(B) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 4.203(4)(B) and 4.203(4)(c) of this ordinance.

(C) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

(D) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

(E) No filling or grading shall be done from the ordinary high water mark to 35 feet landward unless necessary to establish or re-establish the vegetative buffer or for the construction of a boathouse.

(2) Conditional Use Permit Required. Except as provided in section 4.208(3) conditional use permit is required:

(A) For any filling or grading of any area which is within the Shoreland Zoning District which consists of:
1. A single area of more than 1,000 sq. ft. exposed or the cumulative exposed area exceeds 1,000 sq. ft. or
2. More than 40 cubic yards of fill is deposited

(B) For any construction or dredging commenced on any existing artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within the jurisdiction of this ordinance or where the purpose is the ultimate connection with a navigable body of water.

(3) Soil Conservation Practices and Agricultural Drainage Maintenance.

(A) Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under section 4.208(2) when designed and constructed to Natural Resources Conservation Service technical standards.

(B) The maintenance of existing agricultural drainage systems shall be allowed in conformity with the following construction standards:
1. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a conditional use permit under section 8.22 is obtained.
2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
4. A 35 foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

(4) Permit Conditions. In granting a permit under section 4.208(2), the County shall attach the following conditions, where appropriate, in addition to other appropriate conditions and provisions resulting in permit review specified in sections 4.214(2) or 4.214(3).

(A) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(B) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(C) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(D) Lagoons shall be constructed to avoid fish trap conditions.

(E) Fill shall be stabilized according to accepted engineering standards.

(F) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(G) Consideration and care shall be taken to inhibit transfer of invasive species when fill material is relocated to or from a site as part of construction project.

(H) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter (50% slope or less) which shall be promptly vegetated, unless bulkheads or riprap are provided.

4.209 Impervious Surface Standards

(1) Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

(2) Calculation of Impervious Surface. Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel and multiplied by 100. Impervious surfaces described in 4.209(6) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(3) Impervious Surface Standard. Except as otherwise allowed in sections (4)-(6) below, the County shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 of the ordinary high-water mark..

(4) Maximum Impervious Surface. More than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark shall be permitted with a mitigation plan that meets the standards found in section 4.213.

(5) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 4.209(3) or the maximum impervious surface standard in section 4.209(4), the property owner may do any of the following:

(A) maintain and repair the existing impervious surfaces;

(B) replace existing impervious surfaces with similar surfaces within the existing building envelope;

(C) relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements of this ordinance.

(6) Treated Impervious Sufaces. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 4.209(2) :

(A) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

(B) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

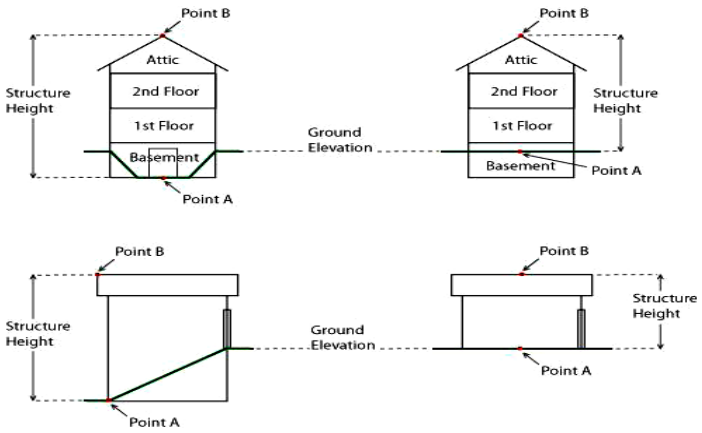
(C) To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include 1) calculations showing how much runoff is coming from the impervious surface area; 2) documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and 3) an implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

(7) This section of the ordinance shall not be construed to supersede other provisions in this ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other provisions including the shoreland setback standards

in sections 4.206(1) or 4.206(2) and the nonconforming structure provisions of sections 4.11(1) through 4.211(8).

4.210 Heights. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, no construction that results in a structure taller than 35 feet shall be permitted within the Shoreland Zoning District.

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A Below) to a line horizontal to the highest point of a structure (Point B Below) unless specified under other sections of this code. This includes partially exposed basements.



4.211 Nonconforming Uses and Structures.

(1) Purpose. To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.

(2) Discontinued Nonconforming Use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this ordinance.

(3) Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Pursuant to s. 59.692(1k)(a)1.b. and d. Stats., the County may not require any approval or impose any fee or mitigation requirement for the activities specified in section 4.211(4) if the activity does not expand the footprint of the nonconforming structure or extend the height more than 35 feet above grade level.

(4) Lateral Expansion of Nonconforming Principal Structure Within the Setback. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 4.205 and 4.206(1) may be expanded laterally, provided that all of the following requirements are met:

(A) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

(B) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(C) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(D) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4.213.

(E) All other provisions of the shoreland ordinance shall be met.

(5) Expansion of a Nonconforming Principal Structure Beyond Setback. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per sections 4.205 and 4.206(1) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under the impervious surface standards of this ordinance.

(6) Relocation of Nonconforming Principal Structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be relocated on the property provided all of the following requirements are met:

(A) The use of the structure has not been discontinued for a period of 12 months or more.

(B) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(C) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(D) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirements.

(E) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4.213 including enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

(F) All other provisions of the shoreland ordinance shall be met.

(7) Wet Boathouses. The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Stats.

4.212 Maintenance, repair, replacement or vertical expansion of a structures that were authorized by a variance. A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

4.213 Mitigation.

(1) Application for Mitigation Permit Requirements. When the county issues a permit requiring mitigation under sections 4.206(1)(A)2, 4.209(2), 4.211(5) and 4.211(7), the property owner must submit a complete permit application that is reviewed and approved by the county. The application shall include the following:

(A) A mitigation plan shall be submitted on forms provided by the Zoning Administrator for review and approval. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic

habitat, upland wildlife habitat and natural scenic beauty. The site plan shall be designed and implemented to restore natural functions lost through development and human activities. Plan review will be based on current guidance from sources such as the Wisconsin Department of Natural Resources, the USDA-Natural Resources Conservation Service, University of Wisconsin-Extension or other appropriate sources. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit. The plan shall include, at a minimum:

1. Name and Address of property owner
2. Property address and legal description
3. Extent of the shoreland buffer
4. Scale (e.g. 1 inch = 10 feet)
5. Existing and planned topography
6. Ordinary high water mark (OHWM) location
7. Location of all structures on the property including those planned as part of mitigation
8. Viewing and access corridor
9. Boundary of the shoreland buffer zone
10. Existing trees, shrubs, and native ground cover
11. Areas to be planted with trees, shrubs, and groundcovers
12. Implementation schedule (see detail below)
13. A plant species list and potential substitutions if availability is an issue (see restoration standards and specifications below)
14. Erosion control practices (to be installed prior to and during buffer establishment)
15. Water diversions and channelized flow areas
16. Buffer Maintenance (watering, weeding, replanting, etc)

(B) Implementation schedule. The approved mitigation plan must be started within one year from the issue date of applicable permit. All plantings and any other required activities in the mitigation plan must be completed within two years of the permit issue date.

(C) The mitigation measures shall be maintained in perpetuity, unless the property owner receives approval of a new, approved mitigation plan meeting the same point requirements. The maintenance obligations shall be evidenced by an instrument, provided by the Agency, recorded in the office of the Register of Deeds prior to issuance of the permit.

(D) Certification of Completion. Within two years of issuance of the related zoning permit, the property owner shall complete the mitigation practices and shall certify in writing to the Zoning Administrator that the required mitigation has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures.

(E) Subsequent Development. Subsequent zoning permit applications in compliance with all new development standards of this ordinance shall not require additional mitigation provided the mitigation measures are maintained.

(2) Determination of Level or Required Mitigation. A plan to mitigate for the adverse effects of construction on a waterfront property is required under other sections of this Ordinance and will be based on a point system. The number of mitigation points necessary for a zoning permit depends on the type, size and location of the construction activity. Similarly, the various mitigation practices have been assigned point values to be accumulated to an amount equal or greater than the point value of the adverse construction activity. The Zoning Administrator shall determine the number of points necessary and the landowner shall choose mitigation options in consideration the impact of the project based on the following:

(A) Points are required for developing property under the following conditions and shall be cumulative when more than one condition applies:

1. Installation of impervious surfaces on greater than 15% (but less than 30%) of the portion of the lot within 300' of the ordinary high water mark (section 4.209(4) – 2 points.
2. Lateral expansion of a non conforming principal structure (section 4.211(4)) --- 2 points.
3. Relocation of a non conforming principal structure (section 4.211(6) – 6 points.
4. Building or excavating on slopes greater than or equal to 20 % - 1 additional point

(B) Approved Mitigation Practices. Property owners may choose among the following mitigation practices to achieve the number mitigation points chosen. Practices shall be chosen in consideration of the project impact on the purposes and intent of this ordinance.

1. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate in compliance with SPS 383, Wis. Administrative Code. Replacement of failing septic system due to setbacks or sizing - 2 points. Replacement of failing septic system due to surface water or groundwater impacts - 3 points

2. Native vegetation and water quality protection functions of the shore buffer area must be restored to the extent practicable following the standards in Section 4.213(3). Points may be obtained for maintaining existing buffer zones or for creating and maintaining new buffer zones as set forth below.

   When a shoreland buffer restoration is required as part of the mitigation plan, the buffer type shall be either woodland, prairie, wetland or a combination if the site characteristics permit. The woodland and prairie

buffers shall comply with the standards set forth in Sec. 4.213(3). Wetland buffers will also be permitted where deemed appropriate by the Zoning Administrator.

a. Primary Active Buffer Zone: Shore buffer zone within thirty-five feet (35') of the OHWM, including trees, shrubbery, underbrush and other natural vegetation, and subject to the standards in Sec. 4.213(3) - 3 points.
b. Secondary Active Buffer Zone: An additional fifteen feet (15') of buffer zone depth inland from the OHWM beyond the thirty-five feet (35') of buffer zone already established, providing a total of fifty feet (50') of buffer zone depth, subject to Sec. 4.213(3) - 2 points.
c. Increasing buffer depths - ½ point for each rounded 5 ft increment beyond the secondary active buffer zone.
d. Passive Buffer Zone: Shoreland vegetation buffer area within thirty-five feet (35') of the OHWM, including un-mowed, grass or other under story vegetation, but without the tree and shrub layers required to meet the three-point mitigation standard - 1 point.
e. Side lot Buffer Zone: A ten foot (10') wide side lot buffer zone including trees, shrubbery, underbrush and other natural vegetation extending along a side lot line for a depth of at least one hundred feet (100') from the OHWM. One point. The side lot buffer area is subject to the same standards and conditions as the active buffer zone. Points for side lot line buffers may be additive, for a maximum of two (2) points, if buffer areas exist and are maintained along both side lot lines.

3. Nonconforming structures removed from the shore setback area. Points may be obtained for the removal of structures as set forth below.
   a. Removal of a principal structure located within seventy-five feet (75’) of the OHWM to a site that meets the OHWM set back requirements for new development on that water body - 3 points.
   b. Removal of all non-principal, accessory structures located within thirty-five feet (35’) of the OHWM, with the result that all such structures, including boathouses, are set back at least thirty-five feet (35’) from the ordinary high water mark - 2 points.
   c. Removal of all non-principal, accessory structures located between thirty-five feet (35') and seventy-five feet (75') from the ordinary high water mark, with the result that all such structures, including boathouses, are set back at least seventy-five feet (75') from the ordinary high water mark - 1 point.
   d. No non-principal, accessory structures are located less than seventy-five feet (75’) from the ordinary high water mark. This point is not added to points awarded for removal of structures from para. ii and iii above - 1 point.
   e. Removal of non-structural impervious surfaces - ½ point for each rounded 500 sq.ft. of pavement or hardpacked gravel.

4. Exterior building materials shall blend with the natural ground cover in the vicinity of the construction - 1 point

5. Having percentages of the parcel in a natural state. 25-49% - 1 point. 50-74% - 2 points. >74% - 3 points

6. Other Practices. At the discretion of the Zoning Administrator, up to three (3) additional mitigation points may be approved for restoration or protection activities that are likely to provide significant benefits to meet the objectives of this ordinance. Examples may include construction of a storm water detention basin or implementation of other storm water management plan activities, replacement of seawalls with bio-engineered structures, installation of rain barrels, compaction mitigation or removal of artificial sand beaches.

   Factors to be considered in making the determination of number of points and approval of alternative mitigation practices include, but are not limited to:
   a. Cost of implementation;
   b. Runoff diversion and/or retention;
   c. Lot configuration;
   d. Parcel size;
   e. Location of impervious areas;
   f. Sensitivity and level of development of the water body; and
   g. Significance toward meeting ordinance objectives.

(3) Restoration Standards and Specifications. All shoreland restoration projects shall be designed based on the following standards and specifications:

(A) Natural Recovery. Shoreland buffer areas that are suited for natural recovery will be allowed only after Zoning Administrator approval.

(B) Accelerated recovery. Areas not suited to natural recovery will require plantings to establish native vegetation. Areas such as lawns or eroded sites with no seed source will require plantings following site preparation including turf removal. Planted buffers must meet the required plant densities based on square footage of buffer area and the type of buffer (Table 1).

(C) Planting credits will be allowed for the viewing corridor, areas of existing native vegetation, and areas suited for natural recovery.

(D) Viewing Corridor. Sod, mulch, or other approved non-erodeable natural material is allowed in the view corridor to the minimum extent necessary for access and recreation as stipulated below:

1. Wherever feasible, grass species used shall be no-mow/low-grow grasses which do not require cutting.

2. One path with a maximum width of 4 feet as allowed by this ordinance.

(E) Vegetation used in any restoration shall be native to the state of Wisconsin and shall be installed at densities that are adequate to reestablish the water quality, habitat and natural beauty protection functions of a shoreline buffer area.

(C) Planting densities are based on the total area of the required buffer. Area credits calculated are subtracted from the total required density on an equal square footage of coverage basis. Trees must be at least 2 years old and greater than 1 foot tall to qualify as a credit or planting.

(D) Pre-existing structures. For lots with legal pre-existing structures, restoration is not required within 15 feet of the principal structure.

(E) Once the shoreline buffer has been reestablished, vegetation removal and land disturbing activities are generally prohibited as outlined in the recorded maintenance agreement.

Woodland Buffer			***Prairie Buffer***		
Layer	**Minimum number of species**	**Density per 100 square feet**	**Minimum number of species**	**Density per 100 square feet**	**Area Credits**
Tree Canopy	3	1	2	0.2	Existing tree canopy
Shrub Understory	4	1.5	2	0.5	Existing shrub understory
Groundcover Plant Plugs	3	70	5	70	Existing well vegetated native ground cover
Groundcover seeding	3	Varies	5	Varies	Existing well vegetated native ground cover

Table 1

4.214 Administrative Provisions.

(1) Zoning Administrator. The Zoning Administrator shall have the following duties and powers:

(A) System of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the County Zoning Administrator, unless prohibited by s. 59.692(1k), Stats.

(B) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

(C) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

(D) A conditional use procedure.

(E) The county shall keep a complete record of all proceedings before the Board of Adjustment, and Planning and Development Agency.

(F) Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 4.204. Upon request of the Department a county shall provide to the appropriate office a copy of any permit issued under section 4.214.

(G) Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any permit related to a nonconforming structure, any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

(H) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.

(I) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.

(J) The prosecution of violations of the shoreland ordinance.

(2) Permits

(A) When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator before any new development.

(B) Application. An application for a permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A scaled drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways, the ordinary high water mark and floodplain of any abutting waterways.
4. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
5. Plans for appropriate mitigation when required.
6. Payment of the appropriate fee established by the Rock County Board of Supervisors.
7. Additional information required by the Zoning Administrator.

(C) Expiration of Permit. Zoning permits shall expire 12 months from date issued.

(D) Certificates of Compliance of Mitigation. For permitted projects that require mitigation under this ordinance, no land or building shall be occupied or used until a certificate of compliance is issued by the Zoning Administrator.

1. The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, and associated mitigation practices conform to the provisions of this ordinance and the approved permit.
2. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit and mitigation plan, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.
3. The Zoning Administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the County Board.

(3) Conditional Use Permits.

(A) Application for a Conditional Use Permit. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Committee. To secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
4. A scaled drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways, the ordinary high-water mark and floodplain of any abutting waterways.
5. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
6. Plans for appropriate mitigation when required.
7. Specifications for areas of proposed filling, grading, lagooning or dredging.
8. Rationale for why the proposed conditional use meets all of the conditional use permit criteria listed in the ordinance
9. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance as required by the Zoning Administrator.

(B) Notice, Public Hearing and Decision. Before deciding whether to grant or deny an application for a conditional use permit, the Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats and via mail to surrounding landowners (those within 1000 feet in areas not served by sanitary sewer and those landowners within 500 feet in areas served by sanitary sewer). Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Committee shall state in writing the grounds for granting or denying a conditional use permit.

(C) Standards Applicable to All Conditional Uses. In deciding a conditional use permit application, the Committee shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution including sedimentation.

3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
5. The location of the site with respect to existing or future access roads.
6. The need of the proposed use in a shoreland location.
7. Its compatibility with uses on adjacent land.
8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
9. Location factors under which:
   a. Domestic uses shall be generally preferred;
   b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
   c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. .

(D) Conditions Attached to Conditional Use Permits.

1. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.
2. In granting a conditional use permit, the Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Committee may impose any reasonable permit conditions to affect the purpose of this ordinance. Minimum conditions of approval are found in section 4.208

(E) Recording. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

(F) Revocation. Where the conditions of a conditional use permit are violated, the permit may be revoked.

(4) Variances. The Board of Adjustment may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

(A) Power to Grant.

1. literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
2. the hardship is due to special conditions unique to the property; and
3. is not contrary to the public interest.

(B) Notice, Hearing and Decision. Before deciding on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Wis. Stats and via mail to surrounding landowners (those within 1000 feet in areas not served by sanitary sewer and those landowners within 500 feet in areas served by sanitary sewer). Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.

(5) Board of Adjustment.

(A) The Rock County Board of Adjustment created by the Rock County Board of Supervisors in accordance with s. 59.694, Wis. Stats., as provided in Chapter 4 Part 12 of the Rock County Code, shall serve as the board of adjustment provided for in this ordinance and all provisions of Part 12 consistent with the terms of this ordinance shall apply to the Board of Adjustment and its proceedings under this ordinance.

(B) Powers and Duties

1. The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats. The County Board has adopted such rules for the conduct of the business of the board of adjustment as required by s. 59.694(3), Wis. Stats known as the "Rock County Board of Adjustment Rules and Procedures."
2. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
3. It may grant a variance from the standards of this ordinance pursuant to section 4.214(4).
4. In granting a variance, the board may impose any reasonable permit conditions to effect the purpose of this ordinance.

(C) Appeals to the Board. Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other

administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

(D) Hearing Appeals and Applications for Variances.

1. The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances and appeals for map or text interpretations.

2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.

3. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

4. At the public hearing, any party may appear in person or by agent or by attorney.

(6) Fees. The County Board may, by resolution, adopt fees for the following:

(A) Zoning permits.
(B) Certificates of compliance.
(C) Planned Unit Development reviews.
(D) Public hearings.
(E) Legal notice publications.
(F) Conditional use permits.
(G) Variances.
(H) Administrative appeals.
(I) Other duties as determined by the County Board.

4.215 Changes and Amendments. The County Board may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of s. 59.69(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.

(1) Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.69(5), Wis. Stats.

(2) Shoreland Wetland Map Amendments

(A) Every petition for a shoreland-wetland map amendment shall be referred to the Rock County Planning and Development Agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the Planning and Development Agency. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.

(B) A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

4.216 Enforcement and Penalties

(1) Forfeitures. Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit those amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day a violation exists or continues shall constitute a separate offense and is considered a public nuisance.

(2) Enforcement. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Zoning Administrator, the County Planning and Development Committee, or any neighboring property owner may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure or use to be vacated or removed.

(A) The Planning & Development Agency Director or Zoning Administrator or their designee, are authorized to issue an ordinance citation, pursuant to Chapter 21 of the County Code of Ordinances to any person, firm, association or corporation for engaging in activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

(B) The Planning & Development Agency shall notify the landowner/permit holder by certified mail of any non-complying activity or structure. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

(C) Upon receipt of written notification from the Planning & Development Agency under paragraph (2) the landowner/permit holder shall comply with the remedial actions described in the notice.

(D) If a landowner/permit holder does not comply with the provisions of a notice of non-compliance, the Planning & Development Agency may issue a citation(s) and/or revoke the permit.

(E) If non-compliance with this ordinance is determined by the Planning & Development Agency as likely to result in damage to adjacent property, public facilities, or waters of the state, the Planning & Development Agency may post a stop-work order at the time of notification.

(F) If the landowner/permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order, the Planning & Development Agency may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.

(G) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the Planning and Development Agency, Board of Adjustment, or by a court with jurisdiction.

(3) Civil Enforcement

Appropriate actions and proceeding may be taken by Law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, premises or use. These remedies shall be in addition to the Penalties described above.

4.217 Definitions

(1) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in 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.

(2) The following terms used in this ordinance mean:

ACCESS AND VIEWING CORRIDOR means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY STRUCTURE means a subordinate structure which 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 the principal structure or use.

BOATHOUSE means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

BUILDING ENVELOPE means the three dimensional space within which a structure is built.

COUNTY ZONING AGENCY means that committee or commission created or designated by the County Board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning. In Rock County, it is referred to as the Rock County P&D Agency.

CONDITIONAL USE means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Development Committee.

DEPARTMENT means the Department of Natural Resources.

DEVELOPMENT means any artificial change to improved or unimproved real estate, including but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials.

EXISTING DEVELOPMENT PATTERN means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

FLOODPLAIN means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

FOOTPRINT means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the

horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5 and provision of this Ordinance.

GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

IMPERVIOUS SURFACE means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes and is not limited by enumeration to rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

MAINTENANCE AND REPAIR includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.

MITIGATION means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

NAVIGABLE WATERS means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(m), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

(1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching: and,

(2) Artificially constructed drainage ditches, ponds or storm water retention basin that are not hydrologically connected to a natural navigable water body.

ORDINARY HIGH-WATER MARK means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

REGIONAL FLOOD means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

REPLACEMENT CONSTRUCTION in which the principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

ROUTINE MAINTENANCE OF VEGETATION means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

SHORELAND means lands within the following distances from the ordinary highwater 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.

SHORELAND SETBACK also known as the "Shoreland setback area" in s. 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats. In this ordinance, the shoreland setback is seventy-five feet.

SHORELAND-WETLAND DISTRICT means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

STRUCTURAL ALTERATIONS means any changes in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders, footing and piles or any substantial change in the roof structure, or in the exterior walls.

STRUCTURE means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

STRUCTURE, PRINCIPAL means the main structure on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

STRUCTURE, TEMPORARY A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

UNNECESSARY HARDSHIP means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

VARIANCE means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

WETLANDS means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Subpart 2: Zoning of County-Owned Lands

4.217 Statutory Provisions and Statement of County Policy

(1) Subsection 59.69(9) of the Wisconsin Statutes provides as follows: with regard to the Zoning of County-Owned Lands.:

(A) The County Board may by ordinance zone and rezone lands owned by the County without necessity of securing the approval of the town boards of the towns wherein such lands are situated and without following the procedure outlined in sec. 59.69(5), Wis.Stats., provided that the County Board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in 5 public places in the town.

(B) This subsection shall not apply to land that is subject to a town zoning ordinance which is purchased by the county for use as a solid or hazardous waste disposal facility or hazardous waste storage or treatment facility, as these terms are defined under sec. 289.01, Wis. Stats.

(2) If current land uses and Town designated zoning do not correspond on County-owned lands the Planning and Development Committee will seek to zone the property within the context of Town Zoning Authority.

4.218 Town Zoning in Shoreland Zoning

(1) The County Board adopts and incorporates by reference, as if set forth in full, the town zoning ordinances for each of the 20 respective towns in Rock County, by text and by map as may be amended from time to time.

(2) The County Board authorizes the creation of an Intergovernmental Agreement with each town in Rock County, pursuant to Wis. Stat. §§ 59.692(4) and 66.0301 for the purpose of delegating the administration and enforcement of town zoning, as it relates to shoreland areas, back to each respective town in Rock County.

(3) This subsection shall be repealed effective December 31, 2016, along with each Intergovernmental Agreement, unless earlier repealed or extended upon the agreement of the parties.

Part 3 – Airport and Airport Overlay Zoning District

Subpart 1: General

4.301 General Provisions

The County Board of Supervisors of Rock County do ordain the creation of the Airport Overlay Zoning District (AOZD) Ordinance (hereafter referenced as the Ordinance) of the Southern Wisconsin Regional Airport.

4.302 Authority

This Ordinance is adopted pursuant to the authority granted by Sections 114.135 and 114.136 of the Wisconsin State Statutes. Further authorization is granted by Sections 32.05, 59.52, 59.58, 59.69, 60.61, 62.23, 85.02, 85.15, and Chapter 114 of the Wisconsin Statutes, as well as Chapter TRANS 56 of the Wisconsin Administrative Code.

4.303 Purpose & Intent

(1) The general purpose and intent of this Ordinance is to:

A. Promote public health, safety, convenience, and general welfare of the County and its residents; and

B. protect the Airport approaches and surrounding airspace from encroachment, as well as limit the exposure of impacts to persons and facilities in proximity to the Airport, located within the Southern Wisconsin Regional Airport Overlay Zoning District.

(2) The specific purpose and intent of this Ordinance is to:

A. Impose land use controls, which are in addition to those underlying zoning classifications, that will maintain a compatible relationship between airport operations and existing and future land uses within the three (3)-mile jurisdictional boundary;

B. regulate and restrict the height of structures and objects of natural growth, concentrations of people (density), visual obstructions (smoke, steam, dust, etc.), electrical and navigational interference, noise sensitive land uses, and wildlife and bird attractants;

C. implement recommendations developed in the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans;

D. promote compatible land uses while respecting the physical characteristics of the County, the Southern Wisconsin Regional Airport, and locations and sites;

E. promote development in an orderly, planned, cost-effective, and environmentally-sound manner;

F. regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that are detrimental to airport operations, navigable airspace, and the Southern Wisconsin Regional Airport;

G. provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the three (3)-mile jurisdictional boundary of the Airport Overlay Zoning District within the County to protect the health, safety, and welfare of the County residents;

H. provide a quality environment for human habitation and for encouraging the most appropriate use of land within the three (3)-mile jurisdictional boundary within the County; and

I. control placement of buildings, heights of structures and natural vegetation, and designation of land uses to limit conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of County residents located in the vicinity of the Southern Wisconsin Regional Airport.

4.304 Abrogation & Greater Restrictions

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

4.305 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of Rock County, and shall not be deemed a limitation or repeal of any powers granted to Rock County by the Wisconsin Statutes.

4.306 Severability

Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable. If any provision is adjudged unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance.

4.307 Repeal

All other ordinances or parts of ordinances of Rock County inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, are hereby repealed. The *Southern Wisconsin Regional Airport Height Zoning Ordinance,* adopted July 31, 1983, and the *Southern Wisconsin Regional Airport Height Zoning Map,* adopted January 4, 1977, are hereby repealed.

4.308 Title

This Ordinance shall hereafter be known, cited, or referred to as the "Rock County Zoning Ordinance, Airport Overlay Zoning District."

4.309 Effective Date

This Ordinance shall be effective January 1, 2010, after adoption by the Rock County Board of Supervisors and publication as provided by law. Amendments to this Ordinance shall be effective after adoption and publication.

4.310 Jurisdiction

(1) The jurisdiction of this Ordinance shall extend over all lands and waters within the three (3)-mile jurisdictional boundary of the AOZD, as those boundaries now exist and as they are amended in the future.

(2) The regulations of the AOZD shall apply:

A. To all properties within the three (3)-mile jurisdictional boundary identified by the application of Section 114.136 of the Wisconsin Statutes, measured from the Southern Wisconsin Regional Airport property line, regardless of the municipal boundary.

B. To the properties within Rock County, Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, and City of Janesville, all of which lie entirely or partially within the three (3)-mile jurisdictional boundary of the AOZD.

C. To the limits represented by five (5) independent zones which are defined in Section 29.27 of this Ordinance.

4.311 State and Local Agencies Regulated

Unless specifically exempted by law, all Cities, Villages, Towns, and Counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes, applies.

4.312 Disclaimer of Liability

The degree of protection provided by this Ordinance relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, *Airport Design Standards* and Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*. Therefore, this Ordinance does not imply that land uses within the vicinity of the Southern Wisconsin Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this Ordinance create liability on the part of, or a cause of action against, the Southern Wisconsin Regional Airport, Rock County, Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, City of Janesville, or any officer or employee thereof, for incidents that may result from reliance on this Ordinance.

4.313 Use Restrictions

Through the use of the *Southern Wisconsin Regional Airport Height Zoning Map*, heights of structures and features, both man-made and natural growth, shall be limited. The following uses shall also be restricted and regulated as specified within this Ordinance:

(1) The following specific use restrictions and regulations shall also apply:

A. Existing Uses. Nothing contained in this Ordinance shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of this Ordinance, or which commenced prior to the effective date of this Ordinance, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of the Ordinance. It is further provided that the height limits of this Ordinance shall in NO event be exceeded.

1. Partial Destruction. The owner of any existing use, building, or structure which, as a result of fire, explosion, or other casualty is destroyed, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the following requirements are met:

a. The existing use is reviewed and complies with the *Southern Wisconsin Regional Airport Height Zoning Map*, the land use restrictions as provided in Tables 4 – 10 (requiring a Zoning/Building Site Permit and Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

B. Expansion of Existing Uses. Any existing use, as described in this Ordinance, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:

1. The expansion, alteration, or enlargement meets the requirements of the *Southern Wisconsin Regional Airport Height Zoning Map*, the land use restrictions as provided in Tables 4 – 10 (requiring a Zoning/Building Site Permit and Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), when specified), and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

C. Permitted Uses are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do NOT impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for County residents. Permitted Uses, however, shall conform to all Height Restrictions within the AOZD, and may be required by the Committee Designee to ensure height compliance. A Zoning/Building Site Permit and Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), is NOT required for compliance with THIS Ordinance.

D. Permit Required Uses are those land uses that shall be permissible following the issuance of a Rock County Zoning/Building Site Permit. The Permit, which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents.

E. Not Permitted Uses are those land uses generally considered NOT compatible (incompatible) or NOT permitted within a particular zone of the AOZD. Incompatible land uses endanger the health, safety, and welfare of Rock County residents and aircraft utilizing the Southern Wisconsin Regional Airport.

4.314 Penalties

Any person, firm, or corporation who fails to comply with or violates the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than five hundred dollars ($500) and no more than five thousand dollars ($5,000), plus the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense. The Rock County Citation Ordinance (Chapter 21) may also be used to address Ordinance violations.

4.315 Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Zoning Administrator, the County Planning and Development Committee, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause structure or use to be vacated or removed.

4.316 Civil Enforcement

Appropriate actions and proceeding may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, premises, or use. These remedies shall be in addition to the Penalties described in Section 3.314 of this Ordinance.

4.317 Administration

(1) Designation. The Rock County Board of Supervisors hereby designates the Planning and Development Committee (hereinafter referred to as Committee) as a previously established county zoning agency, authorized to act on all matters pertaining to county planning and zoning. The constitution of the Committee and the member's terms of office are provided in the Rules of Procedure for the County Board of Supervisors.

(2) Responsibilities. The Committee is hereby delegated the responsibility and authority to:

A. Approve or conditionally approve Zoning/Building Site Permits that do <u>NOT</u> exceed required Height restrictions;

B. inspect any building site or improvement or use of land as required by this Ordinance;

C. maintain records of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;

D. review and make recommendations to the County Board of Supervisors on all zoning map changes and amendments to the text of Land Control Ordinances, including the Airport Overlay Zoning District Ordinance; and

E. oversee the functions of the County Planning and Development Agency.

(3) Powers. The Committee shall have all the powers necessary to enforce the provisions of this Ordinance without limitation by reason of enumeration, including the following:

A. To require complete and accurate information necessary to make reasonable evaluations of applications;

B. to delegate the responsibilities of Administration and enforcement of this Ordinance to the Committee Designee;

C. to hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district; and

D. 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(s), and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

4.318 Committee Designee

(1) The Committee Designee shall be a member of the County Planning and Development Agency staff, delegated the authority and responsibility by the Committee to administer and enforce these regulations prescribed herein.

(2) The Committee Designee shall have the following authority and duties to:

A. Advise applicants of the provisions of this Ordinance and assist them in preparing permit applications and appeals;

B. issue permits and inspect properties for compliance with the provisions of this Ordinance;

C. keep the official records of the *Southern Wisconsin Regional Airport Height Zoning Map*, *Southern Wisconsin Regional Airport Overlay Zoning District Map*, existing uses and changes thereto, permit applications, permits, appeals, variances and ordinance amendments related to this Ordinance: and make readily available and widely distribute all available information in the form of maps, engineering data, and regulations;

D. investigate and issue Citations for violations of this Ordinance, and report such violations to the Corporation Counsel for prosecution;

E. maintain on file a list of all documentation of certified elevations; and

F. provide periodic review of actions taken by local jurisdictions within all AOZD to ensure compliance with the intent of the AOZD.

(3) Zoning/Building Site Permit. When required by this Ordinance, a Zoning/Building Site Permit (valid for one (1) year) shall be obtained from the Committee Designee before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits of this Ordinance shall NOT be exceeded. The Zoning/Building Site Permit (for Permit Required Uses or for Existing Uses when specified), which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents. Failure to obtain a Zoning/Building Site Permit when required, shall be a violation of this Ordinance. Application for a permit shall be made to the Committee Designee upon furnished application forms and shall include the following data:

A. Name and address of the applicant, property owner, and contractor-builder; an accurate properly dimensioned map of the property, in duplicate showing;

B. legal description of the property, the type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;

C. a description of the proposed land use and building materials and landscaping materials;

D. when the Committee Designee deems necessary, the elevation of the highest point of the structure, object, or natural vegetation using National Geodetic and Vertical Datum when locating within the individual zone of the AOZD, including existing ground elevations reporting in Mean Sea Level (MSL), height of the structure or object above ground measured in feet (AGL), and top elevation measured in MSL;

E. when the Committee Designee deems necessary, evidence of submission for a Federal Aviation Administration (FAA) Form 7460-1, *Notification of Proposed Construction or Alteration*, commonly known as an "airspace review". Receipt of final determination letter from the FAA is required prior to final approval or denial of a Zoning/Building Site Permit (as required for Permit Required Uses or for Existing Uses when specified);

F. applicant's affidavit accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this Ordinance; and

G. Other Permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies.

(4) Application Information. In order to secure evidence upon which to base its determination, the Committee Designee may require, in addition to the information required on Permit Application, the submission of plans of buildings; arrangement of operations; plat of grounds showing location and elevation of buildings, stockpiles, wells, septic systems, equipment storage, fences or screens, parking areas, traffic access, fill areas, flood proofing measures, landscaping; and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

A. Plans drawn to a scale of not less than one (1) inch equals two hundred (200) feet showing the location, dimensions, elevations, and contours of the site; elevations of all pertinent structures, fill, or storage areas; size, location, and spatial arrangements of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; and the relationship of the above to the Southern Wisconsin Regional Airport, as well as a particular zone(s) of the AOZD.

(5) Standards Applicable to All Permit Required Uses Within the Airport Overlay Zoning District. Upon reviewing a Zoning/Building Site Permit application in the AOZD, the Committee Designee shall at a minimum consider the factors listed below. In addition, the Committee Designee is not authorized to allow any use to exceed a height limitation in the AOZD.

A. Potential to create an undue concentration of people (density);

B. potential to cause visual obstructions (through the creation of smoke, steam, dust, lighting or other unspecified obstruction) that would adversely effect aircraft operational areas and airspace, and specifically the proximity to runway ends, runway surfaces and extended runway centerlines;

C. potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport related noises for proposed uses;

D. creation of electrical or navigational interference;

E. creation of standing water areas or detention/retention ponds which may attract wildlife, thus designing or mitigating standing water areas or detention/retention ponds to avoid attracting wildlife;

F. creation of wildlife attractants other than water;

G. potential storage of flammable or hazardous materials limits as defined by the Wisconsin Commercial Building Code;

H. at the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations. This may be done to confirm the accuracy of information supplied by the applicant.

(6) Conditions of Approval. Upon consideration of the factors listed above, the Committee Designee may deny or approve the issuance of a Zoning/Building Site Permit; any approval may require attached conditions the Committee Designee deems necessary in furthering the purpose of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

(7) Appealing Decisions of the Committee Designee. If the Committee Designee denies or conditionally approves a Zoning/Building Site Permit and the applicant disagrees with such decision, the applicant may appeal such denial or condition to the Planning & Development Committee. Such an appeal shall be signed and filed in writing with the Planning & Development Agency within thirty (30) days following the Committee Designee's determination or be forever barred. The Planning & Development Committee may affirm, overrule or modify a decision of the Committee Designee.

4.319 Board of Adjustment

There is hereby established a Board of Adjustment pursuant to Section 59.694 of the Wisconsin Statutes. As prescribed, Rock County Ordinance 14.00 - The Rules and Procedures for the Board of Adjustment (adopted August 9, 2001 as amended) are hereby referenced and made part of this Ordinance.

(1) Any person, office, or department aggrieved by an order, requirement, interpretation, or determination made by the Planning & Development Committee or the Committee Designee may appeal such decision to the Rock County Board of Adjustment for final judgement.

(2) Use variances shall not be granted under the Ordinance.

(3) Height variances shall not be granted under this Ordinance.

(4) Where the County Board of Adjustment finds that unnecessary hardships or practical difficulty will result from strict compliance with these regulations, they may approve variances so that substantial justice may be done and the public interest is secured. Such variance shall not have the effect of nullifying the intent and purpose of these regulations. The County Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

A. The proposed variance request is not contrary to the public interest and is consistent with the intent of applicable ordinances and will not compromise

public safety and welfare (will not hinder airport operations and/or future growth of the Southern Wisconsin Regional Airport);

B. the proposed variance will not serve as a special privilege and is justified based on special conditions on the property, which are not shared by other properties in the same locality or district (for example, lot shape, elevation or topography);

C. a strict and literal interpretation of the Ordinance will result in a practical difficulty and unnecessary hardship on the property owner (hardship shall be distinguished from inconvenience);

D. the variance is not requested because of a self-imposed hardship;

E. shall not be granted solely on the basis of economic gain or loss; and

F. shall not be granted for actions which require an amendment to this Ordinance or the Map(s) described in any Section of this Ordinance.

(5) Conditions. In approving variances, the County Board of Adjustment may require conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.

(6) Procedures. An appeal or an application for a variance shall be submitted to the County Board of Adjustment within thirty (30) days of the action of the Committee or Committee Designee.

(7) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the County Board of Adjustment. Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the Committee to proceed to petition Rock County or inform the person contesting the location of the boundary to petition Rock County, for a map amendment pursuant to Section 29.21 of this Ordinance.

4.320 Transfer of Jurisdictional Control to Another Municipality

(1) The Rock County Board of Supervisors hereby designates the authority to administer the provisions of this Ordinance to any local municipality located within the jurisdictional boundary of this Ordinance (Town of Beloit, Town of Janesville, Town of La Prairie, Town of Rock, Town of Turtle, and City of Janesville, all of which lie entirely or partially within the three (3)-mile jurisdictional boundary of the AOZD), following implementation of the procedures outlined below:

A. The local jurisdiction(s) must pass a resolution acknowledging their desire and intent to implement the actions outlined in this Ordinance;

B. the local jurisdiction must administer a locally adopted ordinance which codifies the provisions or exceeds the provisions of this Ordinance;

C. the Rock County Board of Supervisors must pass a resolution acknowledging the transfer of authority to the local jurisdiction(s) following review of an acceptable and approved locally adopted ordinance;

D. in the creation of a locally adopted ordinance, the local jurisdiction(s) will not make any changes to the content of this Ordinance, other than to ensure continuity with their specific jurisdictional processes;

E. if a local jurisdiction fails to comply with and actively implement the provisions of this Ordinance, through their locally adopted ordinance, the County of Rock will immediately resume authority over the implementation of the Ordinance and the Penalties outlined in Section 29.14 of this Ordinance shall apply.

F. the local jurisdiction(s) may implement a fee structure different from that noted in this Ordinance to provide for the review of the subject application, based upon their local fee schedule;

4.321 County Board of Supervisors - Amendments

(1) The County Board of Supervisors may amend the regulations of this Ordinance or change the district boundaries. The procedure with reference to such amendments or changes shall be as follows:

A. A petition for amendment of the Rock County Airport Overlay Zoning District Ordinance may be made by any property owner in the area to be affected by the amendment, by the City Council of the City of Janesville, by the Town Board of any Town wherein the Ordinance is in effect, by any member of the County Board of Supervisors, or by the County Planning and Development Agency (hereinafter referred to as the "Agency"). The petition shall be filed with the County Clerk who shall immediately refer it to the County Planning and Development Agency for its consideration, report, and recommendations. Immediate notice of the petition shall be sent to the County Supervisor of any affected district, to the Municipal Clerk of the City of Janesville, and to the Town Clerk of any Town wherein the Ordinance is in effect. A report of all petitions referred under this paragraph shall be made to the County Board of Supervisors at its next meeting.

B. Upon receipt of petition, the Agency shall call a public hearing thereon. Notice of such public hearing shall specify the time, place, and matters to come before the Committee and shall be given as a Class two (2) notice as referred

to in Chapter 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by registered mail to the City Clerk or Town Clerk of each City or Town affected by the proposed amendment at least ten (10) days prior to the date of such hearing.

C. If a City or Town affected by the proposed amendment disapproves of the proposed amendment, the City Council or Town Board of such City or Town may file a certified copy of the resolution adopted by such board disapproving of the petition with the Agency prior to, at, or within ten (10) days after the public hearing. If the City Council of the City of Janesville or the Town Board of the Town affected in the case of an ordinance relating to the location of district boundaries files such a resolution, or the majority of the municipalities affected in the case of all other amendatory ordinances file such resolution, the Agency may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

D. As soon as possible after such public hearing, the Agency shall act, subject to subd. (C), on such petition either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the County Board with its recommendations. If the Agency shall recommend denial of the petition after its public hearing, the Agency shall report its recommendation directly to the County Board with its reasons for such action. Proof of publication of the notice of the public hearing held by such Agency and proof of giving notice of the City Clerk or Town Clerk of such hearing shall be attached to such report. Notification of City of Janesville Council resolutions or Town Board resolutions filed under subd. (C), shall be attached to such report.

E. Upon receipt of such agency report, the County Board of Supervisors may adopt the Ordinance as drafted by the County Planning and Development Agency or with amendments; or they may deny the petition for amendment; or they may refuse to deny the petition as recommended by the agency, in which case they shall refer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the same back to the County Board of Supervisors, which may then adopt or reject such ordinance. In the case that a protest against a proposed amendment is filed with the County Clerk at least twenty-four (24) hours prior to the date of the meeting of the County Board of Supervisors at which the report of the County Planning and Development Agency is to be considered, duly signed and acknowledged by the owners of fifty (50) percent or more of the area proposed to be altered, or by abutting owners of over fifty (50) percent of the total perimeter of the area proposed to be altered included within four hundred (400) feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the County Planning and Development Agency has had a reasonable

opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by the property owner and shall include a description of the lands owned by the property owner. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the County Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

F. Any change in the official boundaries of a particular zone of the AOZD shall be made by an amendment to this Ordinance as provided by this Section.

G. No amendments to the maps or text of this Ordinance shall become effective until reviewed and approved by the County Planning and Development Committee, and adopted by the County Board of Supervisors.

(2) Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the County Clerk and shall 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:

A. Plot Plan drawn to a scale of one (1) inch equals two hundred (200) feet showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within four hundred (400) feet of the area proposed to be rezoned.

B. Name and address of all property owners lying within four hundred (400) feet of the area proposed to be rezoned.

C. Additional Information required by the Committee.

4.322 Fees

(1) At the time of application, the property owner or his/her agent shall pay the fees established by the County Board of Supervisors. The office of the County Planning and Development Agency shall maintain and make available a current schedule of such fees.

(2) If a local jurisdiction has been authorized to implement the Ordinance within their jurisdiction, the local jurisdiction may implement a fee structure different from that noted in this Ordinance to provide for the review of the subject application, based upon their local fee schedule.

4.323 Applicant's Recorded Affidavit Accepting Mitigation Responsibilities

For all Permit Required Uses or for Existing Uses when specified, the following information shall be noticed to each applicant indicating the responsibilities of the applicant to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirement of this Ordinance. A signed and accepted Affidavit must be recorded in the Rock County Register of Deeds. Permitted Uses under this Ordinance are NOT required to secure a Zoning/Building Site Permit or Affidavit. Those potential impacting issues are listed below:

(1) Site Design and Physical Characteristics

A. Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in that regard.
B. Proximity of runway environs and extended runway centerline areas.

C. Location of any linear roadways, relative to the alignment of the runway or the extended runway centerline.

(2) Noise Sensitivity

A. Insulate the structure/land use to reduce noise impacts.
B. Use airport compatible landscaping material to mitigate noise exposure.
C. Shift the structure or land use to allow for a more compatible location.

(3) Tall Structures

A. Lower the structure or land use to a compatible height.
B. Shift the structure or land use to allow for a more compatible location.

(4) Visual Obstructions

A. Install down shielded light fixtures.
B. Reduce the number of lighting fixtures, while still illuminating the land use area safely.
C. Configure lighting so it does not align with a runway or airport facility, making it easier for a pilot to distinguish the Airport from the development.
D. Limit reflective building materials, such as mirrored/reflective glass, solar panels, metal roofs, etc., within the vicinity of the Airport.
E. Locate areas of water away from the Airport to minimize reflection.
F. Shift the structure or land use within the site so that prevailing wind directions carry smoke, steam, or dust away from the Airport.
G. Change land use activity to reduce or limit emissions of smoke, steam, or dust.

(5) Wildlife and Bird Attractants

A. Select and space vegetation species to minimize habitats and food sources.
B. Maintain appropriate grass lengths to minimize wildlife attractants.
C. Prohibit certain agricultural crops near the Airport.
D. Eliminate or mitigate standing water bodies that provide water and habitat.
E. Use repellents to disperse wildlife in a humane manner.

4.324 Airport Overlay Zoning Districts

(1) Airport Overlay Zoning District. All Southern Wisconsin Regional Airport Overlay Zoning Districts established by this Ordinance are shown on the *Southern Wisconsin Regional Airport Overlay Zoning District Map* on file with the County Planning and Development Agency and are adopted as part of this Ordinance.

(2) Airport Height Zoning District. All height zones established by this Ordinance are shown on the *Southern Wisconsin Regional Airport Height Zoning Map* on file with the County Planning and Development Agency and are adopted as part of this Ordinance.

A. Height Limitations. No building, structure, object, or vegetation (e.g. trees, shrubs) shall be constructed, erected, altered, allowed to grow, or planted within any AOZD established by this Ordinance to a height in excess of the applicable height limitations as shown on the *Southern Wisconsin Regional Airport Height Zoning Map*, which is maintained by the County Planning and Development Agency. The permitted height shall not exceed the height limitation elevations shown on the *Southern Wisconsin Regional Airport Height Zoning Map* within the various zones encompassed by this Ordinance.

4.325 Establishment of Airport Overlay Zoning Districts

For the purpose of this Ordinance, the area of Rock County under the jurisdiction of this Ordinance is hereby divided into the following districts and zones:

(1) Airport Overlay Zoning District
- Zone A – Runway Protection Zone (RPZ)
- Zone B1 – Approach Surface
- Zone B2 – Approach Surface
- Zone C – Transitional Surface
- Zone D –Three (3)-Mile Jurisdictional Boundary

(2) Airport Height Zoning District

4.326 Zoning Map and District Boundaries

(1) The boundaries of each district are hereby established as shown on a map entitled *Southern Wisconsin Regional Airport Overlay Zoning District Map*, Rock County, Wisconsin, dated March 12, 2009 and the Height Restrictions are hereby established on a map entitled *Southern Wisconsin Regional Airport Height Zoning Map*, Rock County, Wisconsin, dated December 11, 2003 as amended, which accompanies and is hereby adopted as part of this Ordinance. The *Southern Wisconsin Regional Airport Overlay Zoning District Map* and *Southern Wisconsin Regional Airport Height Zoning Map* bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the County Planning and Development Agency and be readily available to the public.

(2) The AOZD, as presented in this Section, has been created for the purpose of imposing special regulations in designated areas of Rock County to accomplish specific purposes that are set forth within each individual AOZD. The AOZD shall be in addition to, and shall overlap and overlay, all other zoning districts within the three (3)-mile jurisdictional boundary of the Southern Wisconsin Regional Airport.

A. The *Southern Wisconsin Regional Airport Height Zoning Map* dated December 11, 2003, as amended, accompanies and is made part of this Ordinance. The elevation numbers indicated within each cell is hereby established as shown on a map entitled "*Southern Wisconsin Regional Airport Height Zoning Map*, Rock County Wisconsin," dated December 11, 2003 as amended, which accompanies and is made part of this Ordinance. Cell elevation numbers indicated on this Map provide the maximum permissible height above mean sea level (MSL), which buildings, structures, objects, or vegetation in that cell shall <u>NOT</u> exceed. The provisions of the AOZD within this Ordinance shall apply to all cell areas indicated on this Map. This Map takes precedent over all other County Airport Height Zoning Maps dated prior to the date the County Board of Supervisors take action on this amendment.

B. The Airport Overlay Zoning Districts are hereby established as shown on the Airport Overlay Zoning District Map entitled "*Southern Wisconsin Regional Airport Overlay Zoning District Map*, Rock County, Wisconsin," dated March 12, 2009 as amended. This Airport Overlay Zoning District Map is to be used in conjunction with the *Southern Wisconsin Regional Airport Height Zoning Map*, and is made part of this Ordinance. Federal Aviation Regulations (FAR) Part 77 Surfaces and FAA Runway Protection Zones (RPZs) have been utilized to create five individual zones as part of the AOZD associated with compatible land use near the Southern Wisconsin Regional Airport. These districts encompass a three (3)-mile radius from the Southern Wisconsin Regional Airport property line, as authorized by Wisconsin Statutes.

4.327 Airport Overlay Zoning District

(1) Purpose of Airport Overlay Zoning District. The purpose of the AOZD is to provide a means of attaining the goals and objectives of the Rock County Comprehensive Plan and the Southern Wisconsin Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plans, and to protect a public airport from incompatible uses of land, people, and property from encroaching into areas where historical and practical experience indicates that conflict will result.

(2) Airport Land Use Zones. The AOZD is comprised of five individual zones, which include A, B1, B2, C, and D.

(3) Zones Enforced by This Ordinance

A. Primary Surface. The primary surface is the only FAR Part 77 Surface that is not specifically used as a land use compatibility zone due to its proximity to the runway environs. This surface area must be owned and under the control of the Airport.

The primary surface must be clear of all obstructions except those fixed by their function, such as runway edge lights, navigational aids, or airport signage. The primary surface is currently controlled by the Southern Wisconsin Regional Airport. Even though the primary surface is *not* included as a land use zone, it functions as an important safety area since it is longitudinally centered on a runway and is intended to provide an Object Free Area (OFA) around the runway surface. When a runway has a prepared hard surface, such as those at the Airport, the primary surface will extend two hundred (200) feet beyond each individual runway end.

The following primary surface widths are applied to the specific Airport runways:

- Runway 14/32 - 1,000 feet
- Runway 04/22 - 1,000 feet
- Runway 18/36 - 250 feet

Table 1, Figure 1, and **Figure 2** depict various dimensional requirements for the primary surface and other FAR Part 77 Surfaces. A visual approach runway has relatively small surfaces, with approach and horizontal surfaces extending five thousand (5,000) feet from the primary surface at an approach slope of twenty feet horizontally for each one foot vertically (20:1). For a non-precision approach runway, both the approach and horizontal surfaces extend either five thousand (5,000) or ten thousand (10,000) feet from the primary surface, depending on the design category of the runway. The

approach surfaces for precision approach runways are similar to those for non-precision approach runways, except that the approach surface extends fifty thousand (50,000) feet from the primary surface and the horizontal surface extends ten thousand (10,000) feet from the primary surface.

B. Zone A – Runway Protection Zone (RPZ). The dimensional standards for Zone A are the same as those described in FAA AC 150/5300-13, *Airport Design Standards* and are illustrated in **Table 2** and **Figure 3**.

C. Zone B – Approach Surface. Zone B is a critical overlay zoning surface that reflects the approach and departure areas for each runway at the Airport. The size of Zone B is the combination of Zone B1 and B2 and is predicated on the approach type (visual, non-precision, or precision) at a specific runway and the type/size of aircraft utilizing the runway, as illustrated in **Table 3** and **Figure 4**. A portion of Zone B1 is superseded by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B1 begins at the inner edge of the RPZ and continues to one-half (1/2) the length of the approach surface beyond Zone A. Zone B2 is also equal to one-half (1/2) the length of Zone B, beyond Zone B1, and is located at the outer edge of the zone.

D. Zone C – Transitional Surface. The areas within Zone C are those that extend one thousand fifty (1,050) feet outward from the edge of the primary surface, paralleling the runway and extended runway centerline with Zone B1, to a length equal to the outer edge of Zone A and then squared to meet Zone A, as shown in the **Table 3** and **Figure 4**.

E. Zone D – Three (3)-Mile Jurisdictional Boundary. Zone D encompasses the horizontal (innermost area) and conical Surface (outermost area) of the FAR Part 77 Surfaces, all of which represent the three (3)-mile jurisdictional boundary, as provided for within Wisconsin Statutes (**Table 3** and **Figure 4)**. Zone D is calculated by intersecting a series of three (3)-mile arcs drawn from the outermost property boundaries of the Airport.

Table 1 Southern Wisconsin Regional Airport Runway Information

Runways	Runway Length (feet)	Runway Width (feet)	FAR Part 77 Classifications
14	7,300	150	B(D)
32			PIR
04	6,701	150	PIR
22			B(D)
18	5,000	75	A(V)
36			A(V)

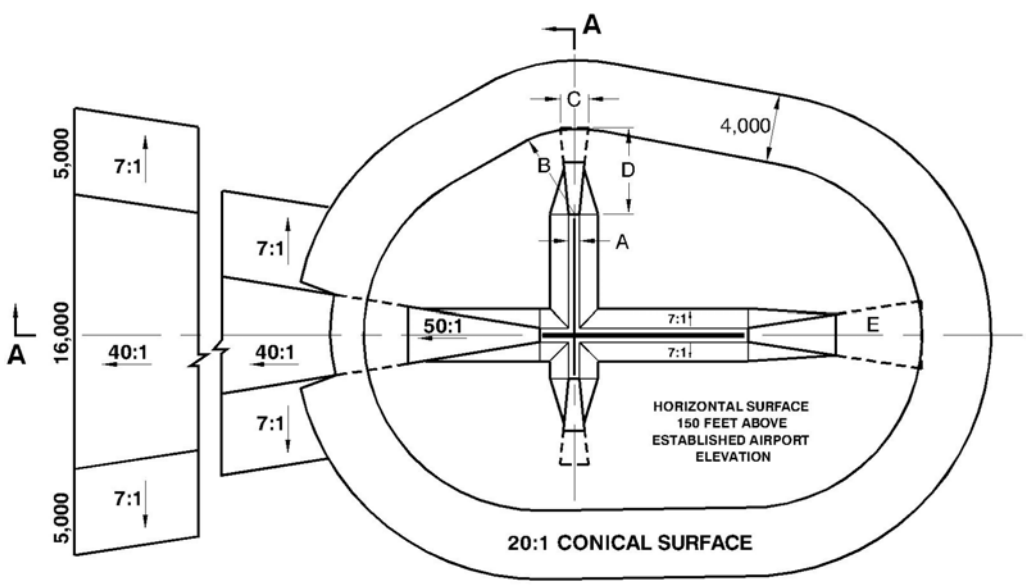
A(V) – Utility and visual runway.
A utility runway is constructed and intended for use by propeller-driven aircraft with maximum gross weight of 12,500 pounds or less.
A visual runway is intended for the operation of aircraft using solely visual approach procedures, with no straight-in instrument approach procedure.

B(D) – Non-utility and non-precision instrument runway.
A non-utility runway is constructed and intended for use by aircraft with a maximum gross weight greater than 12,500 pounds.
A non-precision instrument runway has an existing instrument approach procedure that utilizes air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved.

PIR – Precision instrument runway has an existing instrument approach procedure that utilizes an Instrument Landing System (ILS) or a Precision Approach Radar (PAR).

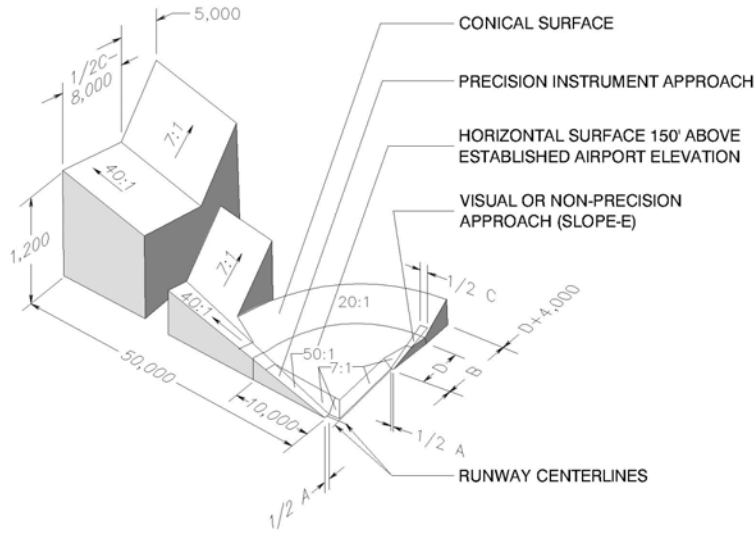
Source: *FAR Part 77 Object Affecting Navigable Airspace*

Figure 1 FAR Part 77 Surfaces – Plan view



Source: *FAR Part 77 Object Affecting Navigable Airspace*

Figure 2 FAR Part 77 Surfaces – 3D Isometric View of Section A



Source: *FAR Part 77 Object Affecting Navigable Airspace*

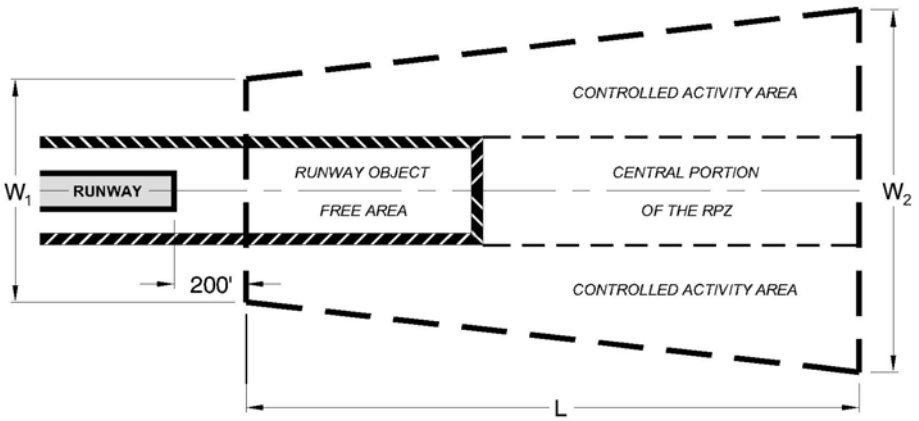
Table 2 Airport Overlay Zone A Dimensional Requirements

Runway Ends	Approach Visibility Minimums 1	Dimensions			
		Length **L** feet (meters)	Inner Width **W_1** feet (meters)	Outer Width **W_2** feet (meters)	RPZ acres
14	Not lower than ¾-mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
32	Lower than ¾-mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
04	Lower than ¾-mile (1,200m), all aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914
22	Not lower than ¾-mile (1,200m), all aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
18	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035
36	Visual and not lower than 1-mile (1,600m), small aircraft	1,000 (300)	250 (75)	450 (135)	8.035

1 The RPZ dimensional standards are for the runway end with the specified approach visibility minimums. The departure RPZ dimensional standards are equal to or less than the approach RPZ dimensional standards. When an RPZ begins other than 200 feet (60m) beyond the runway end, separate approach and departure RPZs should be provided. Refer to FAA AC 150/5300-13, Change 11, Appendix 14 for approach and departure RPZs.

Source: Southern Wisconsin Regional Airport, Airport Layout Plan, and information from *FAA AC 150/5300-13, Change 11, Airport Design Standards*

Figure 3 Airport Overlay Zone A Runway Protection Zone (RPZ) Diagram



Source: *FAA AC 150/5300-13, Change 11, Airport Design Standards*

Table 3 Airport Overlay Zones B1, B2, C, and D Dimensional Requirements

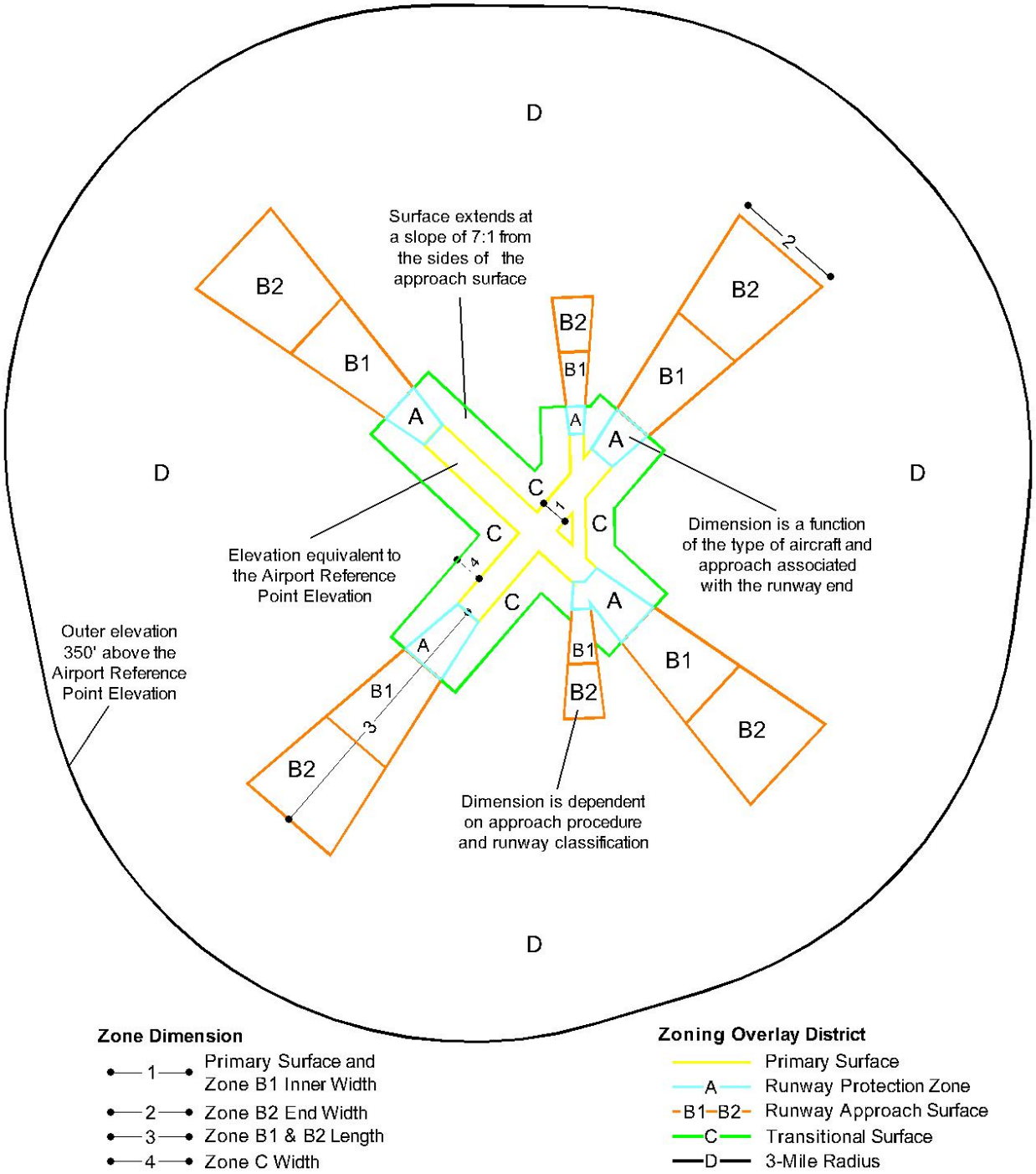
Dimensions in Figure 2	Item	Runway Dimensional Standards (Feet)					
		14	**32**	**04**	**22**	**18**	**36**
1	Primary surface width and **Zone B1** inner width	1,000	1,000	1,000	1,000	250	250
2	**Zone B2** end width	4,000	16,000	16,000	4,000	1,250	1,250
3	Combination of **Zone B1 and B2** length[1]	10,000	10,000	10,000	10,000	5,000	5,000
4	**Zone C** width	1,050	1,050	1,050	1,050	1,050	1,050
5	**Zone D** length[2]	15,840	15,840	15,840	15,840	15,840	15,840

[1] Length of B1 and B2 begin at the edge of the primary surface.
Area of B1 is located under Zone A and is superseded by Zone A requirements.

[2] Zone D is located using a 3-mile radius from the outermost property limits of the Airport and drawing a smoothed curve to connect these surfaces

Source: Mead & Hunt

Figure 4 Airport Overlay Zones B1, B2, C, and D Diagram



(4) Southern Wisconsin Regional Airport Overlay Zoning District Maps. The boundary of the AOZD shall extend three (3)-miles beyond the Airport property line. The AOZD utilizes two (2) maps which bear the signature of the County Board Chairman attested by the County Clerk and shall be on file in the office of the County Planning and Development Agency.

A. *Southern Wisconsin Regional Airport Height Zoning Map* dated December 11, 2003 as amended, which accompanies and is hereby adopted as part of the Ordinance and illustrates the allowable heights for structures, objects, and natural vegetation. NO trees shall be allowed, nor shall any structure be constructed, altered, located, or permitted which exceeds the height limitations indicated on the *Southern Wisconsin Regional Airport Height Zoning Map.* The maximum height elevations, measured above mean sea level (MSL), on said map are shown by topographic lines depicted in relationship to section lines and land subdivision lines on said map.

B. *Southern Wisconsin Regional Airport Overlay Zoning District Map* dated March 12, 2009 and is hereby adopted as part of the Ordinance illustrates the allowable land uses within a particular zone of the AOZD. NO land use should be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the Southern Wisconsin Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as Rock County citizens. The particular zones of the AOZD are illustrated on the *Southern Wisconsin Regional Airport Overlay Zoning District Map.*

(5) Exceptions. The restrictions contained in this Section shall not apply to legal fences when located outside the Southern Wisconsin Regional Airport property lines.

(6) Hazard Marking and Lighting. Any permit may, if such action is deemed advisable by the Rock County Planning and Zoning Agency and the FAA, require the owner of a structure or tree(s) to install, operate, and maintain thereon such markers, lights, and navigational aids as may be necessary to indicate to the fliers the presence of an airport hazard, at the owner's expense.

(7) Prohibited Uses in the Airport Overlay Zoning District.

A. Any use that would exceed the Height Restrictions of the AOZD.

B. No overhead electric, telephone, telegraph, or cable lines shall be erected within Zone A.

(8) Land Use Airport Zone Charts & Restrictions. Tables 4 through 10 shall be utilized for determination of any land use within this AOZD. No construction,

alteration, location or use of land shall be inconsistent with the required AOZD as outlined in Tables 4 through 10.

Table 4 Residential Activities

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Residential Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Single-Family Uses (1 dwelling per lot)										
Detached Single Family Dwelling (e.g. farm dwelling, detached single family house, or manufactured, modular, mobile home if converted to real property and taxed)	R	N	P	R*	P	R	R	N	P	P
Detached Zero Lot Line Dwelling (e.g. condominium)	R	N	P	R*	P	R	R	N	P	P
Attached Single Family Dwelling (e.g. townhouse)	R	N	P	R*	P	R	R	N	P	P
Two Family Uses (e.g. two principal dwelling units within one building on the same parcel)	R	N	P	R*	P	R	R	N	P	P
Multi-Family Uses (Three or more principal dwelling units within a single building on the same parcel) (e.g. apartment, condominium, townhouse-style)										
Low-Rise (2 to 3 Levels)	R	N	P	R*	P	R	R	N	P	P
Mid-Rise (4 to12 Levels)	R	N	P	R*	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R*	R	N	P	P
Group Living Uses (e.g. assisted living, group care, independent group living, nursing and convalescent home)										
Residential Group Living Units (1 dwelling per lot)	R	N	P	R*	P	R	R	N	P	P
Commercial Group Living Units (e.g. apartment style dwelling unit)										
Low-Rise (2 to 3 Levels)	R	N	P	R*	P	R	R	N	P	P
Mid-Rise (4 to12 Levels)	R	N	P	R*	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R*	R	N	P	P
Manufactured Housing Parks	R	N	P	R*	P	R	R	N	P	P

Table 5 Commercial Activities

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Commercial Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Casino	R	N	R	N	R	R*	R	N	P	P
Eating and Drinking Establishments (e.g. restaurant, cafe, coffee shop, fast food restaurant, bar, nightclub, tavern, cocktail lounge)	R	N	P	R*	P	R	R	R*	P	P
General Office (e.g. professional, business, financial, governmental)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R*	P	P
Mid-Rise (4 to12 Levels)	R	N	P	R*	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R*	R	N	P	P
Hospitality-Oriented (e.g. hotel, motel, convention center, meeting hall, event facility)										
Low-Rise (2 to 3 Levels)	R	N	P	R*	P	P	R	R*	P	P
Mid-Rise (4 to12 Levels)	R	N	P	R*	P	P	R	N	P	P
High-Rise (13+ Levels)	R	N	P	N	P	R	R	N	P	P
Medical/Dental Office (e.g. medical, dental, chiropractic, physical therapy)										
Low-Rise (2 to 3 Levels)	R	N	P	R	P	P	R	R*	P	P
Mid-Rise (4 to12 Levels)	R	N	P	R*	P	R	R	N	P	P
High-Rise (13+ Levels)	R	N	R	N	R	R*	R	N	P	P
Outdoor Storage and Display-Oriented (e.g. outdoor storage-lumber yard, vehicles sale, landscape material and nursery product sale, or farm supply equipment sale)	R	N	P	R	P	R	R	R	P	P

Table 5 Commercial Activities (Continued)

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Commercial Activities (Continued)										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Personal Service-Oriented (e.g. retail service, banking facility, laundromat, dry cleaning, quick printing service, beauty salon, tanning salon, funeral home)	R	N	P	R	P	P	R	R	P	P
Quick Vehicle Servicing Uses (e.g. full-serve/mini-serve gas station, unattended card key service station)	R	N	P	R*	P	R	R	N	P	P
Repair-Oriented (e.g. consumer goods-electronic, office equipment, appliance)	R	N	P	R	P	P	R	R	P	P
Retail Uses (e.g. sale, lease, or rent of new or used products)										
Small Sales-Oriented (e.g. appliance, convenience store, bakery, electronic, furniture, garden supply, grocery, hardware, video)	R	N	P	R	P	P	R	R	P	P
Large Sales-Oriented (e.g. big box store, mall, strip mall)	R	N	P	R*	P	R*	R	R*	P	P
Surface Passenger Services (e.g. passenger terminal for buses, rail service, local taxi, limousine service)	R	N	P	R	P	R	R	R	P	P
Vehicle Repair Uses (e.g. vehicle repair or service shop, alignment shop, tire sale)	R	N	P	R	P	R	R	R	P	P

Table 6 Industrial/Manufacturing Activities

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Industrial/Manufacturing Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Industrial Service Uses (e.g. machine shop, tool repair, towing and vehicle storage, building supply yard, heating/plumbing/electrical contractor, exterminator, janitorial service, fuel oil distributor, solid fuel yard)	R	N	P	R	P	P	R	R	P	P
Manufacturing and Production Uses (e.g. manufacturing, processing, fabrication, packaging or assembly of goods)										
Technical/Light Manufacturing (e.g. electrical components, engineering, scientific and research office, optical, computer hardware/software, publishing, pharmaceuticals, printing/photo facility,)	R	N	P	R	P	P	R	R	P	P
General Manufacturing (e.g. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise)	R	N	P	R	P	P	R	R	P	P
Heavy Manufacturing (e.g. concrete and asphalt plant, meat packing plant, wet corn milling, manufacturing of animal feed, paper or paperboard mill, ethanol plant)	R	N	R	N	R	R*	R	N	P	P
Mining and Extraction Uses	R	N	R	N	R	N	R	N	P	P
Salvage Operations (e.g. collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	R	N	P	R*	P	R	R	N	P	P
Self-Service Storage Uses (e.g. mini-warehouse, storage facility)	R	N	P	R	P	P	R	R	P	P

Table 6 Industrial/Manufacturing Activities (Continued)

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Industrial/Manufacturing Activities (Continued)										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Warehouse and Freight Uses (e.g. major wholesale distribution center, general freight storage, railroad switching yard, bus or rail car storage lot, parcel service, grain terminal)	R	N	P	R	P	P	R	R	P	P
Waste-Related Uses (e.g. recycling center, sanitary landfill, waste transfer station, composting, energy recovery plant, sanitary or water treatment facility, sanitary collection or pumping facility, hazardous waste collection site)	R	N	P	N	P	N	R	N	P	R*
Wholesale Sales Uses (e.g. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	R	N	P	R	P	P	R	R	P	P

Table 7 Institutional Activities

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Institutional Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
College and Universities (e.g. public or private college or university, technical college, seminary)	R	N	R	N	P	R*	R	N	P	R
Community Service Uses (e.g. public, nonprofit, or charitable nature providing a local service to the people)										
General Community Service (e.g. library, museum, transit center, senior/community/neighborhood center, police/fire/EMS station, park and ride facility)	R	N	R	N	P	R*	R	R*	P	R
Community Service-Shelter (e.g. transient housing)	R	N	R	R*	P	R	R	R	P	R
Daycare Uses (e.g. childcare center, adult daycare, preschool, after school program)										
Residential Daycare Uses (e.g. in-home adult/child daycare facility)	R	N	R	R*	P	R	R	N	P	P
Institutional Daycare Uses (e.g. childcare center, preschool, after school program, adult daycare)	R	N	R	N	P	R*	R	N	P	R
Detention Facilities (e.g. prison, jail, probation center, halfway house, juvenile detention home)	R	N	R	N	P	R*	R	N	P	R
Educational Facilities										
General Educational Facilities (e.g. public and private elementary, middle, junior, and senior high school including religious, boarding, military)	R	N	R	N	P	R*	R	N	P	R
Specialized Education Facilities (e.g. specialized trade, business, or commercial courses, non-degree granting school)	R	N	R	N	P	R*	R	R*	P	R
Hospitals (e.g. hospital and medical center)	R	N	R	N	P	R*	R	N	P	R
Religious Assembly Uses (e.g. church, temple, mosque, Masonic, synagogue, eagles/moose/elk lodge)	R	N	R	N	P	R*	R	N	P	R

Table 8 Infrastructure Activities

Southern Wisconsin Regional Airport Land Use Airport Zone Chart										
E = Existing Land Use (Development or land use currently on the ground) **F = Future Land Use** (Proposed future development or land use) **P** = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted *Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit **Pending height restriction compliance										
Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Infrastructure Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Basic Utility Uses (e.g. utility or electrical substation)	R	N	R	R	R	R	R	R*	P	R
Communication Transmission Facility Uses (e.g. broadcast, wireless, point to point, or emergency tower and antennae)	R	N	R	N	R	R*	R	N	P	R
Parking Uses (e.g. ground lot, parking structure)	R	R	P	P	P	P	P	P	P	P
Transportation Uses (e.g. local or county road, highway, interstate)	R	R	P	P	P	P	P	P	P	P
Utility Uses (e.g. wind generator, wind farm, solar power generation equipment)	R	N	R	N	R	R*	R	N	P	R*
Water Tower	R	N	R	N	R	R*	R	N	P	R

Table 9 Agriculture and Open Space Activities

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Agriculture and Open Space Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Agricultural Uses (e.g. commercial cultivation of plants, livestock production)										
Animal-related (e.g. livestock , dairy , horse farm)	R	R	P	P	P	P	P	P	P	P
Facility-related (e.g. fuel bulk storage or pumping facility, grain elevator, or livestock, seed, grain sales)	R	N	R	N	P	R*	R	N	P	R
Plant-related (e.g. crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	R	P	P	P	P	P	P	P	P
Resident-related (e.g. single-family home or mobile home if converted to real property and taxed)	R	N	P	R*	P	R	R	N	P	P
Water Bodies										
Man-made resources (e.g. mining or extraction pond, retention pond, detention pond, or wetland mitigation site)	R	N	P	R*	P	R	R	N	P	R
Wildlife Preservation Areas (e.g. petting zoo, wildlife rehabilitation center, zoo)	R	N	R	N	P	R*	R	N	P	P

Table 10 Parks and Recreation Activities

Southern Wisconsin Regional Airport
Land Use Airport Zone Chart

E = Existing Land Use (Development or land use currently on the ground)
F = Future Land Use (Proposed future development or land use)

P = **P**ermitted** **R** = Permit **R**equired **N** = **N**ot Permitted

*Permit Required use in a location sensitive to the intent of this Ordinance, requiring the Committee Designee's detailed attention and caution when considering conditions for a Zoning Building/Site Permit
**Pending height restriction compliance

Land Uses	Zone A		Zone B1		Zone B2		Zone C		Zone D	
Parks and Recreation Activities										
	E	**F**	**E**	**F**	**E**	**F**	**E**	**F**	**E**	**F**
Commercial Recreational Uses (e.g. facilities used for physical exercise, recreation, or culture)										
Golf (e.g. 9+ hole course, golf driving range, outdoor miniature golf)	R	N	R	R*	P	R*	R	N	P	P
Indoor (e.g. physical fitness center, health club, bowling alley, skating rink, billiard hall, arcade, indoor theater)	R	N	R	R*	P	R	R	N	P	P
Outdoor (e.g. campground, tennis/swimming facility, drive-in theater, skating rink, pavilion, amphitheater)	R	N	R	R*	P	R	R	N	P	P
Parks (e.g. aquatic, mini, private, sports, neighborhood, school, community)	R	N	P	R	P	R	R	N	P	P
Utility Uses (e.g. amusement or theme park, fairground, racetrack, sports arena)	R	N	R	N	P	R*	R	N	P	P

4.328 Definitions

Generally:

- For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter.

- Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulation," the word "regulations" means "these regulations."

- A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Term. (*Source of Definition*) Definition

ACCESSORY STRUCTURE OR USE. A detached subordinate structure or a use which 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.

AIR TRAFFIC. *(FAA FAR Sec. 1.1)* Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

AIRPORT. *(FAA FAR Sec. 152.3)* The Southern Wisconsin Regional Airport owned by Rock County. Any area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Any appurtenant areas that are used or intended for use for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition.

AIRPORT ELEVATION. *(FAA AC 150/5190-4A)* The highest point on the usable landing area of an airport that is measured in feet from mean sea level (MSL).

AIRPORT ENVIRONS. The land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.

AIRPORT HAZARD. *(FAA FAR Sec. 152.3)* Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.

AIRPORT LAYOUT PLAN (ALP). *(FAA FAR Sec. 152.3)* The plan of an airport that shows the layout of existing and proposed airport facilities.

AIRPORT MASTER PLAN. The Southern Wisconsin Regional Airport Master Plan Report, 2009, as updated.

AIRPORT OVERLAY ZONES. A zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and runway protection zones (RPZs) have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

- Zone A - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.

- Zone B1 & B2 - reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft that utilize the runway.

- Zone C - includes those areas that are parallel to the runway pavement and extend 1,050' from the edge of the primary surface.

- Zone D - encompasses the horizontal surface (innermost area) and the conical surface (outermost area), which make up the three (3)-mile jurisdictional boundary delineated at the Southern Wisconsin Regional Airport.

AIRPORT REFERENCE CODE (ARC). *(FAA Web site www.faa.gov)* The ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

AIRPORT REFERENCE POINT (ARP). *(FAA AC 150/5300-13)* The latitude and longitude of the approximate center of the airport.

AIRPORT ZONING PERMIT. A Zoning/Building Site Permit that allows new development or alteration or expansion of a Permit Required Use.

AIRSIDE. *(FAA Web site www.faa.gov)* The portion of an airport facility that includes aircraft movements, airline operations, and areas that directly serves the aircraft, such as taxiway, runway, maintenance, and fueling areas.

AIRSPACE. *(FAA Web site www.faa.gov)* The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

ALTERATION. Any construction which would result in a change in height or lateral dimensions of an existing structure or object.

APPLICANT. The owner of the land or his/her representative.

APPROACH SLOPES. *(FAR Part 77)* The ratios of horizontal to vertical distance that indicate the degree of inclination of the approach surface. The various ratios include:

- **20:1** - for all utility and visual runways extended from the primary surface a distance of five thousand (5,000) feet.

- **34:1 -** for all non-precision instrument runways extended from the primary surface for a distance of ten thousand (10,000) feet.

- **50:1/40:1** - for all precision instrument runways extended from the primary surface for a distance of 10,000 feet at an approach slope of fifty to one (50:1) and an additional forty thousand (40,000) feet beyond this at a forty to one (40:1) approach slope.

APPROACH SURFACE. *(FAA AC 150/5190-4A)* A surface that is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan view, the perimeters of the approach surface and approach zone coincide.

AVIGATION EASEMENT. *(FAA Web site www.faa.gov)* A grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

BUILDING. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

BUILDING CODES. (*The Practice of Local Government Planning*) Codes, either local or state, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.

BUILDING HEIGHT. The vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.

COMMERCIAL USES. Land uses or activities that involve the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

COMMITTEE. The Rock County Planning and Development Committee.

COMPATIBILITY. The degree to which land uses or types of development can coexist or integrate.

CONSTRUCTION. The erection or alteration of any structure or object of either a permanent or temporary nature.

DENSITY. The number of living units per acre.

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 improvements to buildings, structures, or accessory structures; the placement of manufactured homes (mobile homes); mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials.

EASEMENT. Authorization by a property owner for the use by another and for specified purpose of any designed part of his/her property.

EXISTING USE. Any use of land lawfully in existence at the time of the effective date of this Ordinance or amendment thereto becomes effective.

FEDERAL AVIATION ADMINISTRATION (FAA). *(FAA Web site www.faa.gov)* A federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of a national system of airports.

FEDERAL AVIATION REGULATIONS (FAR). *(FAA FAR)* Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

- **FAR Part 36.** *(FAA FAR Sec. 36.1)* Establishes noise standards for the civil aviation fleet.
- **FAR Part 91.** *(FAA FAR Sec. 91.1)* Pertains to air traffic and general operating rules, including operating noise limits.
- **FAR Part 150.** *(FAA FAR Sec. 150.1)* Pertains to airport noise compatibility planning.
- **FAR Part 161.** *(FAA FAR Sec. 161.1)* Pertains to notice and approval of airport noise and access restrictions.
- **FAR Part 77.** *(FAA FAR Sec. 77.1)* Objects Affecting Navigable Airspace - Part 77 (a) establishes standards to determine obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

GENERAL AVIATION AIRPORT. Any airport that is not an air carrier airport or a military facility.

GROWTH. Any object of natural growth that includes trees, shrubs, or foliage. Excludes farm crops, which are cut at least once a year.

HEIGHT. Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the *Southern Wisconsin Regional Airport Height Zoning Map;* height shall be the highest point of a structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.

INDUSTRIAL, WHOLESALE TRADE, AND STORAGE USES. A use category that includes:

- Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.

- Industrial, manufacturing, wholesale trade, and warehouse/storage uses and includes those that produce goods from raw or finished materials, distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

IMAGINARY SURFACES. *(FAA FAR Part 77.25)* Those areas established in relation to the airport and to each runway consistent with FAR Part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction.

- **Approach surface** - longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface depends on the approach type and varies from five thousand (5,000) to fifty thousand (50,000) feet.
- **Conical surface** - extends upward and outward from the periphery of the horizontal surface at a slope of twenty feet horizontally for every one foot vertically (20:1) for a horizontal distance of four thousand (4,000) feet.
- **Horizontal surface -** horizontal plane located one hundred fifty (150) feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
- **Transitional surface -** extends outward and upward at right angles to the runway centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of one hundred fifty (150) feet above the established airport elevation.

INCOMPATIBLE LAND USE. *(FAA FAR Sec. 150.7)* Land use that is typically unable to coexist with aircraft and airport operations.

INSTRUMENT APPROACH PROCEDURE. *(FAA Pilot/Controller Glossary)* A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions

from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

INSTRUMENT LANDING SYSTEM (ILS). *(FAA Pilot/Controller Glossary)* A precision instrument approach system which normally consists of the following electronic components and visuals aids: localizer, glideslope, outer marker, middle marker, and approach lights.

ITINERANT OPERATION. *(FAA AC 150/5325-4B)* Aircraft takeoff or landing operations that occur from one airport to another and involves a trip of at least twenty (20) miles. Local operations are excluded.

LAND USE. Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LAND USE COMPATIBILITY. *(FAA Web site www.faa.gov)* Land uses that can coexist with an airport and airport related activities.

LIGHTING AND MARKING OF HAZARDS TO AIR NAVIGATION. Installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.

LOT. A parcel of land described in a recorded plat or deed.

MITIGATION. *(FAA Web site www.faa.gov)* The avoidance, minimization, reduction, elimination, or compensation for adverse effects of a proposed action.

NAVIGATION AIDS (NAVAID). *(FAA Web site www.faa.gov)* Any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

NAVIGABLE AIRSPACE. The airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or take-off of aircraft.

NOISE EXPOSURE CONTOURS. *(FAA Web site www.faa.gov)* Lines drawn around a noise source that indicates a constant energy level of noise exposure. Day-night sound level (DNL) is the measurement used to describe community exposure to noise.

NOISE IMPACT. A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

NOISE SENSITIVE AREA. *(FAA AC 91-36D)* Defined as an area where noise interferes with normal activities associated with the use of the area.

OBJECT. *(FAA AC 150/5300-13)* Includes, but is not limited to, above ground structures, NAVAIDSs, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

OBSTACLE FREE ZONE (OFZ). *(FAA 150/5300-13)* The three dimensional area of airspace that provides clearance protection for aircraft during landing or take-off operations and for missed approaches. The area encompasses one hundred fifty (150) feet above the established airport elevation and along the runway and extended runway centerline. The OFZ is required to be clear of all objects, except for the frangible visual NAVAIDs, the location of which is fixed by function.

OBSTRUCTION. *(FAA AC 150/5190-4A)* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic location relative to the runway/airport.

OFF-AIRPORT PROPERTY. *(FAA Web site www.faa.gov)* Property that is beyond the boundary of land owned by the airport sponsor (Rock County).

ON-AIRPORT PROPERTY. (FAA Web site www.faa.gov) Property that is within the boundary of land owned by the airport sponsor (Rock County).

ORDINANCE. Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

OVERLAY ZONE. *(FAA Web site www.faa.gov)* A mapped zone that imposes a set of requirements, in addition to those of the underlying zoning district.

OWNER. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

PERMIT REQUIRED USE. Are those land uses that shall be permissible following the issuance of a Rock County Zoning/Building Site Permit. The Permit, which may include development and use related conditions, along with a signed Affidavit (Applicant's Recorded Affidavit Accepting Mitigation Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the Southern Wisconsin Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as Rock County residents.

PERMITTED USE. Are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do NOT impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for County residents.

PRIMARY SURFACE. *(FAA AC 150/5190-4A)* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIMARY RUNWAY. *(FAA AC 150/5325-4B General Definition)* The runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

PRINCIPAL USE. The use of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

PUBLIC ASSEMBLY USE. A structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. Public assembly use does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

PUBLIC USE AIRPORT. *(FAA AC 150/5190-6)* A public- or private-owned airport that is open for public use.

RESIDENTIAL AND ACCOMMODATION USES. A use category that includes the following:

- **Residential** - provide living accommodations, including sleeping, eating, cooking, and sanitary facilities, to one or more persons. ,Tenancy typically last longer than thirty (30) days.
- **Accommodation** - characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation. The average length of stay of less than thirty (30) days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

RUNWAY. A portion of the airport having a surface specifically developed and maintained for the landing and taking off of airplanes.

RUNWAY PROTECTION ZONE (RPZ). *(FAA AC 150/5300-13)* An area off the runway end designed to enhance the protection of people and property on the ground.

RUNWAY SAFETY AREA. *(FAA AC 150/5300-13)* A defined surface surrounding the runway that is prepared or suitable to reduce the risk of damage to airplanes in the event of an overshoot or excursion from the runway.

STRUCTURE. Any man-made object with form, shape, and utility that is permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed. Examples include, but are not limited to, roofed and walled buildings, gas or liquid storage tanks, or television dishes.

STRUCTURAL ALTERATION. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

SUBSTANTIAL IMPROVEMENT. Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent 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 include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 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. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

TREE. Any object of natural growth that shall not exceed the Zoning Height Restrictions.

USE. That which is customarily or habitually done, may include seasonal uses, and need not extend to the entire tract of land at the time of the adoption of this Chapter. (See also LAND USE)

UTILITY RUNWAY. A runway constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds gross weight or less.

VARIANCE. Authority granted to the owner to use his/her property in a manner that is prohibited by the Zoning Code. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances that are applied to a land parcel can, has, or will cause a hardship to the owner, and that the condition permitted by the departure will be in fundamental harmony with surrounding uses.

- **Area Variance** - one which does not involve a use that is prohibited by the Zoning Code. Area variances involve matters such as setback lines, frontage requirements, lot-size restrictions, density, density regulations, and yard requirements. Height limitation variances shall not be granted under this Ordinance.
- **Use Variance** - one which permits a use of land other than what is prescribed by the Zoning Code. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by this Chapter. Use variances shall not be granted under this Ordinance.
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WETLAND. Those areas where water is at, near, or above the land surface long enough to support aquatic or hydroponic vegetation and which have soils indicative of wet conditions.

WILDLIFE ATTRACTANTS. Any man-made structure, land use practice, or man-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the air operations area of an airport. Attractants include, but are not limited

to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

WILDLIFE HAZARDS. Feral or domesticated animals that are associated with aircraft strikes, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

Subpart 2: Airport

*Height of Structures and Trees and the Use of Property in the Vicinity of the Rock County Airport.

4.330 Definitions. As used in this ordinance, unless the context otherwise requires:

(1) Airport - means the Rock County Airport located in Sections 13, 14, 22, 23, 24, 26 and 27, T 2N, R 12E, Rock County, Wisconsin.

(2) Airport hazard - means any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(3) Non-conforming use - means any structure, tree or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.

(4) Person - means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(5) Structure - means any object constructed or installed by man.

(6) Tree - means any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes or plants which do not grow to a height of more than five (5) feet.

(7) Runway - means any level portion of any airport having a surface specifically developed and maintained for the landing and take-off of aircraft.

4.331 Zones

All zones as established herein shall extend three (3) miles beyond the boundaries of the airport site as shown on the map entitled “Zone Map – Rock County Airport” dated August 10, 1966, which is attached hereto and adopted as part of this ordinance.

4.332 Height Zones

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limitations indicated on the map referred to in Section 3.02 hereof.

The maximum height limitations above sea level on said map are shown by map elevations contained within the section lines and subdivisional lines on said map.

4.333 Use Restriction

(1) Activities. Notwithstanding the provisions of Section 3.03 of this ordinance, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

(2) Exceptions. The restrictions contained in Section 3.03 hereof shall not apply to legal fences or to farm crops which are cut at least once each year.

4.334 Non-conforming Uses

(1) Not Retroactive. The regulations prescribed in Sections 3.02 and 3.03 of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section 3.07(2).

(2) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.

(3) Removal. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

4.335 Administration

It shall be the duty of the Rock County Airport Committee to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Rock County Airport Committee upon a form furnished by it. Applications which are by this ordinance to be decided by said committee shall be promptly considered and granted or denied. Applications for action by the Board of Zoning Appeals shall be forthwith transmitted by the Rock County Airport Committee to said Board for hearing and decision.

4.336 Permits

(1) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 3.02 of this ordinance until the owner or his agent shall have applied, in writing, for a permit therefore and obtained such permit from the Rock County Airport Committee, except structures more than one-half mile from the nearest airport boundary and less than 50 feet maximum height above ground level at the building site. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. No tree may be planted without a permit, and any tree planted without a permit or permitted to grow without planting may be ordered removed at any time by the Rock County Airport Committee upon its finding that such tree violates or is about to violate the height restriction for the zone. Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the Rock County Airport Committee to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Rock County Airport Committee shall issue the permit applied for.

(2) Existing Uses. Before any non-conforming structure or tree may be replaced, altered or repaired, rebuilt or replanted, a permit shall be applied for and secured in the manner prescribed by paragraph 3.07(1) authorizing such change, replacement or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation that it was on the effective date of this ordinance, or than it was when the application for permit is made.

4.337 Hazard Marking and Lighting

Any permit or variance granted under Sections 3.07 and 3.09, may, if such action is deemed advisable by the Rock County Airport Committee to effectuate the purpose of this ordinance and if such is reasonable under the circumstances be so conditioned as to require the owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of any airport hazard.

4.338 Board of Appeals

A Board of Zoning Appeals is hereby established to consist of the Chairman of the Rock County Board of Supervisors and any other four residents of Rock County as selected by said chairman and approved by the Rock County Board of Supervisors, provided that not more than two members of such board shall be owners or occupants of the area affected by this ordinance. Said Board of Zoning Appeals shall have all the powers, duties and functions as provided in Section 62.37(7)(e) of the Wisconsin Statutes.

4.339 Appeals and Review

(1) Variances. Upon appeal in special cases, the Board of Zoning Appeals may, after investigation and public hearing, grant such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and such relief will be substantial justice and be in accord with the spirit of the ordinance, and does not create a hazard to the safe, normal operation of aircraft.

(2) Aggrieved person. Any person aggrieved or affected by any decision or action of the Rock County Airport Committee made in its administration of this ordinance may appeal such decision or action to the Board of Zoning Appeals.

(3) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by Section 62.23(7)(e) of the Wisconsin Statutes.

4.340 Prohibition

(1) No person, firm or corporation shall operate commercially at Rock County Municipal Airport without first obtaining a Commercial Operating Lease granted by the Board of Supervisors of the County of Rock in accordance with the Rock County Airport Rules and Regulations regarding minimum requirements for aeronautical services adopted by the Rock County Board of Supervisors and on file with the County Clerk, except that transient commercial operators may make occasional use of the Rock County Municipal Airport upon approval of the Airport Manager and upon payment of landing fees prescribed by said rules and regulations without first securing a Commercial Operator Lease.

(2) In this subsection, “operate commercially” means the conduct or provision of any commercial aeronautical service or related business or activity for a fee.

4.341 Definitions

(1) Aircraft. Aircraft shall mean any fixed or rotary type of an air vehicle.

(2) Commercial Operation. The action of an aircraft taking off or landing on the Rock County Airport for the purpose of transporting persons or material, where the owner and/or operator of the aircraft receives a fee for the transporting service of the persons or material.

(3) Commercial Training Operations. The action of an aircraft taking off or landing on the Rock County Airport for the purpose of training student pilots where the owner and/or instructor receives a fee for the instruction in and/or rental of the aircraft.

(4) Corporate Operations. The action of an aircraft taking off or landing on the Rock County Airport for the purpose of transporting persons that are employees, vendors, or

customers of the aircraft owner and where the aircraft owner does not receive a fee specifically for the transportation services.

(5) Private Operations. The action of an aircraft taking off or landing on the Rock County Airport for the leisure enjoyment of the aircraft owner and/or operator.

(6) Certificated Gross Weight. The maximum allowable landing weight of an aircraft as determined by the Federal Aviation Administration.

(7) Fixed Base Operator. The aviation businesses located on the Rock County Airport that have a contract with the Rock County Airport as required by the Rock County Airport Minimum Standards.

4.351 General

(1) Purpose. The purpose of the commercial operations fee is to derive revenue used to defray the continually increasing costs of operation at the Rock County Airport.

(2) Exemptions. Aircraft operated by scheduled air carriers operating under Part 121 shall be exempted, but shall pay landing fees as contained in contracts with Rock County.

Aircraft operated by Rock County Airport fixed base operators are exempted from the fee.

Commercial training flights in aircraft under 12,500 lbs. certificated gross weight are exempted.

Corporate operations are exempted.

Private operations are exempted.

(3) Severability. It is the intention of the County Board that each section, paragraph, sentence, clause and provision of this code is severable and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the code nor any part thereof other than that affected by such decision.

(4) Enactment Clause. This ordinance shall take effect upon its passage and publication.

4.352 Fees and Collection

(1) Fees. The Rock County Airport Committee shall establish and adjust all fees.

(2) Collection. The collection of the commercial operations fee is the responsibility of Rock County. The airport manager and his authorized agents shall collect the fee.

(3) Agents. The Airport Committee may from time to time designate agents to assist in collection of the Commercial Operations Fee.

(4) Prohibition. Landing or takeoff without payment of the appropriate fee or excuse by purchase of fuel (and indirect payment of the fuel flowage fee) is hereby prohibited and each such operation is a separate violation.

4.353 Fuel Alternative

Fuel Purchase Minimums. All single engine aircraft subject to the commercial operations fee may be excused from paying the fee by purchasing at least 25 gallons of fuel.

All multiengine aircraft up to 12,500 lbs. certificated gross weight subject to the commercial operations fee may be excused from paying the fee by purchasing at least 50 gallons of fuel.

All multiengine aircraft over 12,500 lbs. certificated gross weight subject to the commercial operations fee may be excused from the fee by purchasing at least 100 gallons of fuel.

4.354 Commercial Loading Areas

(1) Location. There are three areas that shall be used for loading and unloading of aircraft subject to the commercial operations fee. These areas are:

(a) Ramp The ramp between the Blackhawk Airways hangar and Vocational School hanger.

(b) Ramp The ramp area between General Aviation Corporation hangar and the Terminal building.

(c) Ramp The ramp area in front of the Hodge Aero hangar.

(2) Prohibition. Loading and unloading of aircraft subject to the commercial operations fee at other than a designated area is hereby prohibited, and each such loading or unloading is a separate violation.

***4.355 Regulation of Vehicular and Pedestrian Traffic on Rock County Airport**

(1) Definition of Words and Phrases.

(a) Pedestrian: Any person afoot.

(b) Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

(c) Emergency Equipment: Emergency equipment shall mean crash, fire, and rescue, or police motor vehicles, and such other equipment as the Airport Manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

(d) Service, Maintenance and Construction Equipment: Approved equipment normally operated by Rock County Airport, a fixed based operator, and/or the Federal Aviation Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with County of Rock and/or Federal Aviation Administration.

(2) Operation of Vehicles on Runways, Taxiways and Ramps:

No vehicle shall enter, be driven upon, or operated upon any airport runway, taxiway, ramp, tie-down area, or any area posted by signs prohibiting the entrance thereon.

The provisions of this section shall not apply to Emergency Equipment and/or Service, Maintenance, and Construction Equipment when engaged in performing normal duties.

Aircraft owners may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach their own aircraft in a tie-down area. Aircraft owners desiring to operate a vehicle for this purpose will request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway, or ramp and shall proceed through said tie-down area at a speed not to exceed 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of Part 139, Federal Aviation Regulations.

(3) Speed of Vehicles. No vehicle shall be driven upon any road within the perimeter of the airport, or upon other airport areas, in excess of the speed limit posted at the entrance to said airport, or within the boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about Rock County Airport.

(4) Pedestrian Traffic on Airport. No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on taxi-ways, runways, and outlying areas of the airport except for those employees of the City, County, State, Federal Government, or contractors engaged in airport construction or maintenance work.

(5) Enforcement. It shall be the duty of the Rock County Sheriff and the Airport Manager of the County of Rock to enforce the provisions of this Ordinance.

(6) Effective Date. This Ordinance shall take effect and be in force after enactment and publication.

4.356 Penalties

In case any person, firm or corporation is convicted of violating any provision of this chapter of the county ordinances, judgment shall be entered against him that he pay in addition to costs, a forfeiture as follows:

A. Airport Standards.
For violation of Section 4.351 -- $50.00 to $500.00 per violation.

B. Commercial Operations Fee.
For violation of Sections 4.352 to 4.355 -- $10.00 to $50.00 per violation.

C. General.
For violation of any section of this part for which a separate penalty is not provided -- $1.00 to $200.00 per violation.

And in default of the payment of the judgment that he be imprisoned in the county jail for such time as the court deems fit, not exceeding thirty (30) days for each violation unless said judgment is sooner paid. The judgment or the imposition of any forfeiture, and costs may be suspended or deferred for not more than thirty (30) days in the direction of the court. Each day that a violation continues to exist shall constitute a separate offense.

*Amended January 24, 1974

Subpart 3: Airport Sign Regulations

4.357 Purpose

The purpose of this section is to promote the public health, safety and general welfare by establishing standards and requirements for signs located on the Rock County Airport. It is the intent of this Section to establish standards for the construction, placement, type, size, sign materials, and to authorize the use of signs which are:

A. Compatible with their surroundings;
B. Appropriate to the type of activity to which the sign pertains;
C. Legible in the circumstances in which the sign is seen; and
D. Constructed of approved materials, placed or fastened and electrically connected in compliance with all applicable codes and ordinances.

4.358 Authority

The authority to adopt these regulations is found in Section 59.07(49) and 114.14(1) of the Wisconsin Statutes.

4.359 Interpretation

The interpretation and application of the provisions of this ordinance shall be held to be minimum requirements and shall be construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted the County by Wisconsin Statute.

4.360 Effective Date

This ordinance shall be effective after adoption by the County Board and publication in the County's Official Newspaper.

4.361 Violations

It shall be unlawful to construct or use any sign in violation of any of the provisions of this ordinance. In case of any violation, the Airport Director or any member of the Transportation Committee may institute appropriate action or proceeding to enjoin a violation or cause a sign to be removed. In all instances, action or inaction by any representative of the County under this ordinance shall not preclude or limit the assertion by the County of any of its rights or remedies under any applicable lease or other agreement between the County and an offending party.

4.362 Penalties

Any person, firm, or corporation who fails to comply with, or violates the provisions of this ordinance shall, upon conviction thereof, forfeit not less than $100 nor more than $5,000 and the County's costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

4.363 Permit Required

No person, firm or corporation shall hereafter cause a sign to be placed, located, erected, moved, constructed, modified, reconstructed, extended, enlarged, converted, have a face change, or altered without submitting a Sign Permit Application, meeting the requirements of this Section, and obtaining a Sign Permit from the Airport Director prior to construction. Sign Permits shall only be issued when the Airport Director is satisfied that the proposed sign shall be in compliance with the County's plan for the operation of the Airport and with any applicable requirements of the Wisconsin Statutes, the Wisconsin Administrative Code, or structural requirements of local and state building codes.

4.364 Sign Permit Application

Applications for each sign permit shall be made on forms furnished by the Airport Director, complete with a scaled drawing prepared by the applicant of the proposed sign or sign face changes indicating the sign layout, lettering, and proposed colors.

4.365 Bonds or Insurance

Every applicant for a sign permit shall, before the permit is granted, meet the provisions of the applicant's property lease with the Airport including construction insurance requirements, liability insurance, and insurance for improvements.

4.366 Appeals

Appeals from the decision of the Airport Director concerning the administration or enforcement of this ordinance may be made by any person aggrieved by a decision to the Transportation Committee. Any appeal shall be filed by the aggrieved person within 60 days of the date of decision. Such appeal shall be submitted on the approved forms prescribed by the Transportation Committee.

4.367 Permit Fee

A. Signs less than 100 square feet in area -- $100.00
B. Signs 100 square feet or larger in area -- $200.00
C. Permit Fees are required prior to construction and payable upon filing an application.

4.368 Signs Permitted

The following signs may be authorized by obtaining a Sign Permit and are subject to the following regulations:

A. Wall Signs. No more than two walls shall be permitted for each leased premises with one sign on the air side and the second on the road side of the building. Wall signs shall be placed against the exterior wall of a building not extend more than twelve (12) inches from the wall, and shall not extend above the roof line. The maximum area of all wall signage shall not exceed 10 percent of the total square footage of the respective building wall.

B. Pedestal Signs. Pedestal signs shall be limited to one sign for each Fixed Base Operator to advertise aviation fuel, types of aviation fuel available, prices, and/or name of business. Pedestal Signs shall not exceed thirty-six (36) square feet in display area on any one side or seventy-two (72) square feet on all sides for any one premises, and shall have a maximum height not to exceed the height of the principle structure.

C. Window Signs. No more than one window sign shall be placed on the inside of commercial buildings which shall not exceed twenty-five (25) percent of the glass area of the window pane upon which the sign is displayed.

4.369 Prohibited Signs

The following types of signs shall be prohibited:

A. Off Premises Signs. Signs off the leased property of the lessee, are prohibited, except as part of the Airport Directional and Locational Sign System.

B. Roof-mounted Signs. Signs erected or painted on the roof of a building shall be prohibited by this ordinance.

C. Moveable or Temporary Signs. No moveable signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona fide business purpose other than advertising is except from the above prohibition.

D. "Follow Me" Signs. Use of "Follow Me" type signs on vehicles promoting the sale of goods and services on the air side area of the airport is prohibited.

E. Variance Allowed.

An application for a variance shall be submitted to the Transportation Committee. In approving variances, the Transportation Committee may require conditions which will, in its judgment, substantially secure the objectives of the standards or requirements of this ordinance. Where the Transportation Committee finds the extraordinary hardships or practical difficulties may result from strict compliance with these prohibitions and/or the purposes of these prohibitions, it may approve variances to these prohibitions so that substantial justice may be done and the public interest secured. Such variance shall not have the effect of nullifying the intent and purpose of these prohibitions. The Transportation Committee shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1) the granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

2) the variance will not in any manner conflict with the intent of sec. 3.30.

3) the conditions upon which the request for a variance is based are unique and are generally not applicable to other operations; and

4) the failure to grant the variance would result in a particular hardship to the applicant, if the strict letter of these regulations are carried out (hardship shall be distinguished from a mere inconvenience or self-imposed hardship.)

4.370 Official Airport Signs

Official airport signs for traffic control, airport location and direction, parking, information, and notices installed and maintained by the Rock County Airport are exempt from this ordinance.

4.371 Memorial Signs, etc.

Memorial signs and tablets setting forth the names of buildings, and date of erection when cut into any masonry surface or when constructed of metal may be installed when approved by the Transportation Committee.

4.372 Temporary Signs

Temporary signs or banners require a sign permit (without a Permit Fee) and may be displayed as appropriate to the situation when authorized by the Airport Director.

4.373 Traffic Signs

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of aviation, railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of the airport. No sign shall 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 interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

4.374 Fixed Based Operator Terminal Signs

A covered sign case shall be provided by the Airport in the north foyer of the Airport Terminal Building providing information for aviation goods and services offered by Rock County Airport Fixed Base Operators. Information shall be designed and maintained by the Airport Director.

4.375 Airport Business Location and Directional Sign System

A system of location and directional signs shall be designed and recommended by the Airport Director, approved by the Transportation Committee, and installed and maintained by the Airport Director. The Transportation Committee shall establish standards for the "Location and Directional Signs System" which may be more or less restrictive than this Section.

4.376 Lighting of Signs

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this ordinance. All lights shall shine downward and toward the building or sign face to illuminate the sign face.

4.377 Definitions

A. Memorial Signs. Memorial Sign - means any sign which serves to preserve, commemorate, or keeps a remembrance alive.

B. Movable Signs. Movable Sign - means any sign which by its structural design can be easily moved from location to location.

C. Off Premises Sign. Privately owned signs that are located off the leased property of the tenant.

D. Pedestal Signs. Pedestal Sign (pole sign) - means any sign which is supported by structures or supports, in or on the ground, and is independent of support from any building.

E. Sign. Sign - means any surface, fabric, device or display which bears lettered, pictorial, or sculptured matter illuminated or non-illuminated which is visible from any public place and which advertises, identifies, conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, placard or temporary sign. Signs shall also include all sign structures and component parts.

F. Wall Signs. Wall Sign - means any sign which is parallel to and affixed to an exterior wall or side of a mansard roof of a building. Wall signs also include signs which are parallel to the wall of a building and attached to the roof of a canopy.

G. Window Signs. Window Sign - means any sign placed inside or upon a window facing the outside which is intended to be seen from the exterior of the building.

Part 4 – Floodplain Zoning

4.401 Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions

(1) Statutory Authorization

This ordinance is adopted pursuant to the authorization in 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

(2) Finding of Fact

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(3) Statement of Purpose

This ordinance is intended to regulate floodplain development to:

(A) Protect life, health and property;

(B) Minimize expenditures of public funds for flood control projects;

(C) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(D) Minimize business interruptions and other economic disruptions;

(E) Minimize damage to public facilities in the floodplain;

(F) Minimize the occurrence of future flood blight areas in the floodplain;

(G) Discourage the victimization of unwary land and homebuyers;

(H) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(I) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) Title

This ordinance shall be known as the Floodplain Zoning Ordinance for Rock County, Wisconsin.

(5) General Provisions

(A) Areas To Be Regulated

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(B) Official Maps & Revisions

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see sec. 4.408 *Amendments*) before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning, Economic and Community Development Agency, County of Rock. If more than one map or revision is referenced, the most current approved information shall apply.

<u>OFFICIAL MAPS</u>: Flood Insurance Rate Map (FIRM), Map Number 55105C0005E, 55105C0010E, 55105C0012E, 55105C0014E, 55105C0015E, 55105C0016E, 55105C0017E, 55105C0018E, 55105C0019E, 55105C0030E, 55105C0031E, 55105C0033E, 55105C0034E, 55105C0040E, 55105C0042E, 55105C0044E, 55105C0045E, 55105C0052E, 55105C0053E, 55105C0054E, 55105C0057E, 55105C0058E, 55105C0059E, 55105C0061E, 55105C0062E, 55105C0063E, 55105C0066E, 55105C0070E, 55105C0076E, 55105C0077E, 55105C0078E, 55105C0079E, 55105C0081E, 55105C0083E, 55105C0084E, 55105C0090E, 55105C0091E, 55105C0092E, 55015C0095E, 55105C0105E, 55105C0110E, 55105C0115E, 55105,C0120E, 55105C0130E, 55105C0131E, 55105C0135E, 55105C0140E, 55105C0145E, 55105C0155E, 55105C0157E, 55105C0160E, 55105C0161E, 55105C0162E, 55105C0164E, 55105C0166E, 55105C0168E, 55105C0169E, 55105C0176E, 55105C0177E, 55105C0178E, 55105C0179E, 55105C0181E, 55105C0183E, 55105C0184E, 55105C0186E, 55105C0187E, 55105C0188E, 55105C0189E, 55105C0191E, 55105C0192E, 55105C0193E, 55105C0201E, 55105C0202E, 55105C0204E, 55105C0208E, 55105C0209E, 55105C0211E, 55105C0212E, 55105C0216E, 55105C0240E, 55105C0243E, 55105C0244E, 55105C0255E, 55105C0260E, 55105C0261E, 55105C0262E, 55105C0263E, 55105C0264E, 55105C0266E, 55105C0267E, 55105C0268E, 55105C0269E, 55105C0280E, 55105C0282E, 55105C0285E, 55105C0286E, 55105C0287E, 55105C0288E, 55105C0289E, 55105C0291E, 55105C0292E, 55105C0293E, 55105C0294E, 55105C0301E, 55105C0302E, 55105C0305E, 55105C0306E, 55105C0307E, 55105C0308E, 55105C0309E, 55105C0312E, 55105C0313E, 55105C0314E, 55105C0316E, 55105C0318E, 55105C0319E, 55105C0328E, 55105C0329E, 55105C0331E, 55105C0332E, 55105C0333E, 55105C0334E, 55105C0336E, 55105C0337E, 55105C0338E, 55105C0339E, 55105C0341E, 55105C0342E, 55105C0343E, 55105C0344E, 55105C0351E, 55105C0352E, 55105C0353E, 55105C0354E, 55105C0356E, 55105C0357E, 55105C0358E, 55105C0359E, 55105C0361E, 55105C0365E, 55105C0369E, 55105C0370E, 55105C0377E, 55105C0381E, 5510C0382E, 55105C0406E,

55105C0407E, 55105C0426E, 55105C0432E, 55105C0452E, 55105C0460E, 55105C0485E, dated September 16, 2015 with corresponding profiles that are based on the Flood Insurance Study (FIS) Number 55105CV001B and 55105CV002B

Approved by: the DNR and FEMA

OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Letter of Maps Revision: LOMR 16-05-6630P dated May 4, 2017

2. Rock County Flood Storage Maps, Panel Number 1-5, Dated September 16, 2015, Prepared by the Wisconsin Department of Natural Resources

(C) Establishment of Districts

The regional floodplain areas are divided into four districts as follows:

1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within the AE Zones as shown on the FIRM.

2. The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as the AE Zones on the FIRM.

3. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and does not have a BFE or floodway determined, including A, AH and AO zones on the FIRM.

4. The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(D) Locating Floodplain Boundaries

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs 1. or 2. below. If a significant difference exists, the map shall be amended according to sec. 4.408 Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined 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 sec. 4.407(3)(C) and the criteria in 1. and 2. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to sec 4.408.

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.

(E) Removal of Lands From Floodplain

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to sec. 4.408.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(F) Compliance

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(G) Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(H) Abrogation and Greater Restrictions

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(I) Interpretation

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on

or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(J) Warning and Disclaimer of Liability

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(K) Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(L) Annexed Areas for Cities and Villages

The Rock County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

4.402 General Standards

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in sec. 4.407(1)(B). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to

minimize or eliminate flood damages.

(1) Hydraulic and Hydrologic Analyses

(A) No floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

2. Cause any increase regional flood height due to floodplain storage area lost.

(B) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of sec. 4.408 are met.

Note: Additional information for the Hydraulic and Hydrologic Analysis procedure may be found in sec. 4.407(1)(B)3.

(2) Watercourse Alterations

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. Standards of sec. 4.402(1) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to sec 4.408, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(3) Chapter 30, 31, Wis. Stats., Development

Development which requires a permit from the Department, 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 floodplain zoning ordinance are made according to sec. 4.408.

(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 and Family Services.
(B) A land use permit for the campground is issued by the zoning administrator.
(C) The character of the river system and campground elevation are such that a 72-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. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which 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.

(E) 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 sub. (D) - to remain in compliance with all applicable regulations, including those of the State Department of Health and Services and all other applicable regulations.

(F) Only camping units that are fully licensed, if required, and ready for highway use are allowed.

(G) The camping units shall 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.

(H) 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.

(I) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

(J) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either sec. 4.403, 4.404 or 4.405 for the floodplain district in which the structure is located.

(K) 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.

(L) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

4.403 Floodway District (FW)

(1) Applicability

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to sec. 4.405(1)(D)

(2) Permitted Uses

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
- they meet the standards in sec. 4.403(3) and 4.403(4); and
- all permits or certificates have been issued according to sec. 4.407(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 sec. 4.403(3)(D).

(D) Uses or structures accessory to open space uses, or classified as historic structures that comply with sec. 4.403(3) and 4.403(4).

(E) Extraction of sand, gravel or other materials that comply with sec. 4.403(3)(D).

(F) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.

(G) Public utilities, streets and bridges that comply with sec. 4.403(3)(C).

(3) Standards for Developments in the Floodway

(A) General

1. Any development in the floodway shall comply with sec. 4.402 and have low flood damage potential.

2. Applicants shall provide the following data to determine the effects of the proposal according to sec. 4.402(1) and 4.407(1)(B)3:

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 cause any increase flood elevations upstream or downstream, based on the data submitted for subd 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. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

2. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Must be anchored to resist flotation, collapse, and lateral movement;

4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

5. It must not obstruct 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 sec. 4.402(1).

(D) Fills or Deposition of Materials

Fills or deposition of materials may be allowed by permit, if:

1. The requirements of sec. 4.402(1) are met;

2. No material is deposited in the navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

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.

(4) Prohibited Uses

All uses not listed as permitted uses in sec. 4.403(2) are prohibited, including the following uses:

(A) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(B) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(C) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(D) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.

(E) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(F) Any solid or hazardous waste disposal sites;

(G) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and

(H) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.404 Floodfringe District (FF)

(1) Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to sec. 4.405(1)(D)

(2) Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in sec. 4.404(3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in sec. 4.407 (1) have been issued.

(3) Standards for Development in Floodfringe

Sec. 4.402(1) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of sec. 4.406 *Nonconforming Uses.*

(A) Residential Uses

Any structure, including a manufactured home, which is to be newly erected, constructed, or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of sec. 4.406 *Nonconforming Uses*;

1. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of par. 2. can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

2. The basement or crawlway floor may be placed at the regional flood elevation if it is dry 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 subd 4.

4. In developments where existing street or sewer line elevations make compliance with subd 3. impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

   a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

   b. The municipality has a DNR-approved emergency evacuation plan.

(B) Accessory Structures of Uses

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(C) Commercial Uses

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of sec. 4.404(3)(A). Subject to the requirements of subd (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) Manufacturing and Industrial Uses

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the flood proofing measures in sec. 4.407(5). Subject to the requirements of sub. (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 sec. 4.407(5) Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(F) Public Utilities, Streets and Bridges

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with sec. 4.407(5);

2. 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 sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to sec. 4.407(5) to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(H) Wells

All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to sec. 4.407(5), 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 floodfringe areas.

(J) Deposition of Materials

Any deposited material must meet all the provisions of this ordinance.

(K) Manufactured Homes

Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

1. 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.

2. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in sec. 4.404(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 sec. 4.404(3)(K) 1. and 2. 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.

4.405 Other Floodplain Districts

Other floodplain districts may be established under the ordinance and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.

(1) General Floodplain District (GFP)

(A) Applicability

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

(B) Permitted Uses

Pursuant to sec. 4.405(1)(D) it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in floodway (sec.4.403(2)) and floodfringe areas (sec. 4.404(2)) are allowed within the general floodplain district, according to the standards of sec. 4.405(1)(C) provided that all permits or certificates required under sec. 4.407(1) have been issued.

(C) Standards For Development in the General Floodplain District

Sec. 4.403 applies to floodway areas, sec. 4.404 applies to floodfringe areas. The rest of this ordinance applies to either district.

1. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

a. at or above the flood protection elevation; or

b. two (2) feet above the highest adjacent grade around the structure; or

c. the depth as shown on the FIRM.

2. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures

(D) Determining Floodway and Floodfringe Limits

Until such time that the following determination is made regarding the floodway and floodfringe limits, all areas mapped as Zone A shall be regulated as floodway.

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.

2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

a. A Hydrologic and Hydraulic Study as specified in sec. 4.407(1)(B)3.

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(2) Flood Storage District

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(A) Applicability

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(B) Permitted Uses

Any use or development which occurs in a flood storage district must meet the applicable requirements in sec. 4.404(3).

(C) Standards for Development in Flood Storage Districts

1. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.

2. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

3. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per sec. 4.408(1) of this ordinance.

4. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

4.406 Nonconforming Uses

(1) General

(A) Applicability

This section shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(B) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or

accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

2. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

3. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 4.404(3)(A). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

5. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 4.404(3)(A).

6. If on a per event basis the total value of the work being done under 4. and 5. equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 4.404(3)(A).

7. Except as provided in 8. 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 current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value

8. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

a. Residential Structures

1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of sec. 4.407(5)(B).

2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

5. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 4.405(1)(C).

6. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential Structures

1. Shall meet the requirements of sec. 4.406(1)(B)8.a.1-6.

2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in sec. 4.407(5)(A) or (B).

3. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 4.405(1)(C).

(C) 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 sec. 4.403(3)(A), flood resistant materials are used, and construction practices and floodproofing methods that comply with sec. 4.407(5) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of sec. 4.406(1)(B)8.a. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District

(A) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a Floodway District, unless such modification or addition:

1. Has been granted a permit or variance which meets all ordinance requirements;

2. Meets the requirements of sec. 4.406(1);

3. Shall not increase the obstruction to flood flows or regional flood height; and

4. Any addition to the existing structure shall be floodproofed, pursuant to sec. 4.407(5), by means other than the use of fill, to the flood protection elevation; and

5. 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 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; and

d. The use must be limited to parking, building access 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, sec. 4.407(5) 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 municipal ordinances, sec 4.407(5) and chs. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe District

(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 municipality, and meets the requirements of sec. 4.404(3), except where sec. 4.406(3)(B) is applicable.

(B) Where compliance with the provisions of subd (A) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in sec. 4.407(3), may grant a variance from those provisions of subd (A) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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, shall not be installed;

4. Flood depths shall not exceed two feet;

5. Flood velocities shall not exceed two feet per second; and

6. The structure shall not be used for storage of materials as described in sec. 4.404(3)(E).

(C) 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, sec. 4.407(5) and ch. SPS 383, Wis. Adm. Code.

(D) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, sec. 4.407(5) and ch. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood Storage District

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in sec. 4.405(2)(C) are met.

4.407 Administration

The zoning administrator, planning agency and board of adjustment appointed to administer the Rock County zoning ordinance adopted under Wis. Stats. §§ 59.69, 59.692 shall also administer this ordinance.

(1) Zoning Administrator

(A) DUTIES AND POWERS: The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

1. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

2. Issue permits and inspect properties for compliance with provisions of this ordinance-and issue certificates of compliance where appropriate.

3. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

4. Keep records of all official actions such as:

a. All permits issued, inspections made, and work approved;

b. Documentation of certified lowest floor and regional flood elevations;

c. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

d. All substantial damage assessment reports for floodplain structures.

e. Floodproofing certificates.

f. List of nonconforming structures and uses.

5. Submit copies of the following items to the Department Regional office:

a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.

c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

6. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

7. Submit copies of amendments to the FEMA Regional office.

(B) Land Use Permit

A land use permit shall be obtained before any new development: repair, modification or addition to an existing structure; 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:

1. General Information

a. Name and address of the applicant, property owner and contractor;

b. Legal description, proposed use, and whether it is new construction or a modification;

2. Site Development Plan

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

a. Location, dimensions, area and elevation of the lot;

b. Location of the ordinary highwater mark of any abutting navigable waterways;

c. Location of any structures with distances measured from the lot lines and street center lines;

d. Location of any existing or proposed on-site sewage systems or private water supply systems;

e. Location and elevation of existing or future access roads;

f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

h. 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 secs. 4.403 or 4.404 are met; and

i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to sec. 4.402(1). This may include any of the information noted in sec. 4.403(3)(A).

3. Hydraulic and Hydrologic Studies to Analyze Development

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

a. Zone A floodplains:

1. Hydrology - The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

2. Hydraulic modeling - The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

(a) determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

(b) channel sections must be surveyed.

(c) minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

(d) a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

(e) the most current version of HEC_RAS shall be used.

(f) a survey of bridge and culvert openings and the top of road is required at each structure.

(g) additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

(h) standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

(i) the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3. Mapping - A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

(a) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

(b) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

b. Zone AE Floodplains

1. Hydrology - If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

2. Hydraulic model - The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

(a) Duplicate Effective Model.
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the

revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

(b) Corrected Effective Model.
The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

(c) Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

(d) Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

(e) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

(f). Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. Mapping - Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

(a) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

(b) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

(c) Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

(d) If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

(e) The revised floodplain boundaries shall tie into the effective floodplain boundaries.

(f) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

(g) Both the current and proposed floodways shall be shown on the map.

(h) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

4. Expiration

All permits issued under the authority of this ordinance shall expire 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(C) Certificate of Compliance

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

2. Application for such certificate shall be concurrent with the application for a permit;

3. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

4. The applicant shall submit a certification signed by a registered professional engineer or 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 the requirements of sec. 4.407(5) are met.

(D) Other Permits

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(2) Zoning Agency

(A) The Rock County Planning and Development Committee shall:

1. oversee the functions of the office of the zoning administrator; and

2. review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(B) This Rock County Planning and Development Committee shall not

1. grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or

2. amend the text or zoning maps in place of official action by the governing body.

(3) Board of Adjustment

The Board of Adjustment, created under s. 59.694, Stats., for counties, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

Refer to the Latest Version of the Rock County Board of Adjustment Rule and Procedures Handbook for the Current Procedural Standards

(A) Powers and Duties

The Board of Adjustment/Appeals shall:

1. Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

2. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

3. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(B) Appeals to the Board

1. 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.

2. Notice and Hearing for Appeals Including Variances

a. Notice - The board shall:

1. Fix a reasonable time for the hearing; and

2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;

3. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

b. Hearing - Any party may appear in person or by agent. The board shall:

1. Resolve boundary disputes according to sec. 4.407(3)(C);

2. Decide variance applications according to sec. 4.407(3)(D); and

3. Decide appeals of permit denials according to sec. 4.407(4).

3. Decision: The final decision regarding the appeal or variance application shall:

a. Be made within a reasonable time;

b. Be sent to the Department Regional office within 10 days of the decision;

c. Be a written determination signed by the chairman or secretary of the Board;

d. State the specific facts which are the basis for the Board's decision;

e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

f. 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.

(C) 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. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to sec.4.408 Amendments.

(D) Variance

1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

   a. Literal enforcement of the ordinance will cause unnecessary hardship;

   b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

   c. The variance is not contrary to the public interest; and

   d. The variance is consistent with the purpose of this ordinance in sec. 4.401(3)

2. In addition to the criteria in subd 1., to qualify for a variance under FEMA regulations, the following criteria must be met:

   a. The variance shall not cause any increase in the regional flood elevation;

   b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and

   c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

3. A variance shall not:

a. Grant, extend or increase any use prohibited in the zoning district.

b. Be granted for a hardship based solely on an economic gain or loss.

c. Be granted for a hardship which is self-created.

d. Damage the rights or property values of other persons in the area.

e. Allow actions without the amendments to this ordinance or map(s) required in sec. 4.408(1) Amendments; and

f. Allow any alteration of an historic structure, including its use, which 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 risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

(4) To Review Appeals of Permit Denials

(A) The Zoning Agency (sec. 4.407(2)) or Board shall review all data related to the appeal. This may include:

1. Permit application data listed in sec. 4.407(1)(B);

2. Floodway/floodfringe determination data in sec. 4.405(1)(D);

3. Data listed in sec.4.403(3)(A)2.b. where the applicant has not submitted this information to the zoning administrator; and

4. Other data submitted with the application, or submitted to the Board with the appeal.

(B) For appeals of all denied permits the Board shall:

1. Follow the procedures of sec.4.407(3);

2. Consider zoning agency recommendations; and

3. Either uphold the denial or grant the appeal.

(C) For appeals concerning increases in regional flood elevation the Board shall:

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of sec. 4.408 Amendments; and

2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(5) Floodproofing Standards for Nonconforming Structures or Uses

(A) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(B) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

1. certified by a registered professional engineer or architect; or

2. meets or exceeds the following standards:

a. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. the bottom of all openings shall be no higher than one foot above grade; and

c. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C) Floodproofing measures shall be designed, as appropriate, 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. Minimize or eliminate infiltration of flood waters; and

5. Minimize or eliminate discharges into flood waters.

(6) Public Information

(A) Place marks on structures to show the depth of inundation during the regional flood.

(B) All maps, engineering data and regulations shall be available and widely distributed.

(C) All real estate transfers should show what floodplain zoning district any real property is in.

4.408 Amendments

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sec. 4.408(1).

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sec. 4.408(1). Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with sec. 4.408(1).

(1) General

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in sec. 4.408(2) below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(A) Any fill or floodway encroachment that obstructs flow, increasing regional flood height:

(B) Any change to the floodplain boundaries and/watercourse alterations on the FIRM:

(C) Any change to any other officially adopted floodplain maps listed in 4.401(5).

(D) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

(E) Correction of discrepancies between the water surface profiles and floodplain zoning maps.

(F) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.

(G) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(2) Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of s. 59.69, Stats., for counties. Such petitions shall include all data required by secs. 4.405(1)(D) and 4.407(1)(B). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(A) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.69, Stats., for counties.

(B) No amendments shall become effective until reviewed and approved by the Department.

(C) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

4.409 Enforcement and Penalties

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. Any person, firm, or corporation who fails to comply with or violates the provisions of this Ordinance shall, upon conviction, thereof, forfeit a penalty of not more than $50.00 (fifty dollars), together with taxable cost of such action, or as authorized by 87.30 Stats, per offense. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(1) The Planning & Development Agency Director, Zoning Administrator or their designees are authorized to issue an ordinance citation, pursuant to Chapter 21 of the County Code of Ordinances to any person, firm, association or corporation for engaging in activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

(2) The Planning & Development Agency shall notify the landowner/permit holder by certified mail of any non-complying activity or structure. The notice shall describe the nature of the violation,

remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.

(3) Upon receipt of written notification from the Planning & Development Agency under paragraph (2) the landowner/permit holder shall comply with the remedial actions described in the notice.

(4) If a landowner/permit holder does not comply with the provisions of a notice of non-compliance, the Planning & Development Agency may issue a citation(s) and/or revoke the permit.

(5) If non-compliance with this ordinance is determined by the Planning & Development Agency as likely to result in damage to adjacent property, public facilities, or waters of the state, the Planning & Development Agency may post a stop-work order at the time of notification.

(6) If the landowner/permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order, the Planning & Development Agency may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.

(7) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the Planning and Development Agency, Board of Adjustment, or by a court with jurisdiction.

4.410 Definitions

Unless specifically defined, words and phrases in this ordinance 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.

A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH ZONE – See “AREA OF SHALLOW FLOODING”.

AO ZONE – See “AREA OF SHALLOW FLOODING”.

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.

ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is

characterized by ponding or sheet flow.

BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT - Any enclosed area of a building having its floor sub-grade, 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 s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS or CRAWL SPACE - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which 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.

DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT - Any fill, structure, equipment, building, use or development in the floodway.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters,
- The rapid accumulation or runoff of surface waters from any source,
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD FREQUENCY - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

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 STUDY - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOODPLAIN - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the 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 insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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.

FLOODPROOFING - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION - 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.

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, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

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:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,

- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or

- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation, equal to or greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures

MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

NEW CONSTRUCTION - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NONCONFORMING STRUCTURE - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance, as described in sec. 4.401(5), 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 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 parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

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 - Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

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 manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION - Has the meaning given in s. 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 percent of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

VARIANCE - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

VIOLATION - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of water.

WATER SURFACE PROFILE - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Part 5 - County Trunk Highway Access Control Regulations

Subpart 1: Introduction

4.501 Authority

These regulations are adopted under the authority granted by Section 83.027, Wisconsin Statutes, and pursuant to 83.07 and 83.08, Wisconsin Statutes.

4.502 Purpose and Intent

The purpose of these regulations is: to promote the safe and efficient ingress and egress to certain county trunk highways in the interest of public safety, convenience and general welfare; to protect the public investment in highways by preventing premature functional obsolescence; to reduce highway accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists, and Rock County, to enhance the highway appearance for making highway travel more pleasant.

4.503 Severability

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

4.504 Title

This ordinance shall be numbered as Chapter 4, Rock County Ordinance, and shall be known as "COUNTY TRUNK HIGHWAY ACCESS CONTROL REGULATIONS, Rock County, Wisconsin"

4.505 Effective Date

This ordinance shall be effective after:
(1) A public hearing has been held,
(2) Adoption by the Rock County Board of Supervisors, and
(3) Copies of the findings determination and declaration are recorded with the Register of Deeds, filed with the County Clerk, and published in the newspaper in which the notice of public hearing was published as provided by Section 83.027(1), Wisconsin Statutes.

Subpart 2: General Provisions

4.511 Jurisdiction

These regulations shall apply to the following County Trunk Highways in Rock County:

County Trunk Highway "A" – Janesville city limits west to Highway "H".
County Trunk Highway "A" – Janesville city limits east to Highway "M"
County Trunk Highway "D" – Janesville city limits to Beloit city limits.
County Trunk Highway "G" – Janesville city limits to Beloit city limits.
County Trunk Highway "J" – Highway 11 to 1/2 mile south of Avalon Road.
County Trunk Highway "O" – Janesville city limits to Highway 11/14.
County Trunk Highway "M" – Highway "H" to Milton city limits.
County Trunk Highway "N" – All
County Trunk Highway "P" – Beloit city limits to I-90
County Trunk Highway "Y" – All
County Trunk Highway "Q" – All

4.512 Compliance with Ordinances, Regulations and Plan

Any person, firm or corporation seeking access to lands abutting the Rock County Trunk Highways in Section 4.511 shall comply with the requirements of these regulations and:

(1) Applicable County ordinances and regulations,
(2) Comprehensive plans or comprehensive plan components adopted by the Rock County Planning and Development Committee, and
(3) The comprehensive plan map of any municipality or governmental unit having jurisdiction.

4.513 Right of Access

(1) Each existing parcel of land abutting a controlled access highway at the time of enactment of this ordinance shall be entitled to access when in compliance with the provisions of this ordinance.
(2) After the designation of a controlled-access highway, no owners or occupants of the parcels of land created after enactment of the ordinance will have the right or easement of access, by reason of the fact that their property abuts the controlled access highway, unless otherwise provide for herein.

4.514 Approval of Necessary for Obtaining Access

(1) No entrance upon or departure from the county trunk highways designated, as controlled-access highways shall be permitted except at places specially designated and provide for such purposes.

(2) No public street or highway shall be opened into or connected with any controlled-access highway without written approval of the Rock County Public Works Committee and the Rock County Planning and Development Committee. Such approval shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such approval is given.
(3) Review and approval of the Rock County Public Works Committee and the Rock County Planning and Development Committee shall be required prior to any private entrance upon or departure from a designated controlled access highway being converted to public street or highway status.
(4) The Rock County Public Works Committee may designate a private access point as "temporary" and subject to periodic review. In the interest of public health, safety and general welfare, the Rock County Public Works Committee may revoke a "temporary" access permit or it may require modifications to remedy a problem situation.

4.515 Vacation of Access Control

A controlled-access highway shall remain such until the access control is revoked by the order of the Rock County Board of Supervisors. The Rock County Board may revoke access control on a County Trunk Highway or part thereof, provided that after a traffic engineering survey investigation and access control study, and a public hearing, the Rock County Board of Supervisors finds that the revocation on such highway or part thereof is in the public interest. The Rock County Board of Supervisors shall record the formal notice of revocation of access control on the highway in accordance with 4.505.

4.516 Addition of Access Control

The Rock County Board of Supervisors may invoke access control on additional County Trunk Highways or parts thereof, pursuant to Section 83.027 of the State Statute's, the Rock County Board of Supervisors shall record the formal notice of access control on such highways in accordance with 4.505.

4.517 Existing Points of Access

All existing points of access may be continued after the adoption of these regulations. However, if the use of such driveways is discontinued for a period of one year the Rock County Public Works Committee may require alteration or improvements for compliance with the standards set forth in this ordinance. Modification of the driveways, which existed prior to adoption of this ordinance, shall be subject to the requirements set forth herein. Existing driveways are defined as those shown of the official Access Control Maps.

4.518 Change of Use

Any point of access permitted under this ordinance shall be subject to review and approval by the Rock County Public Work Committee and the Rock County Planning and Development Committee, where these committees determine that there has been a change in use which will affect safe and efficient ingress and egress to, and use of, a controlled access highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.

Subpart 3: Standards and Specific Provisions

4.521 Spacing and Frequency

(1) One access may be permitted for each parcel of land as defined under 4.545(6), except where an alternate means of access is available and would better serve the public interest.
(2) Access permits shall not be issued where the horizontal distances between access points will be less than 600 feet, except as provided under 4.521(1).
(3) A maximum of eight access points per side per mile of highway shall be permitted, except as provided under 4.521(1).

4.522 Design

The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile, and width, shall be based on minimum standards of the American Association of State Highway and Transportation Officials and the National Cooperative Highway Research Program Report #93, "Guidelines for Medial and Marginal Access Control on Major Roadways" and shall comply with the provision of the access permit issued by the Rock County Public Works Committee. In locating access points along the controlled access highways, consideration shall be given to the alignment of the proposed intersecting streets directly across form each other in order to facilitate safe and efficient flow of traffic across the highway.

Subpart 4: Application and Review Procedures

4.531 Permits

(1) Applications for permits shall be made to the Rock County Public Works Committee.
(2) Permits shall be required for all new access points along a county trunk highway designated as a controlled access highway in 4.511.
(3) The authority to approve, conditionally approve, or reject applications for access is delegated to the Rock County Public Works Committee by the Rock County Board of Supervisors.

(4) Prior to Rock County Public Works committee action on an access application, the staff of the Rock County Planning Department shall be consulted regarding the proposed access.
(5) The Rock County Public Works Department shall conduct periodic inspections to determine compliance with the ordinance provisions and shall maintain permanent records of data submitted, staff recommendations and permits issued.
(6) An access permit shall expire one year form the date of issuance if evidence of use has not been established within that time.
(7) Upon issuance of a permit, the point of access shall be inspected during and after construction.
(8) When violations occur, the Rock County Public Works Committee shall revoke the access permit(s).

4.532 Data Requirement

The Rock County Public Works Committee may require submission of a scale drawing showing the property lines, the topography, streams, lakes and ponds, marshes and the location of the existing and proposed buildings and structures, together with engineering data as deemed necessary for the design of the intersection.

Subpart 5: Administration and Enforcement

4.541 Variances

(1) Any person or any office or department aggrieved by an order, requirement or interpretation made by the Committee may appeal such decision to the Rock County Board of Adjustment according to the Rules of Procedures for the Rock Board of Adjustment. Where the Board finds that practical difficulty and unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of these regulations.
(2) In granting variances, the Rock County Board of Adjustment shall request the evidence of practical difficulty hardship and record the reasons in the minutes why the variance was granted.

4.542 Fees

The applicant shall pay to the Rock County Planning and Development Department a fee for each permit to be determined by the County Board of Supervisors as part of the annual budget.

4.543 Access Control Maps

The location of all points of access are hereby established as shown on the maps entitled "Access Control Maps" on file in the office of the Rock County Planning Department. The Department shall periodically update the "Access Control Maps" to show any changes o the map resulting from the action of the Rock County Public Works Committee or the Rock County Board of Supervisors. The "Access Control Maps" together with all information shown thereon and all amendments thereto, shall be a part of these regulations.

4.544 Violations and Penalties

Any person who enters or leaves a limited access highway except at a lawful access shall be subject to Section 83.027(12), Wisconsin Statutes, which provides for fines not more than $100 or imprisonment not more than thirty days for each violation.

4.545 Definitions

For the purpose of these regulations, certain words or phrases used herein are defined as follows:

(1) Access: A recognized point of vehicular entry onto a highway where evidence of use has been clearly established.

(2) Controlled Access Highway: A highway on which the traffic is such that the Rock County Board has found, determined, and declared it to be necessary, in the interest of the public safety, convenience and the general welfare to regulate entrance upon and departure from the highway or street except at places specially designated and provide for such purposes, and to exercise special controls over traffic on such highway or street.

(3) Effective Date: The date that a specified county trunk highway became subject of the provisions of this ordinance.

(4) Evidence of Use: The maintenance of access or any species of proof through the medium of witness, records, or documents that establish periodic ingress or egress to the highway.

(5) Mile: A mile shall be measured to include ½ mile in either direction from each particular point of access under consideration.

(6) Parcel: Contiguous lands under the control of a developer(s), not separated by streets, highways, or railroad rights-of-way, established prior to the adoption date of this ordinance or any amendments hereto.

Rules Covering Installations of Driveways on County Trunk Highways in Rock County

o. 1 The edge of the driveway or the end of the Culvert, at the center of Highway ditch shall not be closer than (5) feet from any property line.

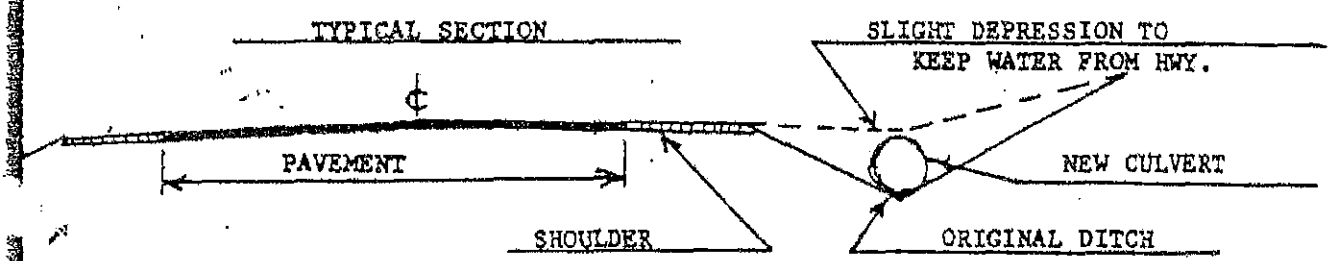
o. 2 The size (diameter and length) of the Culvert shall be as specified by the Rock County Highway Department Personnel.

o. 3 No Portion of the Driveway shall be closer than 100 feet from the nearest edge of the Right of Way of an intersecting public road at an intersection

o. 4 The edge of the Driveway, at the center of the Highway ditch shall not be closer than 20 feet from the edge of another Driveway at the center of the Highway ditch.

o. 5 No concrete or stone endwalls or any other material that could constitute a menace to Highway Safety may be used. The ground surrounding the end of the Driveway shall be sloped in a gentle slop, back to the Highway ditch. However, tandard apron endsections, either metal or concrete may be used.

o. 6 When the Driveway is in an area sloping up from the Highway, the following general design must befollowed:



Six inch minimum gravel cover over culvert

o. 7 The Driveway shall always be the sole responsibility of the land owner.

o. 8 The permittee, his successors or assigns agree to hold harmless the Rock County Highway Department and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of this permit.

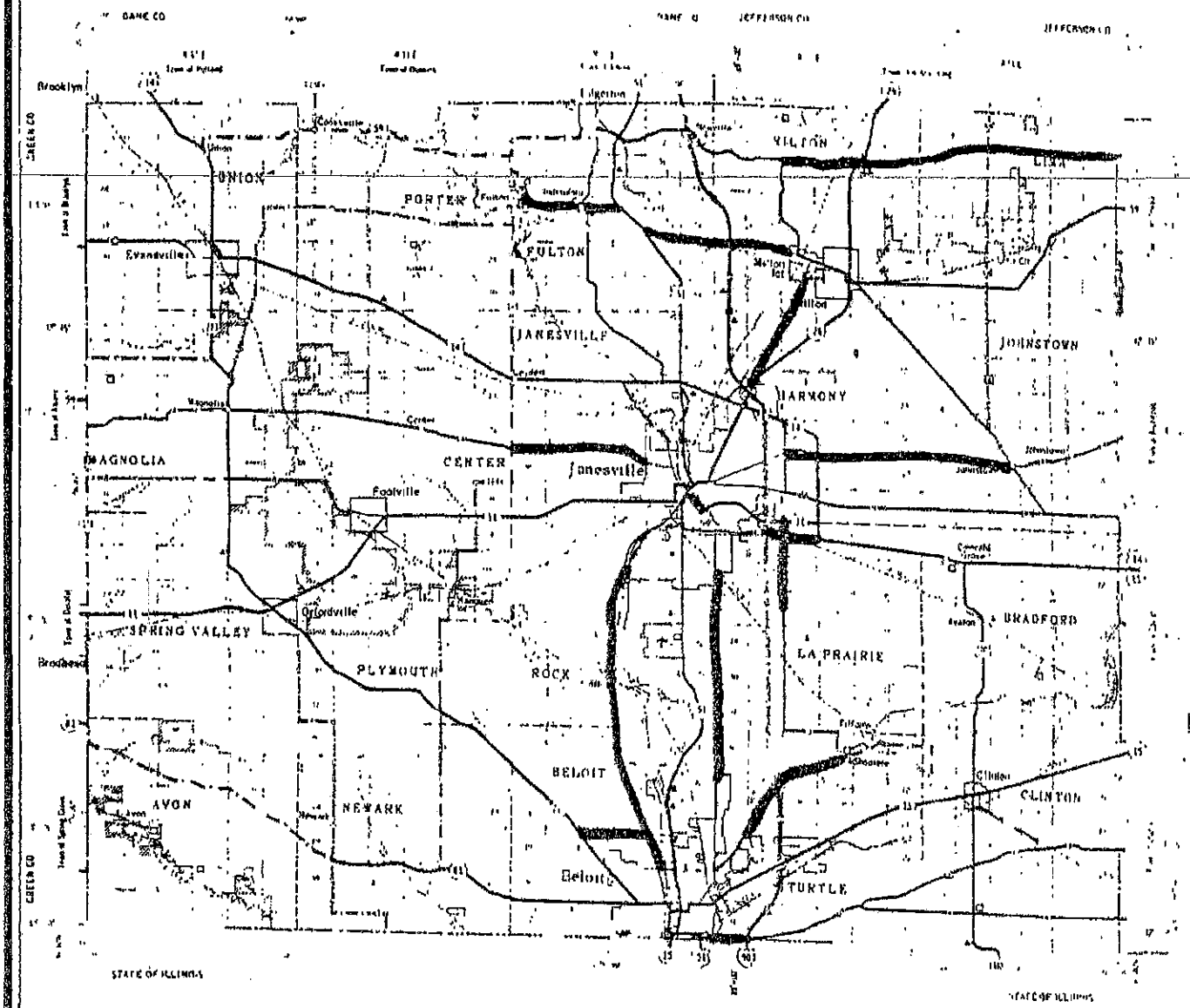
o. 9 Rock County does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of windrow of such material, upon any portion of any Driveway or entrance along any County Highway, even hough snow, ice or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal Winter Maintenance Operations.

No Concrete Surfacing Shall be placed in Highway Right of Way

ROCK COUNTY HIGHWAY COMMISSION

Durlin L. Harnack, Highway Commissioner

Acce : Control Road



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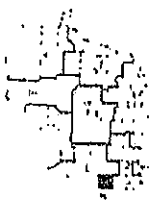

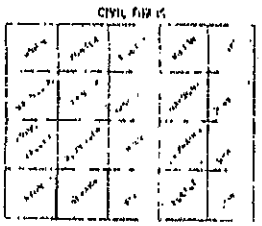

ROCK CO.

STATE OF WISCONSIN

Part 6 – Rock County Address Ordinance

4.600 General Provisions

(1) Purpose and Intent. The purpose of this ordinance is to establish and maintain a consistent rural address number and road name system in the unincorporated area of Rock County. The intent in establishing an address system is to assign each structure a unique and identifiable address which will aid emergency personnel in providing fire protection, emergency medical services, police services, civil defense, the delivery of mail, and meet other general location needs of the public.

(2) Committee. The Planning and Development Committee, appointed by the Rock County Board, shall have policy supervision over this ordinance. The Committee shall have the authority necessary to enforce/litigate the provisions of this ordinance.

(3) Committee Designee. This ordinance shall be administered and enforced by the Committee Designee. The Committee Designee is herein delegated the authority and responsibility to administer, assign address numbers, assure that address and intersection signs are properly installed and reinstalled on a timely basis, enforce and police the provisions of this ordinance.

(4) Authority. This ordinance is adopted under the authority granted to the County in Section 59.54(4) of the Wisconsin Statutes which provides for the establishment of a rural numbering system in towns for the purpose of aiding in fire protection, emergency services, and civil defense under which:

(A) Each rural road and each home, business, or farm shall be assigned a name and number.

(B) Such names or numbers may be displayed on uniform signs posted on rural roads and intersections, and at each home, business or farm.

(C) This subsection shall be carried out in cooperation with any town or towns in the County.

(5) Powers. The Planning and Development Committee shall have all the powers necessary to administer, enforce and litigate the provisions and/or violations of this ordinance.

(6) Jurisdiction. The jurisdiction of this ordinance is applicable to all the unincorporated area located in the geographic boundaries of the County of Rock, Wisconsin.

(7) Amendments. The Rock County Board of Supervisors may from time to time amend the provisions of this ordinance. A public hearing shall be held on all proposed amendments by the Planning and Development Committee after giving a Class 2 legal notice. The Committee shall then review the public hearing comments and make appropriate recommendations to the County Board.

4.601 Official Database

(1) Official Address and Road Database. The address numbers contained within the Official Address Database (hereafter called the Database) accompanies and is made part of this Ordinance. The Database shall be regularly updated by the Committee Designee and kept on file in the Office of the Planning and Development Agency and 911 Communications Department with a copy on file in the County Clerk's office. The Rock County Planning and Development Agency as well as the 911 Communications Department shall keep the original version of said Database and add all new address numbers, address number changes, new road names, and road name changes as they are established. A "Master Database of Rock County Road Names" shall be an integral part of the Official Address and Road Database.

(2) Road Names. There is hereby established a uniform system of names for all roads in the unincorporated areas of Rock County, Wisconsin as follows:

(A) U.S. and State Trunk Highways, which are presently designated by number by the State Department of Transportation, Division of Highways, shall retain such designation. All U.S. and State Trunk Highways shall be numbered by the State Department of Highways and the sign name shall be N, S, E, or W, U.S. "#", and STH "#" respectively.

(B) All County Highways which are presently designated by letter by Rock County shall retain such designation. All new County Highways or change of designation shall be named by the Rock County Board of Supervisors. County Highway sign names shall be N, S, E or W, CTH "#".

(C) All other public roads shall be designated by name on the Official Address and Road Map prepared by the Rock County Planning and Development Agency in cooperation with the respective Towns and approved as part of this ordinance shall retain their names as indicated on the map.

(3) The Planning and Development Committee will confer with the Town Boards in the naming or renaming of roads. New road names crossing the boundary from one town into another, or a new road that is an extension from an existing road shall bear the same name. In Towns that have roads which continue into an adjoining Town, the respective towns in conjunction with the Committee shall mutually agree on the naming or renaming of roads. Failing agreement of the town, the Committee shall notify the respective Town with a 60 day prior notice of the Committee's intent to assign a road name. The Committee shall herein have the authority to establish the Official Road Name after following the above procedure.

(4) The name of a proposed new road or the renaming of an existing road shall not duplicate, or too closely approximate phonetically, the name of any other road or street name in the County.

(5) New roads resulting from the approval of new land divisions shall be named in accordance with the Land Division Regulations of Rock County. The road names shall be added to the "Official Address and Road Map" and the Master Index of Rock County Road Names upon final approval of a land division.

4.602 Signs

(1) Road Name Signs. Road name signs shall be erected at the intersections of all roads within the towns. The Towns shall be responsible for maintenance and replacement of these signs after initial placement by the County. They shall be so erected and maintained as to be clearly visible to those who use the road at all hours of the day and night. All signs shall be of uniform pattern and color and mounted on suitable posts in a consistent manner throughout the County. Road name signs shall show the names of the roads, the block numbers, and N, S, E, or W as depicted on the "Official Address and Road Map" as to respective location within the County-wide Address Numbering System.

(2) Road Sign Materials: The type of lettering, material of the sign plate and the mounting post shall be:

(A) Each sign plate shall have a deep green background with white numbering which shall be totally reflectorized utilizing either Engineer Grade Sheeting (or a combination of) silk screen/die cut letters and numerals,

(B) Each sign plate shall be a minimum of six (6) inches in height and twenty (20) inches in length or longer depending on length of road name and the respective hundred block involved,

(C) The face of the sign plate shall have the name of the respective road located in the center (top to bottom and length) in four (4) inch letters,

(D) The face of the sign plate shall have the respective County address grid number (spaced appropriately) in two (2) inch numbers at the end of the Official Road Name,

(E) The letters and numbers shall meet Federal Highway Administration Series B or C specifications,

(F) The sign plate shall be extruded aluminum with a minimum 0.091 web thickness with a thicker top and bottom to strengthen the sign plate,

(G) Each intersection sign unit will consist of two or more road name sign plates and a post which shall be oriented in the same direction as the respective road being named,

(H) Sign posts shall be:

1. a "U" Channel Post with a minimum length of twelve (12) feet weighing a minimum of 2 pounds (or 3 pound for larger signs) per linear foot and finished with a protective coating of deep green enamel, or

2. a 12 foot by 2 inch galvanized pipe, 13 gauge, 2.31 lbs per foot, including an anchor plate welded to the pipe with the top of the plate 24 inches from the bottom of the pipe, or

3. a 1-3/4" X 1-3/4" quick punch type square tube post of the same length, fourteen gauge steel, in line holes, hot-dipped galvanized zinc coating per AASHTO M-120, with a cromate conversion coating and a clear organic exterior coating. A minimum 46 inch sleeve section of 2" X 2" - 12 gauge quick-punch type post to the above standards, one size larger than the sign post, is to be driven into the ground leaving a maximum of 4 inches above the surface. The sign post will be inserted into the ground anchor section and bolted with a tamper proof bolt.

(I) The bracket attaching the sign plate to the post shall be a minimum of five (5) inches long and designed for attaching a U Channel post or a galvanized tubular steel post to an extruded aluminum sign. The cross bracket shall connect on the extruded aluminum sign plates for a minimum of five (5) inches. Two tamper proof sets of nuts and bolts will go through the brackets to or through the sign plates securing the signs and brackets and four tamper proof set screws will secure the sign bracket to the post.

(J) The sign post shall be placed in the ground a minimum of 3.5 feet with the sign unit clearly visible from the traveled roadway.

4.603 Administration

(1) Address Numbering Administration: The Rock County Planning and Development Committee shall have policy supervision over this ordinance and shall be administered and enforced by the Committee Designee.

(A) Master Address Road Names Database – The Rock County Planning and Development Agency in cooperation with Rock County 911 Communications Department shall maintain and update a Geographic Information System (GIS) Master Database of assigned road names.

(B) Official Address Number Database – An Official Address Number and Road Geographic Information System (GIS) Database will be prepared and updated by the Committee Designee in conjunction and in cooperation with the 911 Communications Department for the unincorporated areas of Rock County.

(C) Delegation - The Committee Designee is hereby delegated the authority and responsibility to administer and enforce the provisions of this ordinance without limitation by reason of enumeration, including the Following:

1. To require complete and accurate information pertaining to the location and placement of address signs,

2. To inspect the location and condition of intersection signs and officially notify the respective town as to missing or damaged signs.

3. The authority to administer, enforce, and litigate the provisions and violations of this ordinance.

4. To establish an Address Sign Application and process to cover the location, installation, and aid in the administration of this ordinance.

(D) Address Application - An application for an address number and sign shall be made to the Committee Designee for any new building or address number. The application fee shall be set by policy action of the Planning and Development Committee.

(E) Rules - The Planning and Development Committee will have the authority to make reasonable rules to insure an orderly and speedy implementation of the address numbering system.

4.604 Address Numbering

(1) The Address Numbering System: The Address Numbering System will utilize a grid system and extend from the intersection of Main Street and Milwaukee Street in the City of Janesville and number addresses north, south, east, and west over the rural areas of the County. State Highway 11 West to Footville and thence following the township line to the edge of the county and County MM East will serve as the east-west base line. U.S. Highway 51 North and County G South (Prairie Rd.) to Townline Road, thence west along Townline Road to the Rock River and thence south along the centerline of the Rock River will serve as the north-south baseline.

(2) Address Number Assignment. New address numbers will be assigned by the Committee Designee. Where possible, address numbers will originate at the base lines and extend north, south, east, and west assigning 1,000 numbers to every mile, or 100 numbers to every 528 feet. Each hundred series of numbers will originate at the nearest section or quarter section line. Where possible, individual address numbers will be assigned at 22 foot intervals from the nearest hundred marks. Even numbers will be assigned to the right hand side of roads and odd numbers will be assigned to left hand side of roads as one would go from the center of the system to the north, south, east and west. The number shall be assigned at the intersection of the centerline of the driveway and the right-of-way line of the

public road (in areas that are not platted) or at the center of the front lot line (in areas that have lots).

(3) Town of Beloit. Address numbering in the Town of Beloit will utilize a grid system based on the City of Beloit Address System expanded into Beloit Township. The grid system will extend from the State Line as a base line and number addresses north to Town Line Road. The center of the Rock River from the State Line to Town Line Road will be the base line for addresses numbered east and west. Where possible, address numbers will originate from base lines and extend north, east and west assigning 1,000 numbers to every mile, or 100 numbers every 528 feet. Each hundred series of numbers will originate at the nearest section or quarter section line. Individual address numbers will be assigned at 30 foot intervals from the nearest hundred marks. Even numbers will be assigned to the left hand side of the road and odd numbers will be assigned to the right hand side of the road as one would go from the base lines of the system to the north and west. East of the river base line even numbers will be assigned to the right hand side and odd numbers assigned to the left as one would go from the river to the east. The number shall be assigned at the intersection of the centerline of the public road (in areas that are not platted) or at the center of the front lot line (in areas that have lots).

(4) Cities and Villages. The cities and villages in the County will retain their current address systems with the County addresses and road names being utilized in the surrounding rural areas.

4.605 Address Signs

(1) General. All buildings and other locations within the unincorporated areas of Rock County, shall have an assigned address number. The assigned address number shall be posted on an address sign unit located as provided by the following specifications:

(A) The sign shall be installed so that the plate is perpendicular to the roadway and not more than three feet from the road right-of-way, and not closer than five (5) feet or further than ten (10) feet from the driveway serving the building.

(B) The sign plate shall be installed not less than four feet and not more than five feet from ground level. The sign unit shall be installed in a clear and unobstructed view from the roadway.

(C) Multi-family dwellings and industrial or business complexes will be assigned individual address numbers as determined by the Committee Designee.

(D) A driveway servicing multiple buildings or acting as a joint driveway for multiple parcels shall have a sign unit indicating the range of individual addresses being served on the driveway. The multiple sign unit shall be placed at the intersection of the driveway and the public road. Individual address signs shall also be placed at each building or location on the driveway.

(E) Additional address signs may be located on a building. Any second number sign erected on a building shall not be in place of the primary sign unit required by this ordinance.

(2) Address Sign Specifications

(A) The address sign unit shall consist of a Flag Style sign plate (on which the address numbers, town name, and road name are enumerated on both sides) mounted on a sign post with associated hardware. The sign plate, post, and hardware shall meet the minimum specifications of this ordinance.

(B) The Address sign unit shall have a red background with white letters and border. All signs shall be on 3M high Intensity Prismatic sheeting 3930 utilizing 3M ink with clear anti-graffiti/UV-stabilizer film applied over finished sign. The address number shall be four (4) inches high: series B or C numbers (which will be a maximum of 5 (5) integers long) located in the appropriate center of the sign. Based on National Manual for Traffic Control Signs.

(C) Sign Plates shall be manufactured of flat sheet aluminum, at a minimum thickness gauge of 0.080 of an inch with 3/4 inch radius curved corners. There shall be two (2) 3/8 inch holes in the attachment side of the sign a minimum of one (1) inch from top, bottom and edge.

(D) Sign Plates shall be at least eight (8) inches in height and twenty (20) inches in width or longer depending on length of number, town name, and/or road name.

(E) Sign Posts shall be seven foot "U" channel steel posts, with a minimum weight of 1.12 pounds per linear foot. A minimum of 2 holes shall be contained in each post with diameters of 3/8 to 1/2 inches beginning at the center one inch from the top of the post and the second hole located in direct alignment with the bottom hole on the sign plate. Sign posts shall be finished with a deep-green enamel.

(F) Attachment bolts shall consist of two 3/8 to 1/2 inch diameter two inch threaded bolts and two 5/8 to 7/8 inch diameter hex nuts.

(G) The face of the sign shall have the name of the respective town centered on the top in one (1) inch letters.

(H) The face of the sign shall have the name of the respective road centered on the bottom in one (1) inch letters.

(3) Urban Area Address Signs. With the Committee Designee's approval buildings in urban areas which are served with public sewer and water and are at less than thirty-five (35) feet from the edge of a public road-right-of-way may attach address numbers to the respective building. These address numbers shall:

(A) Be placed above or immediately to the right of the main entrance door, or centrally above the attached garage door of the building for the address and road name assigned,

(B) Address numbers shall be a minimum of four (4) inches high and two and one-half (2 1/2) inches wide,

(C) Be made of material that is readily visible from the public road,

(D) Address numbers shall be numerals not alphabetical letters spelling the number, and

(E) Be installed in clear view and unobstructed view from the roadway.

(4) Exemptions. All property owners within the unincorporated areas of Rock County shall comply with the specifications of this ordinance, unless a written exemption has been obtained from the Rock County Planning and Development Committee. Posts that were used for another numbering system may be used if the above specifications are met and approved by the Committee Designee.

4.606 Sign Application and Installation

(1) Application. Upon application by the owner or agent and payment of the address sign fee the Committee Designee shall issue an address number and order the sign unit for installation.

(2) Installation. The Planning and Development Agency shall consult with the Towns on the procedures for the installation of new and replacement signs.

(3) Damage or Replacement. It is unlawful to willfully damage or destroy any sign erected under the provisions of this ordinance.

(4) Civil Remedies**.** Owner or occupant may pursue civil remedies for the reimbursement of sign or sign unit costs from the person(s) causing the damage or destruction.

(5) Responsibility. Owners or occupants of a building or location having an assigned address number shall be responsible for the placement of new signs and replacement of damaged signs located on their property through the Committee Designee.

4.607 Enforcement

(1) Written Order. The Committee Designee shall have the power to issue a written order to correct any violation of this ordinance that shall specify the following:

(A) The nature of the violation and the steps needed to abate and/or correct it.

(B) The time period in which the violation must be corrected and/or abated.

(C) The penalty or penalties the violator will be subject to if the alleged violation is not abated and/or corrected within the given time period.

(2) Non-Compliance with Order. If the owner or occupant person does not comply with a written order from the Committee Designee the owner or applicant shall be subject to one or more of the following actions and/or penalties:

(A) The issuance of a citation under the provisions of Chapter 7—County of Rock Ordinances.

(B) Commencement of legal action seeking a court imposed forfeiture.

(3) Penalties. Any person, firm or corporation who fails to comply with, or violates, the provisions of the Ordinance shall, upon conviction thereof, forfeit not less than $100 nor more than $500 and the costs of prosecution for each violation. Said person, firm or corporation shall also be responsible for all damages including sign replacement. Each day a violation exists or continues shall constitute a separate offense.

4.608 Effect on Other Ordinances

(1) Should any section or provision of this Ordinance be declared unconstitutional, invalid or repealed, the constitutionality or validity of the remainder of the Ordinance shall not be affected.

(2) Provisions of other Rock County Ordinances inconsistent herewith are hereby repealed and superseded.

(3) This Ordinance shall take effect upon passage by the Rock County Board of Supervisors and publication.

4.609 Definitions

Agency - Includes the Planning and Development Committee and the Planning and Development Department Staff authorized to act in all matters pertaining to this Ordinance and other planning and development activities as provided in Wisconsin Statutes 59.69.

Committee Designee - Director of the Planning and Development Agency (or his/her designee) delegated the authority and responsibility to administer and enforce these regulations or, to perform a specific function in association with this Ordinance.

Committee - The standing committee of the Rock County Board of Supervisors established as Planning and Development Committee under Wisconsin Statutes 59.69 that has been delegated policy supervision over this Ordinance.

Sign - The individual address or road name sign plate which is mounted on a post.

Sign Unit - One or more address or road name sign plates mounted on a post with bolts and/or brackets.

4.610 Effective Date

This Ordinance shall become effective the date the adopted Ordinance is published.

Subchapter 2 – Environmental Management

Part 7 – Solid Waste Management

4.701 Establishment

(1) Pursuant to Wisconsin Statutes, Section 59.07 (135), there is established a Solid Waste Management System for Rock County and a Solid Waste Management Board to operate the system; however, such system shall be limited to only those powers herein contained.

(2) The Solid Waste Management System hereby created shall identify Rock County as a Solid Waste Management District which shall be composed of twenty-eight (28) individual service districts. Each governmental unit within the County shall constitute one (1) service district with the right to determine whether or not it shall participate in this county-wide solid waste management system.

4.702 Name

The name of such system shall be the Rock County Solid Waste Management System.

4.703 Purpose

The Solid Waste Management System hereby created shall develop, provide, or cause to be provided such services as are necessary for the implementation and maintenance of solid waste disposal and recycling within such districts. Recycling of wastes shall be encouraged and provided when unit costs for such service are competitive with other means of disposal. The arrangement of this system shall be such as to encourage the participation of private enterprise as well as to facilitate the use of interjurisdictional resources to the fullest extent through unity of management, fiscal responsibilities and equitable servicing of all participating solid waste management districts.

4.704 Solid Waste Management Board

The Solid Waste Management Board shall be composed of nine (9) members, five (5) of these members being County Board Supervisors. Members of the Solid Waste Management Board shall be appointed by the County Board Chairman from the areas within Rock County on the following basis:

3 members - City of Janesville
2 members - City of Beloit
1 member - Other Incorporated Areas
3 members - Unincorporated Areas (Towns)

All such appointments shall be subject to confirmation by the Rock County Board of Supervisors. All members of the Solid Waste Management Board should be persons of recognized ability and demonstrated interest in the problems of solid waste management.

(2) Except as hereinafter provided, the term of office of each member of the Solid Waste Management Board appointed pursuant to this Ordinance shall be for three (3) years. However, terms of those initially appointed shall be as follows:

One-third shall be appointed for a term of four (4) years.

One-third shall be appointed for a term of three (3) years.

One-third shall be appointed for a term of two (2) years.

If a County Board member of the Solid Waste Management Board ceases to be a County Board member for any reason whatsoever, his membership on the Solid Waste Management Board shall terminate as of the effective date of his termination as County Board Supervisor. Vacancies for unexpired terms shall be filled in the same manner as original appointments. Any Solid Waste Management Board member appointed hereunder may be removed by the appointing authority in accordance with the procedure and authority set forth in the statutes.

(3) The Solid Waste Management Board shall elect its own officers and adopt its own rules of procedure. Such rules of procedure shall not conflict with law or any other county ordinances.

(4) Solid Waste Management Board members appointed hereunder shall be compensated for their services and travel expenses at a rate which shall be the same as the per diem and mileage allowance prevailing for the Rock County Board of Supervisors.

(5) Subject to the rules and regulations established and amended from time to time by the Rock County Board of Supervisors, including but not limited to Sction 20.01 of this Ordinance, the Solid Waste Management Board shall have the following powers:

(a) Develop plans for a solid waste management system.

(b) Recommend the retention of a competent manager trained and experienced in solid waste management and other such personnel as may be necessary to properly supervise and operate the County Solid Waste Management System. The appointment of such a manager shall be consistent with Section 18.302 (d)(1) of the Rock County Personnel Ordinance.

(c) Within Rock County, collect, transport, dispose of, destroy or transfer wastes, including, without restriction because of enumeration, garbage, ashes, or incinerator residue, municipal, domestic, agricultural, industrial and commercial rubbish, waste of refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes.

(d) Subject to County Board approval, acquire lands by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.

(e) Authorize employees or agents to enter upon lands to conduct reasonable and necessary investigations and tests to determine the suitability of sites for solid waste management activities whenever permission is obtained from the property owner.

(f) Subject to County Board approval, acquire by purchase, lease, donation or eminent domain such easements or other limited interests in land as are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.

(g) Establish operations and methods of waste management as are deemed appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.

(h) Acquire necessary equipment, and construct, equip and operate facilities and structures to be used in the solid waste management system, according to procedures contained in the Rock County Purchasing Ordinance.

(i) Recommend to the County Board ordinances necessary for the conduct of the solid waste management system, providing fines for violations, and enforce such ordinances when adopted.

(j) Contract with private collectors or transporters or municipalities to receive and dispose of wastes; contract with private persons or municipalities for development and operation of solid waste facilities.

(k) Engage in, contract with consultants, sponsor or cosponsor research and demonstration projects intended to improve the techniques of solid waste management or to increase the extent of reuse or recycling of materials and resources included within the wastes.

(l) Recommend to the Board the acceptance of funds derived from state and federal grants or assistance programs and enter into necessary contracts or agreements.

(m) Make payments to any municipality in which county disposal sites or facilities are located to cover the reasonable costs of services rendered to such sites or facilities.

(n) Charge or assess reasonable fees, approximately commensurate with the costs of services rendered to persons using the services of the county solid waste management system. Fees may include a reasonable charge for depreciation which shall create a reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume.

(o) Districts may be created and different types of solid waste collection or disposal services provided within them and different regulations and cost allocations may be applied to each service district. The costs, although allocated on a user fee basis, may be collected in any manner desired by the participating municipal unit.

(p) Utilize or dispose of by sale or otherwise any and all products or by-products of the solid waste management system.

(q) No recycling or processing plant for solid wastes may be constructed, altered or reconstructed in a recycling region established by the Wisconsin Solid Waste Recycling Authority without the prior consultation with the Authority.

4.705 Finances

(1) The Rock County Solid Waste Management Sytem shall be financed by such funds as may be availble through public and private sources; and the Solid Waste Management Board is authorized to accept private donations and to request and receive state and federal grants-in-aid as may be approved and appropriated by the Rock County Board of Supervisors.

(2) The Solid Waste Management Board shall plan its financial operations on a calendar year basis; and each year it shall submit its proposed budget for the next calendar year to the County Administrator in accordance with county budgetary procedures. That budget would then be submitted to the County Board of Supervisors for approval. All monies advanced by Rock County would be repaid by the Solid Waste Management Board, on a user fee basis, within a reasonable time after initial expenditure and according to a prearranged schedule, except initial year expenditures (January 1 - December 31, 1977) shall be financed from general county revenues and shall not be reimbursed.

(3) The Solid Waste Management Board shall have no authority to levy taxes or borrow money for the creation, development, or operation of the solid waste management system. It is intended said authority remain with the County Board.

(4) The Solid Waste Management Board shall obtain total reimbursement on a fee basis from those municipalities or persons who use the solid waste management system for those obligations and expenditures incurred by Rock County, after December 31, 1977, for the development and operation of the Rock County Solid Waste System, including all expenditures necessary for the retirement of any municipal bonds issued for the purpose of

a solid waste system and all expenditures necessary for the acquisition of sites and development of facilities within said system.

4.706 Reports

The Solid Waste Management Board shall make an annual report to the Rock County Board of Supervisors prior to the submission of the budget, and it shall make or cause to be made such other reports as may be required from time to time by the Rock County Board of Supervisors.

4.707 Effective Date

This Ordinance, as amended, shall take effect on July 1, 1977.

Part 8 – Storm Water Management

4.801 Title and Effective Date

This ordinance may be cited as the Rock County Storm Water Management Ordinance.

4.802 Authority

(1) This ordinance is adopted under authority granted by secs. 59.693 and 92.07(15), Wis. Stats. This ordinance supersedes all conflicting and contradictory storm water management regulations previously adopted by the County under sec. 59.693, Wis. Stats.

(2) The requirements of this ordinance do not preempt more stringent storm water management requirements that may be imposed by the Wisconsin Department of Natural Resources ("DNR").

(3) The provisions of this ordinance are not intended to limit any other lawful regulatory powers of the County of Rock.

(4) The Rock County Board of Supervisors ("County Board") designates the Rock County Land Conservation Department (LCD) to administer and enforce the provisions of this ordinance. Agency staff will be responsible for the administration and enforcement of this ordinance. The Land Conservation Committee (LCC) may review staff decisions upon written request by an applicant or permit holder to the Committee chair. The LCD may also administer and enforce an identical ordinance of a town, village, or city that has entered into an intergovernmental agreement with the County under sec. 66.0301, Wis. Stats., for ordinance administration services.

4.803 Findings of Fact

(1) The County Board finds that uncontrolled, post-construction runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community, and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(A) Degrade physical stream habitat by increasing stream bank erosion and stream bed scour, diminishing groundwater recharge and stream base flows and increasing stream temperature;

(B) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;

(C) Alter wetland communities by changing wetland hydrology and increasing pollutant loads;

(D) Reduce the quality of groundwater by increasing pollutant loading;

(E) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes and overtaxing storm sewers, drainage ways, and other minor drainage facilities;

(F) Undermine floodplain management efforts by increasing the incidence levels of flooding.

(2) The County Board finds that properly planned, implemented, and maintained storm water control best management practices (BMPs) can significantly reduce these impacts.

4.804 Purpose and Intent

(1) Purpose. The general purpose of this ordinance is to promote the health, safety, and general welfare of the people, preserve the natural resources, and protect the quality of the waters of the state, to the extent practicable. Specific purposes are to:

(A) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve ground cover and scenic beauty; promote sound economic growth; control the exceeding of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(B) Foster consistent, statewide application of post-construction performance standards developed by the DNR under sec. 281.16 (2), Wis. Stats.

(C) Assist the County in becoming an "Authorized Local Program" as described in NR 216, Subchapter III, Wis. Adm. Code.

(D) Promote cooperation among governmental units within the County to manage storm water in an effective, cost-efficient, and equitable manner.

(2) Intent. The intent of this ordinance is to establish long-term, post-construction runoff management requirements that require the use of BMPs to reduce the amount of post-construction storm water and associated pollutants reaching waters of the state or adjacent property. It is intended that permit holders be able to choose the most cost-effective BMPs meeting the performance standards required under this ordinance. This ordinance is not intended to limit activity or division of land permitted under the applicable zoning and land division ordinances.

4.805 Jurisdiction, Applicability and Waivers

(1) Jurisdiction

(A) The provisions of this ordinance shall apply in all unincorporated lands within the jurisdictional boundaries of the County where a town board has not adopted an ordinance under sec. 60.627, Wis. Stats.

(B) This ordinance shall continue in effect in any area annexed by a city or village, unless the city or village enacts, maintains and enforces an ordinance which complies with minimum standards established by the DNR and meets or exceeds the standards of this ordinance, as established under sec. 59.693 (10), Wis. Stats.

(2) Applicability

(A) This ordinance applies to the following land disturbing activities:

(1) A construction site that has one or more acres of land disturbing activity.

(2) Activities under (A) which are less than one acre but are part of a larger construction site that in total disturbs more than one acre are subject to this ordinance.

(3) Land disturbing activities, on a site of any size, that have been observed to cause, or have been determined likely to result in, runoff in excess of the safe capacity of the existing drainage facilities or receiving body of water, undue channel erosion, increased water pollution by scouring or the transportation of particulate matter, or endangerment of property or public safety. The LCC shall make this determination after review by the LCD.

(B) Exemptions.

1. This ordinance does not apply to the following:

a. Agricultural Activities: include land disturbing activities directly involved with the planting, growing and harvesting of any plant grown for human or animal consumption and pasturing or yarding of livestock;

b. Silviculture Activities: include land disturbing activities directly relating to nursery operations and sod farms;

c. Routine maintenance for project sites under 1 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility;

d. Land disturbing activities conducted, or contracted by, any state agency, as defined under sec. 227.01 (1), Wis. Stats., but also including the office of district attorney which are subject to the state storm water management plan promulgated or a memorandum of understanding entered into under sec. 281.33 (2), Wis. Stats.;

e. Post-construction sites with less than 10 percent connected imperviousness, based on complete development of the post-construction site, provided the cumulative area of all impervious surfaces is less than one acre;

f. Underground utility construction such as water, sewer, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction;

2. Any land disturbing activity that is designed and/or certified by the LCD or the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as part of a soil conservation or water pollution control project shall comply with all of the requirements of this ordinance, but shall be exempted from obtaining a permit, providing a financial guarantee, or paying fees under sec. 4.809.

3. Any land disturbing activity that is conducted by or for the County, or by or for any city, town or village on lands located within the County, shall comply with all of the requirements of this ordinance, including obtaining a permit and submitting a storm water management plan, but shall be exempted from providing a financial guarantee, or paying fees under sec. 4.809.

a. At the discretion of the LCD, for land disturbing activity that is conducted by or for the County, a qualified employee of the county department, or contracted agent, undertaking the construction activity may administer the permit.

4. Any land disturbing activities conducted on sites which were included as part of a previously completed storm water management plan that was approved under this ordinance shall be exempt from obtaining a permit, provided:

a. new activities do not render the existing storm water BMPs less effective; or,

b. new site development exceeds the assumptions made in the calculations used in development of the previous plan.

(3) Waivers

(A) The LCC may waive any or all of the requirements of this ordinance if the LCC determines that:

1. A requirement is not necessary for a particular site to ensure compliance with the intent of this ordinance; or,

2. Storm water runoff from the land disturbing site activities will have no appreciable off-site impact.

(B) The LCD shall be responsible for making recommendations to the LCC concerning all waiver applications.

4.806 Technical Standards

(1) All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications identified, developed or disseminated by the DNR under subchapter V of Chapter NR 151, Wis. Adm. Code.

(2) Where technical standards have not been identified or developed by the DNR, other technical standards may be used provided that the methods have been approved by the LCD.

4.807 Performance Standards

(1) General Considerations

(A) Planning Principles.

1. A storm water management plan shall maintain as nearly as possible, the natural drainage patterns of the site. Current topography and land cover features such as drainage swales, depressions, kettles, soil infiltrating capacity, and groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section. The use of native prairie plantings as ground cover is encouraged.

2. Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

3. A storm water management plan shall reduce or maintain as nearly as possible, the calculated pre-development peak flows of the site.

4. The maximum controlled storm water runoff storage release shall not exceed the safe storm water drainage capacity of the downstream drainage pattern.

5. Discharges from new construction must have a stable outlet capable of carrying designed flow at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This applies to both the site outlet and the ultimate outlet to a storm water conveyance or water body.

6. Changes to the function of wetlands shall be minimized to the maximum extent practicable. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using standard methods appropriate to the affected wetland that are acceptable to the DNR, as defined by NR 103, Wis. Adm. Code

(B) Maintenance of Effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of this ordinance in effect on or after March 2004, the storm water management plan must meet the TSS reduction, peak flow control, infiltration , and protective area standards applicable to the older development or meet the redevelopment standards of the revised ordinance, whichever is more stringent.

(C) Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(2) Storm Water Runoff Peak Discharge Rate and Volume. Unless otherwise provided for in this ordinance, all land development activities subject to this ordinance shall establish onsite management practices to control the peak flow rates of storm water discharged from the site as described in this ordinance. Infiltration of storm water runoff from driveways, rooftops, parking lots, and landscaped areas shall be incorporated to the maximum extent practical to provide volume control in addition to control of peak flows.

(A) The proposed land development shall, by design, not increase peak flow rates of storm water runoff from that which would have resulted from the same storm occurring over the site with the land in its pre-developed conditions for the one (1), two (2), ten (10), and one-hundred (100) year, twenty-four (24) hour storms.

(B) All runoff and flow calculations required for peak flow design shall use a hydrograph-producing method such as described in the most recent version of TR-55. The LCD retains approval of the methods used to determine runoff volume. Calculations for determining peak runoffs and volumes must incorporate the following assumptions.

1. The design rainfall storm accumulation for different storm intensities in Rock County shall be based on the following data.

a. Rainfall Accumulation for 24 hour Rainfall:

i) 1-Year Storm 2.25 Inches

ii) 2-Year Storm 2.9 Inches

iii) 10-Year Storm 4.1 Inches

iv) 100-Year Storm 6.0 Inches

b. The rainfall distribution for the storms shall be based on the NRCS Type II storms with an antecedent moisture condition of two (2), which are described in TR-55.

2. In this ordinance the following year and location has been selected as average annual rainfall: Madison, 1981 (Mar. 12 - Dec. 2).

3. The estimated engineering properties of the soils may be obtained from the Soil Survey of Rock County, Wisconsin, dated July 1974. Onsite soil investigation may be required to verify the Soil Survey information.

4. Runoff Curve Numbers for on-site areas shall be based on pre-developed and proposed developed land use conditions. The maximum pre-development runoff curve numbers are shown in Table 1. Runoff Curve Number for off-site areas shall be based on the pre-developed or proposed land use, which ever results in the highest peak flows. Runoff Curve numbers are described in TR-55.

Maximum Pre-development Runoff Curve Numbers				
Land Cover	**Hydrologic Soil Group**			
	A	**B**	**C**	**D**
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Table 1

(C) Determination of volume of runoffs shall be determined using standard hydrology methods and procedures described by the most recent version of TR-55 that is appropriate to site conditions. These volumes can be determined manually or with computer programs such as the HEC-1 program, NRCS TR-20 program, HEC-HMS program, P8, or HydroCad. The models must incorporate the assumptions listed in this ordinance. The LCD retains approval of the methods used to determine runoff volume.

(D) All storm water storage facilities, conveyance systems within the proposed development, and receiving surface runoff from the proposed development, shall be designed to completely contain peak storm discharge and volume as described in the following subsections.

1. For storage facilities, the design storage for the 100-year, 24-hour storm shall be contained within the top of the storm water embankment.

2. For open channel conveyance systems, such as open channels or grassed drainage swales, the peak flow from the 25-year, 24-hour storm shall be completely contained within the channel bottoms and banks.

3. For culverts under rural town roads the peak flow from the 10-year, 24-hour storm shall be completely contained within the pipe with no surcharging or pressurized flow.

4. For storm sewer systems the peak flow from the 2-year, 24-hour storm shall be completely contained within the pipe with no surcharging or pressurized flow.

(E) The storm water runoff peak discharge rate and volume requirements of this section of this ordinance do not apply to any of the following:

1. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.

2. Except as provided in 4.807(1)(B), a redevelopment post-construction site.

3. An in-fill development of less than 5 acres.

(3) Storm Water Runoff Discharge Quality – Total Suspended Solids. BMPs shall be designed, installed or applied, and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

(A) For new development and in-fill development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this section.

(B) For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load generated on parking areas and roads by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this section.

(C) Notwithstanding paragraphs (A) and (B), if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(4) Infiltration. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in paragraphs (F) through (I).

(A) *Low imperviousness*. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post−development infiltration volume shall be at least 90 percent of the pre−development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post−construction site is required as an effective infiltration area.

(B) *Moderate imperviousness*. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi−family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post−development infiltration volume shall be at least 75 percent of the pre−development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post−construction site is required as an effective infiltration area.

(C) *High imperviousness*. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post−development infiltration volume shall be at least 60 percent of the pre−development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post−construction site is required as an effective infiltration area.

(D) Pre-development conditions shall be the same as in paragraph (2).

(E) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with paragraph (I). Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

(F) Source Area Restrictions

1. Prohibitions. The runoff from the following areas may not be infiltrated and may not be credited toward meeting the requirements of sec. 4.807(4) unless demonstrated to meet the conditions of 4.807(4)(I).

a. Areas associated with tier 1 industrial facilities identified in NR 216.21 (2) (a), Wis. Adm. Code, including storage, loading, rooftop and parking.

b. Storage and loading areas of tier 2 industrial facilities identified in NR 216.21 (2) (b), Wis. Adm. Code.

c. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the LCD.

2. Exemptions. The runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

   a. Parking areas and access roads less than 5,000 square feet for commercial and industrial development not subject to the prohibitions in par 1.

   b. Except as provided under 4.807(1)(B), redevelopment post-construction sites.

   c. In-fill development areas less than 5 acres.

   d. Stand alone roads in commercial, industrial and institutional land uses, and arterial residential roads. Roads that are part of a common plan of development are subject to the standard in this section.

(G) Location of Practices

1. Prohibitions. Infiltration practices may not be located in the following areas:

   a. Areas within 1000 feet up gradient or within 100 feet down gradient of direct conduits to groundwater.

   b. Areas within 400 feet of a community water system well as specified in NR 811.16 (4) Wis. Adm. Code, or within the separation distances as specified in NR 812.08, Wis. Adm. Code, for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two- family residential development.

   c. Areas where contaminants of concern, as defined in NR 720.03 (2), Wis. Adm. Code are present in the soil through which infiltration will occur.

2. Separation Distances. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of

the infiltration system and the elevation of seasonal high groundwater or the top of bedrock area in accordance with Table 2. Applicable requirements for injection wells classified under NR 815 shall be followed.

Separation Distances and Soil Characteristics		
Source Area	**Separation Distances**	**Soil Characteristic**
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

Table 2

3. Infiltration rate exemptions. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

   a. Where the infiltration rate of the soil measured at the bottom of the proposed infiltration system is less than 0.6 inches/hour using a scientifically credible field test method.

   b. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(H) Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this paragraph.

(I) Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with NR 140, Wis. Adm. Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(J) Notwithstanding paragraph (I), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(5) Protective Areas.

(A) "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

1. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in NR 103.04, Wis. Adm. Code, 75 feet.

2. For perennial and intermittent streams identified on a United States Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

3. For lakes, 50 feet.

4. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds. Wetland boundary delineations shall be made in accordance with NR 103.08 (1m) Wis. Adm. Code. This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

5. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils, gravel pits or dredged material or fill material disposal sites that take on the attributes of a wetland.

6. In paragraphs (A) 1., 4., and 5., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in NR 103.03, Wis. Adm. Code.

7. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

(B) This paragraph applies to post-construction sites located within a protective area, except those areas exempted pursuant to paragraph (D).

(C) The following requirements shall be met:

1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction. No waivers may be granted by the LCD for this requirement.

2. Where land disturbing activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur, subject to any required approval by the DNR.

3. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.

(D) This paragraph does not apply to:

1. Except as provided under 4.807(1)(B), redevelopment post-construction sites.

2. In-fill development areas less than 5 acres.

3. Structures that cross or access surface waters such as boat landings, bridges and culverts.

4. Structures constructed in accordance with sec. 59.692 (1v), Wis. Stats.

5. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(6) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained

to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

(7) Swale Treatment for Transportation Facilities

(A) Applicability. Except as provided in paragraph (B), transportation facilities that use swales for runoff conveyance and pollutant removal shall meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

1. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

2. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

(B) Exemptions. The LCD may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2500 and where the initial surface water of the state that the runoff directly enters is any of the following:

1. An outstanding resource water.

2. An exceptional resource water.

3. Waters listed in sec. 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.

4. Waters where targeted performance standards are developed under sec. NR 151.004, Wis. Adm. Code, to meet water quality standards.

(8) Location and Regional Treatment Option.

(A) No storm water facility shall be located closer to an existing or planned well than the distances prescribed in Chapters NR 811 and NR 812, Wis. Adm. Code as minimum separation distances between wells from storm water facilities listed as possible sources of contamination.

(B) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(C) Post-construction runoff within non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(D) Except as allowed under paragraph (E), post-construction runoff from new development shall meet the post-construction performance standards prior to entering navigable surface water.

(E) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:

1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under Chapter 30, Wis. Stats., or the BMP did not require a Chapter 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.

(F) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.

1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

2. Post-construction BMPs for such runoff may be located in navigable surface water if allowable under all other applicable federal, state and local regulations such as Chapter NR 103, Wis. Adm. Code and Chapter 30, Wis. Stats.

(G) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this ordinance.

(H) The LCD may approve off-site management measures provided that all of the following conditions are met:

1. The LCD determines that the post-construction runoff is covered by a storm water management system plan that is approved by the County and that contains management requirements consistent with the purpose and intent of this ordinance.

2. The off-site facility meets all of the following conditions:

a. The facility is in place.

b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that would be afforded by on-site practices meeting the performance standards of this ordinance.

c. The development includes means to convey storm water to the offsite storage facility.

d. The facility has a legally obligated entity responsible for its long- term operation and maintenance.

(I) Where a regional treatment option exists such that the LCD exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the LCD. In determining the fee for post-construction runoff, the LCD shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(9) Alternate Requirements.

(A) LCD may establish storm water management requirements more stringent than those set forth in this section if the LCD determines that an added level of protection is needed to protect sensitive resources.

(B) The LCD shall make recommendations to the LCC concerning any storm water requirements more stringent than those set forth in this section. The LCC shall approve or deny alternative requirements.

4.808 Permits and Waivers

(1) Permit or Waiver Required. No responsible party may undertake a land disturbing activity subject to this ordinance without receiving a permit from the LCD, or a waiver as provided in sec. 4.805(3), prior to beginning the proposed activity.

(2) Preliminary Review Letter

(A) A preliminary review letter provides a potential permit applicant with a simple initial evaluation of whether storm water management performance standards can be met for a proposed site, lot layout, or construction design. With the exception of the conditions under sec. 4.808(2)(B)5., this review is voluntary and intended to assist applicants to obtain a permit. A preliminary review letter does not guarantee that a plan will be approved, or that a permit will be issued. Permit applications and plans must meet all applicable standards and criteria for approval.

(B) Preliminary Review Letter Procedure:

1. Any responsible party may apply for a preliminary review letter by submitting an application using a form provided by the LCD.

2. The LCD will evaluate completed applications and may consult other governmental departments or agencies. The LCD may request additional information from the applicant to better evaluate the application.

3. The LCD will provide the applicant with the preliminary review letter within 10 working days from the date the last information concerning the application is received.

4. The fee for preliminary review letters shall be determined according to sec. 4.809 of this ordinance. The amount of this fee shall be deducted from an application fee for a storm water management permit for the site reviewed.

5. The LCD may require a preliminary review letter prior to accepting an application for a building permit or conditional use permit under applicable ordinance(s) or for a certified survey map under applicable county or local land division ordinance(s) where any of the following apply:

a. The proposal would involve one or more acres within either the current or proposed boundaries of a commercial zoning district;

b. Proposed lot or rezone area configuration would necessitate driveways, access roads,or other construction that would clearly require a storm water management plan under this ordinance;

c. Natural features of the site, including but not limited to, slope, soils, wetlands, or hydrology are such that, in the opinion of the LCD, substantial risk of erosion, flooding, or other environmental or public safety hazard exists; or, in the opinion of the LCD, consultation with LCD staff is necessary to determine land suitability requirements under local subdivision ordinances.

6. Unless expressly waived by the applicant, decisions by the LCD to require a preliminary review letter shall be made in writing and shall detail the reasons why the LCD determines there to be a substantial risk of erosion, flooding, or hazard.

(3) Permit/Waiver Application

(A) Any responsible party desiring a permit or waiver shall submit an application to the LCD using a form provided by the LCD.

1. A permit application shall consist of a completed application form, including a waiver application for relief from any requirement deemed not

necessary to ensure compliance with the intent of this ordinance, as provided for in sec. 4.805(3)(A), two copies of a storm water management plan, a maintenance agreement and a non-refundable application review and administration fee.

2. Permit applications shall be considered active until a permit has been issued or all reviews or appeals have been exhausted, as provided for in secs. 4.808(6)(I) or 4.811. Further applications for the site by an applicant who has had a permit denied, or has exhausted their appeals will be considered a new application, as provided for in sec. 4.808(3)(A)1.

(B) The permit application form shall contain, at a minimum:

1. The name, address, and telephone number for the following or their designees:

a. Landowner,

b. Developer,

c. Agent, Project Manager or Supervisor who will oversee the land disturbing activities.

d. Person and/or company responsible for BMP design,

e. Person(s) responsible for installation of storm water management BMPs practices,

f. Person(s) responsible for maintenance of storm water BMPs management practices prior to the transfer, if any, of maintenance responsibility to another party.

2. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and a lot numbers within a recorded land subdivision plat.

(C) If the application is from a land user, the permit application form must be signed by the landowner of the site where the land disturbing construction activities are to take place. A notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent shall also be accepted, provided that it binds the landowner to the terms of this ordinance and any permit issued to the permit holder, including the enforcement actions set forth in sec. 4.810. Submission of an application by one of several landowners or land users of a particular site shall constitute an affirmation by the applicant of authority to act on behalf of the other landowners or land users to apply for, receive, and abide by the provisions of a

permit. The County shall be under no obligation to ascertain the legal authority of the applicant to so act.

(D) Each permit application form shall contain an agreement by the applicant that:

1. Authorizes the LCD to enter the site to obtain information required for the review of the application; and

2. Any land disturbing activity shall be conducted in accordance with the provisions of an approved or amended permit.

(E) A waiver application, as provided for in sec. 4.805(3)(B), shall consist of a completed waiver application form, including a written justification and a conceptual development plan.

(4) Storm Water Management Plans

(A) Plan Requirements. The storm water management plan required under sec. 4.808(1) of this ordinance shall contain any information the LCD requires to evaluate the environmental characteristics of the area affected by post-construction runoff land development and land redevelopment activity, the potential impacts of the proposed development upon the quality and quantity of storm water runoff discharges, the potential impacts upon water resources and drainage utilities, and the effectiveness and acceptability of proposed storm water management measures in meeting the performance standards set forth in this ordinance. Unless specified otherwise by this ordinance, storm water management plans shall contain a narrative, construction drawings, maps, or tables that, at a minimum, contain the following information.

1. Pre-development site conditions, including:

a. One or more site maps at a scale of either 1-inch equals 50 feet or 1-inch equals 100 feet, whichever is appropriate to the site size. The site maps shall show the following:

i) site location, address, and legal property description;

ii) adjoining property and names of adjoining property owners;

iii) predominant soil types and hydrologic soil groups;

iv) existing cover type and condition;

v) topographic contours, using the best available data, of the site at a scale not to exceed 2 feet;

vi) topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site;

vii) watercourses, on or off-site, that may affect or be affected by runoff from the site;

viii) flow path and direction for all storm water conveyance sections, including time of travel and time of concentration applicable to each;

ix) watershed boundaries used in hydrology determinations to show compliance with performance standards;

x) lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;

xi) limits of the 100-year floodplain;

xii) location of public, private, or municipal wells located within 600 feet of proposed storm water detention, retention, or infiltration basins;

xiii) wellhead protection areas covering the project area and delineated pursuant to sec. NR 811.16, Wis. Adm. Code.

b. Peak flow discharge rates, discharge volumes and pollution loading computations. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

2. Post-development site conditions, including:

a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

b. Explanation of any restrictions on storm water BMPs in the development area imposed by wellhead protection plans and ordinances.

c. One or more site maps at a scale of either 1 inch equals 50 feet or 1 inch equals 100 feet, whichever is appropriate to the site size, showing the following:

i) post-construction pervious land use including vegetative cover type and condition;

ii) impervious land use including all buildings, structures, and pavement;

iii) post-construction topographic contours of the site at a scale not to exceed 2 feet;

iv) post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from site;

v) locations and dimensions of drainage easements;

vi) locations of maintenance easements specified in the maintenance agreement;

vii) flow path and direction for all storm water conveyance sections, including time of travel and time of concentration applicable to each;

viii) location and type of all storm water conveyance and treatment BMPs, including the on-site and off-site tributary drainage area;

ix) location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as curbed street, storm drain, or natural drainage way;

x) watershed boundaries used in hydrology and pollutant loading calculations;

xi) any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development. The geographic areas used in making the calculations shall clearly cross-referenced to the required map(s).

e. Computation of the inches of initial runoff that will be infiltrated across the site in comparison to the requirements set forth in sec. 4.807(4).

f. Results of investigations of soils and groundwater required for the placement and design of storm water management measures.

g. Results of impact assessments on wetland functional values.

h. Design computations and all applicable assumptions for the storm sewer system.

i. Design computations and all applicable assumptions for storm water quality practices as needed to show that practices are appropriately sized to meet the performance standards of this ordinance.

j. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

3. A description and installation schedule for the storm water BMPs needed to meet the performance standards in sec. 4.807.

4. A maintenance plan developed for the life of each storm water BMP including the required maintenance activities and maintenance activity schedule.

5. Cost estimates for the construction, operation, and maintenance of each storm water BMP.

6. Assessment of possible public safety threats posed by planned storm water management BMPs practices and risk minimization provisions.

7. Other information requested in writing by the LCD to determine compliance of the proposed storm water BMPs with the provisions of this ordinance.

(B) Requirements. All site investigations, plans, designs, computations, and drawings shall be prepared in accordance with accepted engineering practices and requirements of this ordinance.

(C) Drainage Easements.

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements with a minimum of 30 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. For drainage easements for pipes the minimum width shall be 20 feet. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

2. When a proposed drainage system will carry water across private land outside the project area, appropriate drainage rights must be secured and filed with the county register of deeds. Drainage shall be designed to avoid concentration of storm and drainage water from each lot to adjacent lots.

3. The applicant shall either dedicate to the public as a parkland dedication or a drainage easement the land on both sides of existing watercourses, to a distance to be determined by the LCD and also dedicate proposed and natural retention and detention basins.

(D) Alternative Requirements. The LCD may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under sec. 4.805(3)(A) of this ordinance.

(E) Regional Storm Water Management Plans. In lieu of submitting a preliminary or final storm water management plan for an individual site, an applicant may submit documentation of the following:

1. A regional storm water management plan, that includes the entire area of the proposed land development activity, that was prepared in accordance with the requirements of sec. 4.808(4).

2. A Registered Professional Engineer's certification that all regional BMPs planned to convey and manage the runoff from the area of the proposed land development have been constructed in accordance with the performance standards and specifications under sec. 4.807. For regional facilities built, owned, or maintained by a city, village, or town, certification from that entity shall be sufficient to meet the requirements of this paragraph.

3. Documentation that there is an entity with the legal obligation for operation and maintenance of the storm water management facility.

(5) Maintenance Agreement. The maintenance agreement required under sec. 4.808(3)(A)1 for storm water management BMPs shall be an agreement between the LCD the permittee to provide for maintenance of storm water BMPs beyond the duration period of this permit. The maintenance agreement shall be recorded, at the permittee's expense, with the Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of land served by the storm water management BMPs. The maintenance agreement shall contain the following information and provisions:

(A) Identification of the storm water facilities and designations of the drainage area served by the facilities;

(B) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan;

(C) Identification of the responsible person(s), organization, or city, county, town or village responsible for long term maintenance of the storm water management BMPs identified in the storm water plan;

(D) Requirements that the responsible person(s), organization, or city, county, town or village shall maintain storm water management BMPs in accordance with the schedule included in paragraph (B);

(E) Authorization for the LCD to access the property to conduct inspection of storm water BMPs as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(F) Requirements on the LCD to maintain public records of the results of site inspections, inform the landowner responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management BMPs into proper working condition.

(G) Agreement that the LCD notify the responsible party designated under the maintenance agreement of maintenance problems which require correction. The specified corrective actions shall be taken within a maximum of 45 working days of notification.

(H) Authorization of the LCD to perform the corrective actions identified in the inspection report if the responsible party does not make the required corrections within a maximum of 45 working days of notification. The LCD shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subchapter VII of Chapter 66, Wis. Stats.

(6) Evaluation and Approval of Applications. Within 10 working days of receipt, the LCD shall review applications to insure they are complete. Any application found to be incomplete shall be returned to the applicant for completion. Upon receiving a complete application, the LCD shall use the following approval/disapproval procedure:

(A) Cities, villages, and towns containing waters or lands directly affected by the storm water management plan described within the application will receive notification of the application and be invited to participate in the application review process.

(B) Completed applications will be evaluated for compliance with the requirements of this ordinance. Other governmental departments may be consulted during application evaluation.

(C) Additional substantive information may be requested from the applicant to better evaluate the application.

(D) Within 15 working days from the receipt of a complete permit application, or 10 working days from the receipt of additional information requested in accordance with paragraph C, whichever is later, the applicant shall be informed whether the application has been approved or disapproved. The LCD shall base the decision on the requirements of this ordinance.

(E) Within 20 working days from the receipt of a complete waiver application, or 10 working days from the receipt of additional information requested in accordance with paragraph C, whichever is later, the applicant shall be informed whether the application has been approved or disapproved. The LCD shall base the decision in consideration of the recommendations of other governmental departments and the requirements of this ordinance.

(F) Failure to inform an applicant of a decision within the applicable time specified in paragraph (D) or (E) shall constitute approval of the application. If the application was for a permit, the applicant may then proceed in accordance with the provisions of the submitted plan, including any waivers requested in accordance with sec. 4.805(3)(A). If the application was for a waiver under sec. 4.805(3)(B), the waiver shall be deemed granted.

(G) If the application is approved the LCD shall issue the permit or waiver.

(H) An application for a permit may be approved with conditions determined by the LCD to be needed to meet the requirements of this ordinance.

(I) If the application is disapproved, the LCD shall notify the applicant by certified mail and provide a written statement of the reasons for disapproval.

(J) If the application is disapproved, or if the applicant does not agree with the permit conditions, the applicant may request a review by the LCC. This request must be made in writing within 30 calendar days from the date of the applicant was notified of the LCD decision. The schedule and procedure for a waiver described in paragraph (E) above will be followed for this review.

(7) Permit Conditions. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The LCD may suspend or revoke a permit for violation of a permit condition, following written notification of the permit holder. An action by the LCD to suspend or revoke a permit may be appealed in accordance with sec. 4.811. Permits issued under this subsection may include conditions established by the LCD in addition to the requirements needed to meet the performance standards in sec. 4.807 or a financial guarantee as provided for in paragraph (11). Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state and local laws and regulations. All permits shall require the permit holder to:

(A) Design and install all structural and non-structural storm water BMPs in accordance with the approved storm water management plan and this permit;

(B) Notify the LCD within 2 working days prior to commencing any work in conjunction with the storm water management plan, and upon completion of the storm water BMPs. If required as a special condition, the permit holder shall make

additional notification according to a schedule set forth by the LCD so that practice installations can be inspected during construction;

(C) Obtain "as built" certification from the person/company responsible for the BMPs Design built. Completed storm water BMPs must pass a final inspection by the LCD to determine if they are in accordance with the approved storm water management plan and ordinance. The LCD shall notify the permit holder in writing of any changes required in such BMPs to bring them into compliance with the conditions of this permit;

(D) Maintain all storm water BMPs in accordance with the storm water management plan until they either become the responsible of a municipality, or are transferred to subsequent private owners as specified in the approved maintenance agreement;

(E) Authorize the LCD to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan;

(F) Consent to a special assessment or charge against the property as authorized under subchapter VII of chapter 66, Wis. Stats., or costs incurred under paragraph (E), or to charging such costs against the financial guarantee posted under paragraph (11);

(G) Repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by storm water runoff, where such damage is caused by non-compliance with the approved storm water management plan, if so directed by the LCD;

(H) Make appropriate legal arrangements with adjacent property owners concerning the prevention of endangerment to property or public safety where site development or redevelopment involves changes in direction or increases in peak rate and/or total volume of runoff from of a site.

(8) Permit Modifications at the Permit Holder's Request. The permit holder must obtain permission from the LCD prior to modifying an approved plan. Plans, or portions thereof, drawn or approved by professional engineer, surveyor, or landscape architect, must be amended to show that the author has approved the modifications. These modifications must be shown as amendments to the copy of the plan kept by the permit holder. The first permit modification will be performed at no charge. Subsequent modifications will be charge in accordance with the sec. 4.809 Fee Schedule.

(9) Permit Modifications at the LCD's Request. If the BMPs implemented as part of the approved plan are determined by the LCD to be inadequate to meet the performance standards of this ordinance, the LCD shall notify the permit holder. Plan modifications

shall be the responsibility of the permit holder. The permit holder shall implement these modifications according to a timetable established in the modified plan and permit.

(10) Site Visits

(A) If land disturbing activities are being conducted without a permit required by this ordinance, a representative of the LCD may enter the land, pursuant to the provisions of secs. 66.0119 (1), (2) and (3), Wis. Stats., to obtain information necessary to undertake enforcement and penalties as provided by sec. 4.810 of this ordinance.

(B) The LCD shall conduct site visits of each permitted site to ensure compliance with the provisions of the permit. Also, the LCD shall conduct a site visit after notification of the final site stabilization.

(C) Site visits will be conducted at no additional cost to the permit holder, unless as the result of the visit the LCD determines that a previously issued remedial action issued as part of a notice of non-compliance, as provided for in sec. 4.810 of this ordinance, has not been accomplished as scheduled. The cost of the site visit will then be billed to the permit holder, according to the fee schedule adopted as provided for in sec. 4.809.

(11) Financial Guarantee. As a condition of approval and issuance of the permit, the LCD shall require the applicant to submit a financial guarantee, the form and type of which shall be acceptable to the LCD.

(A) The financial guarantee shall be in an amount determined by the LCD, based on the estimated costs of construction and maintenance of the storm water BMPs during the period which the designated party in the maintenance agreement has maintenance responsibility.

(B) The financial guarantee shall give the LCD authorization to use the funds to complete the plan if the permit holder defaults, or does not properly implement the required BMPs in accordance with the approved plan. The LCD shall notify the permit holder in writing as provided for in sec. 4.810 of this ordinance.

(C) The LCD shall release the portion of the financial guarantee established under this section, less any costs incurred by the LCD to complete installation of BMPs, upon approval of the "as built" plans. The LCD may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(D) The LCD shall release the portion of the financial guarantee established to assure the maintenance of storm water BMPs, less any costs incurred by the LCD, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(12) Permit Duration. Permits issued under this ordinance shall be valid for a maximum of one year.

(A) The permit holder may request an extension to permits duration. The LCC may extend the permit duration for a maximum of 6 months, if the site construction schedule warrants a longer permit duration. This request must be submitted with the initial permit application. The LCC may extend permit durations for a maximum of 6 months due to unforeseen circumstances.

(B) A permit holder may request a permit to be re-issued. All conditions of a new permit set forth in this ordinance are applicable to the re-issued permit.

(C) The LCC will consider requests during their regularly scheduled monthly LCC meeting.

(D) In all cases, the final site stabilization notification letter from the LCD will expire the permit.

(E) The permit holder agrees to pay additional fees identified in the adopted fee schedule as reference in sec. 4.809 for all granted extensions and re-issued permits.

4.809 Fee Schedule

(1) The County Board, as part of the annual budget, shall determine the fees referenced in other sections of this ordinance. The LCC, as part of the annual budget, shall recommend the fees referenced in this ordinance. After the County Board has adopted the county's annual budget, the LCC shall prepare a separate fee schedule for all fees applicable to this ordinance. The fee schedule shall be available January 1st of any given year.

(2) Fees paid under this section shall equal as closely as possible the County's costs of administrating the provisions of this ordinance, including applicant consultations, application evaluation and approval, permit holder consultations and site inspections.

(3) All fees shall be doubled if work is started before a permit is applied for and issued. Such doubled fees shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

4.810 Enforcement and Penalties

(1) Any land disturbing activities or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the provisions of this ordinance shall be deemed a violation unless conducted in compliance with the requirements of this ordinance.

(2) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctional order at the suit of the County pursuant to sec. 59.69 (11), Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunctional proceedings.

(3) The LCD is authorized to issue an ordinance citation, pursuant to Chapter 7 of the County Code of Ordinances to any person, firm, association or corporation for engaging in land disturbing construction activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

(4) The LCD shall notify the permit holder by certified mail of any non-complying land disturbing activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken. Non-complying activities include, but are not limited to:

(A) Any land disturbing activity or post-construction runoff regulated under this ordinance being undertaken without a permit or waiver;

(B) The plan not being implemented;

(C) The conditions of the permit not being met.

(5) Upon receipt of written notification from the LCD under paragraph (3) (A) the permit holder shall comply with the remedial actions described in the notice.

(6) Upon receipt of written notification from the LCD under paragraphs (3) (B) or (3) (C), the permit holder shall correct work that does not comply with the plan, or other provisions of the permit as necessary to meet the specifications and schedule set forth in the notice.

(7) If a permit holder does not comply with the provisions of a notice of non-compliance, the LCD may issue a citation(s) and/or revoke the permit.

(8) If non-compliance with this ordinance is determined by the LCD as likely to result in damage to adjacent property, public facilities, or waters of the state, the LCD may post a stop-work order at the time of notification.

(9) If the permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order, the LCD may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.

(10) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the LCD, LCC, Board of Adjustment, or by a court with jurisdiction.

(11) If non-compliance with this ordinance is determined by the LCD as likely to result in damage to adjacent property, public facilities, or waters of the state, the LCD may issue to the permit holder or landowner a notice of intent to perform specific work necessary to comply the requirements of an approved plan, or to protect property, public facilities, or waters of the state.

(12) After 5 working days from issuing the notice of intent, the LCD may enter upon the land and perform work, or other operations necessary to bring the condition of said lands into conformance with an approved plan, or to protect adjacent property, public facilities, or waters of the state.

(A) The LCD shall keep a detailed account of the costs and expenses of performing this work. These costs, plus legal and staff costs incurred by the County, shall be billed to the owner of title of the property.

(B) In the event a permit holder or landowner fails to pay the amount due, the amount shall be deducted from any financial guarantee posted pursuant to sec. 4.808(11) of this ordinance. Where such a financial guarantee has not been established, or is insufficient to cover these costs and expenses, the amount shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon pursuant to Subchapter VII of Chapter 66, Wis. Stats., for the year in which the work is completed.

(13) Upon the receipt of assurances deemed sufficient by the LCD, the permit holder may be authorized by the LCD to resume responsibility for the BMPs undertaken under paragraph (11).

(14) Any person, firm, or corporation who fails to comply with or violates the provisions of this ordinance shall, upon conviction, thereof, forfeit those amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day a violation exists or continues shall constitute a separate offense.

4.811 Appeals

(1) Board of Adjustment. The Board of Adjustment of the County, created pursuant to Chapter 4, Subsection 3, Part 12 of the Code of Ordinances, functioning in accord with sec. 59.694, Wis. Stats.:

(A) Shall hear and decide appeals where it is alleged that there is an error in any order, decision, or determination made by the LCD in administering this ordinance, except for cease and desist orders obtained under sec. 4.810(8);

(B) Shall use the rules, procedures, duties, and powers authorized by statute, in hearing and deciding appeals and authorizing variances; and

(C) Upon appeal, may authorize variances from the provisions of this ordinance that are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.

(2) Who May Appeal. Any applicant, permittee, or landowner may appeal within 30 calendar days of the date of any order, decision, or determination made by the LCD in administering this ordinance, relative to sites in which such person has an interest.

4.812 Severability

If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

4.813 Definitions

Agricultural Activity: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

Application Review Fee: money paid to the County by the permit applicant for recouping the expenses incurred by in administering the provisions of this ordinance.

Average Annual Rainfall: a typical calendar year of precipitation as determined by the DNR for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a DNR publication for the location closest to the municipality.

Bank Erosion: the removal of soil particles from a bank slope primarily caused by water action, such as fluctuations in water volume and velocity, but also by climatic conditions, ice and debris, chemical reactions, and changes in land and stream use.

Best Management Practice or BMP: structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Cease and Desist Order: a court-issued order to halt land disturbing construction activity that is being conducted without the required permit, or in violation of the terms of a permit.

Combined Sewer System: a system for conveying both sanitary sewage and storm water runoff.

Connected Imperviousness: an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path or minimally pervious flow path.

Construction Site: an area upon which one or more land disturbing construction activities are occurring, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design Storm: a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

Detention Basin: a type of storm water basin that has a direct outlet and serves to reduce water velocity and volumes by releasing water at designed flow rates to temporarily detain water flows.

Development: residential, commercial, industrial, or institutional land uses and associated roads.

Direct conduits to groundwater: wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non−metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Discharge Volume: the quantity of runoff discharged from the land surface as the result of a rainfall event.

Division of Land: the division of an existing lot or land parcel; the creation of a condominium unit; an interest in real property (including land for a public facility) by the owner thereof for the purpose of sale or building development.

DNR: the Wisconsin Department of Natural Resources.

Effective Infiltration Area: the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms, or pre-treatment.

Erosion: the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.

Exceptional Resource Waters: waters listed in sec. NR 102.11, Wis. Adm. Code

Existing development: development in existence on March 1, 2004, or development for which a storm water management permit application was submitted to the LCD by March 1, 2004

Extraterritorial: the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

Filtering layer: soil that has at least a 3−foot deep layer with at least 20 percent fines; or at least a 5−foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final Site Stabilization: all land disturbing construction activities at the construction site have been completed and a uniform, perennial vegetative cover has been established with a density of at least 70% of the cover for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Financial Guarantee: a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Land Conservation Department by the permit holder to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

Hydrologic Soil Group: a group of soils having similar runoff potential under the same storm and cover conditions. Major hydrologic soil groups are group A for sand, loamy sand or sandy loam; group B for silt loam or loam; group C for sandy clay loam; group D for clay loam, silty clay loam, sandy clay, silty clay or clay.

Impaired water: a waterbody impaired in whole or in part and listed by the department pursuant to 33 USC 1313 (d) (1) (A) and 40 CFR 130.7, for not meeting a water quality standard, including a water quality standard for a specific substance or the waterbody's designated use.

Impervious Surface: an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, gravel or paved driveways, gravel or paved parking lots, and gravel or paved streets are examples of surfaces that typically are impervious.

In-fill Area: an undeveloped area of land located within existing development. "In−fill area" does not include any undeveloped area that was part of a larger new development plan for which a storm water permit has previously been approved by the LCD

Infiltration: the entry of precipitation or runoff into or through the soil.

Infiltration System: a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or

minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Infiltration Basin: a type of storm water basin that has no direct outlet and empties mainly by infiltration of water into the soil.

Karst Feature: an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Kettle: a naturally occurring, glacially derived, depression with no surface water outlet, commonly identified by internal tick marks on contour maps.

Land Conservation Committee (LCC): The Rock County Committee responsible for the oversight of the Rock County Land Conservation Department, policy actions and recommendations to the County Board of Supervisors.

Land Conservation Department (LCD): the Rock County Land Conservation Department is responsible for the administration of this and other land use ordinances of the County.

Land Development Activity: any construction or residential or other urban or suburban development resulting from the conversion of previously undeveloped or agricultural land uses.

Land Disturbing Activity: any man-made alteration of the land surface resulting in a change in the topography or existing vegetative and non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing activity includes, but is not limited to clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural land use or silviculture activities.

Land Redevelopment Activity: development that is replacing older development.

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 that are subject to this ordinance.

Landowner: person holding title to or having an interest in a parcel of land that includes a site subject to this ordinance.

Maintenance Agreement: a legal document which provides for long-term maintenance of storm water management BMPs practices that is filed with the Rock County Register of Deeds as a property deed restriction, so that it is binding upon all subsequent owners of land served by the storm water management BMPs practices.

Maximum Extent Practicable: the highest level of performance that is achievable but is not equivalent to a performance standard in this chapter. Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the LCD's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, an applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

Municipality: a town, county, village, or city.

New Development: development resulting from the conversion of previously undeveloped land or agricultural land uses.

Non-Residential Development: development that is not residential. This includes the following land uses: commercial, industrial, government and institutional, recreation, transportation, communication, and utilities.

Non-Structural Storm Water Management Measure: a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in storm water that does not require the design or installation of fixed storm water management facilities.

NRCS: the Natural Resources Conservation Service, a division of the United States Department of Agriculture.

Off-site: located outside the property boundary described in the permit application for land development or land redevelopment activity.

On-site: located within the property boundary described in the permit application for the land development or land redevelopment activity.

Ordinary High Water Mark: has the meaning given in sec. NR 115.03(6), Wis. Adm. Code

Outstanding Resource Waters: waters listed in sec. NR 102.10, Wis. Adm. Code.

Peak Flow Discharge Rate: the maximum unit volume of storm water discharged during a specific unit of time.

Percent Fines: the percentage of a given sample of soil that passes through a #200 sieve.

Performance Standard: a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit: a written authorization made by the LCD to an applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pervious Surface: an area that releases as runoff a small portion of the rainfall that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant: has the meaning given in sec. 283.01(13), Wis. Stats.

Pollution: has the meaning given in sec. 281.01(10), Wis. Stats.

Post-Construction: following the completion of land disturbing construction activity and final site stabilization.

Post-Construction Storm Water Runoff Discharge: any storm water discharged from a site following the completion of land disturbing construction activity and final site stabilization.

Post-Development Site Condition: the extent and distribution of land cover types anticipated to occur under conditions of full development that will influence rainfall runoff and infiltration.

Pre-Development Condition: the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
Pre-Treatment: the treatment of storm water prior to its discharge to the primary storm water treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.

Preventive Action Limit: has the meaning given in sec. NR 140.05(17), Wis. Adm. Code.

Quasi-Public: essentially public, as in services rendered, although under private ownership or control.

Reconstruction: has the meaning given in sec. 84.013(1) (c), Wis. Stats.

Redevelopment: areas where development is replacing older development.

Responsible Party: any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.

Resurfacing: has the meaning given in sec. 84.013(1) (d), Wis. Stats.

Residential Development: that which is created to house people, including the residential dwellings as well as all attendant portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single family, multi-family, apartments, and trailer parks.

Retention Basin: a type of storm water basin that has no direct outlet and empties by infiltration or evaporation.

Runoff: storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Runoff Curve Number: a parameter that combines effects of soils, watershed characteristics and land use to estimate the amount of runoff from land surfaces.

Sedimentation Basin: a type of storm water basin for the purpose of capturing and retaining any sedimentation flowing off of sites as a result of land developing or land disturbing construction activities.

Separate Storm Sewer: a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

Is designed or used for collecting water or conveying runoff,
Is not part of a combined sewer system,
Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment,
Discharges directly or indirectly to waters of the state.

Site: the entire area included in the legal description of the land on a permit application on which the land disturbing construction activity is proposed or has occurred.

Site Visit: an in-person observation of the site by the LCD to determine compliance with this ordinance. The costs of site visits are generally included in the permit fee. However, the cost of site visits as the result of enforcement actions will be billed to the permit holder.

Site Restriction: any physical characteristic that limits the use of a storm water BMP or management measure.

Shoreland Overlay District: as defined in Chapter 4, Rock County Code of Ordinances, an area within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages, or within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward of the floodplain, whichever distance is greater.

Source Area: a component of land use from which storm water pollutants are generated during periods of snowmelt and rainfall runoff. Source areas include rooftops, sidewalks, driveways, parking lots, storage areas, streets and lawns.

Stop-Work Order: an order issued by the LCD that requires that all construction activity on the site be stopped.

Storm Water: precipitation runoff, snows melt runoff, surface runoff, and drainage.

Storm Water Basin: an artificially created catchment for the purposes of retaining, detaining, or infiltrating storm water. A storm water basin may also be designed to collect sedimentation.

Storm Water Management Plan: a comprehensive plan designed to reduce the discharge of runoff and pollutants from storm water after a site has under gone final stabilization following the completion of the construction activity.

Storm Water Management System Plan: a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Storm Water System: waters of the state, drainage swales, storm water basins, storm sewers and pipes, storm drains, pumps, and lift stations, roads with drainage systems, streets, curbs, gutters, ditches, constructed channels, culverts and all other appurtenances now and hereafter existing, used or useful in connection with the collection, control, transportation, treatment, or discharge of storm water.

Structural Storm Water Management Measure: source area BMPs practices, conveyance measures, and end-of-pipe treatment that are designed to control storm water runoff pollutant loads, discharge volumes, and peak flow discharge rates.

Technical Standard: a document that specifies design, predicted performance and operation and maintenance specification for a material, device or method.

Top of the Channel: an edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

Total maximum daily load or TMDL: the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TR-55: the National Resources Conservation Service, Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Transportation Facility: a highway, a railroad, a public mass transit facility, a public-use airport, a public trail and also includes any other public work for transportation

purposes such as harbor improvements under sec. 85.095(1) (b), Wis. Stats. “Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Commerce pursuant to sec. 101.1205, Wis. Stats.

Type II Distribution: a rainfall type curve as established in the "United States Department of Agriculture, Natural Resource Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

Waters of the State: all lakes, bays, rivers, streams, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private within Wisconsin, or its jurisdiction.

Wetland Functional Value: the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.

Wetlands: an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. These wetlands include natural, mitigation, and restored wetlands.

Working Day: Monday, Tuesday, Wednesday, Thursday, or Friday, excluding any such day officially observed by the County as a legal holiday.

II. Effective Date. The amendments to this ordinance shall take effect February 1, 2007.

Part 9 – Animal Waste Management

Subpart 1: Introduction

4.901 Authority

This Ordinance is adopted under the authority granted by §59.02, §59.70(1), §92.07, §92.15, and §92.16**,** Wisconsin Statutes.

4.902 Title

This Ordinance may be cited as the Rock County Animal Waste Management Ordinance and is hereinafter referred to as "the Ordinance."

4.903 Findings and Declaration of Policy

The County Board of Supervisors finds that unregulated storage of animal waste, animal waste storage facilities, and animal waste transfer pipeline systems not meeting technical design and construction standards may cause pollution of the surface water and/or groundwater in Rock County; will result in actual or potential harm to the health of County residents, transients, livestock, aquatic life and other animals and plants; and may decrease the property tax base of Rock County. The County Board also finds that improper management of animal waste storage facilities, failing and leaking animal waste storage facilities and utilization of animal wastes, including but not limited to land application of animal waste, may cause pollution of the groundwater and/or surface waters of Rock County. The County Board further finds that the technical standards developed by the United States Department of Agriculture - Natural Resources Conservation Service and adopted by the Land Conservation Committee provide effective, practical, and environmentally safe methods of storage, transfer and utilization of animal waste.

4.904 Purpose

The purpose of this Ordinance is to regulate the location, design, construction, installation, operation, alteration of animal waste storage facilities; the transfer systems that convey waste into and out of an animal waste storage facility; any conveyance from an animal waste storage facility to a point of application/utilization; the abandonment of an idle animal waste storage facility; the utilization of waste from an animal waste storage facility; prevent the spread of disease; to protect the waters of the state; and to promote the prosperity and general welfare of the citizens of Rock County. It is also intended to provide for the administration and enforcement of the Ordinance and to provide penalties for its violation.

4.905 Applicability

This Ordinance applies to all unincorporated areas of the County and to water quality management areas as defined in §281.16(1)(g), Wisconsin Statutes., and Section 4.933 of this Ordinance.

4.906 Interpretation

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

4.907 Severability Clause

If any section, provision, or portion of this Ordinance is ruled invalid by a court, with competent jurisdiction, the remainder of the Ordinance shall not for that reason be rendered ineffective.

4.908 Effective Date

This Ordinance shall become effective upon its adoption and publication.

Subpart 2: Definitions

For purposes of interpretation of this Ordinance, the following terms shall have the meanings set forth, except where the context and clear intent of the Ordinance require otherwise.

4.909 Animal Waste. Livestock/pet excreta and other materials such as bedding, rain, or other water, soil, hair, feathers, milkhouse waste products, contaminated runoff, waste processing derivatives, and other debris normally included in animal waste handling operations.

4.910 Animal Waste Storage Facility. A concrete, steel, or otherwise fabricated structure, or an excavated pond or earthen impoundment used for storage of animal or other organic waste which is designed to temporarily store manure, waste water, and contaminated runoff in a manner which safeguards the environment.

4.9101 Animal Waste Transfer Pipeline Systems. A system that includes pipe conduits, pipe appurtenances, and/or pumps that is used to convey/transfer animal waste to and/or from an animal waste storage facility.

4.911 Applicant. Any person who applies for a permit under this Ordinance.

4.912 Assignee. Any person to whom is transferred a permit or who succeeds to the ownership or control of the property/operation identified on the original application for a permit under the Ordinance prior to the expiration date of the original permit. A person succeeds to the control of a property/operation when he/she becomes the primary decision maker for the property/operation. Changes in control or ownership may be evidenced by lease, rental or sharecropping agreement, or any other form of arrangement

providing for a change in management or title, where the original applicant is no longer responsible for or the primary decision maker for the operation.

4.913 Extension. The term of a permit may be extended for an additional six (6) months if more than fifty percent (50%) of the total construction to be done has been completed prior to the original expiration date of the permit.

4.9131 Failing and Leaking Animal Waste Storage Facilities. Any animal waste storage facility that fails to contain any component of animal waste that it was designed or intended to contain.

4.914 High Groundwater. The higher of either the elevation to which the soil is saturated as observed as a free water surface in a unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil color patterns throughout the soil profile.

4.915 Idle Animal Waste Storage Facility. An animal waste storage facility that is idle for a period of two (2) consecutive years, has had no animal waste added for one calendar year, will by all evidence available not be used to store animal waste in the future, or is no longer being used for its intended purpose.

4.916 Land Conservation Committee. A committee made up of members of the Rock County Board of Supervisors and others who are authorized in Chapter 92, Wis. Stats., to determine policy and give direction for soil and water conservation activities in Rock County. The committee shall be referred to hereinafter as "**LCC"**.

4.917 Land Conservation Department. The department of Rock County government which is responsible for county-wide soil and water conservation activities, including those within the scope of this Ordinance. The department shall be referred to hereinafter as "**LCD"**.

4.918 Livestock Operation. A feedlot or other facility or practice where animals are fed, confined, maintained or stabled.

4.919 Natural Resource Conservation Service. An agency of the United States Department of Agriculture which for purposes of this Ordinance provides the LCC and LCD with technical assistance and information on the design criteria, size, shape, engineering strength and other necessary technical data for the proper and safe installation of conservation practices. The service shall be referred to hereinafter as "**NRCS"**.

4.920 Nutrient Management Plan. A document that is annually updated outlining the requirements for managing the amount, placement, form and timing of application of all sources of plant nutrients to cropland or pastures.

4.921 Permit. A signed written statement issued by the LCD under this Ordinance authorizing the applicant or an assignee to construct, install, reconstruct, enlarge, abandon,

temporarily abandon, or substantially alter an animal waste storage facility, and to use or dispose of waste from a facility regulated under this Ordinance.

4.922 Permittee. Any person to whom a permit under this Ordinance is issued or transferred.

4.923 Person. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government insofar as it consents to jurisdiction, or any combination thereof.

4.924 Prohibition Standards. As identified in §281.16(3), Wisconsin Statutes, and Section 4.939 of this Ordinance.

4.925 Technical Guide. The most current documents provided by the Natural Resource Conservation Service which contain technical information relating to the performance standards and prohibitions referenced within this Ordinance. The Technical Guide provides information to properly locate, construct, install, alter, design, operate and maintain conservation practices as adopted by the LCC.

4.926 Technical Standard 313. A section of the Technical Guide that covers the proper location, construction, installation, abandon, alteration, design, operation, and maintenance of an animal waste storage facility. This section also establishes the minimum criteria for abandonment procedures.

4.9261 Technical Standard 360. A section of the Technical Guide that covers the decommissioning of an animal waste storage facility or any component thereof, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.

4.9262 Technical Standard 430. A section of the Technical Guide that covers the installation of pipe conduits, pipe appurtenances, such as pumps, check valves, vents, air release valves, surge tanks, air chambers, and other structures for the transfer of animal waste from a storage facility to its field application point(s).

4.9263 Technical Standard 533. A section of the Technical Guide that covers the installation of pumping stations designed to deliver a waste product at a designed pressure and flow rate through a combination of pumps, associated power units, plumbing, and appurtenances. This may include on-site fuel and energy sources, and protective covers.

4.927 Technical Standard 590. A section of the Technical Guide that covers managing the amount, form, placement, and timing of plant nutrients and establishes the minimum acceptable requirements for the application of plants nutrients associated with organic wastes (animal waste and/or organic byproducts), commercial fertilizer, legume crops, and crop residues.

4.928 Technical Standard 634. A section of the Technical Guide that covers installation of components such as conduits, pumps, values, other structures or devices to transfer animal waste to and from an animal waste storage facility.

4.929 Temporary Animal Waste Storage Facility Abandonment. An animal waste storage facility that has been idle for a period of one calendar year, has had no animal waste added for one calendar year, or is no longer being used for its intended purpose. The owner of the system plans to bring the system back into service within one calendar year from notification.

4.930 Unconfined Animal Waste Stack. A quantity of animal waste that is at least 175 cubic feet in volume and which covers the ground surface to a depth of at least two inches and that is not confined within an animal waste storage facility, livestock housing facility, or barnyard runoff control facility.

4.931 Water Pollution. Contaminating or rendering unclean or impure the ground or surface waters of the state; or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

4.932 Waters of the State. Notwithstanding §281.01(18),Wisconsin Statutes, "waters of the state" has the meaning given in §283.01(20), Wisconsin Statutes.

4.933 Water Quality Management Area. As defined in §281.16(1)(g), Wisconsin Statutes, a water quality management area is defined as any of the following:

1. The area within one thousand (1,000) feet from the ordinary high water mark of navigable waters that consist of a lake, pond, flowage, except that, for a navigable water that is a glacial pot hole lake, "water quality management area" means the area within one thousand (1,000) feet from the ordinary high water mark of a lake.
2. The area within three hundred (300) feet from the ordinary high water mark of a navigable water that consist of a river or stream.
3. A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

Subpart 3: Activities Subject to Regulation

4.934 General Requirement

Any person who: constructs or installs a new animal waste storage facility, or; reconstructs, enlarges or alters an existing animal waste storage facility, or; abandons or temporarily abandons an idle animal waste storage facility, or installs an animal waste transfer pipeline system for conveyance of waste product stored in an animal waste storage facility, or; employs another person to do the same, on land subject to this Ordinance, shall be subject to the provisions of this Ordinance. Also, an animal waste storage facility or animal waste transfer pipeline system that is found to be failing or leaking shall be repaired within a timeframe identified by the LCD to a condition meeting the appropriate technical standard(s). The timeframe shall not be greater than two years from the date of official notice by the LCD.

4.935 Compliance With Permit Requirements

A person is in compliance with this Ordinance if he or she follows the procedures of this Ordinance, receives a permit from the LCD before commencing activities subject to regulation under this section, and complies with the requirements of the permit. If construction is not completed within twelve (12) months, a permit will be required under this Ordinance to continue construction. Repair, enlargement, alteration, abandonment, or temporary abandonment of preexisting facilities or installation of an animal waste transfer pipeline system requires a permit that is subject to all terms of this Ordinance.

Subpart 4: Standards

4.936 Standards for Animal Waste Storage Facilities

The standards for design and construction of animal waste storage facilities and or abandonment/closure are those found in technical standards 313, 360, 430, 533, and 634 of the Technical Guide as it existed on the date of adoption of this Ordinance including any and all future standards amended thereto.

4.937 Standards for Animal Waste Management and Utilization

The standards for management of animal waste facilities and utilization of animal waste are those in technical standard 590 of the Technical Guide, including any and all existing and future standards amended thereto.

4.938 Septage

Human waste and associated wastewater shall not be discharged into animal waste storage facilities unless permitted by applicable federal, state, or local regulations for the disposal of human waste and wastewater.

4.939 Standards for Implementing Prohibition Standards

Prior to issuance of a permit under this Ordinance compliance with the prohibition standards, as identified in §281.16(3) Wisconsin Statutes and any amendments thereto, shall be addressed. The prohibition standards are:

1. That a livestock operation may have no overflow of an animal waste storage structure.
2. That a livestock operation may have no unconfined animal waste stack in a water quality management area.
3. That a livestock operation may have no direct runoff from a feedlot or stored animal waste into the waters of the state.
4. That a livestock operation may not allow unlimited access by livestock to the waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

Pursuant to §281.16(3)(e),Wisconsin Statutes, an owner of an agricultural facility or practice that is in existence prior to October 14, 1997 shall not be required to comply with these prohibition standards unless cost sharing is made available.

Subpart 5: Application For and Issuance of Permits

4.940 Permit Required

No person may undertake any activity subject to this Ordinance without obtaining a permit from the LCD prior to beginning the proposed activity.

4.941 Permit Application Forms

All permit applications shall be filed on forms provided to the Applicant by the LCD.

4.942 Exception to Permit Requirement

Emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. If repairs will alter the original design and construction of the facility, a report shall be filed with the LCD defining the work performed to eliminate the emergency, within five (5) Department working days after the emergency. A determination by the LCD will be completed on whether a permit is required for the repair or any additional alterations needed to eliminate potential failures of the facility in the future.

4.943 Fees

The fee for a permit under this Ordinance shall be determined annually by the LCC during the annual LCD budget development cycle. The fee shall be no less than One Hundred Dollars ($100.00) and shall be non-refundable and payable in advance to the LCD. Temporary Abandonment of an Animal Waste Storage Facility is exempt from the fee schedule.

4.944 Fees for Violations of Ordinance

The LCD shall charge twice the fee identified in Section 4.943 of this Ordinance for a permit if any activity that this Ordinance covers has commenced prior to issuance of a permit. Section 4.942 of this Ordinance shall apply only for emergency repairs.

4.945 Animal Waste Storage Facility, Animal Waste Transfer Pipeline System, and Nutrient Management Plan Required

Each application for a permit under this section shall include an animal waste storage facility plan and a nutrient management plan.

Technical assistance for the animal waste storage facility construction or abandonment plan development shall be through LCD, NRCS, or a consulting professional engineer registered under Chapter 443, Wisconsin Statutes. Technical assistance for the development of a nutrient management plan shall be through the LCD; NRCS; a consultant who meets the qualifications outlined in Wisconsin Administrative Code ATCP 50 and any amendments thereto. The landowner, applicant, or assignee may develop a nutrient management plan in accordance with ATCP 50 and any amendments thereto. The conditions and criteria as outlined in Technical Standards 313, 360, 430, 533, 590, and 634 in the Technical Guide shall be followed.

1. The Animal Waste Storage Facility Construction Plans shall include the following information as a minimum:
   a. The number, age group, and type of animals for which storage is provided.
   b. The total volume of animal waste and/or manure to be stored in the proposed facility.
   c. A sketch of the facility and its location in relation to homes within five hundred (500) feet and other buildings within two hundred and fifty (250) feet and of the proposed facility. The sketch shall be drawn to scale, with a scale no larger than one (1) inch = fifty (50) feet.
   d. All structural details, including dimensions, cross-sections, and concrete thickness and reinforcement.
   e. The location of any wells within five hundred (500) feet of the facility.
   f. The soil test pit locations and soil description logs of at least three feet below the planned bottom of a facility.
   g. The elevation for groundwater or bedrock if encountered in the soil profiled and the date of any such determinations.
   h. Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. If a navigable body of water lies within one thousand (1000) feet of the facility, the location and distance to the body of water shall be shown.
   i. The scale of drawing and the north arrow.
   j. A time schedule for construction of the facility.
   k. A description of the method for the transfer of animal waste into and from the facility.
   l. An operation and maintenance plan.

2. The Animal Waste Storage Facility Abandonment Plan shall include the following information:
   a. A detailed description of the type and size of the facility and an estimate of the volume of wastes being stored.
   b. A detailed description of the disposal procedures for the facilities liner and/or soils saturated with animal wastes.
   c. A detailed description of how the waste transfer system will be plugged or removed.
   d. A detailed plan view of the proposed final grade.
   e. A detailed seeding plan for all areas void of vegetation due to abandonment activities.

f. If applicable, a description of the proposed use of facility if not abandoned.
g. Established time frame for all identified activities, maximum allowable one hundred and twenty (120) days

3. The Temporary Waste Storage Facility Abandonment Plan shall include the following information:
   a. A detailed description of the type and size of the facility and an estimate volume of the wastes contained.
   b. A detailed description of the disposal of the stored wastes.
   c. A detailed operation and maintenance plan for the facility and components while it is out of service.
   d. Established time frame for all identified activities, maximum allowable one hundred and twenty (120) days

4. The Nutrient Management Plan shall include the following:
   a. The total land base available for utilization of waste, include all rented land.
   b. A current land use map that identifies where animal waste will be spread.
   c. The application rate of animal waste/manure application. (i.e. gal./ac. or tons/ac.)
   d. A soils map identifying associated limitations for waste application; i.e. coarse textured soils, high nutrient levels, surface and/or groundwater features.
   e. Identification of all soils with depths less than or equal to two (2) feet to bedrock and/or ground water table.
   f. All lands with slopes greater than or equal to nine percent (9%).
   g. A map identifying all surface water features.
   h. Written rental agreements for lands where animal waste is spread/utilized.

5. The Animal Waste Transfer Pipeline System plan shall include the following:
   a. A plan view of the layout of the pipeline.
   b. Profile view of the pipeline.
   c. Pipe specifications (material and sizes).
   d. Pipe joint requirements.
   e. Site specific construction specifications that describe in writing the installation of the pipeline. Include the specification for pressure testing completed system.
   f. Final depth of cover and all backfilling requirements.
   g. Disposal requirements for excess soil material.
   h. Vegetative establishment requirements.
   i. An operation and maintenance plan.

4.946 Review of Application

The LCD shall receive and review all permit applications and shall determine if the proposed facility or abandonment procedures meet required standards set forth in Subpart 4 of this Ordinance. Within thirty (30) days after receiving the completed application, fee, and plans, as outlined in Section 4.945 of this Ordinance, the LCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LCD shall so notify the permit applicant. The LCD has thirty (30) days from the receipt of the additional information in which to

approve or disapprove the application. If the LCD fails to approve or disapprove the permit application in writing within thirty (30) days of the receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

4.947 Permit Conditions

All permits issued under this Ordinance shall be subject to the following conditions and requirements:

1. Animal waste storage facility abandonment, design, construction, management and/or animal waste utilization activities shall be carried out in accordance with the plans and applicable standards specified in Subpart 4 of this Ordinance and be maintained for a minimum of 10 years.
2. The permittee shall give three (3) working days notice to LCD before starting any construction activity authorized by the permit if the system's technical design and/or cost sharing is provided by a governmental unit.
3. Approval in writing must be obtained from the LCD prior to any modifications to the approved animal waste storage facility abandonment plan, construction plan, or nutrient management plan.
4. The permittee and, if applicable, the professional engineer shall certify in writing, that the facility was installed as in accordance to the plans submitted to the LCD and that the facility meets all applicable standards. Certification shall be completed on forms provided by the LCD. Such information will be forwarded to the LCD within fifteen (15) Department work days of the facilities completion. No animal waste may be stored in a facility until the LCD has received certification.
5. Activities authorized by permit must be completed within twelve (12) months from the date of issuance after which such permit shall be void**.**
6. An extension may be applied for by the applicant or assignee prior to the expiration date if, and only if more than fifty percent of the construction activities have been completed prior to the expiration date of the original permit.
7. The permit may be assigned to a different person if the following conditions are met:
   a. The assignee has taken control of the property described in the original permit application.
   b. The assignee agrees to all original permit conditions and agrees to sign a statement stating such.
   c. The assignee meets the definition of Section 4.912 of this Ordinance.
8. Within 90 days following completion of the last component of the facility, a final red lined as built plan shall be submitted with any deviations from the original plan. In no case shall a red lined as built plan be submitted later than the expiration date of the permit to construct a facility.

4.948 Permit Revocation

Upon consultation with the Corporation Counsel, the LCD may revoke any permit issued under this Ordinance if the holder of the permit has misrepresented any material fact in the permit application, animal waste storage facility plan, nutrient management plan, or if

the permittee or assignee violates any of the conditions of the permit. Notification shall be sent by certified mail to the applicant or assignee.

Subpart 6: Administration

4.949 Delegation of Authority

The Rock County Board of Supervisors hereby designates the LCD to administer and enforce this Ordinance.

4.950 Administrative Duties

In the administration and enforcement of this Ordinance, the LCD shall:

1. Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, permits issued, inspections made and other official actions.
2. Review permit applications and issue permits in accordance with Subpart 5 of this Ordinance.
3. Inspect animal waste facility construction to insure the facility is being constructed according to plan specifications, unless system was designed and construction over site was provided by a professional engineer.
4. Investigate complaints relating to compliance with the Ordinance.
5. Perform other duties as specified in this Ordinance.

4.951 Inspection Authority

The LCD is authorized to enter upon any lands affected by this Ordinance to inspect the land prior to or after permit issuance to determine compliance with this Ordinance. If permission cannot be obtained from a person with apparent legal authority to allow such inspection, entry by the LCD shall be in accordance with §66.122 and §66.123 and §92.07(14), Wisconsin Statutes.

4.952 Enforcement Authority

The LCD is authorized to post an order stopping work upon land that has had a permit revoked or on land currently undergoing activity in violation of this Ordinance. Notice shall be given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation and by mailing a copy of the order by certified mail to the last known address of permittee. The order shall specify that the activity must cease or be brought into compliance within five (5) days.

Any permit revocation or order stopping work shall remain in effect until retracted by the LCD, or by a court of general jurisdiction. The LCD is authorized to refer any violation of this Ordinance or of an order stopping work issued pursuant to this Ordinance to the Corporation Counsel for commencement of further legal proceedings.

Subpart 7: Violations

4.953 Penalties

Any person who violates, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture of not less than two hundred and fifty dollars ($250.00) plus cost of prosecution for each violation. An unlawful violation includes failure to comply with any standard of this Ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. Citations shall be issued by the LCD, upon approval of the Corporation Counsel, pursuant to law, for violations of the Ordinance.

4.954 Enforcement of Injunction

As a substitute for or an addition to forfeiture actions, Rock County may seek judicial enforcement of any part of this Ordinance by injunction or restraining order.

Subpart 8: Appeals

4.955 Authority

The LCC is authorized to act as an appeal authority and to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the LCD in administering this Ordinance. Pursuant to §68.16, Wisconsin Statutes, it is the declared intent of Rock County that the technical noncompliance with the requirements of Chapter 68 shall not constitute grounds for reversal of Committee action, but that the substantive provisions of Chapter 68 may be utilized as a guide in providing for Committee review of administrative determinations.

4.956 Procedure

Any appeal shall be made in writing to the LCC. The rules, procedures, duties and powers of the LCC, shall apply to proceedings under this Ordinance, except insofar as the express terms of this Ordinance require otherwise.

4.957 Who May Appeal

Appeals may be taken by any person having a substantial interest, which is adversely affected by the order, requirement, decision, or determination made by the LCD.

Part 10 – Non-Metallic Mining Reclamation

Subpart 1: General

4.1001 Title

Rock County Nonmetallic Mining Reclamation Ordinance.

4.1002 Purpose

The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Rock County after the effective date of this chapter, in compliance with Subchapter 1, Ch. 295, Wisconsin Statutes (Wis. Stats.) and Ch. NR 135, Wisconsin Administrative Code (Wis. Adm. Code).

4.1003 Authority

This chapter is adopted under authority of Secs. 59.02, 59.51, and 295.13 (1), Wis. Stats., and Sec. NR 135.32, Wis. Adm. Code.

4.1004 Restrictions Adopted Under Other Authority

The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining reclamation required by Sec. 295.12 (1)(a), Wis. Stats. and contained in Ch. NR 135, Wis. Adm. Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

4.1005 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by Subchapter I of Ch. 295, Wis. Stats. and Ch. NR 135, Wis. Adm. Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Ch. NR 135, Wis. Adm. Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Ch. NR 135, Wis. Adm. Code.

4.1006 Severability

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

4.1007 Applicability

(1) Overall Applicability. The requirements of this chapter apply to all operators of nonmetallic mining sites within Rock County operating on or commencing to operate after August 1, 2001**,** except as exempted in paragraph (2) and except for nonmetallic mining sites located in a city, village or town within Rock County that has adopted an ordinance pursuant to Sec. 295.14, Wis. Stats., and Sec. NR 135.32 (2), Wis. Adm. Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of Rock County, a municipality, or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in sec. 4.1013(3).

(2) Exemptions. This chapter does not apply to the following activities:

(A) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources (DNR) under Secs. 30.19, 30.195 or 30.20, Wis. Stats., and complies with Ch. NR 340, Wis. Adm. Code.

(B) Excavations subject to the permit and reclamation requirements of Secs. 30.30 or 30.31, Wis. Stats.

(C) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.

(D) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.

(E) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.

(F) Excavations for building construction purposes conducted on the building site.

(G) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.

(H) Any mining operation, the reclamation of which is required in a permit obtained under Ch. 293, Wis. Stats.

(I) Any activities required to prepare, operate or close a solid waste disposal facility under Ch. 289, Wis. Stats., or a hazardous waste disposal facility under Ch. 291, Wis. Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in

this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

(J) Wisconsin Department of Transportation (DOT):

1. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the DOT concerning the restoration of the nonmetallic mining site.

2. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the DOT actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the DOT contract for construction of a specific transportation project.

3. If a nonmetallic mining site covered under paragraphs 1. and 2. is used to concurrently supply materials for projects unrelated to the DOT project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under DOT contract and supervision.

(K) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

4.1008 Administration

The provisions of this chapter shall be administered by the Rock County Land Conservation Department, hereafter referred to as "LCD." An applicant or permit holder may have the Land Conservation Committee review a LCD staff decision by filing a written request addressed to the Committee Chair, within 30 days of the decision. Any further appeal under sec. 4.1021 must be initiated within 30 days of the decision of the Committee, if review by the Land Conservation Committee is sought.

4.1009 Definitions

(1) Alternative requirement - means an alternative to the reclamation standards of this chapter provided through a written authorization granted by the LCD pursuant to sec. 4.1017.

(2) Applicable reclamation ordinance - means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of Subchapter I of Ch. 295, Wis. Stats. and Ch. NR 135, Wis. Adm.

Code, unless the DNR is the regulatory authority as defined in paragraph (22)(C). If the DNR is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Ch. NR 135, Wis. Adm. Code.

(3) Borrow site - means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

(4) Contemporaneous reclamation - means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

(5) DNR - means the Wisconsin Department of Natural Resources.

(6) Environmental pollution - has the meaning in Sec. 295.11 (2), Wis. Stats.

(7) Financial assurance - means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in sec. 4.1013 and is sufficient to pay for reclamation activities required by this chapter.

(8) Highwall - means a vertical or nearly vertical face in solid rock or a slope of consolidated or consolidated material that is steeper than 3:1.

(9) LCC - means the Rock County Land Conservation Committee.

(10) LCD - means the Rock County Land Conservation Department.

(11) Landowner - means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

(12) Licensed Professional Geologist - means a person who is licensed as a professional geologist pursuant to Ch. 470, Wis. Stats.

(13) Municipality - means any city, town or village.

(14) Nonmetallic mineral - means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, beryl, clay, coal, feldspar, peat, talc and topsoil.

(15) Nonmetallic mining or mining - means all of following:

(A) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(B) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(16) Nonmetallic mining reclamation or reclamation - means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

(17) Nonmetallic mining refuse - means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(18) Nonmetallic mining site or site - means all contiguous areas of present or proposed mining described in paragraph (A), subject to the qualifications in paragraph (B).

(A) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.

2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.

3. Areas where nonmetallic mining refuse is deposited.

4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.

5. Areas where grading or regrading is necessary.

6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(B) Nonmetallic mine site does not include any of the following areas:

1. Those portions of sites listed in paragraph (A) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.

2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.

3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

(19) Operator - means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(20) Person - means an individual, owner, operator, corporation, limited liability company, partnership, association, county municipality, interstate agency, state agency or federal agency.

(21) Registered Professional Engineer - means a person who is registered as a professional engineer pursuant to Sec. 443.04, Wis. Stats.

(22) Regulatory authority - means any of the following:

(A) The LCD for nonmetallic mine sites located within the jurisdiction of Rock County, or

(B) A municipality within Rock County in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under Sec. 295.14, Wis. Stats.

(C) The DNR, in which case, the "applicable reclamation ordinance" means the relevant and applicable provisions of Ch. NR 135, Wis. Adm. Code.

(23) Replacement of topsoil - means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(24) Solid waste - means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Ch. 283, Wis. Stats., or source material, special nuclear material or by-product material, as defined in Sec. 254.31 (1), Wis. Stats.

(25) Topsoil - means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(26) Topsoil substitute material - means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(27) (A) Unreclaimed acre or unreclaimed acres - means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sec. 4.1028(3). However the term does not include any areas described in paragraph (B).

(B) Unreclaimed acre or unreclaimed acres does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under sec. 4.1028(3).

2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

3. Those portions of nonmetallic mining sites which are included in an approved nonmetallic mining reclamation plan but are not yet affected by nonmetallic mining.

4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

5. For purposes of fees under sec. 4.1026, those areas within a nonmetallic mining site which the LCD has determined to have been successfully reclaimed on an interim basis in accordance with sec. 4.1028(3).

6. Those areas defined as not included in a nonmetallic mining site under paragraph (18)(B).

Subpart 2: Standards

4.1010 Standards

All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(1) General Standards.

(A) Refuse and Other Solid Wastes**.** Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the DNR adopted pursuant to Chs. 289 and 291, Wis. Stats.

(B) Area Disturbed and Contemporaneous Reclamation**.** Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(C) Public Health, Safety and Welfare. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(D) Habitat Restoration. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that existed before the lands were affected by nonmetallic mining operations.

(E) Compliance with Environmental Regulations. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

(2) Surface Water and Wetlands Protection. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the DNRs' water quality standards for surface waters and wetlands contained in Chs. NR 102 to NR 105, Wis. Adm. Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent

pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) Groundwater Protection.

(A) Groundwater Quantity. A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(B) Groundwater Quality. Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Ch. NR 140, Wis. Adm. Code to be exceeded at a point of standards application defined in that Chapter.

(4) Topsoil Management.

(A) Removal. Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan in order to achieve reclamation to the approved post-mining land use. Removal of onsite topsoil and topsoil substitute material removal, where specified in a reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation.

(B) Volume. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

(C) Storage. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) Final Grading and Slopes.

(A) All areas affected by mining shall be addressed in the approved reclamation plan to provide that a stable and safe condition consistent with the post mining land use is achieved. The reclamation plan may designate highwalls or other un-mined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated material that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable, the county may require that either: a site specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable stability factor is attainable at a steeper slope, or the operator perform a field

test plot demonstration to demonstrate that a stable and safe condition will be achieved and that a post mining land use specified in the reclamation plan will not be adversely affected.

(B) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless alternative requirements are approved under sec. 4.1017, and stable slopes can be demonstrated based on site-specific engineering analysis performed by a Registered Professional Engineer. All areas in the non-metallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material distribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(C) When the approved post mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

(6) Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) Assessing Completion of Successful Reclamation.

(A) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(B) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by LCD or its agent;

2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or

3. A combination of inspections and reports.

(C) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(D) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;

2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or

3. Comparison to an approved alternate technical standard.

(E) Revegetation using a variety of plants indigenous to the area is favored.

(9) Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to sec. 4.1013 is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(10) Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

Subpart 3: Permitting

4.1011 Nonmetallic Mining Reclamation Permit Application

(1) Application Required: The operator of any nonmetallic mine shall apply for and obtain a reclamation permit before beginning any mining operation. To avoid duplication, the permit application and submittals required may by reference incorporate existing plans and materials that meet the requirements of this chapter. The operator shall submit all of the following when making an application in accordance with this section.

(A) The information required by paragraph (2).

(B) The first year's annual fee, as required by sec. 4.1026.

(C) A reclamation plan conforming to sec. 4.1012.

(D) A certification that the operator will provide, as a condition of the reclamation permit, financial assurance as required by sec. 4.1013 upon granting of the reclamation permit and before mining begins

(2) Application Contents:

(A) A brief description of the nature of the nonmetallic mine.

(B) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number

(C) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.

(D) The name, address and telephone number of the person or organization who is the operator.

(E) A certification by the operator of his or her intent to comply with nonmetallic mining reclamation standards identified in Part II of this ordinance.

4.1012 Reclamation Plan

(1) Reclamation Plan Requirements. All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the following requirements.

(A) Plan Required. An operator who conducts or plans to conduct nonmetallic mining- shall submit to the LCD a reclamation plan that meets the requirements of this sec. and complies with the standards of Part II.

(B) Site Information. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

1. Maps of the nonmetallic mining site including the general location, property boundaries, the area extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the approximate elevation of ground water, as determined by existing hydrogeologic information, the location of surface waters and the existing drainage patterns. Where existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

2. Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine site.

3. Existing topography as shown on contour maps of the site at 2-foot intervals.

4. Location of manmade features on or near the site.

5. For proposed nonmetallic mine sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

(C) Post-Mining Land Use.

1. The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with the land use element of the Rock County Comprehensive Plan for the area, as well as all applicable local, state, or federal laws in effect at the time the plan is submitted.

2. Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to Sec. 91.75, Wis. Stats., shall be restored to agricultural use.

(D) Reclamation Measures. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

1. A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer as provided in secs. 4.1010(5)(A) & (B).

2. The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.

3. A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

4. A plan or map which shows surface structures, roads and related facilities after the cessation of mining.

5. The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

6. A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

7. Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

8. A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

9. A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to secs. 4.1028(2) and 4.1028(4), and release of financial assurance pursuant to sec. 4.1028(3), and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in Part II and timing of interim and final reclamation.

10. A description of how the reclamation plan addresses the long term safety of the reclaimed mining site. The description shall include a discussion of site specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

(E) The reclamation plan shall contain criteria for assuring successful reclamation in accordance sec 4.1010(8).

(F) Certification of Reclamation Plan: The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation.

(G)Copy Location. The operator shall keep a copy of the reclamation plan required by this section, once approved by the LCD under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.

(2) Existing Plans and Approvals. To avoid duplication of effort, the reclamation plan required by this sec. may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

(3) Approval of Reclamation Plan. The LCD shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sec. 4.1015 for new mines. Conditional approvals of reclamation plans shall be made according to sec. 4.1015(5) and denials of reclamation plans shall be made pursuant to sec. 4.1016 .The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

4.1013 Financial Assurance

(1) Financial Assurance Requirements. All operators of nonmetallic mining sites in Rock County shall prepare and submit a proof of financial assurance that meets the following requirements:

(A) Notification. The LCD shall provide written notification to the operator of the amount of financial assurance required under paragraph (C).

(B) Filing. Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with the LCD. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance, and the reclamation plan. Financial assurance shall be payable exclusively to the LCD. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to the LCD only if it currently has primary regulatory responsibility.

(C) Amount and Duration of Financial Assurance. The amount of financial assurance shall equal as closely as possible the cost to the LCD, including agency administrative costs, of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by the LCD to assure it equals outstanding reclamation costs. Any financial assurance filed with the LCD shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. The LCD may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales, tonnage, or cubic yardage and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(D) Form and Management. Financial assurance shall be provided by the operator and shall be by a surety bond or an alternate financial assurance. Financial assurance shall be payable to the LCD and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of the LCD, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(E) Multiple Projects. Any operator who obtains a permit from the LCD for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by the LCD.

(F) Multiple Jurisdictions. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(G) Certification of Completion and Release.

1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. The LCD shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. The LCD may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete the LCD shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

2. The LCD shall make a determination of whether or not the certification in paragraph 1. can be made within 60 days after the request is received.

3. The LCD may make a determination under this subsection that:

   a. Reclamation is not yet complete;

   b. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;

   c. Reclamation is complete in a part of the mine; or

   d. Reclamation is fully complete.

(H) Forfeiture. Financial assurance shall be forfeited if any of the following occur:

1. A permit is revoked under sec. 4.1023 and the appeals process has been completed.

2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(I) Cancellation**.** Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90 day notice to the LCD in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to the LCD a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(J) Changing Methods of Financial Assurance. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to paragraph (L). The operator shall give the LCD at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of the LCD.

(K) Bankruptcy Notification. The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(L) Adjustment of Financial Assurance. Financial assurance may be adjusted when required by the LCD. The LCD may notify the operator in writing that adjustment is necessary and the reasons for it. The LCD may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(M) Net Worth Test

1. Only an operator that meets the definition of "company" in Sec. 289.41 (1)(b), Wis. Stats., may use the net worth method of providing financial assurance.

2. The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of Sec. 289.41 (4), Wis. Stats. The criteria in Sec. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Wis. Stats., shall apply.

3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with Sec. 289.41 (6), Wis. Stats.

4. Determinations under the net worth test shall be done in accordance with Sec. 289.41 (5), Wis. Stats.

5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

(2) Financial Assurance Proof Deadlines. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with sec. 4.1011 shall submit the proof of financial assurance required by paragraph (1) no later than 60 days after notification of acceptance of the reclamation plan by the LCD.

(3) Public Nonmetallic Mining. The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the state, a state agency, board, commission or department, or a municipality.

(4) Limit of County Liability. In the event the amount of financial assurance provided for in this section is not sufficient to complete the reclamation plan, Rock County assumes no responsibility, financial or otherwise, to complete the plan.

4.1014 Public Notice and Right of Hearing

(1) New Mines. The LCD shall, except as provided in paragraph (2), provide public notice and the opportunity for a public informational hearing as set forth below:

(A) Public Notice.

1. When the LCD receives an application to issue a reclamation permit for a new mine, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sec. 4.1011.

2. The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a Class 1 notice pursuant to Sec. 985.07 (2), Wis. Stats., in the official newspaper of Rock County. The notice shall mention the opportunity for public hearing pursuant to this section and shall

give the locations at which the public may review the application and all supporting materials including the reclamation plan.

3. Copies of the notice shall be forwarded by the LCD to the applicable zoning board and the applicable planning organization, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

(B) Hearing. The LCD shall provide opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit for a new mine as follows.

1. If it conducts a zoning-related hearing on the nonmetallic mine site, the LCD shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. The LCD shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

2. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in paragraph 1., opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The LCD shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under paragraph (A). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. Notice of the meeting shall be published as a Class 1 notice pursuant to Sec. 985.07 (2), Wis. Stats., in the official newspaper of Rock County. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation.

3. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

(2) Local Transportation-Related Mines. No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sec. 4.1015(3).

4.1015 Issuance of a Nonmetallic Mining Reclamation Permit

(1) Permit Required. Every operator of a nonmetallic mining site in Rock County who engages in or plans to engage in nonmetallic mining shall obtain a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under sec. 4.107(2). No person may engage in nonmetallic mining or nonmetallic mining reclamation without a reclamation permit issued pursuant to this chapter.

(2) Permit Issuance for New Mines. Applications for reclamation permits for nonmetallic mining sites that satisfy sec. 4.1011 shall be issued a reclamation permit or otherwise acted on as provided below.

(A) Unless denied pursuant to sec. 4.1016, the LCD shall approve in writing a request that satisfies the requirements of sec. 4.1011 to issue a nonmetallic mining reclamation permit for a nonmetallic mine.

(B) The LCD may issue a reclamation permit subject to conditions in sec. 4.1015(5) if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application and reclamation plan pursuant to this subchapter, unless a public hearing is held pursuant to sec. 4.1014. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to sec. 4.1015(5) if appropriate, or shall deny the permit as provided in sec. 4.1016, no later than 60 days after completing the public hearing.

(C) Within 30 days of receipt of the financial assurance as required under sec. 4.1013, the LCD shall affirm in writing its decision whether to approve the financial assurance and continue the nonmetallic mining reclamation permit issued pursuant this subsection.

(D) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of sec. 4.1012 and provision by the applicant of financial assurance required under sec. 4.1013, and payable to the LCD prior to beginning mining.

(3) Automatic Permit for Local Transportation-Related Mines.

(A) The LCD shall automatically issue an expedited permit under this subsection to any borrow site that:

1. Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

2. Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the DOT concerning the restoration of nonmetallic mining sites;

4. Is not a commercial source;

5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

6. Is not otherwise exempt from the requirements of this chapter under sec. 4.107 (2)(J).

(B) In this subsection, “municipality” has the meaning defined in Sec. 299.01(8), Wis. Stats.

(C) Automatic permits shall be issued under this subsection in accordance with the following provisions:

1. The applicant shall notify the LCD of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.

2. The applicant shall provide evidence to the LCD to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.

3. The LCD shall accept the contractual provisions incorporating requirements of the DOT in lieu of a reclamation plan under sec. 4.1012.

4. The LCD shall accept the contractual provisions in lieu of the financial assurance requirements in sec. 4.1013.

5. The public notice and hearing provisions of sec. 4.1014 do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

6. Mines permitted under this subsection shall pay an annual fee to the LCD as provided in sec. 4.1026, but shall not be subject to the plan review fee provided in sec. 4.1025.

7. The LCD shall issue the automatic permit within 7 days of the receipt of a complete application.

8. If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the DOT requirements.

9. Notwithstanding sec. 4.1024, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

(4) Expedited Review. Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application as follows:

(A) The operator may submit a request for expedited permit review with payment of the expedited review fee, twice the fee otherwise required as specified in sec. 4.1025(2).

This request shall state the need for such expedited review and the date by which such expedited review is requested.

(B) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(C) Following receipt of a request under this subsection, the LCD shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under paragraph (A) shall be returned.

(D) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to sec. 4.1014. This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

(5) Permit Conditions. Any decision under this section may include conditions as provided below:

(A) The LCD may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter.

(B) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to sec. 4.1013 prior to beginning mining.

(C) Permits may not include conditions not related to reclamation activities.

4.1016 Permit Denial

(1) An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(A) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in sec. 4.1015, if the LCD finds any of the following:

1. The applicant has, after being given an opportunity to make corrections, failed to provide to the LCD an adequate permit application, reclamation plan, financial assurance or any other submittal required by Ch. NR 135, Wis. Adm. Code or this chapter.

2. The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Ch. NR 135, Wis. Adm. Code or Subchapter I of Ch. 295, Wis. Stats.

3. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

(B) The following may be considered in making this determination of a pattern of serious violations:

1. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

2. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Ch. NR 135, Wis. Adm. Code.

3. Forfeitures of financial assurance.

(C) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(D) A decision to deny an application to issue a reclamation permit may be reviewed under sec. 4.1021.

4.1017 Alternative Requirements

(1) Scope of Alternative Requirements Approvable. An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in sec. 4.1010. The LCD may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and the LCD finds that all of the following criteria are met:

(A) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.

(B) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.

(C) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

(2) Procedures. The operator of a nonmetallic mining site requesting an alternate requirement in paragraph (1) shall demonstrate all the criteria in paragraph (1). This shall be submitted in writing to the Land Conservation Committee.

(A) The Land Conservation Committee shall consider the request according to the Rules of Procedure of the Rock County Board of Supervisors.

(B) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

(C) A public informational hearing pursuant to this request may be held according to sec. 4.1014(1)(B).

(3) Transmittal of Decision on Request for Alternative Requirement. The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

(4) Notice to DNR. The LCD shall provide notice to the DNR as set forth in this subsection. Written notice shall be given to the DNR at least 10 days prior to any public hearing held under paragraph (2) on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the DNR within 10 days of issuance.

4.1018 Permit Duration

(A) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sec. 4.1031.

(B) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to sec. 4.1019.

4.1019 Permit Transfer

(1) A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(A) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to the LCD of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(B) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by the LCD and the LCD makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain

financial assurance until the new operator has received approval and provided the financial assurance under this section.

4.1020 Previously Permitted Sites

(1) For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Ch. NR 135, Wis. Adm. Code that becomes subject to reclamation permitting authority of the LCD the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by the LCD pursuant to sec. 4.1022.

4.1021 Appeals

(1) The Rock County Board of Adjustment, created pursuant to and insofar as applicable, operating in accordance with Chapter 4, Subsection 3, Part 12 of the Rock County Code of Ordinances, shall have the power to hear and decide appeals where it is alleged by any aggrieved person that there is an error in any order, decision, or determination made by the LCD in administering this ordinance.

Subpart 4: Administration

4.1022 Permit Modification

(1) By Rock County. A nonmetallic mining reclamation permit issued under this chapter may be modified by the LCD if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Ch. NR 135, Wis. Adm. Code or this chapter. Such modification shall be by an order modifying the permit in accordance with sec. 4.1031. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Ch. NR 135, Wis. Adm. Code or this chapter.

(2) At the Operator's Option. If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the LCD. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

(3) Required by the Operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

(4) Review. All actions by the LCD on permit modifications requested or initiated under this section are subject to review under sec. 4.1021.

4.1023 Permit Suspension and Revocation

(1) Grounds. The LCD may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

(A) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.

(B) Failed to submit or maintain financial assurance as required by this chapter.

(C) Failed on a repetitive and significant basis to follow the approved reclamation plan.

(2) Procedures. If the LCD finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in paragraph (1), it may issue a special order suspending or revoking such permit as set forth in sec. 4.1031(2).

(3) Consequences.

If the LCD makes any of the findings in paragraph (1), it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to sec. 4.1031.

If the LCD makes any of the findings in paragraph (1), it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to the LCD which may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

4.1024 Annual Operator Reporting

(1) Contents and Deadline. Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites on forms issued by the LCD.

(A) Contents. The annual report required by this section shall include all of the following:

1. The name and mailing address of the operator.

2. The location of the nonmetallic mining site, as required in the permit application.

3. The identification number of the applicable nonmetallic mining permit, if assigned by the LCD.

4. The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.

5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.

6. A plan, map or diagram accurately showing the acreage described in paragraphs 4. and 5.

7. The following certification, signed by the operator:

   "I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Ch. NR 135, Wis. Adm. Code."

(B) Deadline. The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.

(C) When Reporting May End. Annual reports shall be submitted by an operator for all active and intermittent mining sites to the LCD for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sec. 4.1028(3) or at the time of release of financial assurance pursuant to sec. 4.1013(1)(G).

(2) Inspection in Lieu of Report. The LCD may, at its discretion, obtain the information required in paragraph (1) for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If the LCD obtains and documents the required information, the annual report need not be submitted by the operator. If the LCD determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, the LCD shall require the operator to submit the certification required in paragraph (1)(A) 7.

(3) Retention of Annual Reports. Annual reports submitted under paragraph (1) or inspection records that replace them under paragraph (2) shall be retained by the LCD at their office for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the DNR upon written request or during its inspection or audit activities carried out pursuant to Ch. NR 135, Wis. Adm. Code.

4.1025 Plan Review Fees

(1) Amount and Applicability.

(A) A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 4.1011 shall submit a non-refundable plan

review fee. The amount of this fee shall be determined by the Rock County Board of Supervisors as part of the annual LCD budget. Fees shall be collected by the LCD.

(B) No plan review fee may be assessed under this section for any local transportation-related mining receiving an automatic permit under sec. 4.1015(3). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to sec. 4.1022

(C) All fees shall be doubled if work is started before a permit is applied for and issued. Such doubled fees shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

(2) Expedited Plan Review Fee. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 4.1011 may obtain expedited reclamation plan review by paying a fee of twice the fee otherwise required in paragraph (1). Such fee shall be in addition to that required in paragraph (1).

(3) Relation to Annual Fee. Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under sec. 4.1026.

4.1026 Annual Fees

(1) Areas Subject to Fees, Procedures and Deadline.

(A) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to Rock County. Fees shall be collected by the LCD. Fees paid under this section shall include both a share for the DNR under paragraph (2) and a share for Rock County under paragraph (3) that equals as closely as possible the costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining sites.

(B) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined in sec. 4.1009(27), at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under sec. 4.1028. Fees shall be paid no later than January 31 for the previous year.

(C) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by the LCD pending certification of completed reclamation pursuant to sec. 4.1013(1)(G). Upon such certification the LCD shall refund that portion of the annual fee that applies to the reclaimed areas. If the LCD fails to make a determination under sec. 4.1013(1)(G) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(D) The amount collected shall equal the DNR's share as described in subparagraph (2) and if applicable the reclamation plan review fee. The department share of the annual fees shall be transferred to the DNR by March 31.

(2) Wisconsin Department of Natural Resources (DNR's) Share of Fee.

(A) Fees paid under this section shall, except where provided in sub-paragraph (B), include a share for the DNR equal to the amount specified in Sec. NR 135.39, Table 1, Wis. Adm. Code.

(B) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the DNR shall be as prescribed by Ch. NR 135, Wis. Adm. Code.

(C) The LCD shall forward fees collected under paragraph (2) to the DNR by March 31 of the year for which they were collected.

(3) Rock County's Share of Fee. Fees paid under this section shall also include an annual fee due to Rock County which shall be determined by the Rock County Board of Supervisors as part of the annual LCD budget. Fees shall be collected by the LCD.

(4) Reduced Fee for Inactive Mines. Any permitted site on which no nonmetallic mining activity has taken place in a calendar year shall be assessed a fee one-half the normal amount.

4.1027 Regulatory Reporting and Documentation

(1) Reporting. The LCD shall submit an annual report to the DNR by March 31 of each calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

(A) The total number of nonmetallic mining reclamation permits in effect.

(B) The number of new permits issued within the jurisdiction of Rock County.

(C) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.

(D) The number of acres being mined or unreclaimed acres.

(E) The number of acres that have been reclaimed and have had financial assurance released pursuant to sec. 4.1013(1)(G).

(F) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to secs. 4.1028(1) and 4.1028(2).

(G) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

(2) Documentation. The LCD shall, to the best of its ability, maintain the information set forth below, and make it available to the DNR for that agency's audit of Rock County's reclamation program pursuant to Ch. NR 135, Wis. Adm. Code:

(A) Documentation of compliance with Ch. NR 135, Wis. Adm. Code and this chapter.

(B) The procedures employed by the LCD regarding reclamation plan review, and the issuance and modification of permits.

(C) The methods for review of annual reports received from operators.

(D) The method and effectiveness of fee collection.

(E) Procedures to accurately forward the DNR's portion of collected fees in a timely fashion.

(F) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.

(G) Responses to citizen complaints.

(H) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.

(I) The maintenance and availability of records.

(J) The number and type of approvals for alternative requirements issued pursuant to sec. 4.1017.

(K) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sec. 4.1013(1)(G).

(L) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Rock County to implement its nonmetallic mining reclamation program under this chapter.

(M) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.

(N) Any other performance criterion necessary to ascertain compliance with Ch. NR 135, Wis. Adm. Code.

4.1028 Completed Reclamation - Reporting, Certification and Effect

(1) Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Ch. NR 135, Wis. Adm. Code. Reports of completion shall be filed on forms issued by the LCD for that purpose and delivered to the LCD.

(2) Reporting of Interim Reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Ch. NR 135, Wis. Adm. Code. Reporting of interim reclamation shall be done according to the procedures in paragraph (1).

(3) Certification of Completed Reclamation. The LCD shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sec. 4.1013(1)(G)3. If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with sec. 4.1012, the LCD shall issue the mine operator a written certificate of completion.

(4) Effect of Completed Reclamation. If reclamation is certified by the LCD as complete under paragraph (3) for part or all of a nonmetallic mining site, then:

(A) No fee shall be assessed under sec. 4.1026 for the area so certified.

(B) The financial assurance required by sec. 4.1013 shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

(C) For sites which are reported as interim reclaimed under paragraph (2) and so certified under paragraph (3), financial assurance for reclaiming the certified area shall be proportionally reduced.

(5) Effect of Inaction Following Report of Completed Reclamation. If no written response as required by paragraph (3) for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to the LCD for it under sec. 4.1026 shall be refunded.

4.1029 Permit Termination

(1) When all final reclamation required by a reclamation plan conforming to sec. 4.1012 and required by this chapter is certified as complete pursuant to secs. 4.1013(1)(G) and 4.1028(3), the LCD shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

Subpart 5: Enforcement

4.1030 Right of Entry and Inspection

(1) For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, agent, employee or representative of Rock County may inspect any nonmetallic mining site subject to this chapter as provided below:

(A) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Rock County who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, or any provision of this chapter.

(B) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

4.1031 Orders and Enforcement

(1) Enforcement Orders. The LCD may issue orders to require an operator to comply with, or to cease violating this chapter, a permit issued pursuant to this chapter, or a reclamation plan required by sec. 4.1012.

(2) Special Orders. The LCD may issue a special order suspending or revoking a nonmetallic mining reclamation permit pursuant to sec. 4.1023, or directing an operator to immediately cease an activity regulated under this chapter until the necessary plan approval is obtained.

(3) Review of Orders. A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review of the order under sec. 4.1021 of this chapter.

(4) Enforcement. The LCD may submit any order issued under this section to abate violations of this chapter to the Corporation Counsel for enforcement. The Corporation Counsel may enforce those orders.

4.1032 Penalties

Penalties. Any person who violates this chapter, any reclamation plan approved pursuant to this chapter or an order issued pursuant to sec. 4.1031 shall forfeit not less than $25 nor more than $1,000 for each violation. Each day of violation is a separate offense. While an order issued under sec. 4.1031 is suspended, stayed or enjoined, this penalty does not accrue.

Part 11 – Construction Site Erosion Control

4.1101 Title

Title. This ordinance may be cited as the Rock County Construction Site Erosion Control Ordinance.

4.1102 Authority

(1) This ordinance is adopted under the authority granted by secs. 59.693, 92.07(15) and 101.1205(4), Wis. Stats. This ordinance supersedes all conflicting and contradictory construction site erosion control regulations previously adopted by the County of Rock under sec. 59.69, Wis. Stats.

(2) The requirements of this ordinance do not preempt more stringent construction site erosion control requirements that may be imposed by the Wisconsin Department of Natural Resources ("DNR").

(3) The requirements of this ordinance are not intended to limit any other lawful regulatory powers of the County of Rock.

(4) The Rock County Board of Supervisors ("County Board") designates the Rock County Land Conservation Department (LCD) to administer and enforce the provisions of Part 11 of this Ordinance. LCD staff will be responsible for the administration and enforcement of Part 11 of this Ordinance. The Land Conservation Committee (LCC) may review staff decisions upon written request by an applicant or permit holder to the Committee chair. The LCD may also administer and enforce an identical ordinance of a town, village, or city that has entered into an intergovernmental agreement with the County of Rock under sec. 66.0301, Wis. Stats. for ordinance administration services.

4.1103 Findings of Fact

(1) The County Board finds that runoff from land disturbing activity carries a significant amount of sediment and other pollutants to the waters of the state in Rock County. The County Board also finds that sediment and other pollutants have a detrimental effect on water quality and downstream water uses and increases the potential for flooding of adjacent lands.

(2) Recognizing the well-established relationship between soil erosion and sedimentation and the loss of water quality and the increased dangers of flooding, the County Board finds that effective erosion control practices should be required. The County Board also finds that construction site erosion and sediment control best management practices (BMPs) are commonly available and effective, and that the effectiveness of these BMPs depends upon proper planning and design, timely installation, and continuous maintenance.

4.1104 Purpose and Intent

(1) Purpose. The general purpose of this ordinance is to promote the health, safety, and general welfare of the people, preserve the natural resources, and protect the quality of the waters of the state in Rock County. Specific purposes are to:

(A) Minimize the amount of sediment and other pollutants carried by runoff or discharged from land disturbing activities to the waters of the state, or adjacent property, to the extent practicable.

(B) Foster consistent, statewide application of the non-agricultural performance standards developed by the DNR in subchapters III and IV of chapter NR 151, Wisconsin Administrative Code ("Wis. Adm. Code").

(C) Assist the County of Rock in becoming an "Authorized Local Program" pursuant to chapter NR 216, Wis. Adm. Code.

(2) Intent. The intent of this ordinance is to require, through the use of a permit, BMPs to reduce the amount of sediment and other pollutants leaving sites of land disturbing activities. It is intended that permit holders be able to choose the most cost-effective BMPs meeting the performance standards required under this ordinance. This ordinance is not intended to limit activity or land division permitted under the applicable zoning and land division ordinances.

4.1105 Jurisdiction, Applicability and Waivers

(1) Jurisdiction

(A) The provisions of this ordinance shall apply in all unincorporated lands within the jurisdictional boundaries of the County of Rock where a town board has not adopted an ordinance under sec. 60.627, Wis. Stats.

(B) This ordinance shall continue in effect in any area annexed by a city or village, unless the city or village enacts, maintains and enforces an ordinance that complies with minimum standards established by the DNR and meets or exceeds the standards of this ordinance, as established under sec. 59.693(10), Wis. Stats.

(2) Applicability

(A) This ordinance applies to the following land disturbing activities:

1. Grading, removal of protective ground cover or vegetation, excavation, land filling, or other land disturbing activity where:
   a. The cumulative area affected exceeds a surface area of 1,000 square feet on a slope of 12 percent or greater, or

b. Where the cumulative area affected exceeds a surface area of 4,000 square feet or more. This includes any activity directly affecting a cumulative surface area less than 4,000 square feet that is part of a larger construction site that in total disturbs more than 4,000 square feet.

2. For land disturbing activities on land annexed after the effective date of this ordinance into an incorporated municipality that requires a site plan review for parcels less than one acre the surface area applicability in (2)(A)1-8. rendering the county's ordinance applicable shall be not less than one acre within that municipality.
3. Grading, removal of protective ground cover or vegetation, excavation, land filling, or other activity affecting a cumulative surface area of more than 1,000 square feet, or more than 40 cubic yards of fill, within the Shoreland Overlay District as defined in Chapter 4, Rock County Code of Ordinances;
4. Grading, excavation or filling, or any combination thereof, affecting 400 cubic yards or more of soil, sand, or other excavation or fill material;
5. Laying, boring, repairing, replacing, or enlarging underground pipe, cable, or wire for a distance of 300 feet or more;
6. Disturbing 100 feet or more of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel;
7. Constructing new public or private roads, access roads, or driveways, or portions thereof, exceeding 100 feet in length;
8. Land disturbing activities relating to land divisions, including subdivision plats, certified survey maps, and condominium plats requiring public or quasi-public improvements;
9. Land disturbing activities, on a site of any size, that have been observed to cause, or have been determined likely to result in, undue channel erosion, increased water pollution by scouring or the transportation of particulate matter, or endangerment of property or public safety. The LCC shall make this determination after review and recommendation by the LCD.

(B) Exemptions

1. This ordinance does not apply to the following:
   a. Agricultural Activities: to include land disturbing activities directly involved with the planting, growing and harvesting of any plant grown for human or animal consumption and pasturing or yarding of livestock;
   b. Silviculture Activities: to include land disturbing activities directly relating to nursery operations and sod farms;
   c. Routine maintenance for project sites under 1 acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
   d. Land disturbing activities conducted, or contracted by, a state agency, as defined under sec. 227.01(1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under sec. 281.33(2), Wis. Stats.;

e. Land disturbing activity that includes the construction of a building and is regulated by the Wisconsin Department of Commerce under sec. COMM 21 Wis. Adm. Code;
f. Projects specifically exempted from local erosion control ordinances under state or federal statute. It is the responsibility of the landowner to demonstrate such exemption with documentation acceptable to the LCD.
g. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2. Any project that is designed and/or certified by the LCD or the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture as part of a soil conservation or water pollution control project shall comply with all of the requirements of this ordinance, but shall be exempted from obtaining a permit, providing a financial guarantee, or paying fees under sec. 4.1109.
3. Any land disturbing activity that is conducted by or for the County of Rock, or by or for any city, town or village on lands located within the County, shall comply with all of the requirements of this ordinance, including obtaining a permit and submitting an erosion and sediment control plan, but shall be exempted from providing a financial guarantee, or paying fees under sec. 4.1109.
   a. At the discretion of the LCD, any land disturbing activity that is conducted by or for the County of Rock, may be administered by a qualified employee or agent of the county department undertaking the land disturbing activity.

(3) Waivers

(A) The LCC may waive any or all of the requirements of this ordinance if the LCC determines that:
1. A requirement is not necessary for a particular site to ensure compliance with performance standards set forth in sec 4.1107 of this ordinance; or
2. The site land disturbing activities will have no appreciable off-site impact.

(B) The LCD shall be responsible for making recommendations to the LCC concerning all waiver applications.

4.1106 Technical Standards

(1) All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications identified, developed or disseminated by the DNR under subchapter V of Chapter NR 151 Wis. Adm. Code.

(2) Where technical standards have not been identified or developed by the DNR, other technical standards may be used provided that the methods have been approved by the LCD.

4.1107 Performance Standards

(1) Erosion and Other Pollutant Control Requirements.

(A) All persons who conduct land disturbing activities under sec. 4.1105 of this ordinance shall design, install, apply and maintain erosion control BMPs, in accordance with a permitted erosion and sediment control plan designed to limit sediments and other pollutants from entering waters of the state, storm water systems, or adjacent property.

(B) BMPs shall, by design, reduce pollutants from the construction site to the maximum extent practicable by use of methods including, but not limited to, the following:

1. Prevent gully and bank erosion.
2. Discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization. If BMPs cannot be designed to meet the standard in this paragraph, (B)2., the plan shall include a written and site-specific explanation as to why the standard is not attainable and a statement that the sediment load shall be reduced to the maximum extent practicable.

(C) Calculations used to comply with paragraph (B)2. shall be determined by a methodology selected by the LCD in consultation with the DNR.

(D) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

(E) Sediment controls shall be implemented to do all of the following:

1. Prevent tracking of sediment from the construction site onto roads and other paved surfaces;
2. Prevent the discharge of sediment as part of site de-watering;
3. Protect separate storm drain inlet structures from receiving sediment.
4. Prevent the discharge of sediment from soil stockpiles existing for more than 7 days.
5. Prevent the transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
6. Prevent the transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period.

(F) Only clean fill may be used for restoration conducted on any land disturbing activity.

(G) BMPs for plan approval need not attempt to regulate soil transportation within the boundaries of the applicant's site, except where the site contains surface water or karst features.

(2) Implementation. The BMPs used to comply with the performance standards must be implemented as follows:

(A) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the approved plan

(B) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(C) Temporary stabilization activity shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(D) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(3) Location. The BMPs used to comply with this section shall be located prior to runoff entering the waters of the state. While regional treatment facilities are appropriate for control of post-construction pollutants, they shall not be used for construction site sediment removal.

(4) Maintenance. The permit holder shall maintain all BMPs once a week and within 24 hours of each rain of 0.5 inches or more to meet the requirements of this ordinance until the site has achieved final site stabilization and a written BMP removal authorization has been received from the LCD.

(5) Alternate Requirements.

(A) The LCD may establish erosion and sediment control requirements more stringent than those set forth in this section if the LCD determines that an added level of protection is needed to protect sensitive resources.

(B) The LCD shall make recommendations to the LCC concerning any erosion and sediment control requirements more stringent than those set forth in this section.

4.1108 Permits and Waivers

(1) Permit Or Waiver Required. No responsible party may undertake a land disturbing activity subject to this ordinance without receiving a permit from the LCD, or a waiver as provided in sec. 4.1105(3), prior to beginning the proposed land disturbing activity.

(2) General Permits For Private Utility Work Projects

(A) A General Permit may be issued for land disturbing activities which are subject to this ordinance under secs. 4.1105(2)(A)5. or 4.1105(2)(A)8. conducted by or for utilities. The following conditions apply to General Permits.

1. General Permits will be issued to a utility for a one-year period.
2. An application for a General Permit must include an erosion control plan or plans that includes the best management practices (BMPs) used on the land disturbing activities conducted by the applicant.
3. All land disturbing activities conducted under the General Permit must meet the performance standards specified under sec. 4.1107 ordinance using technical standards under sec. 4.1106.
4. General Permit holders must notify the LCD two working days prior to commencing any land disturbing activities covered under the General Permit. This notification must include the following information.
   a. Location of the planned land disturbing activity;
   b. Purpose of the planned land disturbing activity;
   c. Approximate amount of disturbance;
   d. Beginning and ending dates of the planned land disturbing activity;
   e. A sketch plan of the planned land disturbing activity;
   f. The names and phone numbers of the individuals responsible for BMP installation, maintenance, or reestablishment, if not the General Permit holder.
5. The enforcement, penalties, appeals, and fee schedule provisions of this ordinance shall apply to General Permits.

(3) Permit and Waiver Applications.

(A) Any responsible party desiring a permit or waiver shall submit an application to the LCD using a form provided by the LCD.

1. If the application is from a land user, the application must be signed by the landowner of the site where the land disturbing activities are to take place. A notarized statement signed by the landowner authorizing the applicant to act as the landowner's agent shall also be accepted, provided that it binds the landowner to the terms of this ordinance and any permit issued to the permit holder, including the enforcement actions set forth in sec. 4.1110.
2. Submission of an application by one of several landowners or land users of a particular site shall constitute an affirmation by the applicant of authority to act on behalf of the other landowners or land users to apply for, receive, and abide by the provisions of a permit. The county shall be under no obligation to ascertain the legal authority of the applicant to so act.
3. A permit application shall consist of a completed application form, including a waiver application for relief from any requirement deemed not necessary to ensure compliance with the intent of this ordinance as provided for in sec. 4.1105 (3)(A), an erosion and sediment control plan, or simplified plan document as described in sec. 4.1108(4)(B)2. and a non-refundable application review fee.
4. A waiver application, as provided for in sec. 4.1105(3)(B), shall consist of a completed waiver application form, including complete documentation of the

justification for the requested waiver, and a non-refundable application review fee.

5. Each application shall contain an agreement by the applicant that:
   a. Authorizes the LCD to enter the site to obtain information required for the review of the application; and
   b. Any land disturbing activity shall be conducted in accordance with the provisions of an approved or amended permit.

(4) Erosion And Sediment Control Plans

(A) Plan Requirements For Class One Land Disturbing Activities.

1. Class One land disturbing activities contain:
   a. One or more acres (43,560 square feet) of disturbed area;
   b. 4,000 square feet or more of disturbed area if any portion of that disturbed area contains slopes of 12% or greater;
   c. More than 1,000 square feet, or a cumulative area of more than 1,000 square feet, of disturbed area, or more than 40 cubic yards of fill, if located within the Shoreland Overlay District, as defined in Chapter 4, Rock County Code of Ordinances.

2. The plan shall address pollution caused by soil erosion and sedimentation during construction until a written BMP removal authorization is received, as described in sec. 4.1107 (2). The plan shall include, at minimum, the following items:
   a. The name(s), address(es), and phone number(s) of the owner or developer of the site, and the principal contact person of any consulting firm retained by the applicant;
   b. The start and end dates of land disturbing activity;
   c. The intended sequence of major land disturbing activities at the site, including stripping, rough grading, construction of utilities, infrastructure, and buildings. Sequencing shall identify the expected date on which clearing will begin, areas of clearing, the estimated duration of exposure of cleared areas, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation;
   d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by land disturbing activities;
   e. Calculations showing compliance with the soil loss standards of sec. 4.1107(1)(B)2.
   f. Existing data describing the surface soils and subsoil;
   g. Depth to groundwater, as indicated by NRCS soil information, where available;
   h. Name of the immediate receiving point of discharge identified on a United States Geological Service topographical map.

3. The plan shall include a site map. The site map shall be at a scale of either 1 inch equals 50 feet or 1 inch equals 100 feet, whichever is appropriate to the site size

and at a contour interval not exceeding 2 feet in areas with less than 20 percent slope. The site map shall include the following items:

a. Existing topography, vegetative cover, natural and engineering drainage systems, and roads;
b. All surface waters, including lakes, ponds, rivers, streams, wetlands, channels, ditches, and other watercourses on, or immediately adjacent to, the site;
c. Floodways and 100-year floodplains;
d. Boundaries of the construction site;
e. Drainage patterns and approximate slopes anticipated after major grading activities;
f. Areas of soil disturbance;
g. Location and labels of all structural and non-structural BMPs identified in the plan;
h. Areas that will be vegetated following construction.

4. Each plan shall include a description of interim and permanent BMPs that will be implemented at the site to prevent pollutants from reaching waters of the state or adjacent property. The plan shall clearly describe the appropriate control measure(s) for each major activity and the timing during the land disturbing activity. The BMPs shall meet, when appropriate, the following minimum requirements:
   a. Preservation of existing vegetation where possible, minimize soil compaction and preservation of topsoil;
   b. Stabilization of the disturbed portions of the site;
   c. Diversion of flow away from exposed soils;
   d. Limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the LCD, structural BMPs shall be installed on upland soils.
   e. Management of sheet flow runoff at all sites, unless otherwise controlled by outfall controls;
   f. Trapping of sediment in channelized flow;
   g. Staging construction to limit bare areas subject to erosion;
   h. Protection of down slope drainage inlets;
   i. Minimization of tracking at all sites;
   j. Clean up of off-site sediment deposits;
   k. Proper disposal of building and waste materials at all sites;
   l. Stabilization of drainage ways;
   m. Control of soil erosion from soil stockpiles;
   n. Installation of permanent stabilization BMPs immediately after final grading;
   o. Minimization of dust to the maximum extent practicable.

5. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(B) Plan Requirements For Class Two Land Disturbing Activity.

1. Class Two land disturbing activities contain less than one acre (43,560 square feet) of disturbed area with no portion of that disturbed area containing slopes of 12% or greater. Class Two activities cannot be located within the shoreland overlay district as defined in Chapter 4, Rock County Code of Ordinances.

2. For Class Two sites the applicant may prepare a simplified plan document as part of a permit application. Using an application form provided by the LCD, the simplified plan must contain a site description, a simplified map, a description of the BMPs, and a schedule of implementation. Applicants for a permit for Class Two sites are not required to provide financial assurance as described in paragraph (10) of this section. The submission of a simplified plan document does not relieve the permit holder from achieving the performance standards found in sec. 4.1107.

(5) Evaluation Of Applications. Within 10 working days of receipt, the LCD shall review applications to insure they are complete. Any application found to be incomplete shall be returned to the applicant for completion. Upon receiving a complete application, the LCD shall use the following procedure:

(A) Completed applications will be evaluated for compliance with the requirements of this ordinance. Other governmental departments may be consulted during application evaluation.

(B) Additional substantive information may be requested from the applicant to better evaluate the application.

(C) Within 15 working days from the receipt of a complete permit application, or 10 working days from the receipt of additional information requested in accordance with paragraph (B), whichever is later, the applicant shall be informed whether the application has been approved or disapproved. The LCD shall base the decision on the requirements of this ordinance.

(D) Within 20 working days from the receipt of a complete waiver application, or 10 working days from the receipt of additional information requested in accordance with paragraph (B), whichever is later, the applicant shall be informed whether the application has been approved or disapproved. The LCD shall base the decision in consideration of the recommendations of other governmental departments and the requirements of this ordinance.

(E) Failure to inform an applicant of a decision within the applicable time specified in paragraph (C) or (D) shall constitute approval of the application. If the application was for a permit, the applicant may then proceed in accordance with the provisions of the submitted plan, including any waivers requested in accordance with sec.

4.1105 (3)(A). If the application was for a waiver under sec. 4.1105(3)(A), the waiver shall be deemed granted.

(F) If the application is approved the LCD shall issue the permit or waiver.

(G) An application for a permit may be approved with conditions determined by the LCD to be needed to meet the requirements of this ordinance.

(H) If the application is disapproved, the LCD shall notify the applicant by certified mail and provide a written statement of the reasons for disapproval.

(I) If the application is disapproved, or if the applicant does not agree with the permit conditions, the applicant may request a review by the LCC. This request must be made in writing within 30 calendar days from the date of the applicant was notified of the LCD decision. The schedule and procedure for a waiver described in paragraph (D) above will be followed for this review.

(6) Permit Modifications At The Permit Holder's Request. The permit holder must obtain permission from the LCD prior to modifying an approved plan. Plans, or portions thereof, drawn by a certified erosion control planner, professional engineer, surveyor, or landscape architect, must be amended to show that the author has approved the modifications. These modifications must be shown as amendments to the copy of the plan kept by the permit holder. The first permit modification request shall be at no charge, subsequent requests shall be subjected to a plan modification fee defined in sec 4.1109.

(7) Permit Modifications At The Agency's Request. If the BMPs implemented as part of the approved plan are determined by the LCD to be inadequate to meet the performance standards of this ordinance, the LCD shall notify the permit holder. Plan modifications shall be the responsibility of the permit holder. The permit holder shall implement modifications according to a timetable established in the modified permit and plan.

(8) Permit Conditions. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. Compliance with this permit does not relieve the permit holder of the responsibility to comply with other applicable federal, state and local laws and regulations. All permits shall require the permit holder to:

(A) Install and maintain all BMPs as identified in the approved plan;

(B) Notify the LCD within 2 working days prior to commencing any land disturbing activity. This notification is not necessary for minor land disturbances undertaken to prepare for site development. Examples of minor disturbances are: survey work, perc tests, well borings, installation of tracking pads, or the installation of temporary electrical service;

(C) Establish a site erosion control log to document the installation and maintenance of BMPs required by the plan. This log will not be required for a Class Two land disturbing activity as provided for under sec. 4.1108(4)(B) of this ordinance;

(D) Provide access to the log and a copy of the plan, including approved amendments, for referral by the LCD during site visits;

(E) Notify the LCD within 5 working days of the completion of the installation of all BMPs required in the plan;

(F) Inspect BMPs at least once each week and within 24 hours of each rain of 0.5 inches or more, make needed repairs, and document the findings of the inspections in the site log with the date of inspection and the name of the person conducting the inspection;

(G) Document and repair, with the permission of the property owner, any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing activities. A financial consideration may be paid by the permit holder in lieu of repair to the owner of affected property.

(H) Allow the LCD to enter the site for the purposes of inspecting compliance with the plan;

(I) Allow the LCD, or agent, to enter the site for the purposes of performing any work necessary to bring the site into compliance with the plan, as provided in sec. 4.1110 of this ordinance;

(J) Complete all seeding or mulching called for in the plan by the next September 15th or as soon as possible after final grade has been reached on any portion of the site. If either permanent or temporary soil stabilization by seeding or mulching is not accomplished by September 15, additional erosion control practices will be required. These practices may include additional mulching, application of erosion control matting, sodding, or application of polymer tackifiers. These additional practices will be prescribed by the LCD according to sec. 4.1108(6).

(9) Site Visits.

(A) If land disturbing activities are being conducted without a permit required by this ordinance, a representative of the LCD may enter the land, pursuant to the provisions of secs. 66.0129(1), (2) and (3), Wis. Stats., to obtain information necessary to undertake enforcement and penalties as provided by sec. 4.1110 of this ordinance.

(B) The LCD shall conduct site visits to ensure compliance with the provisions of the permit. Also the LCD shall conduct a site visit after notification of the final site stabilization and prior to issuance of the BMP removal authorization.

(C) Site visits will be conducted at no additional cost to the permit holder, unless as the result of the visit the LCD determines that a previously issued remedial action issued as part of a notice of non-compliance, as provided for in sec. 4.1110 of this ordinance, has not been accomplished as scheduled. The cost of the site visit will then be billed to the permit holder, according to the fee schedule adopted as provided for in sec. 4.1109.

10) Financial Guarantee. As a condition of approval and issuance of the permit, the LCD shall require the applicant to submit a financial guarantee, the form and type of which shall be acceptable to the LCD. This financial guarantee shall not be required in the case of a Class 2 activity, as defined in sec. 4.1108(4)(B). The financial guarantee shall be in an amount determined by the LCD to be adequate to ensure payment of the estimated costs of implementing the plan. The financial guarantee shall give the LCD authorization to use the funds to complete the plan if the permit holder defaults, or does not properly implement the required BMPs in accordance with the approved plan. The LCD shall notify the permit holder in writing as provided for in sec. 4.1110 of this ordinance.

(11) Permit Duration. Permits issued under this ordinance shall be valid for a maximum of one year.

(A) The LCC may extend the permit duration for a maximum of 6 months, if the site construction schedule warrants a longer permit duration. This request must be submitted with the initial permit application. The permit holder may request an extension to a permits duration. The LCC may extend the permit duration for a maximum of 6 months due to unforeseen circumstances.

(B) A permit holder may request a permit to be re-issued. All conditions of a new permit set forth in this ordinance are applicable to the re-issued permit.

(C) The LCC will consider requests during their regularly scheduled monthly LCC meeting.

(D) In all cases, the final site stabilization notification letter from the LCD will expire permit.

(E) The permit holder agrees to pay additional fees identified in the adopted fee schedule as reference in sec. 4.1109 for all granted extensions and re-issued permits.

4.1109 Fee Schedule

(1) The County Board, as part of the annual budget, shall determine the fees referenced in other sections of this ordinance. The LCC, as part of the annual budget, shall recommend the fees referenced in this ordinance. After the County Board has adopted the county's annual budget, the LCC shall prepare a separate fee schedule for all fees applicable to this ordinance. The fee schedule shall be available January 1st of any given year.

(2) Fees paid under this section shall equal as closely as possible the LCD costs of administrating the provisions of this ordinance, including applicant consultations, application evaluation and approval, permit holder consultations and site inspections.

(3) All fees shall be doubled if work is started before a permit is applied for and issued. Such doubled fees shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

(4) The LCC may waive all fees, or portions thereof, associated with application for permits within the Shoreland Overlay District. The request for a fee waiver must be specific to land disturbance activities associated with site remediation activities for the stabilization of conditions caused by nature, conditions caused by activities not in the control of the current landowner, or the establishment of LCD designed projects.

4.1110 Enforcement and Penalties

(1) Any land disturbing activities initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the provisions of this ordinance shall be deemed a violation unless conducted in compliance with the requirements of this ordinance.

(2) Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctional order at the suit of the County of Rock pursuant to sec. 59.69 (11), Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunctional proceedings.

(3) The LCD is authorized to issue an ordinance citation, pursuant to Chapter 7 of the County Code of Ordinances to any person, firm, association or corporation for engaging in land disturbing construction activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

(4) The LCD shall notify the permit holder by certified mail of any non-complying land disturbing activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken. Non-complying activities include, but are not limited to:

(A) Any land disturbing activity regulated under this ordinance being undertaken without a permit or waiver;

(B) The plan not being implemented;

(C) The conditions of the permit not being met.

(5) Upon receipt of written notification from the LCD under paragraph (3)(A) the permit holder shall comply with the remedial actions described in the notice.

(6) Upon receipt of written notification from the LCD under paragraphs (3)(B) or (3)(C), the permit holder shall correct work that does not comply with the plan, or other provisions of the permit as necessary to meet the specifications and schedule set forth in the notice.

(7) If a permit holder does not comply with the provisions of a notice of non-compliance, the LCD may issue a citation(s) and/or revoke the permit.

(8) If non-compliance with this ordinance is determined by the LCD as likely to result in damage to adjacent property, public facilities, or waters of the state, the LCD may post a stop-work order at the time of notification.

(9) If the permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order posed under paragraph (7), the LCD may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.

(10) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the LCD, LCC or by a court with jurisdiction.

(11) If non-compliance with this ordinance is determined by the LCD as likely to result in damage to adjacent property, public facilities, or waters of the state, the LCD may issue to the permit holder or landowner a notice of intent to perform specific work necessary to comply the requirements of an approved plan, or to protect property, public facilities, or waters of the state.

(12) After 5 working days from issuing the notice of intent, the LCD may enter upon the land and perform work, or other operations necessary to bring the condition of said lands into conformance with an approved plan, or to protect adjacent property, public facilities, or waters of the state.

(A) The LCD shall keep a detailed account of the costs and expenses of performing this work. These costs, plus legal and staff costs incurred by the County, shall be billed to the owner of title of the property.

(B) In the event a permit holder or landowner fails to pay the amount due, the amount shall be deducted from any financial guarantee posted pursuant to sec. 4.1108(10) of this ordinance. Where such a financial guarantee has not been established, or is insufficient to cover these costs and expenses, the amount shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon pursuant to subchapter VII of ch. 66, Wis. Stats., for the year in which the work is completed.

(13) Upon the receipt of assurances deemed sufficient by the LCD, the permit holder may be authorized by the LCD to resume responsibility for the BMPs undertaken under paragraph (11).

(14) Any person, firm, or corporation who removes, destroys, repositions, or otherwise renders any BMP installed under an approved plan ineffective, unless acting in a manner consistent with that plan, shall be in violation of this ordinance.

(15) Any person, firm, or corporation who fails to comply with or violates the provisions of this ordinance shall, upon conviction, thereof, forfeit those amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day a violation exists or continues shall constitute a separate offense.

4.1111 Appeals

BOARD OF ADJUSTMENT.

(1) The Board of Adjustment, created pursuant to Chapter 4, Subsection 3, Part 12, of the Code of Ordinances, functioning in accord with sec. 59.694, Wis. Stats.:

(A) Shall hear and decide appeals where it is alleged that there is an error in any order, decision, or determination made by the LCD in administering this ordinance, except for cease and desist orders obtained under sec. 4.1110(8);

(B) Shall use the rules, procedures, duties, and powers authorized by statute, in hearing and deciding appeals and authorizing variances; and

(C) Upon appeal, may authorize variances from the provisions of this ordinance that are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship.

(2) Who May Appeal. Any applicant, permittee, or landowner may appeal within 30 calendar days of the date of any order, decision, or determination made by the LCD in administering this ordinance, relative to sites in which such person has an interest.

4.1112 Severability

If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

4.1113 Definitions

Agricultural Activity: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass,

mint, and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; and vegetable raising.

Applicant: the responsible party of a site subject to this ordinance.

Application Review Fee: money paid to the County by the permit applicant for recouping the expenses incurred by in administering the provisions of this ordinance.

Average Annual Rainfall: a calendar year of precipitation, excluding snow, which is considered typical.

Best Management Practice or BMP: structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Cease and Desist Order: a court-issued order to halt land disturbing construction activity that is being conducted without the required permit, or in violation of the terms of a permit.

Clean Fill: uncontaminated soil, brick, building stone, concrete, reinforced concrete, or broken pavement.

Channel: any natural or artificial watercourse constructed, developed, and utilized for the drainage of surface waters.

Construction Site: an area upon which one or more land disturbing activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing activities may be taking place at different times on different schedules but under one plan.

Development: residential, commercial, industrial, or institutional land uses and associated roads.

Disturbed: a site which, due to developing or disturbing activities, has or will experience disturbance or destruction of the existing land surface and/or vegetative cover.

Division of Land: the division of an existing lot or land parcel; the creation of a condominium unit; an interest in real property (including land for a public facility) by the owner thereof for the purpose of sale or building development.

DNR: the Wisconsin Department of Natural Resources.

Erosion: the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.

Erosion and Sediment Control Plan or Plan: a comprehensive plan developed to address pollution caused by soil erosion and sedimentation of soil particles or rock fragments during construction.

Facilities Development Manual: the most recent edition of the Facilities Development Manual published by the Wisconsin Department of Transportation.

Final Site Stabilization: all land disturbing construction activities at the construction site have been completed and a uniform, perennial vegetative cover has been established with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Financial Guarantee: a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Land Conservation Department by the permit holder to assure that requirements of the ordinance are carried out in compliance with the erosion and sediment control plan.

Gully Erosion: a severe loss of soil caused by, or resulting in concentrated flow of sufficient velocity to create a defined flow channel.

Karst Feature: an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land Conservation Committee (LCC): the Land Conservation Committee is responsible for the oversight of the Land Conservation Department, policy actions and recommendations to the County Board of Supervisors.

Land Conservation Department (LCD): the Land Conservation Department responsible for the administration of this and other ordinances of the County.

Land Disturbing Activity: any man-made alternations of the land surface resulting in a change in the topography or existing vegetative and non-vegetative soil cover, or the existing soil topography, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing activity includes, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural activity or silviculture activities.

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 that are subject to this ordinance.

Landowner: person holding title to or having an interest in a parcel of land that includes a site subject to this ordinance.

Maximum Extent Practicable: the highest level of performance that is achievable but is not equivalent to a performance standard in this chapter. Maximum extent practicable applies when a person who is subject to a performance standard of subchs. III and IV demonstrates to the LCD's satisfaction that a performance standard is not achievable and that a lower level of

performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, an applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

NRCS: the Natural Resources Conservation Service, a division of the United States Department of Agriculture.

Off-site: located outside the property boundary described in the permit application for land disturbing activity.

Performance Standard: a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit: a written authorization made by the LCD to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pervious Surface: an area that releases as runoff a small portion of the rainfall that falls upon it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

Planning and Development: the Rock County Committee responsible for oversight of Rock County Planning, Economic and Community Development Agency, policy actions and recommendations to the County Board.

Pollutant has the meaning given in sec. 283.01 (13), Wis. Stats.

Pollution has the meaning given in sec. 281.01 (10), Wis. Stats.

Quasi-Public: essentially public, as in services rendered, although under private ownership or control.

R Factor: a numeric value used in erosion modeling to account for the total precipitation, intensity and duration patterns of precipitation events.

Responsible Party: any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

Runoff: storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Sediment: settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Separate Storm Sewer: a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

Is designed or used for collecting water or conveying runoff,

Is not part of a combined sewer system,

Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment,

Discharges directly or indirectly to waters of the state.

Site: the entire area included in the legal description of which the land disturbing construction activity is proposed in the permit application, or has occurred.

Site Visit: an in-person observation of the site by the LCD to determine compliance with this ordinance.

Sheet and Rill Erosion: a loss of soil caused by sheet flow or shallow concentrated flow, and characterized by an absence of channeling, or a relatively uniform loss across the exposed layer of the soil, or shallow irregular scouring of the soil subsurface.

Sheet Flow Runoff: water, usually storm runoff, flowing in a thin layer of the ground surface; also called overland flow.

Shoreland Overlay District: as defined in Chapter 4, Rock County Code of Ordinances, an area within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages, or within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward of the floodplain, whichever distance is greater.

Stabilized: the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures. .

Stop-Work Order: an order issued by the LCD that requires that all construction activity on the site be stopped.

Technical Standard: a document that specifies design, predicted performance and operation and maintenance specification for a material, device or method.

Tracking Pad: a temporary graveled access located at points of vehicular access to a construction site designed to retain sediment on-site.

Waters of the State: all lakes, bays, rivers, streams, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private within Wisconsin, or its jurisdiction.

Working Day: Monday, Tuesday, Wednesday, Thursday, or Friday, excluding any such day officially observed by the County as a legal holiday.

Wisconsin Storm Water Manual: the Wisconsin Storm Water Manual from the DNR.

This ordinance shall take effect February 1, 2007.

Subchapter 3 – Board of Adjustment: Rules and Procedures

Part 12 – The Board of Adjustment

4.1201 Authorization; Creation

The Rock County Board of Adjustment is hereby created pursuant to Section 59.694 of the Wisconsin Statutes.

4.1202 Appointment of Members

The Rock County Board of Adjustment shall consist of five members, plus one alternate member, appointed by the Chair of the Rock County Board of Supervisors with the approval of the County Board of Supervisors to staggered terms of 3 years beginning July 1, so that no more than two members' terms shall expire at the same time, except that the position of any member whose term becomes vacant shall be filled for the remainder of the unexpired term. The members of the Board of Adjustment shall all reside within Rock County, outside of the limits of incorporated cities and villages, and no two members shall reside in the same town. Members of the County Board of Supervisors and County employees shall not at the same time be members of the Board of Adjustment. The alternate member of the board of adjustment shall act with full power when, and only when, a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent, but except as expressly otherwise provided, the provisions of this ordinance providing for the qualifications, terms, duties and compensation of other members shall apply to the alternate member of the Board of Adjustment.

4.1203 Officers; Election

(1) Officers. The Board of Adjustment shall elect from its membership a Chair and Vice-Chair, and shall designate a person, who may or may not be a member of the Board of Adjustment, to act as Secretary. Officers shall be elected at the regular meeting of the Board of Adjustment in the month of April and shall hold office for one year. In the absence or disability of the Chair and Vice-Chair, a temporary chair shall be elected from the members present to perform the duties of the Chair at that meeting.

(2) Duties

(A) The Chair:

1. Shall determine the dates and times of hearings and special meetings of the Board of Adjustment, unless otherwise directed by majority vote of the members.
2. Shall conduct all meetings of the Board of Adjustment in accordance with this Chapter and the Wisconsin Open Meetings Law.

3. Shall preside at all meetings of the Board, calling for the vote of each member on each question coming before the Board, and deciding all points of procedure, unless otherwise directed by majority vote of the members.
4. Shall supervise the work of the secretary, including keeping of records and compliance with the Wisconsin Public Records Law.
5. Shall administer oaths and compel the attendance of witnesses as may be necessary to carry out the purposes of the Board.

(B) The Vice-Chair shall perform all the duties and exercise all the powers of the Chair, in the absence or disability of the Chair.

(C) The Secretary:

1. Shall conduct the correspondence of the Board.
2. Shall receive, file and provide public access to all appeals, applications, papers and records submitted to the Board, in accordance with the Wisconsin Public Records Law and the regulations of Rock County.
3. Shall prepare, publish and mail all notices required by law, ordinance, rule or at the request of the Board of Adjustment or its Chair.
4. Shall prepare and keep calendars, dockets and minutes of the proceedings of the Board, including an accurate summary (or a verbatim transcript) of the testimony, and the names and addresses, of all persons appearing before the Board.
5. Shall keep a record of all actions of the Board, showing the vote of each member on every appeal or application, the reasons for the Board's determination, its findings of fact and conclusions of law.
6. Shall prepare and mail to each person who has so requested in writing, a copy of the Board's decision, and its findings and conclusions.

4.1204 Office Space, Staff, Expenses and Per Diem

(1) Office Space. Rock County shall provide necessary office and meeting space.

(2) Staff. The Rock County Planning and Development Department shall provide necessary clerical and technical staff support. In the event of a real or apparent conflict of interest, or where a need for special expertise not available from regular County staff requires it, the County Administrator may be asked to arrange for special assistance to the Board of Adjustment, in accordance with the County's established fiscal procedures.

(3) Legal Counsel. The Rock County Corporation Counsel's Office shall provide necessary legal counsel for the Board of Adjustment. Where the Corporation Counsel determines that Office is unable to provide needed legal representation due to a real or apparent conflict of interest, special legal counsel for the Board of Adjustment shall be provided, in accordance with the County's established procedures.

(4) Expenses and Per Diem. The actual and necessary expenses incurred by the Board of Adjustment in the performance of its duties shall be paid and allowed as in cases of other claims against Rock County. Members of the Board of Adjustment shall receive per diem as set by the Rock County Board of Supervisors.

4.1205 Duties and Powers

The Board of Adjustment shall have the following duties and powers:

(1) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in Rock County's enforcement or administration of secs. 59.69, 59.692, 59.70(1), 87.30, 236.45, or 703.27(1), and Ch. 295 of the Wisconsin Statutes, or of any Rock County ordinance enacted pursuant thereto, or where the Rock County Board of Supervisors has by ordinance expressly provided for appeals to the Board of Adjustment.

(2) Variances. To authorize upon application in specific cases such variance from the terms of the regulations and ordinances which have been placed within the jurisdiction of the Board of Adjustment by statute or ordinance, as will not be contrary to the public interest, and where, owing to special conditions a literal enforcement of specific provisions will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(3) Rules of Procedure. The Board of Adjustment may enact additional rules of procedure, not inconsistent with the terms of this Ordinance and other applicable law, to carry these regulations into effect.

4.1206 Meetings

The Board of Adjustment shall hold regular meetings, approximately monthly, at a time and place to be established by the Board, in accordance with Roberts' Rules of Order, and subject to the following provisions:

(1) Notice. Notice of all meetings shall be given as required by the Wisconsin Open Meetings Law and the Rock County Code of Ordinances.

(2) Cancellation. The Chairman may cancel regular meetings when there are no cases pending or other urgent business awaiting action by the Board. Notification shall be given to members of the Board and any other persons previously personally notified of the meeting, individually, if possible and to the public by general announcement.

(3) Special Meetings. Special meetings may be called at the Chair's discretion, or upon the request of two (2) or more members, provided that 24 hours notice is given to each member, and as required by the Wisconsin Open Meetings Law and the Rock County Code of Ordinances.

(4) Quroum. A quorum for any regular or special meeting of the Board of Adjustment shall consist of three (3) members, but the affirmative vote of the majority of the Board of Adjustment (3 members concurring) shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant for a variance.

(5) Order of Business. The order of business for regular meetings of the Board of Adjustment shall be as follows:

(A) Call to Order and Certification of Notice.
(B) Approval of Minutes of Previous Meeting.
(C) Announcement of Decisions from Previous Meeting.
(D) Unfinished Business.
(E) Hearing of Cases on Agenda.
(F) New Business.
(G) Communications.
(H) Adjournment.

4.1207 Commencement of Hearing Process

(1) Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau affected by any decision described in sec. 4.1205(1) of this ordinance. Except where a different time is expressly established by an applicable ordinance provision, an appeal to the Board of Adjustment shall be initiated by filing a notice of appeal with the Board of Adjustment within thirty days from the date of the decision appealed. The Board of Adjustment may require use of a standardized notice of appeal form, but in any event any notice of appeal shall specify the decision appealed and the grounds for alleging error. A Notice of Appeal shall be filed with the Secretary of the Board of Adjustment and a copy shall be transmitted by the Secretary of the Board of Adjustment to the administrative officer from whom the appeal is taken. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(2) Applications for Variances. Applications for variances may be made by any property owner or authorized representative by filing an application with the Board of Adjustment. The Board of Adjustment may require use of a standardized variance application form. Each application for a variance shall specify the ordinance or regulatory provision(s) involved and describe with particularity the reason for and the nature of the variance being requested.

(3) Additional Information. In addition to, and at the same time as submitting other material required to initiate an appeal or request for a variance, a party seeking relief from the Board of Adjustment shall provide the following:

(A) A scale drawing showing the location and size of the subject property, including setbacks and dimensions of existing improvements, all adjoining properties and improvements, a detailed description of any work or activity proposed to be conducted on the subject property, and what is being requested of the Board of Adjustment.

(B) A complete list of names and addresses of owners of property within 500 feet of the subject property (when located within an urban or rural development area as shown on the County Development Plan) or within 1,000 feet of said property (when located in an agricultural area as shown on the County Development Plan) shall accompany each application. Additional information may be required by the Board to aid it in reaching a decision. Failure to supply such information shall be grounds for refusing to schedule a hearing on or for dismissal of the application, or may entitle persons not receiving proper notice to a rehearing of the matter.

(4) Fees. The Rock County Board of Supervisors shall establish fees for filing appeals and applications for variances with the Board of Adjustment, as part of the annual budget for the County. No matter shall be scheduled for hearing until required fees have been paid.

(5) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment after the notice of appeal shall have been filed with that officer that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted upon application to the Board of Adjustment or by petition to a court of record, with notice to the officer from whom the appeal is taken.

4.1208 Procedure for Conduct of Hearings

(1) Scheduling. The Board of Adjustment shall, within thirty (30) days after receipt of all required materials and proof of payment f the applicable fee, schedule a hearing a hearing on the matter before the Board of Adjustment so that it shall be heard by the Board no later than sixty (60) days following the date such materials and payment have been received. Additional time for scheduling or hearing shall require mutual agreement of the party seeking relief and the Chair of the Board of Adjustment. Matters shall be assigned for hearing in the order in which they are received. Appeals and applications for variances pertaining to the same property may be combined for hearing by the Board of Adjustment where the facts and relevant law are substantially identical.

(2) Required Notices. The following forms of notice shall be given prior to the hearing of any appeal or application for a variance.

(A) Notice By Mail. The Secretary of the Board shall give interested parties due notice of the place and time for the hearing of an appeal or an application for a variance by first class mail, not less than fifteen (15) days and not more than thirty

(30) days prior to the hearing. The notice shall state the name and address of the appellant or applicant, the name and address of the owner of record of the property, the location of the property, and a brief statement of the nature of the appeal or variance request. Said notice shall be sent to the owners of property located within 500 or 1000 feet of the subject property, depending on whether located in a developed or agricultural area as shown on the County Development Plan, respectively. Determinations of owners entitled to notice shall be based on the parcel maps in the Rock County Real Property Description Office.

(B) Notice By Publication. The Secretary of the Board shall publish a Class 2 Notice, under Chapter 985 of the Wisconsin Statutes, of all hearings on appeals or applications for variances, in a newspaper likely to give notice to interested parties. The notice shall state the place and time, and contain a brief description of the subject matter of the hearing. The address, and/or a description of the subject property shall be included so that the property can be easily located and identified.

(C) Notices Required By Other Laws. Notice shall be provided by the Secretary of the Board to the Wisconsin Department of Natural Resources, and to any other State or Federal office entitled to notice, in accordance with applicable Federal and State laws.

(3) Conflicts of Interest. Any member of the Board of Adjustment having a personal interest in the subject of a hearing coming before the Board which may affect his/her ability to act impartially shall not participate in the hearing or any discussion of the matter by the members of the Board prior to the decision of the Board in the matter. Any member or other person who believes such a conflict exists shall bring the question to the attention of the Chair prior to the time the Board commences the hearing of cases, if at all possible. The Chair shall rule, upon the facts reported, whether such member shall be disqualified.

(4) Presentation of Evidence

(A) Representation. At the time of a hearing, any person may appear personally or be represented by legal counsel or agent.

(B) Required Appearance by Party Seeking Relief. The Board may dismiss any matter coming before it if no knowledgeable and authorized person appears to represent the appellant or applicant for a variance at the time set for a duly scheduled hearing on the matter. The Secretary of the Board shall provide written notice, specifying the grounds of dismissal, to the appellant or applicant.

(C) Submission of Written Materials. Any interested person may appear in person or by agent at a hearing and/or submit written or documentary evidence to the Board of Adjustment for its consideration in the matter. However, no written or other documentary evidence shall be considered by the Board of Adjustment unless it is submitted to the Board of Adjustment prior to the conclusion of testimony, so

that it may be reviewed and commented upon by other parties prior to the close of evidence. In an action involving a historic property, as defined in Section 44.31 (3), Wisconsin Statutes, the Board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning and zoning committee or agency.

(D) Witnesses. The Chair shall administer an oath or affirmation to all witnesses prior to allowing them to testify.

(E) Transcripts. A transcript of the proceedings in each matter coming before the Board of Adjustment shall be made a part of the public record of the Board and acknowledged as to accuracy by the Chairman and the Secretary. Any party shall have the right, at their expense, to have a certified stenographer present to make a record of the proceedings in any matter in which they are interested, provided that an original copy of so much of the transcript as may be ordered transcribed shall be filed with the records of the Board of Adjustment immediately after completion. The Chair may at his/her discretion, or at the direction of a majority of the Board of Adjustment, arrange for a stenographic record to be made at the Board's expense.

(F) Rules of Evidence. The Board of Adjustment shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. The Chair shall rule on all questions relating to the admissibility of evidence, and any member of the Board of Adjustment may immediately after a ruling ask for a vote of the Board on the point. Members of the Board of Adjustment shall base any decision in a matter coming before the Board solely on those facts established in the record during the public hearing(s) held by the Board of Adjustment, and members shall refrain from communications of any sort with any interested party regarding a matter then pending before the Board. A majority vote of the Board shall be final, in case of a tie the Chair's ruling stands.

(G) Continuances. Continuances may be granted at the start of or during the course of a hearing, at the discretion of the Board in any matter for good cause shown, to any interested party who has entered an appearance stating the nature of the party's interest in the matter, provided that the granting of such a continuance does not prejudice the rights of any other party.

(H) Order of Presentation of Evidence. Subject to the discretion of the Board of Adjustment in individual cases, the general order of presentation of evidence shall be as follows:

1. The Chair or a designee shall state of the nature of the matter to be heard, and summarize any written material which has been submitted to the Board of Adjustment for its consideration in the matter.
2. The appellant or applicant.
3. Questions by Board members.

4. Zoning Administrator or other County official.
5. Questions by Board members.
6. Appearances in support.
7. Questions by Board members.
8. Appearances in opposition.
9. Questions by Board members.
10. The appellant or applicant for a variance shall be allowed a rebuttal.
11. Questions by Board members.
12. The Zoning Administrator or other County official involved shall be allowed a rebuttal.
13. Questions by Board members.
14. The Chair may allow other appearances, and permit interested parties to direct questions at the testimony of previous witnesses, as may be requested and deemed appropriate by the Chair or a majority of the members of the Board of Adjustment, so that all relevant evidence shall be heard and the duties of the Board of Adjustment shall be discharged in a timely manner.

4.1209 Decisions

(1) Form of Decisions. All decisions of the Board shall be made in public session by motion adopted by roll call vote. A motion to decide an appeal or application for a variance shall be in the form of findings of fact and conclusions of law, and shall state the reasons for the Board's disposition of the matter. If conditions are imposed in the granting of a variance, such conditions shall be included in the motion.

(2) Majority Vote. A majority vote of the Board of Adjustment (3 members concurring) shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant for a variance.

(3) Time. The Board of Adjustment shall render its decision in public session at the meeting in which the taking of evidence on an appeal or application for variance is concluded, unless the Board determines that additional time for deliberation is necessary, in which case the Board shall render its decision at a public session to be held within thirty (30) days thereafter, unless in the absence of any objection, the matter is further continued. But in no event shall a matter be continued more than 120 days from the date of the first session at which considered by the Board of Adjustment.

(4) Findings Required for Granting of Variance. No motion to grant a variance shall be voted upon in the absence of proposed findings of fact, based upon the evidence presented in each specific case, addressing each of the criteria set forth in subparagraphs (a) through (c), below. No variance shall be granted in any case unless the findings and conclusions with regard to each criterion are affirmative:

(A) Has the applicant shown that, in the absence of a variance, no feasible use can be made of the property in compliance with the regulation(s) or ordinance(s) involved?

(B) Has the applicant shown that the hardship imposed in complying with the regulation(s) or ordinance(s) involved relates to a unique condition affecting the owner's land, and is not a condition which is personal to the landowner, self-created, or merely a matter of personal convenience?

(C) Has the applicant shown that granting the requested variance(s) will not be contrary to the public interest?

(5) Notification. The Secretary of the Board shall notify interested parties of the decision of the Board of Adjustment, within five (5) workdays after the rendering of the decision. The appellant or applicant for a variance, their attorneys and agents, and any other person appearing in the matter, who has so requested in writing, shall be notified by first class mail. A copy of the notice given shall also be directly provided by the Secretary of the Board of Adjustment to the Planning and Development Committee of the Rock County Board of Supervisors and any Rock County department and State agency which has participated in the hearing or requested receipt of such notices. The notice shall state that rights to judicial review of the decision are provided for by statute and ordinance, specifically mentioning Section 59.964(10) of the Wisconsin Statutes and section 4.1213 of this Ordinance.

4.1210 Expiration of Variances

Unless otherwise specified by the Board, any order or decision of the Board authorizing a variance shall expire if the applicant fails to apply for all necessary permits within ninety (90) days, and to substantially complete any work authorized by the Board within six months, of the date of the decision.

4.1211 Rehearing

No appeal or application for a variance which has previously been dismissed or denied may be submitted to the Board of Adjustment for rehearing or reconsideration within ninety (90) days of the original Board action unless a written statement setting forth newly discovered facts is included as part of the renewed application. All fees, notices and other provisions applicable to an original appeal or application shall apply to any subsequent rehearing or reconsideration. If the Chair determines that the renewed application does not allege significant newly discovered facts, the Chair may direct the Secretary to notify the party seeking relief that the matter will not be scheduled as presented. Review of the Chair's determination by the full Board of Adjustment may be sought at the next hearing of the Board. If a majority of the Board of Adjustment reverses the previous determination of the Chair, the matter shall be scheduled for hearing.

4.1212 Review by Circuit Court

A person aggrieved by any decision of the Board of Adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by *certiorari* in accordance with sec. 59.694 of the Wisconsin Statutes.

4.1213 Definitions

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Ordinance shall be construed to have its legal definition.

(1) STAY. A kind of injunction where all activities or proceedings related to a case are suspended usually, to await the official action of the Board.

(2) VARIANCE. Authority granted to the owner to use property in a manner which is prohibited by the zoning ordinance.

Chapter 4:

Repealed and Recreated 1/10/13, Res. No. 12-12A-190
Chapter 4, Part 2 Repealed and Recreated and Repeal, Recreate and Renumber Sec. 4.225(3) as Sec. 4.217, 05/23/13, Res. No. 13-5A-321
Administrative changes to code section numbers updating to new revised code, 4.8, 4.9, 4.10 & 4.11, 6/7/13
Administrative changes to code section numbers updated to new revised code, 4.205(4)(B), 4.209(4), 4.211(E), 11/22/13
Chapter 4, Part 11 amended 04/24/14, Res. No. 14-4A-565
Chapter 4, Part 8 amended 04/24/14, Res. No. 14-4A-566
Revisor's changes to section references in 4.316 and 4.356
Chapter 4, Part 9 amended 06/26/14, Res. No. 14-6A-042 and Revisor's changes to 4.9 to promote uniformity throughout code
Chapter 4, Part 2 amended and 4.218 created 12/11/14, Res. No. 14-11D-144
Administrative changes to spelling in 4.1, 02/03/15
Section 4.401(5)(B) amended 9/10/15, Res. No. 15-8A-342
Part 2 (4.2) Repealed and Recreated 10/27/16, Res. No. 16-10A-126
Part 4 (4.4) Repealed and Recreated 02/23/17, Res. No. 17-2A-210
Part 6 (4.6) Repealed and Recreated 08/10/17, Res. No. 17-7A-310
4.401 and 4.406 amended 10/11/18, Res. No. 18-9B-083

CHAPTER 5

PARKS

5.01 Definitions
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(8) Washing in Lakes, Rivers or Streams Prohibited
(9) Use of Soap or Detergents in Lakes, Rivers or Streams Prohibited
(10) No Fires Permitted Except in Fireplaces or Grills
(11) Cigarettes, Cigars and Pipe Ash Must be Extinguished
(12) Hunting or Trapping Prohibited
(13) Release of Animals Prohibited
(14) Removing of Animals from Park Prohibited
(15) Pets
(16) Intoxicants Prohibited
(17) General Rules
(18) Imported Firewood Banned
(19) Boat Launching Permit Required
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(21) Swim at Own Risk
(22) Soliciting Prohibited
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(25) Penalty for Violating Sections 5.02(1) through (20) and (22) through (24)
(26) Enforcement
(27) Prior Ordinances Repealed

CHAPTER 5

PARKS

5.01 Definitions

(a) Park - means any recreational or public area in Rock County under the supervision and control of Rock County.

(b) Motor Vehicle - means any motorized vehicle.

(c) Director - means Director of Rock County Parks.

(d) Hunt, Trap, and Wild Animals - have the meaning respectively ascribed to them by Section 29.01 of the 1987 Wisconsin Statutes.

5.02 Parks Regulated

(1) Regulation of Motor Vehicles

(a) No person shall drive a motor vehicle in any park in excess of 15 miles per hour.

(b) No person shall operate a motor vehicle in any park unless upon a highway, public way or thoroughfare, except that snowmobiles may be operated within the boundaries of Lee Park in the Town of Clinton, Happy Hollow Park in the Town of Rock and Royce Dallman Park in the Town of Milton provided that the ground snow cover in said areas is at least six inches deep and provided that all liability from any damages suffered by any party as a result of the operation of any snowmobile in the aforementioned areas be assumed solely by the operator and/or owner of said snowmobile. Snowmobiles may be operated only on specifically designated snowmobile trails.

(c) No person shall park, stop, or leave standing any motor vehicle whether attended or unattended, in any park, except upon a duly designated parking area. A vehicle left unattended over 48 hours shall be considered abandoned and shall be dealt with as provided in section 3.105(2) of the Rock County Ordinances.

(d) No commercial vehicles shall be allowed in any park outside of regular park hours.

(e) Disabled persons may use a motorized wheel chair or similar means of personal conveyance.

(f) Golf carts may be authorized for transporting physically challenged persons on trails designated by the Director.

(2) Regulation of Horses and Ponies

No person having ownership, possession, custody, or control of any horse or pony shall permit same to be in any park, except upon a duly designated bridle path, or in any duly designated parking area. Persons shall maintain sufficient control over the animal to prevent it from interfering in any manner with the enjoyment of the area by others. Trails may be closed at the discretion of the Director due to soft trail conditions, inclement weather or other adverse conditions which he/she deems likely to cause damage to the park or endanger participants.

(3) Park to be Closed from 10:00 p.m. to 5:00 a.m

(a) Park to be closed from 10:00 p.m. to 5:00 a.m. No person shall be in any park from the hours of 10:00 p.m. to 5:00 a.m. without the express written permission of the Director. Such permission shall include a brief description of the general area within any park to which any person receiving such permission shall be limited.

(b) Exceptions to (3)(a) are permitted for persons utilizing County designated boat launches.

(4) No Distribution of Advertising Matter

No person shall distribute or post any handbills or other advertising matter of any type within any park, without the express written consent of the Director.

(5) Noise Regulation

No person shall operate or use any sound truck, loud speaker, microphone, or other mechanical device the primary purpose of which is to amplify voice, music, or other sound, in any park without the express written consent of the Director. Nor shall any person create unreasonably loud sounds in any other manner.

(6) Removal or Destruction of Property

No person shall disturb, disfigure, deface, carve, injure, destroy or remove any of the following in any park.

(a) Any tree, tree stump, shrub, flower or other natural plant growth, living, dormant or dead.

(b) Any rock, stone, earth or other natural mineral product.

(c) Any walk, sign, fence, table, building, or shelter, or any structure of any kind.

(7) Littering and Dumping Prohibited in Any Park or Adjacent Lakes, Rivers or Streams

No person shall dump, deposit, place, throw, or otherwise dispose of any paper, cans, bottles, debris, refuse, or other solid waste material in any park or lake, river or stream within or adjacent to a park nor dispose of any waste material except by placing in receptacles provided for that purpose. No person shall use park refuse receptacles for household, commercial or other refuse not generated by park activities.

(8) Washing in Lakes, Rivers or Streams Prohibited

No person shall bathe, rinse, or wash, with or without soap or detergent, any dog or other animal, clothing, cooking utensils, bicycle, or motor vehicle in any lake, river or stream within or adjacent to any park.

(9) Use of Soap or Detergents in Lakes, Rivers or Streams Prohibited

No person shall use or place any soap or detergent in any lake, river or stream within or adjacent to any park.

(10) No Fires Permitted Except in Fireplaces or Grills

No person shall build, light or tend any fire in any park, except in fireplaces or grills constructed for that purpose. No person may leave any fire unattended or throw away any embers before completely extinguishing the same.

(11) Cigarettes, Cigars and Pipe Ash Must be Extinguished

No person shall dispose of any cigarette, cigar, or pipe ash in any park without completely extinguishing the same. Once fully extinguished, they should be placed in a park refuse container or packed out.

(12) Hunting or Trapping Prohibited

No person shall hunt, trap, poison, kill, injure, molest, disturb, or tease any wild animal in any park. Netting or seining of fish or other aquatic organisms is prohibited in all parks and adjacent waters. Nothing in this subsection shall be construed to prohibit the lawful taking of fish by hook and line.

(13) Release of Animals Prohibited

Except as provided in Sec. 17, no person shall release any domestic or other non-native animal into any park, without the express written consent of the Director.

(14) Removing of Animals from Park Prohibited

No person shall take or remove or cause to be taken or removed any wild animal, caged or uncaged, from any park without the express written consent of the Director. Nothing in this subsection shall be construed to prohibit the removal of any fish lawfully taken by hook and line.

(15) Pets

(a) Dogs, cats and other domesticated pets shall be allowed in all county parks except within picnic areas, playgrounds, ball diamonds or any posted prohibited areas. Exception is made for those visually impaired and using an assist dog. Persons must keep any pet on a six-foot maximum lead and control the animal to prevent it from interfering in any manner with the enjoyment of the area by others.

(b) Except for visually or physically impaired persons, any person in immediate control of a dog, cat or other pet shall promptly remove any fecal matter deposited by such pet in any park and transmit the excrement to property owned or occupied by such person. Any person causing or permitting such pet to be in any park shall have in his or her immediate possession a device or object suitable for removing excrement and a depository suitable for transmitting the excrement to the property owned or occupied by such person.

(c) Nothing in this section shall prohibit the use of dogs by the blind or handicapped persons or all such dogs in training.

(16) Intoxicants Prohibited

(a) No person shall consume or possess any fermented malt beverage or intoxicating liquor, as defined by Wisconsin Statutes, sec. 125.02, on any property owned by Rock County, except that portion of the county airport designated by the Public Works Committee or those areas of the fairgrounds designated by the Agriculture and Extension Education Committee. Such possession and consumption of fermented malt beverages on the airport premises shall be subject to all applicable State Statutes and local ordinances including licensing of the restaurant operation by the appropriate municipal authority. The consumption of fermented malt beverages and wine, in all parks, except the 4-H County Fair Grounds, is allowed under a temporary permit issued by the Parks Manager. The consumption or sale of fermented malt beverages and wine on the 4-H County Fair Grounds is allowed under a temporary permit issued by the Agriculture and Extension Education Committee. Such temporary permits shall be subject to all local licensing requirements and such other restrictions as the respective Committees may deem~~s~~ to be in the public interest.

(b) The Public Works and Agriculture and Extension Education committees may establish fees for the issuance of the permits referred to in sub (a) above to help defray the cost of park clean up.

(17) General Rules

(a) The Director or designees may close, by posted notice, any land, structure or property under the Director's control in any park. No person may enter or be in any building installation or area that may be locked or closed to public use or contrary to posted notice without a written permit from the Director. Except when necessary to prevent substantial damage to the park, the Director shall first obtain permission from the Public Works Committee to close such area. In emergency situations the Director shall advise the Committee of his closing an area at its next regular meeting and act upon the Committee's further direction.

(b) The Director may cancel or delay any event in a park due to soft trail conditions, inclement weather or other adverse conditions which he/she deems likely to cause damage to the park or endanger participants.

(c) No person shall remove or deface any posted rules.

(d) No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct or conduct that tends to cause or provoke a breach of the peace.

(e) The Director or designees may expel any person or persons from any park for violation of any state law, this ordinance or any posted rules.

(f) The use of metal detectors in any park is prohibited without a current County issued permit.

(g) No person may hike or snowshoe on designated cross-country ski trails when the trails are snow covered in any park.

(h) No person may operate a boat or watercraft within any park water area marked as a bathing beach. No person may leave unattended any boat in any park except in areas specifically designated for that purpose.

(i) Park facilities shall be available on a first come, first served, basis unless reserved. From time to time the Public Works Committee shall establish reasonable reservation policies balancing the needs of parties to plan activities in advance with the rights of the entire public to use such facilities. The Director shall maintain a written copy of the current reservation policy.

(18) No person shall import out-of-county firewood into any County park

(19) A current permit is required for launching or retrieving any watercraft from any park with a designated boat launch facility.

(20) Ice fishing shanties must be removed from parks within 72 hours after the mandatory removal from the ice date as set by the Wisconsin DNR. All shanties shall display name and address of owner as required per State Statute.

(21) There are no lifeguards on the beach. Swim, wade, boat, launch your boat in the designated areas AT YOUR OWN RISK. None of the Rock County Parks have officially designated swimming areas; if you choose to swim or wade, it is totally at your own risk.

(22) No peddling, soliciting or commercial enterprise is allowed in a County park, unless approved by the Director.

(23) No person shall prevent any other person from using any park or any of its facilities, or interfere with such use, which is in compliance with this ordinance.

(24) Any property left in a park unattended for more than 24 hours without prior approval of park personnel, shall be considered abandoned and may be disposed of at the discretion of the Director or designee.

(25) Penalty for Violating Sections 5.02(1) through (20) and (22) through (24)

Any person, firm, or corporation who fails to comply with or violates the provisions of this ordinance shall, upon conviction, thereof, forfeit those amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day a violation exists or continues shall constitute a separate offense. Community service work shall be considered as an alternative by the court pursuant to Wis. Stats., s. 973.03(3).

(26) Enforcement

Effective January 1, 2009, the Director or his/her designees shall enforce all provisions of this ordinance pursuant to sec. 66.0113 Stats. and Rock County Ordinances Chapter XXI The Rock County Sheriff's Department along with the DNR Warden's shall also have authority to enforce this ordinance. All parties enforcing this ordinance will use the county ordinance citations.

(27) Prior Ordinances Repealed

Any and all prior ordinances pertaining to "Parks" as defined by Section 5.01 (a) of this ordinance are hereby repealed.

Repealed and Recreated 1/10/13, Res. No. 12-12A-190

Revisor’s change to 5.02(c) changing reference to section of Ordinance
Revisor’s change to 5.02(3)(b) correcting citation listing.
Section 5.02(16)(a) Amended, 04/12/2018, Resolution 18-3B-467

CHAPTER 6

ROCK COUNTY PUBLIC HEALTH ORDINANCE

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APPENDIX A

CHAPTER 6

ROCK COUNTY PUBLIC HEALTH ORDINANCE

6.101 Definitions

(A) Definitions Enumerated - the following definitions apply throughout the entire Ordinance:

(1) Approved - means acceptable to the Department based on its determination of conformance to this chapter and good public health practices.

(2) Body Piercer - means a person who performs piercing on another.

(3) Body Piercing - means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

(4) Body Piercing Establishment - means a building, structure, area, or location where tattooing or body piercing is performed.

(5) County - means Rock County, Wisconsin.

(6) County Sanitary Permit - means a permit issued by the Department for the reconnection to an existing code compliant private sewage system, or for the installation of a non-plumbing sanitation system falling under the scope of SPS 391 and under the jurisdiction of the Department, (with the exception of portable restrooms). It also includes permits for the repair of an existing private sewage system.

(7) Department - means the Rock County Health Department, unless the context clearly requires reference to a unit of State government.

(8) Establishment - with regards to tattooing or body piercing, means a facility operated by one or more practitioners, whether organized as a corporation, limited liability company, partnership, sole practitioner or other association, at a single location for more than 7 days in a licensing year. As used in this definition, a fraction of a calendar day shall be considered as a whole day.

(9) Farmer's Market – refrigerated and/or frozen foods individually packaged at an approved processor and are labeled for resale. Product is sold from a refrigerator(s) and/or freezer(s) at a farmer's market and/or directly off the farm.

(10) Full Service Grocery Store - means a retail food establishment that includes pre-packaged food, delicatessen, and bakery sales and meat processing services that also sells, serves or prepares meals as defined in HFS 196, Restaurants.

(11) Groundwater - means any of the waters of the state, as defined under s. 160.01(4), stats., found beneath the surface of Rock County occurring in a saturated subsurface geological formation of rock or soil. [See SPS 381.01(114) Definitions].

(12) Health Hazard - means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated or removed.[See HFS 140.03 Definitions.]

(13) Health Officer - means the legally designated Health Officer of Rock County or a designee of the Health Officer. [See 13.09(1)]

(14) Immediate Health Hazard - means a health hazard which should, in the opinion of the Health Officer, be abated or corrected immediately, or not later than within a 24 hour period, to prevent possible severe damage to human health and/or the environment.

(15) Independent Operation - means a separate restaurant facility that operates on the property of a licensed restaurant.

(16) Land Division - means any division of land that results in the creation of one or more lots as defined in § 4.101-.130 of the Rock County Ordinances, the Rock County Land Division Regulations, with any changes in the definition of "lot" in § 4.101-.130 to be incorporated into the meaning given in this Chapter.

(17) Licensing Year- means the twelve month interval from July 1 through the next following June 30th.

(18) Limited Food Service - means any restaurant establishment with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, with the food stored in the original package and served using only single service materials.

(19) Limited Retail Eating Establishment - means any retail food establishment with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knives, approved heating units, with the food stored in the original package and served using only single service materials.

(20) Lot - means "lot" as defined in § 4.101-.130 of the Rock County Ordinances, the Rock County Land Division Regulations, with any changes in the definition of "lot" in § 4.101-.130 to be incorporated into the meaning given in this Chapter.

(21) Mobile Restaurant Vehicle – means a restaurant operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, except those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

(22) Mobile Restaurant Vehicle, Limited – means a mobile restaurant vehicle that meets the requirements of a limited food service.

(23) Mobile Restaurant Service Base – means a service base for mobile restaurants to clean, store and service a mobile restaurant vehicle.

(24) Mobile Retail Food Establishment Vehicle – means a retail food establishment operating from a moveable vehicle, push cart, trailer or boat which periodically or continuously changes location and wherein retail food is sold to the consumer for consumption, excepting those vehicles used in delivery of pre-ordered food prepared in a licensed food establishment.

(25) Mobile Retail Food Establishment Vehicle, Limited – means a mobile retail food establishment vehicle that meets the requirements of a limited retail eating establishment.

(26) Mobile Retail Food Service Base – means a service base for mobile retail food establishment to clean, store and service.

(27) Novelty Ice Cream Sales – individually packaged novelty ice cream products that are processed from an approved manufacturer and are labeled for resale. Products are sold from a freezer(s) or commercial merchandiser(s).

(28) Ordinance - means the "Rock County Public Health Ordinance".

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

(30) Pollution - means the contaminating or rendering unclean or impure the air, land or waters of the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

(31) Practitioner- means a tattooist or body piercer, also includes a person who is both a tattooist and a body piercer.

(32) Premises - means, with regard to tatooing or body piercing, a building, structure, area, or location where tattooing or body piercing is performed.

(33) Private Dwelling - means any building used only for living purposes and occupied by one or two families.

(34) Private Sewage System - Also referred to as a Private Onsite Wastewater Treatment System (POWTS), means as defined in Section 145.01 (12), Wis. Stats., a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services (SPS) including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(35) Privy - means an outdoor structure used for disposition of human excrement.

(36) Public - 1) means affecting or having the potential to affect the people and/or the environment outside the limits of ones personally owned and personally occupied structure. 2) means all persons outside of ones personally owned and personally occupied structure.

(37) Public Bathing Beach - means any designated body of water used for public swimming, diving or recreational bathing, not contained within a structure, chamber or tank, together with the associated land area and appurtenances designated for bather usage and serving one or any of the following: a licensed campground, recreational and educational camp, hotel, motel, club, association, housing development, school, religious, charitable or youth organization and including such designated body of water with associated land area controlled by a local government or political subdivision thereof. If an area is advertised as a beach and/or a fee is accepted from the public, it shall be considered a public beach.

(38) Public Building - means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public. In most cases anything other than a one or two family residence.

(39) Public Facility - means any facility used by the public that requires a license or permit under this Ordinance or a state code adopted by reference in this Ordinance.

(40) Public Nuisance (Nuisance) - means a thing, act, condition or use of property which is dangerous or has the potential to be dangerous, to human life or health; and whatever renders or has the potential to render, the soil, air, water or any article of food or drink unwholesome or impure, is a nuisance.

(41) Restaurant - means any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. Restaurant is further defined in the State of Wisconsin Administrative code Chapter HFS 196 Restaurants.

(42) Restricted Food Service - means a restaurant where meals are prepared, served or sold with the food operation and utensils restricted to tongs, spatulas, cutting or spreading knifes, approved heating units, with the food stored in the original package and served using only single service materials.

(43) Retail Eating Establishment - means any retail food establishment that sells, serves or prepares meals, excluding full service grocery stores and specialty grocery stores.

(44) Sanitary Permit - a State sanitary permit issued by the Rock County Health Department in conformity with the State Statute Section 145.19 (1) for the installation, modification or replacement of a private sewage system or any major component thereof within the County of Rock.

(45) Sanitary Survey - means an inspection and water sampling of the swimming area or the review of data for the entire watershed contributing to the body of water on which the beach is located

in order to determine the bacteriological, biological, chemical and physical quality of the water using generally accepted parameters and, specifically, those included in this Ordinance.

(46) Scum - means the lighter than water material in a septic tank which floats on the liquid surface.

(47) Sludge - means the heavier than water material in a septic tank which settles to the bottom of the tank.

(48) Solid Waste - means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluent or other common water pollutants

(49) Special Event - means a show, bazaar, fair or other occurrence, subject to the provisions of this Ordinance, lasting up to a maximum of seven (7) consecutive days at a single location, whether public or private premises.

(50) Special Organization - means a licensed restaurant or retail food establishment operated by a church, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but not more than 12 days during any 12 month period. Special Organization serving meals is further defined in State of Wisconsin Administrative Code Chapter HFS 196 Restaurants.

(51) Specialty Grocery Store - means a retail food establishment that includes prepackaged food, produce, or bulk food sales and may include one of the following: delicatessen, bakery or meat processing.

(52) State - means the State of Wisconsin.

(53) State-Approved Disinfectant - means a chemical that is capable of destroying disease causing organisms on inanimate objects, with the exception of bacterial spores, which is approved for use as a sanitizer by the Wisconsin Division of Public Health.

(54) Sterilization - means the killing of all organisms and spores through the use of an autoclave operated at a minimum of 250ºF (121ºC) at pressure of at least 15 pounds per square inch for not less than 30 minutes or through use of an autoclave approved by the Wis. Dept. of Health and Family Services that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.

(55) Structure or Building - means a building or structure having walls and a roof erected or set upon an individual foundation or slab constructed base designed or used for the housing, shelter, enclosure, or support of persons, animals or property of any kind. This definition includes mobile homes.

(56) Tattoo - as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin; includes the making of any permanent cosmetic enhancement to the human body which is not performed by a licensed physician or dentist.

(57) Temporary Annual - means a temporary restaurant which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and operates more than six days during any twelve month period.

(58) Temporary Tattoo Establishment - means a single building structure, special event, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven days per event

(59) Temporary Non-Profit- means a temporary restaurant operated by a church, or a religious, fraternal, youth or patriotic organization or a service club or a civic organization that operates more than four days in any twelve month period.

(60) Temporary Retail Annual – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and operates more than six days during any twelve month period.

(61) Temporary Retail Non-profit – means a temporary retail establishment operated by a church, or a religious, fraternal, youth or patriotic organization or a service club or a civic organization that operates more than four days in any twelve month period.

(62) Temporary Retail Six Day – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to six days of operation during any twelve month period

(63) Temporary Retail Three Day – means a temporary retail establishment which operates in conjunction with single events such as a fair, carnival, circus, public exhibition anniversary sale or occasional sales promotion and is limited to three days of operation during any twelve month period.

(64) Temporary Six Day- means a temporary restaurant which operates in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to six days of operation during any twelve month period.

(65) Temporary Three Day- means a temporary restaurant that operates in conjunction with single events such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion and is limited to fewer than four days operation during any twelve month period.

(66) Toxic and Hazardous Materials - any chemical and/or biological material that is or has the potential to create a public health hazard.

(B) All words not specifically defined in this Ordinance shall be defined as set forth in applicable state regulations, if any, and if not defined in any such state regulations the general dictionary definition of the word shall apply, unless the context clearly requires otherwise.

6.102 General Provisions

(1) Title - This Ordinance shall be referred to as the "Rock County Public Health Ordinance".

(2) Effective Date - This Ordinance shall be effective upon adoption by the Rock County Board of Supervisors and publication in the County's official newspaper.

(3) Administration - This Ordinance shall be administered by the Health Officer in cooperation with the appropriate state agencies. The Health Officer shall have the power to ensure compliance with the intent and purpose of this Ordinance by any means authorized under the law (see Section 13.09 Administration).

(4) Interpretation - The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of Rock County and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

6.103 Authority

This Ordinance is adopted pursuant to the authority granted by Sections 59.70(5), 56.70(6), 93.06, 97.41, 145.20, 251.04, 252.245(6), 254.74, 280.21 and 823.01 of the Wisconsin Statutes.

6.104 Purpose and Intent

(1) General Provisions - The purpose and intent of this Ordinance, in cooperation with State and Federal Agencies, is to protect the public health, safety and general welfare and to maintain and protect the environment for the people and communities of Rock County and to:

(a) Prevent communicable diseases.

(b) To prevent the continuance of public nuisances.

(c) Assure that county and state air quality standards are complied with.

(d) Assure that county and state standards and regulations for wastewater and sludge management are complied with.

(e) Assure that insects and rodents do not create a public nuisance and/or health hazard.

(f) Assure that surface and groundwater meet county and state standards and regulations.

(g) Assure that solid waste is handled, stored and disposed of according to county and state standards and regulations.

(h) Assure that citizens are protected from hazardous, unhealthy, or unsafe substances.

(i) Assure public swimming pools and beaches are operated according to county and state standards and regulations.

(j) Assure that public recreational areas are operated and maintained according to county and state regulations.

(k) Assure protection against foodborne illness.

(l) Assure that all public facilities that require a license or permit under this Ordinance or a state code adopted by reference in this Ordinance comply with county and/or state regulations.

(m) Regulate the location, construction, installation, alteration design and use of private sewage systems.

(n) Assure that all new land divisions are suitable for adequate sewage disposal and have a safe drinking water supply.

(o) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

(p) Protect public health by preventing the transmission and spread of disease through the processes of tattoo application and/or body piercing.

(q) Protect the drinking water and groundwater resources through regulating well and drill hole abandonment.

6.105 Jurisdiction

The jurisdiction of this Ordinance shall include all air, land and water, (both surface and ground) within Rock County.

6.106 Compliance

(1) Permits and Licenses- No permit or license authorized within this Ordinance shall be issued without compliance with this Ordinance and applicable state regulations as adopted by reference. The person issued an annual Department permit for a public

facility shall be responsible for compliance with this Ordinance and subject to enforcement action for non-compliance with this Ordinance.

(2) Installation and Operation - No system or well described in this Ordinance shall be installed, or any facility or building covered in this Ordinance shall be operated without being in compliance with this Ordinance and applicable state regulations as adopted by reference.

(3) Written Orders - Compliance with this Ordinance shall include compliance with written orders issued under this Ordinance or State Health Laws by the Rock County Health Officer or his/her designee to abate and/or correct a public nuisance or to bring any other situation or condition in non-compliance with this Ordinance into compliance.

(4) Non-Compliance - Non-compliance with the Ordinance and/or with a written order from the Health Officer or his/her designee shall be cause for enforcement action under section 13.11 of this Ordinance.

6.107 Abrogation, Greater Restrictions, Severability and Repeal

(1) Abrogation and Greater Restrictions.

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

(2) Severability.

Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable, and if any provisions shall be held unconstitutional or invalid by a decision of any court or other tribunal having jurisdiction for any reason, such decisions shall not affect the remainder of the Ordinance nor any part thereof other than that clearly intended to be affected by such decision.

(3) Repeal.

All other ordinances or parts of ordinances of Rock County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

6.108 Incorporation of Provisions by Reference

(1) Provisions Enumerated - This Ordinance incorporates by reference all or parts of the following State Administrative Code: ATCP 75, SPS 326, SPS 381, SPS 383, SPS 385, SPS 387, SPS 390, SPS 391, SPS 395, HFS172, HFS173, HFS175, HFS178,

HFS195, HFS196, HFS197 and HFS198, NR812, NR845 and all changes and amendments made thereto. These rules, regulations and laws shall be construed, read and interpreted as though fully set forth herein and shall apply until amended and then apply as amended. Provisions of this Ordinance shall control where more restrictive as determined by the Health Officer.

(2) Exceptions to Provisions Enumerated - Parts of some of the State Administrative Code enumerated under Subsection (1) above will not be incorporated in this Ordinance. These exceptions will be specified in the beginning of the section of this Ordinance that deals with the subject matter of the code in question.

6.109 Administration

(1) General Provisions - The Public Health Ordinance shall be interpreted, administered and enforced by the Rock County Health Officer, or a designee of the Health Officer.

(2) Responsibilities of Health Officer or Designee

(a) To insure compliance with the purpose and intent of this Ordinance, and with the requirements of this Ordinance and of Chapter 251.06 of the Wisconsin Statutes.

(b) To issue and deny permits and licenses in compliance with this Ordinance.

(c) To maintain records of permits issued, inspections made, work approved and other official actions.

(d) To enforce the provisions of this Ordinance.

(3) Powers - The Health Officer or his/her designee shall have all the powers necessary to enforce the provisions of this code without limitation by reasoning of enumeration including the following:

(a) To enter any structure or premises at a reasonable time for the purpose of performing his/her duties and to secure a court order to accomplish this purpose if necessary.

(b) To order abatement and/or correction of any public nuisance or health hazard in compliance with this Ordinance or state statutes.

(c) To license or issue a permit for any public facility as provided for in this Ordinance.

(d) To withhold issuance of a permit pursuant to this Ordinance where the applicant, owner, or licensed contractor is in violation of this Ordinance and/or to prohibit the use of any public facility requiring a license or a permit under this Ordinance, until it has been inspected and approved.

(e) To revoke the license or permit of or prohibit the use of a public facility that has been determined to present a potential health hazard or is in non-compliance with this Ordinance.

(f) To prohibit the installation of a private sewage system until a Sanitary Permit is issued by the Department and also to prohibit the use of a private sewage system that is determined to be a public nuisance or in non-compliance with this Ordinance.

(g) To delegate the responsibilities of administration and enforcement of this Ordinance to a registered environmental health sanitarian or another person qualified in the field of public health.

(h) Any other action authorized under the law or this Ordinance to insure compliance with the purpose and intent of this Ordinance.

6.110 Permit and License Requirements and Fees

(1) Department Permits - The Department must collect and remit to the State the amount of State fees imposed on certain activities which are subject to County fees under this Ordinance, which fees are sometimes expressed as a percentage of the County fee. Should said percentage and/or the amount of such State fees increase during the year, the Department permit fee shall automatically increase, in an amount to the nearest five dollar ($5.00) figure so as to ensure no loss of Department revenue.

The application for a permit or a permit renewal covered in this Ordinance shall be made on forms provided by the Department and shall be accompanied with the appropriate fee and preinspection fee, where applicable, payable to the Rock County Health Department. The Rock County Board of Supervisors shall establish the cost of permits, licenses and other fees to be collected under this Ordinance, as part of the annual budget for the County. If the amount of any fee established as part of the current annual budget for Rock County shall conflict with any amount set forth in any published version of this Ordinance, the amount set forth in the current annual budget shall prevail and any portion of the published Ordinance inconsistent therewith shall be deemed to have been amended to conform to the current annual budget, including any amendments thereto, as adopted. A schedule of costs for permits, licenses, preinspections and other fees is available from the Department. The required permits, licenses, preinspections and other fees are as follows:

(a) Public beaches (Section 13.25)

(b) Public Pools and Water Attractions (Section 13.16)
1. Without Water Slides
2. Up to Two Water Slides
3. Three or More Water Slides

(c) Recreational and Educational Camps (Section 13.17)

(d) Campgrounds and Camping Resorts (Section 13.18):
1. 1 through 25 sites
2. 26 through 50 sites
3. 51 through 100 sites
4. 101 through 175 sites
5. More than 175 sites
6. Special Events

(e) Restaurants (Section 13.19)
1. Restaurant
2. Restaurant with additional independent operation
3. Restaurant (Special Organization)
4. Restaurant (Limited Food Service)
5. Restaurant (Temporary - Annual)
6. Restaurant (Temporary Six Day)
7. Restaurant (Temporary Three Day)
8. Restaurant (Temporary Non-Profit)
9. Mobile Restaurant Vehicle
10. Mobile Restaurant Vehicle(Restricted Operation)
11. Mobile Restaurant Service Base
12. Mobile Restaurant Service Base(Restricted)
13. Mobile Restaurant Service Base(Additional)

(f) Hotels, Tourist Rooming Houses, and Bed and Breakfast Establishments (Section 13.22)
1. Hotel (5 through 30 sleeping rooms)
2. Hotel (31 through 99 sleeping rooms)
3. Hotel (100 through 199 sleeping rooms)
4. Hotel (200 or more sleeping rooms)
5. Tourist Room House (1 through 4 sleeping rooms)
6. Bed and Breakfast Establishment (1 through 8 sleeping rooms)

(g) The Department shall not issue a permit to a person intending to operate a new public facility or to a person intending to be the new permit holder of an existing public facility covered in subsections 13.10(1) (a) to (f), (j), (k) and (l) without a preinspection.
1. Preinspection fees are not applicable to temporary restaurants and special organization restaurants.
2. If mobile restaurant vehicle and mobile restaurant service base are located on the same premises and both are inspected during the same preinspection, only one preinspection fee shall be assessed.

3. When the department issues a person up to three public facility permits for one property, one pre-inspection will be charged. Each additional permit will be charged an additional pre-inspection fee.

(h) Private Sewage Systems (Section 13.23): The fees for private sewage systems include the Department of Natural Resources surcharge and Department of Safety and Professional Services, with the exception of fees imposed under subsection (8). These fees shall be as follows:

1. Sanitary Permit (Conventional).
2. Transfer of Sanitary Permit.
3. Renewal of a Sanitary Permit for the installation of a private sewage system that was not installed within two years from the date the original permit was issued.
4. Sanitary Permit for Mound System.
5. Sanitary Permit for Pressure Distribution System and At-Grade Systems.
6. Sanitary Permit for Holding Tanks.
7. There shall be an application fee for participants in the Individual Septic Tank Replacement or Rehabilitation portion of the Wisconsin Fund. If an applicant is denied a Grant application, 50% shall be returned to applicant.
8. There shall be a permit fee for a County Sanitary Permit as defined in s. 13.01(A)(6) and s. 13.23(3)(e).
9. There shall be an additional fee to any private sewage disposal system processing over 1,000 gallons per day. In addition to the above permit fee there shall be an extra charge for each 1,000 gallons or part thereof above 1,000 gallons per day based on the design flow of the system.

(i) There shall be a fee assessed for any duplicate permit applied for under this section.

(j) Mobile Home Parks (Section 13.14):

1. 1 through 20 sites
2. 21 through 50 sites
3. 51 through 100 sites
4. 101 through 175 sites
5. More than 175 sites

(k) Tattoo and Body Piercing.

1. No person shall operate a tattoo or body piercing establishment other than one for which that person has been issued a license required by this Ordinance, nor shall an establishment license be transferred from one person to another. If the premise does not meet the requirements of the Ordinance, the person may not receive an establishment license. Any person engaging in tattooing or body piercing who possesses a license under this section must also obtain a temporary establishment license if he/she chooses to operate in a location outside his/her licensed

establishment for a special event. The license issued shall be posted at all times on the licensed premises in a conspicuous location. All body piercing and tattoo practitioners must meet the requirements of chapter HFS173 of the State of Wisconsin Administrative Code.

2. Annual Fees.
The following licenses are established by the Rock County Board of Supervisors and all applicable fees must be paid before any license is issued:
   a. Body Piercing Establishment
   b. Body Piercing & Tattoo Establishment.
   c. Tattoo Establishment
   d. Temporary Body Piercing and/or Tattoo Establishment

(l) Retail Food Establishments (Section 13.21)
The following permits are established by the Rock County Board of Supervisors and applicable fees must be paid before any permit is issued:
1. Full Service Grocery
2. Specialty Grocery
3. Retail Eating Establishment
4. Limited Retail Eating Establishment
5. Temporary Retail Annual
6. Temporary Retail Six Day
7. Temporary Retail Three Day
8. Temporary Retail Non-Profit
9. Mobile Retail Food Establishment
10. Mobile Retail Food Establishment Service Base
11. Farmer's Market
12. Novelty Ice Cream Sales

(m) Vending Machines (Section 13.20)

(2) State Permits and Licenses - The State issues any permits and/or licenses and assesses, collects and handles the corresponding fees associated with them for the following programs: Vending of Food and Beverages (Section 13.20)

(3) Water and Sewer Checks
There shall be a charge (including bottle coliform test fee) for all water and/or sewer checks conducted by the Department outside the jurisdiction of this Ordinance. This includes water and/or sewer checks conducted on request as a condition of a F.H.A. or V.A. or conventional house mortgage. This fee shall be paid to the Department by the person who requested the water and/or sewer check and it shall be paid before the results of the water test and/or sewer check are released by the Department.

(4) Other Fees

(a) There shall be a charge assessed to the installing plumber for a second final private sewage system inspection required due to failure of the installing Master Plumber to notify the Department of any delays or problems which resulted in the system not being completed at the time of the original inspection.

(b) There shall be a fee for on-site soil test verification for new lots meeting criteria in 13.24(3)(a) and (b). The total fee required shall be based on the number of new lots shown on the preliminary land division application and shall be paid before or at the time of the soil onsite(s).

(c) The Department may impose a separate fee for approval of revised plans where a plan has been previously approved, not to exceed the fees chargeable for approval of original plans of the same type.

(d) There shall be a system maintenance administration fee collection every three years (13.23(10)).

(5) Professional Licenses and Permits - Any activity or job covered in this Ordinance which requires a State License to perform shall not be performed by any person not in possession of a current up-to-date copy of the license involved. In addition, no person may operate a public facility requiring an annual permit from the Department unless in possession of a current up-to-date copy of the applicable permit.

(6) Conditional Permits - Permits issued by the Department to public facilities which involve a preinspection, also including temporary restaurants, may be conditioned upon correction of minor deficiencies of this Ordinance within a specified time. If the deficiencies are not corrected within the specified time period, the permit shall be void. Before a person may legally operate a public facility where the permit has been voided, the person must reapply for a permit and accompany the application with the appropriate permit and preinspection fee, where applicable, in accordance with Section 13.10 (1) above, and have the facility re-inspected and approved by the Department.

(7) Permit Expiration and Penalty Fee - All Annual permits issued by the Department under sections 13.10 (1) (a) to (f), (j), (k)and (l) expire on June 30. An additional penalty fee for permits issued under section 13.10 (1) (a) to (f), (j), (k), and (l) shall be required for each permit whenever the annual fee for renewal is not paid before the permit expires. The penalty fee is established by the Rock County Board of Supervisors as part of the annual budget for the County. No annual permit will be renewed after June 30 unless payment of the renewal and penalty fee is received by the Department on or before July 15. No person may conduct, manage, maintain or operate any of the public facilities requiring annual permits if the person has not been issued a current permit; or, in the case of renewal of an annual permit, if the person has not renewed the permit on or before July 15.

(8) Reinspection Fee - The Department shall charge licensed facilities reinspection fees when multiple reinspections are necessary to determine compliance with critical code violations or excessive code violations that endanger public health.

6.111 Enforcement

(1) Written Order - When a violation of this Ordinance is encountered the Health Officer or his/her designee shall issue the violator a written order. This order shall specify the following:
   (a) The nature of the violation and the steps needed to abate and/or correct it.
   (b) The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10 to 30 days depending on the nature of the violation).
   (c) The penalty or penalties the violator would be subject to if the apparent violation is not abated and/or corrected within the given time period, see subsection (3) and (4) below.

(2) Exceptions to Written Order - In extreme cases where a violation poses an immediate health hazard as determined by the Health Officer or in the case of repeating occurrences of the same violation by the same person, the action(s) specified in subsection (3) below can be initiated immediately.

(3) Non-Compliance with Order - If a person does not comply with a written order from the Health Officer or his/her designee the person may be subject to one or more of the following actions and/or penalties:
   (a) The issuance of a citation under the County Citation Ordinance.
   (b) Commencement of legal action against the person seeking a court imposed forfeiture and/or imprisonment (see subsection (5) below).
   (c) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the damage created by the violation.
   (d) The suspension or cancellation of any license or permit issued by this Department.
   (e) Any other action authorized by this Ordinance or by other applicable laws as deemed necessary by the Health Officer.
   (f) The initiation of one action or penalty under this section shall not exempt the apparent violator from any additional actions and/or penalties listed in this section.

(4) Ordered Abatement of Certain Nuisances - Where nuisances as defined in this Ordinance and 254.59 are encountered which may require ordered abatement and/or correction under Section 254.59 of the Wisconsin Statutes, the Health Officer shall serve upon the responsible person a written order in accordance with subsection (1) of this section. A copy of this order shall be forwarded to the local governing body. If the nuisance is not abated and/or corrected within the time period specified in the order, the local governing body shall enter upon the property and abate and/or correct the nuisance or cause it to be abated and/or corrected. If the local governing body fails to abate and/or correct the nuisance or cause it to be abated and/or corrected the County may enter on the property and do the same. The cost of such abatement and/or correction is to be recovered, by the local governing body and if not the local governing body the County, either directly from the responsible person or as a special tax assessment on the property under Section 254.59 of the Wisconsin Statutes.

(5) Penalties - (a) General. Except for violations as provided for in section 13.11(5)(b), any person who is convicted of violating any of the provisions of this Ordinance, shall forfeit those amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. In default of payment of the judgment the person shall be imprisoned in the County Jail for such time as the court deems fit not exceeding sixty (60) days unless the judgment is sooner paid. In the case of court imposed forfeitures and also citations under Chapter 21 of the County Ordinances and Subsection (3)(a) of this section, a separate offense shall be deemed committed during each 10 day period during or upon which a violation occurs or continues. In cases where the violation poses an immediate health hazard as determined by the Health Officer this 10 day period can be reduced to 24 hours with written notice of such reduction given to the violator.

(b) Violations of Tattoo Or Body Piercing Regulations. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Department against continuing violations.

VIOLATIONS	FINES
1. Unlicensed tattooing	$200.00
2. Unlicensed body piercing	$200.00
3. Tattoo or body piercing a patron without informed consent	$200.00
4. Body piercing a patron who is under 16 years old	$300.00
5. Body piercing a patron who is age 16 or 17 years old without informed consent of parent or legal guardian	$300.00
6. Failure to disclose use of previously used instrument	$250.00
7. Repiercing an unhealed part of the body	$200.00
8. Tattoo or body piercing a patron who appears to be under the influence	$200.00
9. Tattooing or body piercing a patron with evident skin lesions or skin infections	$250.00
10. Operating an establishment without a proper license	$400.00
11. Operating an establishment with an unlicensed practitioner	$300.00
12. Tattooing patron who is under 18 years old	$300.00

(6) Initiation of Legal Action - Legal action shall be initiated against a violator, as requested by the Health Officer in accord with the following:

(a) The County Corporation Counsel shall be responsible for all cases where an injunction to correct and/or abate a violation is being sought.

(b) The County District Attorney shall be responsible for all cases where a court imposed forfeiture is being sought and/or any case that arises from the use of the Uniform Citation Code, Chapter 21 of the County Ordinances.

(c) In cases involving the Private Sewage System Program, Section 13.23, the State Attorney General may also be requested to initiate action against a violator.

(7) Specific Order Authority for Public Facilities - At the discretion of the Health Officer, the Department may issue an order under Section 97.12, Wisconsin Statutes, to public facilities which require an annual operational permit from the Department, if the Department has reasonable cause to believe that any food or other substance constitutes, or any construction, sanitary condition, operation or method of operation of the facility or equipment used on the premises of the facility creates an immediate danger to health.

6.112 Public Nuisance

(1) Public Nuisances Prohibited - No person shall erect, construe, cause, continue, maintain, or permit any public nuisance within the County. Any person who shall cause, create or maintain a nuisance or who shall in any way aid or contribute to the causing, creating or maintenance thereof shall be guilty of a violation of this chapter, and shall be liable for all costs and expenses attendant upon the removal and correction of such a nuisance and to the penalty provided in subsection (5) of this section.

(2) Responsibility of Nuisance - It shall be the responsibility of the property owner to maintain their property in a nuisance free manner and also to be responsible for the abatement and/or correction of any public nuisance that has been determined to exist on their property.

(3) Public Nuisance Enumerated - Public nuisance is defined in section 13.01(28) of this Ordinance. More specifically, the following, without limitation as a result of enumeration, may be determined to be public nuisances:

(a) 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 the time period specified by the Health Officer or as required by Chapter 95.50 of the Wisconsin Statutes.

(b) Manure - Accumulations of the bodily waste from all domestic animals and fowl that are handled, stored, or disposed of in a manner that creates a health hazard.

(c) Air Pollution - The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust, or any other atmospheric pollutants within the County that creates non-compliance with Chapter NR493 of the Wisconsin Administrative Code.

(d) Noxious Odors - Any negligent use of property, substance or things within the County emitting or causing any foul, offensive, noisome, noxious or disagreeable odor, or stenches extremely repulsive to the physical senses of ordinary persons or a neighborhood as a whole.

(e) Solid Waste - Any solid waste that is stored or disposed of in non-compliance to Chapter NR500 of the Wisconsin Administrative Code.

(f) Food or Breeding Places for Vermin, Insects, etc. - Accumulations of decayed animal or vegetable matter, trash, rubbish, garbage, rotting lumber bedding, packing material, scrap metal, animal and human fecal matter, or any substance in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed, live, nest or seek shelter.

(g) Toxic and Hazardous Materials - Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that it is, or has, the potential to create a public health hazard.

(h) Sludge - The disposal and/or storage of municipal sludge in non-compliance with Chapter NR110 of the Wisconsin Administrative Code and the disposal and/or storage of septic tank, holding tank or privy sludge and other holdings in non-compliance with Chapter NR113 of the Wisconsin Administrative Code.

(i) Wastewater - The presence of wastewater or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body caused by a damaged, malfunctioning, improperly constructed, or inadequately maintained private sewage system, or private sewage lateral. Also any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.

(j) Surface Water Pollution - The pollution of any stream, lake, or other body of surface water within the County that creates non-compliance with Chapter NR102 of the Wisconsin Administrative Code.

(k) Groundwater Pollution - Addition of any chemical and/or biological substance that would cause groundwater to be unpalatable or unfit for human consumption. These substances include but are not limited to the chemical and/or biological substances listed in Chapter NR809 of the Wisconsin Administrative Code titled "Safe Drinking Water".

(l) Private Water Supply - Any private well that is constructed, abandoned or used and/or any pump installed in non-compliance with Chapter NR812 of the Wisconsin Administrative Code.

(m) Holes or Openings - Any hole or opening caused by an improperly abandoned cistern, septic tank, dug well, drill hole etc.; or any improperly abandoned, barricaded or covered up excavation.

(n) Non-Functional Public Building Fixtures - Non-functioning water supply systems, toilets, urinals, lavatories, or other fixtures considered necessary to insure a sanitary condition in a public building.

(o) Unhealthy or Unsanitary Condition - Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy and unfit for human habitation, occupancy, or use, or renders any property unsanitary or unhealthy.

(p) Other - Any other situation determined to meet the definition of a Public Nuisance under subsection 13.01(A)(38) of this Ordinance.

(4) Investigation of Possible Public Nuisances - The Health Officer or his/her designated representative shall investigate all potential public nuisances and shall determine whether or not a public nuisance exists.

(5) Abatement, Correction and Enforcement - Abatement, correction and enforcement of public nuisances will be according to the provisions in section 13.11 of this Ordinance "Enforcement" which are detailed in section 13.11 and as follows:

(a) If the existence of a public nuisance is confirmed, a written cleanup and/or abatement order will be issued specifying the action needed to abate and/or correct the nuisance; the time period allowed to abate and/or correct the nuisance, (24 hours, 5, 10, 30 or more days depending on the nature of the nuisance); and the penalty (citation and/or possible court action) if the nuisance is not abated and/or corrected.

(b) To expedite the abatement and/or correction of public nuisances, citations may be issued under Section 13.11 (3)(a) and State Statute Section 66.119. Except in the situations described in Subsection (d) below, the issuance of a citation will always be after the violation of an order written by the Health Officer or their designee to abate and/or correct the nuisance. The issuance of a citation does not exempt a violator from further legal action against him as described in subsection (c) below.

(c) In cases where the use of a citation alone is inadequate or inappropriate to fully cause the abatement and/or correction of a public nuisance, legal action seeking a higher forfeiture and penalties or injunctive action to cause abatement of a nuisance, and also to rectify any damage created by the nuisance can be initiated against any violator at the discretion of the Health Officer and the Rock County District Attorney or Corporation Counsel. The initiation of legal action does not exempt a person from being issued a citation. As with citations, legal action will only be initiated on a person after the person violates a written order from the

Health Officer or their designee, except in the situation described in subsection (d) below.

(d) In extreme cases or in the case of repeating occurrences of the same nuisance by the same person, the issuance of a citation or the initiation of legal action against the person can be immediate.

(e) In cases of an immediate health hazard or in extreme cases where the person responsible for a nuisance refuses to abate and/or correct it within the time period specified in the written order, the local governing body and if not the local governing body, the County, may cause to have the nuisance abated and/or corrected with the cost of such abatement and/or correction to be recovered directly from the responsible person or as a special assessment on the property in accordance with State Statute Chapter 254.59 and Section 13.11 (4) of this Ordinance.

(f) In the other cases in which a violator refuses to abate and/or correct a nuisance even after a citation and/or a court imposed penalty has been served upon the person, a separate offense subject to additional penalties shall be deemed committed during each period of ten (10) days during or upon which the violation occurs or continues.

(6) Coordination with State Agencies

(a) Where a public nuisance involves non-compliance with a state enforced Administrative Code, the Health Officer or his/her designee shall first refer a complaint to the appropriate state agency for abatement and/or correction. If the nuisance continues without adequate enforcement from the state agency to cause its abatement and/or correction, then the Health Officer or his/her designee may initiate action under this section to bring about abatement and/or correction.

(b) Where a nuisance is determined to be a health hazard as determined by the Health Officer he or she may proceed immediately to have it abated and/or corrected.

6.113 Private Water Supply

(1) General Provision - All wells shall be constructed and all pumps installed in compliance with the provisions of ss. 59.70(6) and 280.21, Wisconsin Statutes and Chapter NR812 of the Wisconsin Administrative Code.

(2) Well and Drill Hole Abandonment - The Department shall require the proper abandonment (filling and sealing) of wells and drill holes in accordance with standards established in Chapter NR 812.26 Wisconsin Administrative Code. The Department may also require the abandonment of a well with water contaminated with a substance exceeding a primary drinking water standard listed in Chapter NR 809, Wisconsin

Administrative Code, or other chemical compounds for which state health advisory limits have been issued including inorganic and organic compounds.

The Department shall administer well and drill hole abandonment as authorized in Chapter NR 845 of the Wisconsin Administrative Code.

(3) Standards - All water that is served to the public from private wells shall meet the water quality standards of Chapter NR809 of the Wisconsin Administrative Code.

(4) Violation - No person shall allow the improper abandonment of a well or drill hole, or cause drinking water to be unfit for human consumption and/or unpalatable for drinking water purposes.

(5) Non-Compliance – Non-compliance with this section and/or Chapter NR 812 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.114 Mobile Home Parks

(1) Permits, Preinspections and Fees - The Department shall issue an Annual Permit for each Mobile Home Park and provide preinspection services in accord with Sections 13.09 and 13.10 of this Ordinance before the park can legally operate.

(2) Non-Compliance - Non-compliance with this section and/or Chapter SPS 326 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.115 Public Swimming Places

(1) Exception to Code - Subsection SPS 390.04 is excepted from adoption under section 13.08 above and shall not be considered as part of this Ordinance.

(2) Closing of Public Swimming Places - If a public swimming place is determined by the Health Officer to be a public health hazard the Health Officer may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the Rock County Health Department".

(3) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter SPS 390, as adopted by reference, will be cause for enforcement under section 13.11 of this Ordinance in addition to, or instead of, action detailed in subsection (2) of this section.

6.116 Public Swimming Pools and Water Attractions

(1) Permits, Preinspections and Fees - The Department shall issue an annual permit for each public indoor and outdoor swimming pool and provide preinspection services in

accord with sections 13.09 and 13.10 of this Ordinance before the pool can legally operate. (Note: Any public pool, including whirlpools, and water attractions as defined in Chapter NFS172 of the Wisconsin Administrative Code is considered one pool for permit issuing and fee assessing purposes.)

(2) Closing of Pools - If a public indoor or outdoor swimming pool is determined by the Health Officer, to be a public health hazard the Health Officer or his/her designee may order it closed and post a sign with the following wording: "Closed for Swimming by Order of the Rock County Health Department".

(3) Non-Compliance - Non-compliance with this section and/or Chapter HFS172 of the Wisconsin Administrative Code will be cause for enforcement under section 13.11 of this Ordinance in addition to the possible action detailed in subsection (2) of this section.

6.117 Recreational and Educational Camps

(1) Permits, Preinspections and Fees - The Department shall issue an annual permit to each Recreational and Educational Camp and provide preinspection services in accord with Sections 13.09 and 13.10 of this Ordinance before the camp can legally operate.

(2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS175 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.118 Campgrounds and Camping Resorts

(1) Permits, Preinspections and Fees - The Department shall issue an annual permit to each Campground and Camping Resort and shall provide preinspection services in accord with Sections 13.09 and 13.10 of this Ordinance before they can legally operate.

(2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS178 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.119 Restaurants

(1) Licenses, Preinspections and Fees - The Department shall issue an annual permit and provide preinspection services to restaurants in accord with Sections 13.09 and 13.10 before the restaurant can legally operate.

(2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS196 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.120 Vending of Foods and Beverages

(1) Vending machines dispensing milk and other dairy products in an unfrozen state must be able to maintain a product temperature of 41°F or less and have product removed from the vending machine at the end of the expiration date.

(2) Permits, Licenses and Fees - Any licenses and/or permits involved with this program will be issued and any fees involved will be assessed, collected and handled by the state. The Rock County Health Department may issue an annual license or permit and collect a fee from vending machine owners on vending machines dispensing milk, other dairy products in an unfrozen state and other potentially hazardous foods that are not licensed and/or regulated by the State.

(3) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS198 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.121 Retail Food Establishments

(1) Permits, Licenses, Preinspections and Fees - The Department shall issue an annual permit and provide pre-inspection services in accordance with Sections 13.09 and 13.10 before any retail food establishment can legally operate.

(2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter ATCP 75 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.122 Hotels, Motels, Tourist Rooming Houses, and Bed and Breakfast Establishments

(1) Permits, Preinspections and Fees - The Department shall issue an annual permit and provide preinspection services to Hotels, Motels, Tourist Rooming Houses, and Bed and Breakfast Establishments in accord with sections 13.09 and 13.10 before the Hotel, Motel, Tourist Rooming House, or Bed and Breakfast Establishment can legally operate.

(2) Non-Compliance - Non-compliance with the provisions of this section and/or Chapter HFS195 or HFS197 of the Wisconsin Administrative Code will be cause for enforcement under Section 13.11 of this Ordinance.

6.123 Private Sewage Systems

(1) General Provisions

The provisions of this section are meant to relate the State Uniform Plumbing Code to Rock County and also to meet the requirements of Section 59.70(5), State Statutes.

(2) Enforcement

(a) The Department shall investigate violations of this section and Section 254.59, Wis. Stats., and issue orders to abate and/or correct the violation. Non-compliance with this section will be cause for enforcement action under Section 13.11 of this Ordinance.

(b) When the Department finds that any construction or alteration of any sewage disposal system is in progress without a sanitary permit having been issued or finds any other violation of this section the Department may post in a conspicuous place on the premises a stop work order which shall cause all activities to cease until the stop work order is removed.

(3) Sanitary Permits

(a) No new private sewage system shall be installed or septic or other treatment tank purchased or constructed until a Sanitary Permit has been issued by the Department.

(b) Sanitary Permits shall also be required when an existing system or major component thereof, is replaced. Major components are the septic or other treatment tank, holding tank, lift station or drainfield (soil dispersal area). Proposed replacement of one major component will necessitate review of the other components to determine compliance with SPS 383 and this Ordinance.

(c) Sanitary Permits shall be conspicuously posted on the premises where the installation is planned.

(d) Sanitary Permits are good for 2 years and must be renewed after this period. The renewal must be re-evaluated with regard to conformity with the regulations in force at the time the renewal is sought.

(e) A County Sanitary Permit shall be issued before a new or replacement structure is connected to an existing code compliant private sewage system, or before the installation of a non-plumbing sanitation system falling under the scope of SPS 391 and under the jurisdiction of the Department (with the exception of portable restrooms) and for system repairs. Repairs are considered to be chemical, biological, or physical attempts to rehabilitate a soil dispersal area that don't include adding or modifying a major system component (see 13.23(3)(b)). This permit shall not be issued until assurances are provided that applicable portions of SPS 383, and SPS 391 will be complied with and is subject to the same expiration and renewal requirements and/or procedures imposed on the State Sanitary Permit.

(f) A Sanitary permit shall not be issued for a POWTS to serve a structure within the municipal boundaries of a municipality unless a letter is received from the

controlling municipality indicating that public sewer is not available to the subject property. This includes areas outside the controlling municipality's boundary where legally binding agreements are in place to allow sewer connections outside the controlling municipality.

(g) A Sanitary Permit shall not be issued for a POWTS to serve in a City of Beloit or City of Janesville 208 Water Quality Plan Sewer Service Area when the municipality provides detailed written documentation to the Public Health Department verifying that connecting to public sewer meets the policy recommendations of the current 208 Water Quality Plan for those municipalities. Any appeal through the Rock County Board of Health, per Section 6.127 of this Chapter, shall be given primary consideration to an existing 208 Water Quality Plan as agreed upon between the municipalities of concern.

(4) Plan Submission for Sanitary Permits

(a) Plan submission for new or replaced systems for private dwelling shall include:

1. A report of soil boring and percolation tests (if applicable)or a soil and site evaluation completed by a Certified Soil Tester.
2. The State Plumbing Application completed in accord with Wisconsin Administrative Code SPS 383.
3. Three sets of plans, specifications, and documentation containing the information required in SPS 383, Wisconsin Administrative Code, signed and sealed according to SPS 383, W.A.C.
4. Any other information needed to insure compliance with this section and Chapter SPS 383 of the Wisconsin Administrative Code.

(b) Plan submission for sites where a new or replacement private sewage system is proposed for a public building or any other private sewage system that requires state approval shall include:

1. A report of soil borings and percolation tests or a soil and site evaluation completed by a Certified Soil Tester.
2. Two copies of all the state approved drawings, changes, cross sections, plot plans, tables, agreements, letters and anything else showing state approval in conformity with Wisconsin Administrative Code SPS 383.
3. A County Sanitary Permit Application and the State Plumbing Application with the top portions completed. The plot plan on the county application is not required if it was included in the information required in Subsection (4)(b)(2) above.
4. Any other information needed to insure compliance with this section and Chapter SPS 383 of the Wisconsin Administrative Code.

(c) Plan submission for a private sewage system which requires a lift or pressure pump shall include detailed information on pump requirements, total dynamic

head, and pump and pump chamber capacities along with specifications of an adequately powered and sized pump suitable for the job.

(d) All plans must be submitted to the Department and the Department of Safety and Professional Services (if applicable) and approved before the private sewage system is installed. The forms specified in Subsections (a) and (b) above are available from the Department.

(e) All plans and applications must be signed by a Master Plumber or a Master Plumber Restricted Service. This person shall be responsible to insure the installation of the private sewage system meets all the provisions of this section and all applicable state codes.

(f) A Sanitary Permit shall not be issued for any private sewage system where the intended use includes disposal of industrial wastes without approval from the State Department of Natural Resources, the Department of Safety and Professional Services and the Rock County Health Department and the system being in compliance with all other applicable county and state regulations.

(g) Plan submission for sites requiring a County Sanitary Permit shall include the information required in section 13.23(4)(a) above and any other information determined necessary to ensure compliance with this Ordinance.

(h) Revision to a POWTS plan that has been previously approved shall be submitted to and approved by the Department under SPS 383. Revisions to POWTS designs requiring State approval shall be approved by the State before being submitted to the Department. Plan revisions must be approved by the Department prior to system installation. A fee may be charged when revised plans are submitted, see s. 13.10(4)(c).

(i) The following documents, in addition to any required by SPS 383, must be recorded with the Rock County Register of Deeds Office before a Sanitary Permit can be issued:

1. If a POWTS, or parts thereof, are located on a different parcel under different ownership than the structure served; an approved easement or survey,
2. In the case of a POWTS which consists of a holding tank; a copy of a Holding Tank Agreement. This agreement is between the owner of the property and the local municipality having jurisdiction unless the Department has written authorization from the local municipality to sign such agreement,
3. In the case of a POWTS which serves multiple units or buildings owned by multiple owners and located on the same property as the units/buildings; a legal document describing all the parties having ownership rights and responsibility for the operation and maintenance of the system.

(j) The Department reserves the right to require submittal of other information and/or documentation needed to ensure compliance with this Ordinance and SPS 383, before permit issuance. This may include copies of active servicing and maintenance contracts in accordance with subsection 13.23 (10) (a) (7).

(k) A previously issued Sanitary Permit can be transferred from owner to owner and revised from plumber to plumber. In the case of a plumber to plumber revision on a plan previously approved by the State, new State approved plans signed by the new plumber are necessary unless the original State approved plans were signed by a professional engineer, architect, or plumbing designer

(5) Private Sewage Systems

(a) No building, structure, area or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for the sanitary and safe disposal of all human excreta together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.

(b) All wastewater produced in a building or structure shall be disposed of by a private sewage system except as exempt by SPS 383, Wisconsin Administrative Code.

(c) Private sewage systems shall be on the same property as the building or structure which produces the wastewater, whenever possible. Existing lots can utilize septic easements after necessary state and county approval. Private sewage systems serving multiple buildings, where the buildings are located on a separate parcel and owned by multiple owners, must be owned and maintained by a governmental entity or Sanitary District, unless specifically exempted from this requirement by the Board Of Health.

(d) Non-Plumbing Sanitation systems are permitted subject to local building requirements and this section. When permitted they shall comply with SPS 391 Wisconsin Administrative Code and the following requirements:

1. Privies are permitted provided the structure or premise they are to serve has no inside plumbing. Open pit and vault privies shall meet SPS 383 setback requirements set forth for dispersal cells and treatment tanks respectively. Open pit privies are only permitted when documentation by a certified soil tester is on file indicating adequate soil under the pit exists to provide the necessary treatment required by SPS 383. The privy structure above the open pit or vault portion of the privy shall be sanitary, easily cleanable and in compliance with s. SPS 362.
2. Non-water carried toilet system are permitted subject to approval from the local building code authority. When installed in a structure with water under pressure a code compliant private sewage system must be available or be installed to dispose of the gray water.

3. Portable privies (restrooms) are only for temporary use and are not considered a means of satisfying section 13.23 (5) (a) except as specifically approved by the Department and in compliance with SPS 383 and other applicable regulations. Portable privies are not allowed for facilities licensed as a restaurant under the Wisconsin Administrative Code HFS 196 Restaurants, and/or a retail food establishment under the Wisconsin Administrative Code ATCP 75 Retail Food Establishments, except for a licensed facility or facilities operating in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion for a maximum of seven days during any twelve month period.

(e) Holding tanks may be used as a system of last resort to serve as the private sewage system for an existing building. Holding tanks will not be allowed for new construction on a property where other onsite wastewater treatment system options exist. If a person feels that mitigating circumstances exist where a holding tank should be allowed for new construction, or in lieu of another approved system, the person may seek a variance from the Rock County Board of Health. Holding tanks may be used as a replacement system of choice, without a variance in the following circumstances,

1. In a flood fringe and in compliance with the County Ordinance Chapter 32 Floodplain Zoning, unless soils allow the installation of a conventional system.
2. Commercial venues for public restroom in situations where a conventional system cannot be installed.
3. Agricultural use (milk house, shop, etc.) where a conventional system cannot be installed.
4. To divert kitchen waste from a private onsite wastewater treatment system.
5. Restroom facilities for outbuildings where connection to an existing system or installation of a conventional system is not practical.
6. Toilet room use for employees where a conventional system cannot be installed.

(f) The pumpage from the septic tanks, vault type privies and holding tanks shall be disposed of in accordance with Chapter NR113 of the Wisconsin Administrative Code.

(g) The use of constructed wetlands and evaporation beds as POWTS treatment components shall not be permitted unless specifically approved by the Rock County Board of Health.

(h) POWTS designs utilizing methods or technologies delineated in Table 83.04-2 of SPS 383, Wisconsin Administrative Code (WAC) can only be used on existing lots on record before the effective date of this section until July 1, 2002. In addition any POWTS designs utilizing methods or technologies

added to the list under s. SPS 383.61 (WAC) after July 01, 2001 can only be used after 18 months following formal recognition of the method or technology.

(6) Soils

(a) All soil test reports shall be submitted to the Department for review and possible verification. If the soil test report is adequate and verification is not required it will be filed by the Department. When a Sanitary Permit is applied for on a site on which a soil test was previously taken and filed, the soil test report must be re-evaluated, including possible verification, in terms of compliance with the regulations in effect at the time the Sanitary Permit is applied for. A soil test report must provide adequate information necessary for the installation of a code compliant private sewage system as determined by the Department and SPS 383 & 385, and shall include a replacement system area if done for a parcel being initially developed and suitable for a below ground system.

(b) The Department may require field verification of any soil test submitted for filing.

(c) The Department may specify categories of soil test reports where a field verification is always required. The following categories, not limited by enumeration, always require verification by the Department, unless specifically exempted by the Health Officer or designee:

1. Soil test reports for sites employing mound, at grade, experimental or a system design utilizing technologies contained in Table 383.04 (2), Wisconsin Administrative Code.
2. Soil test reports done to satisfy conditions of approval on a preliminary land division.
3. Soil test reports on sites whose soils have severe, or very severe, limitations for private sewage systems based on soil interpretation as established by the U.S.D.A. Soil Conservation Service.

(d) In all cases the Department shall be notified when soil tests are being conducted on any of the above sites or any other site specified by the Department.

(e) Whenever a verification by the Department is required which involves soil borings, these borings shall be dug with a backhoe, be safe from cave-ins, and shall be accessible with a ladder or be stepped to provide easy access in and out.

(f) Soil and site evaluation reports conducted in floodplain areas shall contain information relative to the elevation and location of the floodplain boundaries. This information must be provided onsite by a registered surveyor.

(7) Inspections

(a) The Department shall inspect all private sewage systems after construction, but before backfilling. This inspection will be conducted no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge, that the system is completed.

(b) If requested by the Department the plumber in charge shall furnish proper apparatuses and assistance as may be necessary to make a proper inspection.

(c) If requested by the Department the plumber shall leave the covering material off to expose the distribution pipes in the drainfield to aid in making a proper inspection.

(d) All installations requiring a County Sanitary Permit shall be inspected by the Department before completion.

(e) Additional inspections of a private sewage system may be necessary based on private sewage system type, size, complexity or other factors. The Department can require the Master Plumber in charge to leave the system or portions thereof uncovered in order to accomplish the additional inspections.

(8) Malfunctioning Systems

(a) The Department may order any person owning, using or operating any malfunctioning or unsafe system to repair, modify, replace, maintain or otherwise place such system in safe operating condition. Failure to take the necessary steps to effect a cure to the problem within the time period specified by the Department in a written order shall be considered a violation of this section. The time period specified shall be dependent on the nature of the problem and the time of the year.

(b) If the malfunctioning system presents an immediate health hazard as determined by the Department a stop-usage order shall be issued and shall be effective immediately. Issuance of such an order shall not relieve any violator from complying with orders issued under Subsection (a) above.

(c) If a failing private sewage system, as defined in s 145.245 (4) State Statutes and SPS 383, is encountered the failing system shall be ordered corrected or it's use discontinued with the period of time required by the Department not to exceed one year. For the purpose of this section existing cesspools are to be treated as failing private sewage systems.

(d) At the written request of the controlling entity the Department may assist in enforcement action to require properties to connect to a public sewage system within an appropriate time period when public sewer is determined to be

available by the controlling entity. Private sewage systems no longer in use shall be properly abandoned in accordance with SPS 383.

(9) New Building Construction, Reconnections, & Construction Involving Buildings Connected to Existing Private Sewage Systems

(a) New building construction are subject to the review criteria found in SPS 383 and the following:

1. Prior to commencing the construction of or before the city, village, or town issues a building permit for the following conditions the owner must provide the information and permits specified in subsection (a) (2)
   a. Construction of a new structure which requires the installation of a new private sewage system;
   b. Construction of a replacement structure or an additional structure on a property, that necessitates the use of a private sewage system, where it is not permitted to connect to an existing system.

2. Sanitary permits complying with this Ordinance and SPS 383 are required for the proposed construction..

(b) Replacement structure construction or construction of an additional structure on a property with the intention of connecting to an existing private sewage system shall be subject to the review criteria found in SPS 383 and the following:

1. Prior to commencing construction of or modification to a structure for the following conditions or before the city, village or town issues a building permit for the following conditions the owner of the property must provide the information and permits specified in subsection (b) (2):
   a. Construction of a structure to be connected to an existing private sewage system.
   b. Disconnection of a structure from an existing private sewage system and connection of another structure to the system;
   c. Reconstruction of a structure that is connected to a private sewage system that is uninhabitable due to damage from manmade or natural disasters such as fire, wind, or flooding; or
   d. Construction of or modification to an additional structure on a property such as a detached garage or barn with the intention of adding this building to the private sewage system serving an existing building.

2. The following documentation and permits must be provided:
   a. A County Sanitary permit for reconnection to an existing system that meets the following requirements: 1) the existing system is not a failing system, 2) the system is of sufficient size and capacities to accommodate the wastewater flow and contaminant load of the new structure (s) and 3) the system is installed in code compliant soils. Slightly undersized systems (the equivalent of ≤1 bedroom) can be

reconnected to provide all other requirements are met possibly including an undersized system affidavit being recorded with the deed of the property. Sizing determinations are based on current code requirements or a previously issued Sanitary permit on file with the Department);

b. That the structure meets minimum setback requirements as specified in Comm 83, Wisconsin Administrative Code.

(c) Proposed construction affecting wastewater flow or contaminant load shall be determined and reviewed in accordance with SPS 383, and the following:

1. Prior to commencing a construction project or before the city, village, or town issues a building permit for a project which affects wastewater flow or contaminant load according to the following conditions the owner of the property must provide the information and/or permits contained in subsection (c) (2):
   a. For a public building when there is a proposed change of use or occupancy of the structure or where the modification affects either the type or number of plumbing appliances or fixtures;
   b. For a single or double family residence when there is a proposed increase or decrease in the number of bedrooms.

2. The following documentation and or permits must be provided:
   a. Documentation demonstrating that a private sewage system exists of adequate capacity and capability exists to serve the structure or a Sanitary Permit to install such a system has been issued, (Note: sizing determinations are based on current code requirements or a previously issued Sanitary permit on file with the Department);
   b. Documentation by a certified soil tester that the existing system is in code compliant soils that are adequate to provide the treatment requirements in SBS 383
   c. Documentation that all applicable setbacks to the proposed construction are met.

(d) Prior to commencing construction of or before a city, village or town issues a building permit for a building project involving a structure connected to an existing private sewage system which does not increase wastewater flow or contaminant load the owner shall provide documentation that the system is not a failing system and the proposed construction meets all applicable setback requirements to the existing system.

(e) The State or County Sanitary permits required in subsection (a), (b), and possibly (c) above will be reviewed by the Department and must be issued prior to construction and building permit issuance. The reviews contained in subsections above not involving State or County Sanitary permit issuance will be reviewed by the Department after referral from the local building permit issuing agent or direct contact with the owner. The Department will notify the

local building permit issuing agent and the owner with the appropriate recommended action based on compliance or non-compliance with this section and SPS 383.

(10) System Maintenance

(a) All Private Sewage Systems shall be subject to a maintenance, tank inspection, and system evaluation program as follows:

1. All anaerobic (septic), dosing, or treatment tanks shall be maintained (pumped) at least once every 3 years based on the final construction inspection date of the system by the Department or for systems in place prior to September 27, 1984 the randomly selected initial inspection date. Alternative servicing and/or maintenance schedules may be required, see section (6) below. (NOTE: Pumping as used in this section is defined as: "The removal of all of the sludge and scum in an existing tank along with the accompanying liquid which was either in the tank before pumping or added to the tank during pumping.") Notices of the maintenance due shall be sent by the Department to the system owner at least 30 days prior to every triennial anniversary of the inspection/maintenance date.

2. All pumping shall be done by a person licensed under Section 281.48, Statutes, and in accord with (1) above.

3. In lieu of the requirement in (1) above, a Master Plumber, or a Master Plumber Restricted licensed under Chapter 145, Statutes, or a person licensed under s. 281.481, Statutes (ch NR 114, WAC), or a person licensed under s. SPS 305.66, Wisconsin Administrative Code, can inspect the tank to determine if pumping is needed. If it is determined during this inspection that the sludge and scum layers in the anaerobic (septic), tank do not jointly occupy one-third of the tank's liquid capacity or more, the tank does not need to be pumped. The pumping of treatment tank other than anaerobic tanks may be delayed if the sludge accumulation has not reached the level set by the tank’s manufacturer where pumping required. If at any time a tank inspection reveals the sludge and scum layers jointly occupy one-third or more of the anaerobic tank's liquid capacity, or is at the level requiring pumping as set by the manufacturer of a treatment tank other than an anaerobic tank, the tank shall be pumped immediately.

4. The licensed person doing either the pumping or inspecting [see (1) or (3) above] shall also evaluate the system to determine if it is in good working order and is operating properly, and wastewater or effluent from the system is not ponding on the surface of the ground.

5. Documentation of tank pumping or tank inspection shall be returned to the Department and be completed on forms provided by the Department along

with the required fee. The form shall be signed by the licensed person doing the pumping or tank inspection. The licensed person signing the form certifying pumping or tank inspection, or another person meeting the requirements set forth in SPS 383, Wisconsin Administrative Code, shall also certify, in addition to the requirements of (1) and/or (3) above, whether or not the system is in good working order and operating properly, and whether or not wastewater or effluent from the system is ponding on the ground surface. The Department reserves the right to field verify the information on this form before accepting it as satisfying any of the requirements in this section. It is the owner of the property's responsibility to comply with this section and provide the required documentation to the Department within the time period given by the Department. Failure to do so would put the owner in non-compliance with this Ordinance and therefore subject to the enforcement actions contained therein, including citation issuance.

6. All POWTS shall be maintained, managed and serviced according to the management plan and/or servicing agreement filed with the Sanitary Permit application at the time of Permit application and issuance. It is the owner of the property's responsibility to ensure that their POWTS is maintained or serviced in compliance with SPS 383 and these documents.

7. When a maintenance or service contract is required by the Department of Safety and Professional Services or the Department as a condition of sanitary permit approval, the owner shall enter into a maintenance or service contract with a POWTS maintainer or certified septage servicing contractor for as long as the POWTS is utilized. Failure to renew or have in effect a current service/maintenance contract will be considered a violation of this Ordinance and may subject the owner to enforcement action under this Ordinance.

(b) The owner of the property or his or her agent where a holding tank has been installed under the provisions of SPS 383, Wisconsin Administrative Code shall cause the servicing report of the holding tank to be submitted to the Department within 30 business days of the servicing or as required by SPS 383. In addition the contracted certified servicing operator shall submit to the Department a semi-annual pumping history according to the following schedule:

Period	Submit Pumping Report By:
January through-June	August 1
July through December	February 1

6.124 Land Divisions Not Served By Public Sewer

(1) Review of Land Divisions - For the purpose of insuring newly proposed lots in a land division meet the purpose and intent of this Ordinance and the provisions of this section, the Department is a reviewing agency for all land divisions submitted under § 4.101-.130 of the Rock County Ordinances, the Rock County Land Division Regulations. The criteria and requirements detailed in this section are to be used as the basis for review and evaluation of all newly proposed lots submitted to the Department for their review.

(2) Exceptions to Code - Whenever this Ordinance or any other county ordinance is more restrictive than SPS 383. the provisions of this Ordinance or the other county ordinance in question shall govern to the extent allowed by law.

(3) Review Criteria For Lots - In order to insure compliance with the purpose and intent of this Ordinance and § 4.101-.130 of the Rock County Ordinances the following requirements shall apply to all newly proposed lots reviewed under authority of the above mentioned Ordinances:

(a) All lots shall have adequate areas of suitable soils for Private Sewage Disposal to meet the requirements of Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code and to allow construction of at least a four (4) bedroom house.

(b) All proposed lots shall have adequate soil borings and percolation tests performed on them to insure compliance with subsection (3)(a) above prior to their legal creation.

(c) Holding Tanks or Privies cannot be utilized to meet the requirements of subsection (3)(a) above.

(d) Easements for Private Sewage Disposal Systems on an adjacent lot or on bordering property for the purpose of meeting the requirements of subsection (3)(a) above are not allowed.

(e) No lots intended for industrial use shall be created unless public sewage facilities are available.

(f) When a lot meets the requirements of subsection (3)(a) of this section but has difficult soil and topography problems to overcome, in order to insure usage of the suitable areas soils for the private sewage system on the property the words "Special Building Conditions" may be written across the face of the lot on the final Certified Survey Map or Plat.

(g) When a lot has just enough area to meet the requirements of subsection (3)(a) of this section or has severe topographic or soil problems to overcome the lot may

be required to be pre-planned. Pre-planning shall designate the building area, well area, and the POWTS system area and replacement area (if applicable) on the final recorded map.

(h) All proposed lots that are not going to be used for building purposes, which produce wastewater, are exempt from the requirements of subsection (3)(a) and (b) above. These lots shall clearly show across the face of the lot on the final Certified Survey Map or Plat a restriction prohibiting any building on the lot which produces wastewater.

(i) Lots with existing buildings utilizing existing private sewage systems are exempt from the requirements of subsection (3)(a) and (b) above, but are subject to notations on the final Certified Map or Plat concerning possible replacement difficulties of these existing private sewage systems that could be encountered in the future.

(j) All newly proposed lots intended for sale between adjoining owners for the purpose of enlarging an existing lot are exempt from the requirements of subsection (3)(a) and (b) above. However, these lots are subject to a restriction on the face of the lot on the final Certified Survey Map or Plat or on the deed stating that this lot is to be attached to a existing lot and cannot be sold as a separate building site and that no buildings which produce wastewater are allowed on this lot.

(k) In cases where a proposed land division is submitted for review as a Planned Unit Development, as defined in § 4.101-.130 of the Rock County Ordinances, the requirements of subsections (3)(a) and (b) of this section can be waived by the Health Officer as long as alternate means of sewage disposal, which meet all applicable county and state regulations, are provided for each lot. This waiver will be on a case by case basis and may contain condition of approval, including notes on final Certified Survey Maps and Subdivision Plats, as necessary to insure compliance with the purpose and intent of this Ordinance and § 4.101-.130 of the Rock County Ordinances.

(l) No POWTS design utilizing methods or technologies delineated in Table 83.04-2 of SPS 383, Wisconsin Administrative Code (WAC), can be used to meet the requirements of subsection (3)(a) above until July 01, 2002. In addition no POWTS designs utilizing methods or technologies added to the list under s. SPS 383.61 (WAC) after July 01, 2001 can be used to meet the requirements of subsection (3)(a) above until 18 months following recognition of the method or technology.

(4) Additional Requirements - The requirements and standards contained in § 4.101-.130 of the Rock County Ordinances pertaining to lot dimensions and sizing; soil testing; lot restrictions dealing with soils or public health; the promotion of public health, safety, and welfare; the facilitating of adequate provisions for air, light, water and sewage; and

the avoiding of hazards due to soil and topographic conditions, are hereby adopted by reference, with any changes in § 4.101-.130 to be incorporated into this Ordinance.

6.125 Public Beaches

(1) Sanitary Survey.

(a) Scope. The sanitary survey shall include the entire watershed if possible. For a large watershed, the area to be surveyed shall be based on knowledge of the area and review of bacteriological data. A complete survey may not be required if a lack of water quality has a known and verifiable source. In all cases, any source of discharge into the surface water in the shed, which may have an effect on the water quality of the swimming area, shall be included in the survey. Other agencies monitoring water in the watershed shall be contacted for information on possible contaminating discharges. Included shall be any other notable conditions in the watershed or swimming area which may contribute to unacceptable water quality or unsafe conditions as may be determined by the inspecting agency.

(b) New Beaches. At a proposed beach a sanitary survey shall be conducted by the Rock County Health Department or a person acceptable to the Rock County Health Department before construction or development of a beach is started. Plans for new beaches and structures shall be approved by the Rock County Health Department.

(c) Existing Beaches. At the discretion of the Rock County Health Department a sanitary survey may be conducted at any time at an existing beach.

(2) Beach Water Sampling.

(a) Frequency. At least one set of bacteriological samples shall be collected from representative locations throughout the swimming area four times per month during the swimming season or during the peak risk periods as identified by past water quality tests. The samples shall be submitted to the State Laboratory of Hygiene or other laboratory certified under Chapter HFS165 to perform water microbiological analysis. The required samples shall be collected by the Rock County Health Department and tested by a certified laboratory unless the beach operator is required by the Rock County Health Department to collect and submit samples of water to a certified laboratory at their expense.

(b) Sampling Procedure. Samples shall be collected 6 to 12 inches below the water surface where a 24 to 30 inch water depth is first encountered unless beach conditions warrant otherwise.

(3) Beach Advisory/Closing Criteria.

(a) Advisory Criteria - A beach shall be posted with approved advisory signs under the following criteria (i) through (iv). Beach advisory signs may be removed when a sample result is below the established criteria or the human health hazard no longer exists.

(i) Whenever a single beach E. Coli sample result exceeds 235 cfu/100ml.
(ii) Whenever a human health hazard exists as determined by the Health Department
(iii) Whenever a pollution event exists that may potentially cause human health hazards.
(iv) Whenever a significant weather event adversely impacts a beach area.

(b) Closure Criteria - Beach Closure Criteria. A beach shall be posted with approved closure signs under the following criteria (i) through (iv). Beach closure signs may be removed when a sample result is below the established criteria or the human health hazard no longer exists.

(i) Whenever a single beach E. Coli sample result exceeds 1000 cfu/100ml.
(ii) Whenever a human health hazard exists as determined by the Health Department
(iii) Whenever a pollution event exists that may potentially cause human health hazards.
(iv) Whenever a significant weather event adversely impacts a beach area.

(4) Microbiological Quality. The beach may be reopened if the fecal coliform density in two consecutive daily samples is less than 400 per 100 ml. If the beach is suspected to be the cause of communicable level disease it shall be posted with an advisory or closed until the source of disease is identified and removed and/or the above bacteriological quality indicates the water is safe for swimming.

(a) Advisory. A beach shall be required to post approved signs whenever a single beach sample result for E. coli exceeds 235 cfu/100 ml as a geometric mean of at least 5 samples over a 30-day period. Advisory signs can be removed when sample results are below the established criteria.

(b) Beach Closure. All beaches shall post approved closure signs whenever the E. coli in the beach water sample exceeds 1000 cfu/100 ml. The beach closure signs may be removed when a sample is below the established closure criteria.

(5) Chemical Quality. The water shall be free of chemical substances capable of creating toxic reactions or irritations to the skin or membranes of swimmers. All complaints shall be referred to the Department of Natural Resources for investigation.

(6) Physical Quality. As determined by visual examination the water shall be free of excessive debris, growths, oils, greases, weeds, algae or other substances capable of creating a health or safety hazard or a nuisance to swimmers.

(7) Water Treatment. The application of chemicals for water treatment shall be approved by the Department of Health and Family Services, and the Department of Natural Resources and shall be applied by properly trained applicators.

(8) Design.

(a) Location. Prior to development, the suitability of a beach shall be established by a sanitary survey and approval of plans.

(b) Signs. The land boundary of a beach shall be designated by the posting of signs. If a beach is not for public use and public swimming is occurring there shall be a sign placed near the adjoining property: "Private Beach NO Swimming by The Public."

(c) Area. The total water surface area upon which a beach is established shall be at least one acre. When the area is less than 2 acres and natural flow-through is lacking, a source of acceptable dilution water having at least the quality specified in ss. 4 through 6 above, of at least 100 gallons per day per patron, based on the maximum bather capacity, shall be provided.

(d) Attendance. A minimum of 25 square feet of water surface per swimmer shall be provided in areas less than 4 feet in depth. At least 75 square feet per swimmer shall be provided in the areas over 4 feet in depth.

(e) Land Area. At least 35 square feet of open land area per patron shall be provided.

(f) Bottom Slope. For depths up to 4 feet of water, the bottom slope of the beach shall be uniform and not drop more than one inch for every 12 inches, unless roped off and warning signs are provided. There shall be no underwater obstructions, drop-offs or radical changes between the depths of 4 feet and 7 feet unless roped off and warning signs provided.

(g) Bottom Material. The bottom, to a water depth of at least 6 feet, or all areas designated for swimming shall consist of sand, pea gravel or other approved material.
Note: The application of fill material in lakes, streams, or other bodies of water requires approval by the Department of Natural Resources.

(h) Markers. The perimeter of the beach water area shall be clearly designated by means of lines attached to swimming area buoys. The shallow part of the swimming area shall be separated from the remainder of the area by means of

lines located at a clearly marked depth of between 3 and 4 feet. Any area specifically designated for diving purposes shall also be separated by lines located at a distance of no less than 12 feet from a diving platform and 12 feet beyond the end of a diving board. All lines shall be buoyed and securely anchored. Floats attached to the lines shall be located no more than 25 feet apart and at all points where lines are joined. Clearly visible water depth marking shall be provided to indicate the maximum depth of the water beneath all diving boards, platforms, towers or rafts.
Note: The placement of waterway regulatory markers is subject to approval of the Department of Natural Resources as stated in s. NR5.09.

(i) Diving Facilities. Floating and fixed diving platforms shall be constructed with a visible 12 inch air space under the platform at the maximum feasible patron load. There shall be as little underwater construction as is consistent with adequate support and all braces and struts shall be designed to prevent entrapment of patrons.

(j) Water Depth-Diving. The minimum water depth surrounding floating or fixed diving platforms without special diving apparatus shall be at least 8 feet within a distance of 12 feet from the platform. For platforms with special diving apparatus such as diving boards, towers or similar devices that are 3 feet or less above the water, the depth at the end of the device shall be at least 10 feet within a 12 foot radius. For heights above water greater than 3 feet, the depth at those locations shall be at least 12 feet. No diving apparatus may be installed more than 10 feet above the water.

(k) Maximum Depth. The maximum water depth for any designated swimming or diving area shall be 15 feet. Dangerous slopes and drop-offs must be clearly marked.

(l) Drinking Water Supply. If drinking water supply is provided it shall meet the standards of the Department of Natural Resources, including Chapters NR 809 and NR812. The water shall be obtained from a municipal water supply if it is available. At least one drinking water supply outlet for every 1,000 patrons or fraction thereof shall be provided if drinking water supply is provided. The supply outlet shall be protected against backflow and backsiphonage.

(m) Liquid Waste Disposal. Wastewater from a bathhouse or a related facility shall be discharged to a municipal sewerage system if one is available. If one is not available, discharge shall be to a system approved by the Department of Safety and Professional Services.

(n) Toilet Facilities. Toilet facilities shall be provided within 500 feet of all public swimming beaches. Portable toilets may be used if approved by Rock County Health Department where less than 200 persons use the beach, if portable toilets are operated in a sanitary manner. The Health Department may order an

alternate sewage system be installed if portable toilets are not maintained in a sanitary manner.
Note: See Appendix A for recommended toilet fixture requirements.

(o) Bathhouse. When a bathhouse is constructed it shall be in accordance with appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services. New beaches shall provide a bathhouse meeting specifications of appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services. Where a bathhouse is not required (See Waiver) portable toilets may be used for less than 200 bathers. The number of toilets shall be two times the requirements in Appendix A.
Waiver: Bathhouses are not required when dressing, shower and toilet facilities, such as exist at motels, hotels, apartments, country clubs, housing developments and campgrounds are otherwise provided and are readily available.

(9) Safety.

(a) Lifeguards. At a beach designed to accommodate more than 200 swimmers, at least one certified lifeguard, for every 200 linear feet of beach or fraction thereof, shall be on duty during swimming hours. During non-swimming hours when no lifeguard is on duty, a legible sign or signs reading "NO LIFEGUARD ON DUTY" shall be posted. Lifeguards shall not be in the water except in the line of duty. Lifeguards shall be isolated from beach crowds by occupying elevated seats on stands or towers, high enough to give them a complete and unobstructed view of the swimming and beach area for which they are responsible. All lifeguards on duty shall be identified by distinguishing apparel or emblem. Lifeguard stations shall be located as close as practical to the swimming area shoreline and within at least 30 feet of the shoreline.

(b) If a lifeguard is not provided a sign shall be provided with letters 4 inches high or more and be visible to the public using the beach: "NO LIFEGUARD. SWIM AT YOUR OWN RISK."

(c) Lifeguard Certification. Lifeguards shall be certified. Acceptable certification for a lifeguard shall be a current American Red Cross Lifeguard Training certificate, a Young Men's Christian Association (YMCA) Lifeguarding certificate or an equivalent certificate. Because American Red Cross Lifeguard Training certification may not be readily available, the Red Cross Advanced Lifesaving certificate is acceptable in lieu of it through December 31, 1990.

(d) Equipment.
1. If a beach serves over 200 bathers each lifeguard stand shall be provided with a whistle or megaphone and an umbrella.
2. At least one 24 unit Red Cross first aid kit shall be provided at each swimming beach when lifeguards are provided.
3. A spine board and 2 durable blankets shall be provided at each beach.

4. Each lifeguard stand shall be provided with at least one of the following: a ring buoy not less than 20 inches in outside diameter, a rescue buoy, a rescue tube or a torpedo buoy. The ring buoy shall be attached to a 75 foot length of 1/4 inch rope.
5. Where swimming is permitted a distance greater than 150 feet from the beach shoreline, a lifesaving patrol boat or offshore lifesaving station shall be provided. At least one square stern boat, 12 feet or more in length shall be provided for each 900 linear feet of beach shoreline. The boat or boats shall be located so as to be immediately available, shall be used for their intended purpose only and shall be equipped with pin oars, and at least one shepherd's crook type of pole and one ring buoy attached to a 75 foot length of 1/4 inch rope.
6. All lifesaving equipment shall be maintained in good repair and be readily available.

(e) Emergency Care Room. Every public beach capable of accommodating 500 swimmers and bathers shall have a readily accessible room or area designated and equipped for emergency care. Such room shall be equipped with a least the following: running potable water, a cot or bed, and advanced first aid equipment. At least one person with advanced first aid training shall be on duty when the beach is open for use.

(f) Communications. A telephone or other means of communication with the numbers of the nearest rescue squad, physician, ambulance, police agency and hospital, shall be provided and available in the beach area within 500 feet of beach having over 200 swimmers.

(g) Night Swimming. Night swimming is not permitted unless the beach area is adequately lighted. All electrical facilities shall be in compliance with Chapter SPS 316, Wisconsin Electrical Code. Swimming hours must be posted.

(h) Vehicles. No motorized vehicles except emergency and maintenance vehicles shall be permitted on the beach.

(i) Non Swimming Activity. No boating, water skiing, surfboarding or sailboarding shall be permitted in the swimming area.

(j) Dangerous Objects on Beach. No glass containers shall be permitted on beach.

(k) Inclement Weather. Swimming or bathing shall not be permitted during inclement weather as determined by the responsible person in charge of the beach operation.

(10) Liability. Liability for injury, disease or death is the responsibility of the beach operator as licensed by the Rock County Health Department.

(11) Exemptions: A public beach shall be exempt from the requirements of this ordinance when:

(a) The public bathing beach is owned and operated by a town, village or city government;

(b) The town, village or city government formally petitions the department for exemption.

(c) In the formal petition for exemption, the town, village or city government agrees to defend and hold the department, Rock County, and their officers, agents and employees harmless from any claims, actions, suits or liability arising from the establishment, operation or use of any public bathing beach which is exempted from the requirements of the ordinance in accordance with this section.

6.126 Tattoo and Body Piercing

(1) Application Investigation

The Department shall not issue a license to a new tattoo or body piercing establishment without completing a prior inspection of the establishment. The establishment shall comply with the requirements of this Ordinance or the license may be withheld in accordance with the Department Enforcement Policy and Inspection Procedures.

(2) Health And Sanitary Requirements

(a) Premises. All establishments shall have a work room that is separate from a waiting room. The work room shall not be used as a corridor for access to other rooms. Customers shall be tattooed/body pierced only in the work room.

(b) General Supplies
1. A clean towel and washcloth shall be used for each customer.
2. Clean towels and washcloths shall be stored in a closed, dust-proof container, which is labeled for clean towels/cloths.
3. Soiled towels and washcloths shall be stored in an approved, nonabsorbent, covered container, which is labeled for soiled towels/cloths.
4. The operating table, chair, and supply tables shall be constructed of or covered with a material that is impervious, smooth, and easily washable.

(c) General Practices. Smoking or other tobacco use and consumption of food or drink shall not be allowed in the work area where the tattoo/piercing procedure is being performed.

(d) Equipment. All surfaces with customer contact during a tattoo/piercing procedure, i.e., chairs, benches, work table, etc., must be disinfected between each use with a state-approved disinfectant.

(e) Skin Preparation. Aseptic technique must be utilized in the practice of tattooing/piercing. If the customer's skin is to be shaved, the skin shall be washed with cleansing, medicated soap before shaving. A disposable razor shall be used. A new razor shall be used for each customer.

(f) Operator. If the operator has hair longer than shoulder length, it must be tied back and not come into contact with the customer at any time.

(3) Records Retention

Records shall be kept of all tattoos and body piercing administered, including the name of customer, date, time, identification of tattoo and/or body piercing, and operator's name for a period of 5 years.

6.127 Appeals Any person aggrieved by an order issued pursuant to the authority conveyed by this Chapter may appeal such order in accordance with Chapter 68, Wis. Stats., Municipal Administrative Procedures, to the Rock County Board of Health. The Board may affirm, set aside, or modify the order by majority vote. The Board's decision shall be final and may be appealed for review to the Circuit Court of Rock County.

APPENDIX A

Toilet Fixtures Recommended

Number of Fixtures	Water Closets		Urinals
	Male	Female	Male
1	1-199	1-99	1-199
2	200-399	100-199	200-399
3	400-600	200-399	400-600
4		400-600	
	Over 600, one fixture for each additional 300 females and males.		Over 600, one for each additional 300 males.

Lavatories - Where flush toilets are available, lavatories should be provided as follows:

Number of Fixtures per Sex	Swimmers
1	1-199
2	200-399
3	400-750

Over 750 Swimmers, one fixture for each additional 500 persons.

Showers - One shower for each 100 users or fraction thereof for each sex should be provided.

Dressing Facilities - Adequate dressing facilities should be provided for each sex.

Bathhouse Construction - The bathhouse construction shall comply with SPS 390.16 and other appropriate administrative codes of the State of Wisconsin Department of Safety and Professional Services.

Repealed and Recreated 1/10/13, Res. No. 12-12A-190
Amend 6.123(3)(f), 6.127 and create 6.123(3)(g), 9/13/18, Res. No. 18-8A-047

CHAPTER 7

COUNTY CITATION ORDINANCE

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CHAPTER 7

COUNTY CITATION ORDINANCE

7.101 Adoption

(1) To expedite the resolution of ordinance violations, the County Board of Rock County hereby adopts the citation enforcement procedure authorized by section 66.0113, Wis. Stats., to enforce those ordinances identified in section 7.103 other than those which a statutory counterpart exists.

(2) The adoption herein of the citation method of enforcement shall not preclude the county or officers authorized to issue citations under this ordinance from proceeding under any other enforcement ordinance, regulation, statute, law, rule or order that pertains to the subject matter addressed by the citation or to any other matter. Proceedings under any other ordinance, regulation, statute, law, rule or order pertaining to that or any other matter shall not preclude the issuance of a citation.

7.102 Effect of Citation

The citation shall have the legal effect specified in section 66.0113, Wis. Stats., and a duly issued citation shall confer subject matter jurisdiction upon the Circuit Court for the County of Rock.

7.103 Ordinances Identified; Schedule of Cash Deposits and Penalty Assessments

(1) The schedule of cash deposits required for the various ordinance violations identified below is hereby adopted by reference as amended (Resolution No. 08-8A-054) for use with citations issued under this chapter. In addition, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment prescribed by section 814.78, Wis. Stats. The following are ordinances identified for enforcement under this County Citation Ordinance.

Ordinance Number	Subject Matter
Public Health Ordinance (Chapter 6):	
6.106	Compliance
6.110	Permit and License Requirements and Fees
6.112	Public Nuisances
6.113	Private Water Supply
6.114	Mobile Home Parks
6.115	Public Swimming Places
6.116	Public Indoor and Outdoor Swimming Pools
6.117	Recreational and Education Camps
6.118	Campgrounds and Camping Resorts

6.119	Restaurants
6.120	Vending of Foods and Beverages
6.121	Retail Food Establishments
6.122	Hotel, Tourist and Rooming Houses, and Bed and Breakfast Establishments
6.123	Private Sewage Systems
6.125	Public Beaches
6.126	Tattoo and Body Piercing

Land Division Regulations (Chapter Sections 4.129(a)-(d))

Shoreland Zoning Ordinance (Chapter 16.34, proposed Section 4.234)

16.34 (2) Failure to apply for and obtain a Shoreland Permit prior to commencing work subject to the ordinance or failure to complete work according to permit and ordinance standards.

16.34 (3) Failure to apply for and obtain a Shoreland Conditional Use Permit prior to commencing work subject to this ordinance or failure to complete work according to permit conditions of approval and ordinance standards.

16.34 (4) Prohibited Uses in Shoreland District

16.34 (5)(D)&(E) Constructing a building or structure within 75 feet from the ordinary high-watermark of navigable waters.

16.34 (5)(F) Removing trees and shrubs within the shoreland buffer area beyond the limits allowed by ordinance without having an approved cutting plan.

Erosion Control Ordinance (Chapter Sections 4.1101-4.1113)

Storm Water Management Ordinance (Chapter Sections 4.801-4.813)

Floodplain Zoning Ordinance (Chapter Sections 4.401-4.410)

Parks (Chapter 5 Sections 5.01-5.02)

(2) A person issued a citation under any ordinance listed in the schedule shall be required to remit the amount provided for therein, in cash or by certified check or money order, to the Clerk of Courts at the Courthouse, Janesville, Wisconsin. The Clerk shall provide a receipt for each cash deposit so received.

7.104 Procedure

The provisions of section 66.0113(3), Wis. Stats., on the violator's options and the procedure on default are hereby adopted.

7.105 Persons Authorized to Issue Citations

(1) The following county officials may issue citations for the violations of ordinances directly related to their official responsibilities.

Chapter 5

(a) Parks director or his/her designees.

Chapter 6

(a) Rock County Health Officer;
(b) Rock County Environmental Health Director; and
(c) Rock County Environmental Health Sanitarians pursuant to written authorization of either (a) or (b).

Chapters 4.101-4.130, 4.200-4.260 & 4.401-4.410

(a) Rock County Planning and Development Director or designee
(b) Rock County Zoning Administrator or designee

Chapters 4.801-4.813 & 4.1101-4.1113

(a) Rock County Land Conservationist
(b) Rock County Land Conservation Staff pursuant to written authorization of Rock County Conservationist.

(2) The officials named in (1) above may submit to the County Board written nominations of employees within their respective offices who should be delegated authority to issue citations for violations of ordinances related to their official responsibilities.

(3) Citation issuance authority may be revoked in the same manner in which it was conferred.

7.106 Nonexclusivity and Severability

Adoption of this ordinance does not preclude adoption of any other ordinance providing for enforcement relating to the same or any other subject matter. Should any section or provision of this ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected.

7.107 Form of Citation

The form of the citation authorized by this ordinance is appended to the ordinance codified by this chapter and is incorporated by reference.

This ordinance shall take effect the day after publication.

Repealed and Recreated 1/10/13, Res. No. 12-12A-190

Chapters 8 - 17
are reserved
for future use

ROCK COUNTY
PERSONNEL ORDINANCE

Effective 12/13/18

J. Russell Podzilni, Chair
Rock County Board of Supervisors

Josh Smith
County Administrator

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Section 1: Objectives and Scope

Authority
18.101

This Ordinance is promulgated under the authority of Wisconsin Statute 59.22 (2)(c) 1.c.

Purposes
18.102

The purposes of this Ordinance shall be to:

A. Establish a clear understanding of responsibilities in the establishment and maintenance of a personnel program for Rock County.

B. Establish a uniform County Personnel Policy and procedures to recruit, select, develop and maintain an effective and responsive workforce for the County. The Ordinance shall be based on the following objectives:

(1) To recruit, select and advance employees on the basis of their relative knowledge, skills, and abilities.

(2) To provide internally equitable and externally competitive compensation for all employees.

(3) To recognize good job performance, reward exceptional performance and correct inadequate performance in a fair and timely manner.

(4) To assure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation or beliefs, race, color, national origin or ancestry, sex, age, religion, disability, sexual orientation, gender identity, gender expression, genetic information, pregnancy, creed, arrest/conviction record, marital status, military services, or outside use of lawful products or any other cause for discrimination as defined by law, except as allowable as a bonafide occupational requirement and with proper regard for their rights as citizens.

(5) To protect employees against coercive political activities and to prohibit the use of official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

C. Provide a system of standardized titles and standardized class descriptions for the effective administration of personnel activities such as: manpower planning and

budgeting, standards of job performance, fair and equitable pay, valid selection and recruitment programs, training programs and career development.

D. Provide a system to recruit and select the most qualified persons for positions in County service. Recruitment and selection shall be conducted in an affirmative manner to ensure open competition, provide equal employment opportunity, prohibit discrimination based on the categories identified above to ensure that persons of disadvantaged groups are fairly represented in the County workforce.

E. Provide an effective career development plan for qualified employees through promotional opportunities in an environment free of discrimination.

Scope
18.103

THIS ORDINANCE SHALL NOT BE DEEMED A CONTRACT OF EMPLOYMENT. The provisions of this Ordinance do not vary or modify the at will employment relationship between the employee and the County. Any individual may voluntarily cease employment upon proper notice and may be terminated by Rock County at any time and for any reason. Any oral or written statements of promises to the contrary are expressly disallowed and should not be relied upon by any prospective or existing employee. The contents of this ordinance are subject to change at any time by action of the County Board.

This Ordinance shall govern personnel administration for all employees and departments of the County of Rock except:

(a) members of the Rock County Board of Supervisors;

(b) elected County Officials;

.

(c) members of boards, commissions, and committees (including citizens);

(d) persons employed to conduct temporary and special inquiry, investigation or examination on behalf of the County Board, a committee thereof, or the County Administrator;

(e) persons employed by employment services agreements or purchase of service contracts, unless expressly included in said contract or agreement;

(f) all matters concerning deputy sheriffs arising under Section 59.26(8)(b), Wis. Stats., which shall be handled by the Public Safety and Justice Committee of the Rock County Board of Supervisors in accordance with statute.

This Ordinance shall not be interpreted as infringing upon the Constitutional powers of Elected Department Heads.

Collective Bargaining Agreements
18.104

This Ordinance applies to employees not covered by collective bargaining agreements and to employees so covered when specific contracts are silent on a particular issue, or otherwise do not apply to the contrary.

Human Resources Section of the Administrative Policies and Procedures Manual
18.105

The Human Resource Department shall develop a standard set of policies and procedures to administer the personnel system based upon the Policies established in this Ordinance. These policies and procedures shall be a part of the County's Administrative Policies and Procedures Manual. The Human Resource Policies and Procedures shall be subject to review and approval by the County Board Staff Committee.

The Ordinance shall take precedence over the Human Resource Policies and Procedures and Department Work Rules.

Department Work Rules
18.106

Nothing herein shall preclude an Appointing Authority from promulgating Department Work Rules covering topics not covered by this Ordinance or the Human Resource Department's Policies and Procedures. Work rules so promulgated must be consistent with this Ordinances and Human Resource Policies and Procedures.

Non-Elected Department Heads
18.107

Any non-elected Department Head hired shall be employed pursuant to a personal employment contract of up to two (2) years. Non-elected Department Heads serving on the date of adoption of this section may voluntarily negotiate a personal employment contract of up to two (2) years. Non-elected Department Heads shall continue to be at will employees and may be removed at the pleasure of the County Administrator. Removal of the Corporation Counsel by the County Administrator

requires the concurrence of the County Board. The County Administrator shall remain the appointing authority for non-elected Department Heads. The personal employment contract covering the initial appointment of a non-elected Department Head is subject to approval by the County Board after action by the appropriate Governing Committee.

Administrator Position
18.108

The position of the County Administrator shall be included under the coverage of this Ordinance, except where there are exclusions or where this Ordinance conflicts with the resolution establishing the administrator form of government. In the case of any such conflict, the resolution shall control.

Sheriff's Office Command Staff
18.109

In addition to the benefits provided to other unilateral employees, if the following provisions of the labor agreement with the Rock County Deputy Sheriffs Supervisors Association are modified, such modifications shall be extended to the Chief Deputy (Resolution 93-12A-118); Commanders (Resolution 91-11D-118); and Captains (Resolution 09-1B-189).

- Education
- Health insurance for retirees*
- Life insurance
- Retirement
- Sick Leave Accumulation
- Sick leave payout
- Sick leave payment
- Uniform allowance
- Worker's compensation

*For Command Staff who are at least age 53 and retire after January 1, 2014, the County shall pay 100% of the health insurance premiums for the applicable coverage for the retired and eligible dependents thru the end of the month before they turn 65.

Correctional Supervisor
18.109(a)

In addition to the benefits provided to other unilateral employees, if the retirement provision of the labor agreement with the Rock County Deputy Sheriffs Supervisors Association are modified, such modification shall be extended to the Correctional Supervisor.

Amendments
18.110

This Ordinance may be amended by the Rock County Board of Supervisors in the same manner as adopted.

Management Rights
18.111

The management of Rock County and the direction of the workforce is vested exclusively in the County, including but not limited to the right to:

1) Hire, promote, demote, suspend, discipline, and discharge;

2) Decide job qualifications for hiring;

3) Transfer or layoff because of lack of work, discontinuance of services, or other legitimate reasons;

4) Subcontract for economic reasons or when it is not feasible for county employees to perform the work;

5) Abolish or create positions;

6) Create job descriptions and determine the composition thereof;

7) Plan and schedule work;

8) Determine the methods and processes and manner of performing work;

9) Determine the type, kind and quality of service to be rendered to clients and citizens;

10) Determine the location, operation and type of physical structures, facilities, equipment of the county;

11) Plan and schedule any training programs,

12) Create, promulgate and enforce reasonable work rules;

13) Determine and enforce regulations governing conduct and safety;

14) Determine what constitutes good and efficient county service, and all other functions of management and direction.

The County shall have the right to operate and manage its affairs in all respects in accordance with its rights, duties, and responsibilities.

A. County Board. The County Board shall:

(1) approve the annual County budget, including requests for personnel adjustments.

(2) review and approve County Personnel Ordinance and amendments.

(3) confirm department head appointments made by the County Administrator.

(4) delegate such duties to the County Board Staff Committee as necessary.

(5) hear grievance appeals as outlined in Section 18.806.

B. County Board Staff Committee. The County Board Staff Committee shall:

(1) advise the County Administrator on matters concerning implementation of Personnel Ordinance.

(2) review proposed Personnel Ordinance and amendments as developed and recommended by the Human Resources Director and make recommendations to the County Board for consideration and legislative action.

(3) perform other related duties as assigned by the County Board.

C. County Board Governing Committees. Each Governing Committee shall:

(1) review all appointments made by the County Administrator as provided in Section 18.112(d)(1) and make such recommendations to the Board as appropriate.

D. County Administrator. Except as prohibited by State and Federal law, the County Administrator shall:

(1) appoint and remove all Department Heads, subject to the provisions of Section 18.107.

(2) advise the Governing Committee of the final interview schedule of the best-qualified applicants. The Governing Committee may participate in the scheduled interviews.

(3) submit terms of employment for Department Heads to the Governing Committee for review before submission to the County Board.

(4) approve Personnel Ordinance prior to submittal to the County Board Staff Committee and the County Board.

(5) apply appropriate disciplinary actions as defined in Section l8.1108 to subordinate employees.

(6) approve new positions, reallocations, and upgrades of existing positions subject to County Board approval.

E. Human Resources Director. The Human Resources Director under the authority of the County Administrator shall:

(l) administer the Personnel Ordinance adopted by the County Board.

(2) establish, maintain and coordinate personnel transactions and records management for all County employees and positions.

(3) establish and maintain a central personnel file for each County employee showing name, title, salary, change in status, annual performance ratings and such pertinent information as may be necessary for effective personnel administration and for compliance with Federal and State laws.

(4) advise and assist Department Heads on all County Personnel transactions and records management systems and procedures.

(5) notify the payroll section of all relevant changes.

(6) review appointments and removal of personnel to County positions pursuant to Section 18.607.

(7) maintain complete employment and performance records of all County employees.

(8) establish and maintain a roster of all employees in the County service which shall include the class title, pay status, and other pertinent data.

(9) make such reports and investigations to the County Administrator, County Board Staff Committee and the County Board as required.

(10) develop and maintain the Classification Plan.

(11) develop and administer the recruitment and selection program.

(12) establish and maintain lists of persons eligible and qualified for appointment and promotion to positions within the County service when, in the judgment of the Human Resources Director, it is advantageous to the County.

(13) monitor temporary and overtime assignments.

(14) approve and monitor layoffs due to lack of funds, work, or the abolition of positions or material changes in duties and organization, encourage the re-employment of laid off employees in other appropriate County positions.

(15) develop, operate and coordinate programs to improve employee effectiveness, training and career counseling.

(16) establish an Affirmative Action Program designed to increase the participation at all levels of the County workforce persons of disadvantaged groups, including, but not limited to women, minorities and the physically and mentally handicapped.

(17) establish standards and procedures to ensure uniformity in the application of discipline and the processing of employee grievances.

(18) conduct third step grievance hearings as may be necessary under Section 18.806, and adjust such grievances as may be appropriate.

(19) prepare and implement such forms, reports and procedures necessary to carry out the County human resources program.

(20) disseminate information regarding the personnel program, fringe benefits and conditions of employment to all employees and departments.

(21) lead the County's negotiations with labor representatives, unless otherwise delegated by the County Board.

(22) investigate unemployment compensation claims and represent the County at unemployment compensation hearings.

(23) develop such regulations as necessary to carry out the intent of this Ordinance.

(24) establish a safety program to reduce the incidence of work related injuries and promote safety awareness.

(25) develop and maintain the County wide training program within budgetary limitations.

(26) administer and manage the County's Worker's Compensation program.

(27) insure that Department Work Rules are fairly designed and administered.

F. Department Heads. Department Heads shall:

(1) enforce the Personnel Ordinance, and the Human Resource Policies and Procedures in their respective department.

(2) adopt such additional Department Work Rules as required by law and/or necessary for the operations of the Department subject to approval of the Human Resources Director.

(3) initiate and process personnel transactions affecting their employees using forms provided by the Human Resources Director.

(4) maintain an employee service record for each employee.

(5) notify the Human Resources Director of all changes in permanent personnel records including change of address, insurance coverage and other relevant information.

(6) keep employees informed of current personnel policies.

(7) conduct second step grievance procedures hearings as may be necessary under Section 18.805, and adjust such grievances as may be appropriate.

(8) appoint and remove employees to positions subject to Section 18.304 and 18.806, and consistent with applicable State Statutes and inform governing committee of said appointments.

(9) in collaboration with the Human Resources Director, develop employee orientation and in service training programs.

(10) administer discipline and delegate such authority to supervisory personnel as appropriate subject to Section 18.806.

(11) conduct performance reviews of all immediate subordinate employees on no less frequent than an annual basis

(12) obtain prior approval of the County Administrator when taking vacation days, or when traveling out of the County on County business. (This provision does not apply to elected County Officials.) The memo making the request should include a designated department contact person, as well as a phone number where the Department Head can be reached (if possible).

(13) develop and monitor department budget.

G. Supervisory Personnel. To the extent Department Heads delegate authority to them, supervisors shall:

(1) interview and recommend applicants for appointments to and removal from subordinate positions.

(2) implement the Personnel Ordinance, HR Policies and Procedures and Department Work Rules in their unit.

(3) conduct performance reviews of all immediate subordinate employees on no less frequent than an annual basis.

(4) administer discipline to employees as necessary.

(5) conduct first step grievance hearings as may be necessary under Section 18.806, and adjust such grievances as may be appropriate.

Section 2: Classification Plan

Development and Administration
18.201

The Human Resources Director shall be responsible for the overall development and administration of the Classification Plan, in cooperation with Department Heads, key staff employees and other appropriate resources. The County Administrator position shall be an unclassified position.

Position Description
18.202

Each employee shall have an accurate position description that describes the knowledge, skills and abilities necessary to do the work of that position; goals of the position and job tasks to accomplish the goals; and identifies the essential job functions.

Allocation of New Positions
18.203

The Human Resources Director shall allocate new positions that have been approved by the County Board to one of the classifications in the Classification Plan. If a suitable class does not exist, the Human Resources Director shall establish a new classification. An appropriate pay range for the classification shall be assigned subject to the approval of the County Board Staff Committee, and confirmation of the County Board unless otherwise established through the budgetary process.

Abolition of Unnecessary Classifications
18.204

When it is determined that a classification or classifications are no longer useful or appropriate, the Human Resources Director shall inform the County Board Staff Committee that such classes have been abolished.

Reclassification Requests
18.205

A reclassification is the re assignment of a position from one existing class to another class to recognize a change in the duties and responsibilities of a position. Reclassification is considered a promotion.

Persons in positions reclassified shall normally be advanced to the step with the next highest dollar amount in the new pay range. Future step increases will be paid according to the employee's new employee group or pay grid. In unusual circumstances, the reclassified

individual may be placed in a higher step upon approval of the Human Resources Director and the County Administrator.

Reclassification requests shall normally be contained within the annual budget. In such situations, prior to approval of the budget, the Human Resources Department shall audit the position and make a written recommendation to the County Administrator who shall then recommend approval or denial of reclassification requests. If a reclassification request is denied, the position shall not be reconsidered for reclassification until there is a significant change in the duties and responsibilities of the position. If, in exceptional cases, duties of a position change during a budget year, the County Board may approve a reclassification request upon the performance of a job audit and the recommendation of the Human Resources Director and County Administrator and with the confirmation of the County Board Staff Committee.

Reallocation Requests
18.206

A reallocation is the re assignment of a position from one pay range to another pay range to correct an error in the original assignment, to reflect changing labor market conditions, or to reflect significant changes over a period of time in the duties and the responsibilities of the position.

Salary adjustments shall be part of the budget process. If salary reallocations are approved, they will become effective the first day of the fiscal year. Persons in positions reallocated shall normally be advanced to the step with the next highest dollar amount in the new pay range. Future step increases will be paid according to the employee's new employee group or pay grid. In unusual circumstances, the reallocated individual may be placed in a higher step upon approval of the Human Resources Director and the County Administrator.

If the employee's current rate of pay is greater than the maximum of the new range, the employee will be red-circled in accordance with section 18.411.

When a position becomes vacant and it is determined by the Human Resources Director and the County Administrator that a reallocation of the position is necessary for recruitment purposes, such reallocation may occur outside the budget process upon the confirmation of the County Board Staff Committee and approval of the County Board.

Reorganization of Department
18.207

Each time a department or division of a department is reorganized, class descriptions for all affected employees shall be submitted to the Human Resources Director for review and approval as part of such reorganization.

Position Description Questionnaires/Job Audits
18.208

The Human Resources Director may require departments or employees to submit Position Description Questionnaires when vacancies occur, any time there is reason to believe that there has been a significant change in the duties and responsibilities of one or more positions, or as part of a job audit conducted by the Human Resources Department.

Underslotting
18.209

As a vacancy occurs, the Department Head may recommend the position not be filled at the existing level. With the concurrence of the Human Resources Director and County Administrator, the position may be filled at a lower classification.

Section 3: Recruitment and Selection

The Human Resources Director shall develop and conduct an active recruitment program designed to meet current and projected County manpower needs.

Recruitment shall be tailored to the position to be filled and shall be directed to sources likely to yield qualified candidates.

(a) Job Announcements and Publicity.

Human Resources shall issue job announcements and otherwise publicize vacancies as may be appropriate. Job vacancies shall be formally announced for a minimum of five working days prior to the closing date for filing applications. Depending upon the vacancy and the scope of the recruitment process, this period may be adjusted accordingly. The Human Resources Director may also initiate continuous recruitment programs for any class of positions. (See HR Policies and Procedures.)

(b) Application Form.

All applications for employment shall be made on forms prescribed by the Human Resources Director. The Human Resources Director may require proof of application statements.

(c) Rejection of Applications.

Human Resources may reject any application if the applicant:

(l) does not meet the minimum qualifications established for the position.

(2) provides any false or misleading information in the application process.

(3) is physically, mentally or otherwise unable to perform the duties of the position, with or without a reasonable accommodation, as permitted under applicable State and Federal laws.

(4) has been convicted of a crime, which renders him/her unsuitable for the position, as permitted under applicable State and Federal laws.

(5) is not within the legal age limits prescribed for the position or for County employment.

(6) has established an unsatisfactory employment record, which demonstrates unsuitability for the position.

(7) is a member of an organization, which advocates the violent overthrow of the government of the United States.

(8) based on job related factors, is found by Human Resources to be clearly unsuitable for the position for which he/she has applied.

(d) Whenever an application is rejected, notice of such rejection shall be promptly made to the applicant.

(e) Human Resources may select only the best qualified applicants for screening and final consideration.

(f) Applicants that are not selected for a position have the ability to review their individual results. Candidates who do not agree with their recruitment process results may request the Human Resources Director to review the results.

Relocation Expense
18.302

An employee, newly hired to fill an FLSA exempt position, who resides outside of reasonable commuting distance (i.e. a distance greater than 40 miles) wishing to relocate his or her domicile to Rock County may be eligible for a contribution toward moving expenses, if it is determined, upon recommendation of the County Administrator and approval of the County Board Staff Committee, to be in the best interest of Rock County to offer such contribution. An employee receiving a contribution toward moving expenses shall remain a resident and employee of Rock County for not less than three (3) years. Failure to meet this requirement will result in the repayment of said moving expense on a pro rata basis.

Selection
18.303

The selection process shall maximize reliability, objectivity, and validity through a practical and job related assessment of applicant attributes necessary for successful job performance and

career potential. The selection process shall also be balanced to provide promotional opportunities as well as open competitive opportunities at all levels of County employment.

(a) Selection Devices.

Human Resources shall be responsible for determining when formal selection devices are to be used to screen applicants for job vacancies which may include, but need not be limited to a review of training and experience, work sample and performance tests, practical written tests, physical fitness examinations, and background and reference inquiries. In the development of selection devices, Human Resources shall confer with Department Heads, consultants, or others familiar with the knowledge, skills and abilities required and specific devices to best measure these factors.

(b) Confidentiality.

Formal selection materials shall be known only to the Human Resources Director and to other individuals designated. Every precaution shall be exercised by all persons participating in the development and maintenance of materials to ensure the highest level of integrity and confidentiality.

Eligibility Lists
18.304

Human Resources shall be responsible for establishing and maintaining eligibility lists as may be necessary or desirable upon authorization of the department. An established eligibility list will be used to fill future vacancies for the same position. Before the next candidate on the eligibility list will be considered, internal vacancies or new positions will be posted on bulletin boards throughout the county per policy. In filling job vacancies or new positions, employees within the department with the vacancy will be given consideration. Both internal and external candidates may be considered. All candidates must successfully complete a reference and background screen before final selection.

(a) Layoff List for unilateral employees.

An employee laid off or demoted in lieu of layoff may be considered for re-employment when a vacancy occurs for which he/she is qualified. Human Resources shall notify said employee of any vacancy arising in the same job from which the employee was laid off. Said employee shall make application for the vacant position. Once application is made, the laid off employee shall participate in a competitive hiring process and, if most qualified, shall be required to accept an offer of employment for the position within 10 days of said offer. Failure to make application or accept an offer of employment for

the position from which the employee was laid off shall result in the forfeiture of notification rights for future openings.

(b) Open Competitive and Promotional Eligibility.

Human Resources may establish and maintain such open competitive and promotional eligibility lists of applicants who have qualified for a particular job or class of County positions.

(c) Duration of Eligibility Lists.

The duration of eligibility lists shall be not less than one year, or as provided for in a Department's Work Rules.

(d) Removal of Candidates from Eligibility Lists.

Human Resources may remove candidates from an eligibility list if the candidate:

(1) receives a regular appointment to a position in the same class or another class having the same or higher pay grade.

(2) files a written statement indicating unwillingness to accept appointment.

(2) declines an offer of employment under such conditions previously indicated by the candidate as acceptable.

(4) fails to respond within a specified time period to any official written inquiry regarding relative availability.

(5) fails to report for an interview or for duty at the time specified by the Human Resources or appointing authority.

(6) is disqualified for employment under County policies or state law.

(7) factors covered under Section 18.301.

(e) Human Resources shall notify each candidate in writing of his/her removal from an eligibility list. The candidate may appeal his/her removal from an eligibility list and, at the discretion of the Human Resources Director, the candidate may be reinstated.

Certification and Appointment
18.305

Whenever a vacancy in County employment is to be filled, the appointing authority shall submit a request to Human Resources to provide names of eligible candidates.

Appointment of Eligible Candidates.

The appointing authority shall make an appointment from among the names submitted by Human Resources. The appointing authority shall justify to the Human Resources Director each candidate's unsuitability if they are bypassed on the list. Such justification must be acceptable to the Human Resources Director.

The date upon which a new employee commences employment shall be jointly determined by Human Resources and Hiring Manager.

Probationary Period
18.306

Except for Department Heads and the County Administrator, original appointments to all positions shall be made with a Probationary Period of one (1) calendar year.

The length of the Probationary Period shall be specified in the written offer of employment, which will be written by the Human Resources Department.

(1) Regular status begins on the first workday following completion of the Probationary Period.

(2) The Probationary Period may be extended for a period of time not to exceed six (6) months, with prior approval of the Human Resources Director. This request must be made in writing citing the reason for the request.

(3) An employee shall automatically be appointed at the end of the prescribed Probationary Period, unless the appointing authority, with approval of the Human Resources Director, notifies the probationary employee of the extension, or the unsuccessful completion of the Probationary Period at which time the employee shall have their Probationary Period extended or be dismissed.

(4) Dismissal of an employee during the initial Probationary Period shall be at the sole discretion of the employer and without recourse to the grievance procedures herein provided.

(5) An employee appointed to a position in an acting capacity by the County Administrator and subsequently selected as the regular employee in that position shall have his/her total time of continuous employment, including the time spent in an interim capacity, counted for seniority purposes, but shall serve at least a six month Probationary Period after regular appointment. When an employee is in an acting capacity, the employee will continue to receive step increases as provided under Section 18.405.

(6) Probationary employees, with the exception of Pool Staff, Relief Staff, and Project Staff, will not be permitted to apply for other positions until they have completed twelve months of employment. An employee who has completed at least six months of their probationary period, may sign for a lateral transfer in the same classification with in the same division. In unusual circumstances, this requirement may be waived in advance and in writing by the current Department Head and Human Resources Director.

(7) Completion of the Probationary period does not guarantee continued employment for any specified period of time, nor does it modify or change the employee's at will status.

(8) Probationary employees, who have not completed their initial twelve (12) month probationary period, who are either promoted or demoted to another position will be required to serve a new one year probationary period starting from the date of their new position.

Part-time and Seasonal Employment
18.307

When possible, employment shall be on a full time year round basis. However, when it is determined to be in the best interest of the County, part-time and seasonal employees may be hired.

Temporary Appointments
18.308

Temporary appointments may be made from appropriate eligibility lists. If no eligibility list is available or if the eligible candidates are not available for temporary work, Human Resources may authorize the appointment of a qualified individual. The acceptance or refusal by an eligible candidate of a temporary appointment shall not affect the candidate's standing on the eligibility list for regular appointment.

Double Fill of Positions
18.309

Any request for hiring in excess of the budgeted personnel roster must be approved by the County Board. This would include cases where the Department Head requests an overlap of personnel for more than one payroll period in order to train the new employee. The request should be approved by the governing committee and County Board Staff Committee prior to submission to the Board.

Other Appointments May Follow Ordinance
18.310

Nothing herein shall preclude an appointing authority from filling those positions not covered by this Ordinance in a manner consistent with it.

Section 4: Salary Administration

Pay Plans
18.401

The Pay Plans shall include the schedules of pay ranges for all County employees.

Schedules shall consist of minimum and maximum rates of pay and the intermediate pay steps. The objectives of the Pay Plans shall be:

(a) To provide an appropriate salary structure, to recruit and retain an adequate number of competent employees; and,

(b) To provide appropriate pay incentives for satisfactory or outstanding job performance.

The pay plan schedules described above shall be contained in the County's Administrative Policy and Procedures Manual.

Development and Administration
18.402

The Human Resources Director shall be responsible for the development and administration of the Pay Plan, through periodic reviews and comparative studies of pertinent factors affecting levels of pay. When appropriate, the Human Resources Director shall recommend necessary amendments to the County Board Staff Committee, which shall become effective upon approval of the County Board.

Linkage
18.403

The Pay Plan shall be directly linked to the Classification Plan and shall be based on the principle of equal pay for equal work. Pay ranges within the Pay Plan shall be determined with regard to such factors as: uniformity of pay for each class, relative difficulty, complexity, and responsibility of work, recruiting experience, prevailing rates of pay for similar jobs in public and private service, changes in cost of living indices, and the financial policies of the County.

Entrance Pay Rate
18.404

The entrance pay rate for new County employees shall normally be the minimum rate of the pay range prescribed for the class. A Department Head may recommend that a particular appointment be made above the entrance pay rate. Such requests must be made in writing,

approved in advance by the Human Resources Director in recognition of relevant experience and /or exceptional qualifications.

Elected Department Heads that wish to appeal the decision for placement of a new County employee made by the Human Resources Director and/or County Administrator may do so in writing to the County Board Staff Committee, whose decision shall be final.

In Range Increment
18.405

In range increments shall be based on satisfactory work performance and length of service in a class. Such increments shall not be granted automatically. Whenever an employee is promoted, their annual pay increments (step increase) shall be based on the length of service in that range or class. The employee shall have an overall performance evaluation of "satisfactory" or “meets expectations” or higher in order for an in range increment to be granted. If the rater plans to recommend the denial of an in grade salary increment, the report shall be discussed with the Human Resources Director prior to review with the employee. The performance of the employee will be evaluated in accordance with procedures outlined in Section 7 of this Ordinance.

Seasonal Employment
18.406

Seasonal employees shall be compensated on an hourly basis at a rate established within the parameters of the annual budget as determined annually by the Human Resources Director.

Temporary Employment
18.407

Temporary employees shall be compensated by placing them on a step in the appropriate salary schedule.

Should a non-regular employee be reclassified as a regular employee in the same job, he/she shall be advanced in pay to the appropriate salary rate of his/her classified position. His/her total time of continuous employment including his/her temporary employment, shall be counted as part of his/her probationary period.

Pay Rate Adjustments
18.408

The following actions shall affect the pay status of an employee:

(a) Transfer

When an employee is transferred from one class to another with a common pay range, he/she shall continue to receive the same pay rate.

(b) Promotion

When an employee is promoted from one class to another having a higher pay range, he/she shall normally advance to the pay step in the new range which is immediately above his/her former rate of pay. In unusual circumstances, the promoted individual may be placed in a higher step upon prior approval of the Human Resources Director and the County Administrator.

(c) Demotion

When an employee is demoted for any reason, the Human Resources Director shall consult with the supervisor(s) involved to decide the pay for the re-assignment. In no case will it exceed the maximum of the pay range of the job to which the employee is demoted.

(d) Reinstatement

When an employee is reinstated to his/her former job he/she shall normally be paid the same pay step as before leaving. When the employee is reinstated to a job with a lower pay range, the Human Resources Director shall decide on the new pay rate in accordance with the employee's experience and qualifications. In no case, will it exceed the maximum of the pay range to which the employee is assigned.

(e) Compensation During Temporary Assignment

In a situation where an employee is assigned all of the duties of a higher classification anticipated to be for a period in excess of ten (10) consecutive working days, the employee will be assigned a temporary pay rate in the range of the higher classified position. Payment for hours over 8 in a day or 40 a week will be paid according to the FLSA status of the higher position. Such pay will be for the period of the temporary assignment. Temporary

assignments must be approved by the Human Resources Director. An employee who is temporarily assigned to a position with a lower pay range, for any period, shall not receive a reduction in pay. No such temporary assignment shall exceed six months unless approved by the County Administrator upon recommendation of the Human Resources Director.

Overtime
18.409

"Unilateral A" employees earn overtime at time and one half over 40 hours per week.

"Unilateral B" employees earn overtime at straight time over 40 hours per week.

"Unilateral C" employees, who are exempt under the federal Fair Labor Standards Act (FLSA), do not earn overtime.

For additional policies and procedures regarding overtime for unilaterals and other employees see the HR Policy and Procedure Manual.

Red Circled Classifications
18.410

Employees in classifications that are to be red circled will be frozen at their current salary until the salary of the pay range to which they are assigned equals or exceeds their rate of pay. Employees, whose classification has been red circled, shall receive one half of the across the board increase granted to employees until the salary of the pay range to which they are assigned equals or exceeds their rate of pay.

Section 5: Fringe Benefits

The following holidays are observed by the County and shall be granted to regular employees with pay and to temporary employees without pay, unless such employees are required to be on scheduled work:

(a) New Year's Day
(b) Spring Holiday to be observed the Friday immediately preceding Easter
(c) Memorial Day
(d) July 4th
(e) Labor Day
(f) Thanksgiving Day
(g) Friday following Thanksgiving
(h) Day before Christmas
(i) Christmas Day
(j) One Floating Holiday
(k) Any additional holiday granted by the County Board.
(l) The County Administrator may designate additional holidays in unusual circumstances with the approval of the County Board Chair and/or Vice Chair.

For employees working the standard work schedule, when a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed.

For employees not working the standard work schedule see the HR Policies and Procedures.

Floating holidays must be taken in whole day increments (pro-rated for part-time employees).

The floating holiday shall accrue to the employee effective any work shift starting on or after 4 a.m. of January 1st of each year. Employees need to use the floating holiday before December 31 of each calendar year. If the floating holiday is not used by December 31, the floating holiday will be forfeited. During their first year of employment, Employees hired after November 30, will have until January 31 of the following year to use their floater from the previous year.

The floating holiday may be taken upon at least 7 days advance notice. The floating holiday request will normally be approved, however, it may be denied by the Department Head, even with a 7 day advance notice, if granting the request would put the department, division, unit, or shift below the minimum staffing needs of the department, division, unit or shift. A floating holiday with less than 7 day notice may be granted in an emergency circumstance at the

discretion of the Department Head or his/her designee. Employees are strongly encouraged to use their floating holiday prior to the last payroll period of the calendar year.

Health and Dental Insurance
18.502

A. The County shall pay that portion of the employee's health insurance as is approved by the County Board.

B. For non-represented employees hired after September 1, 2009 into positions with an FTE of 0.5 or greater but less than 1.0 FTE Rock County will provide single coverage health insurance. If the employee chooses to select employee and spouse, employee and child, or family coverage, the employee will pay a pro-rated share of the premium difference between single coverage and the coverage of their choice based on their FTE [CB Resolution 14-12A-170].

C. Part-time employees who are normally scheduled to work less than twenty hours per week are not eligible for County health and dental benefits. Employees who normally work twenty hours or more per week are eligible to receive dental insurance and health benefits. Part-time employees may participate in vision insurance at their own cost provided it is allowable under the plan rules in effect at the time of participation.

D. Employees retiring from the County who are eligible for a WRS annuity may retain their insurance coverage under the County's group policy if they pay the premium.

F. Dental coverage will be provided consistent with coverage and copayments as set by the County Board. Eligibility for coverage shall be governed by the policy issued by the carrier/administrator. The employer shall pay 60% of applicable premium of the lowest cost available plan and the employee shall pay the remainder of the applicable premium.

Life Insurance
18.503

Regular full-time employees are eligible for group life insurance in an amount equal to the next highest thousand dollars of their annual salary. Once an employee has elected coverage, a portion of the premium shall be deducted monthly from their regular salary as approved by the County Board. Regular part-time employees are also eligible if they work enough hours in a year to qualify for Wisconsin Retirement System coverage.

Retirement
18.504

Retirement benefits are administered by the State of Wisconsin Retirement System (WRS). The benefits are governed by applicable State statutes and regulations.

Unemployment Compensation
18.505

County employment is covered by Wisconsin Unemployment Compensation laws.

Vacation
18.506

(a) Unilateral employees hired prior to January 1, 2008, shall earn ten days paid vacation after one year of continuous service. Thereafter, he/she shall earn one additional day per year for each year of continuous employment to a maximum of twenty two days. Employees shall continue to earn vacation until the employee's length of service would provide additional vacation under paragraph (b) below, at which time they shall be placed on that schedule.

(b) Unilateral employees hired after January 1, 2008, shall earn vacation according to the following schedule:

Completed Years of Service	Unilateral A & B	Unilateral C
1 year	10 Days	15 Days
2 Years	11 Days	15 Days
3 Years	12 Days	15 Days
4 Years	13 Days	15 Days
5 Years	14 Days	20 Days
6 Years	15 Days	"
7 Years	16 Days	"
8 Years	17 Days	"
9 Years	18 Days	"
10 Years	19 Days	25 Days
11 Years	20 Days	"
12 Years	21 Days	"
13 Years	22 Days	"
14 Years	22 Days	"

15 Years	22 Days	"
16 Years	22 Days	"
17 Years	23 Days	"
18 Years	24 Days	"
19 Years	25 Days	"

Unilateral A & B Employees may use up to 5 of their 10 days after they have been with the County for six months. Unilateral C employees may use 7.5 of their 15 days after they have been with the County for six months. Any time used between six (6) months and one year, will result in a reduction of the days available after one year. (Example: a Unilateral B employee uses 2 days after six months but prior to his one year anniversary date, that person would have 8 days to use after completing one year of service. 10 – 2 = 8.)

(c) Vacation schedules for non unilaterial employees are contained in the HR Policies and Procedures manual.

(d) Credit for years of service may be awarded to an employee based on years of prior related experience plus years of service with the County. Prior related experience shall be determined by the Human Resources Director and the Corporation Counsel, and will only be awarded for service in jobs that are substantially related to the work performed for the County. This service credit shall be awarded at the time of initial employment, or at the time promoted into a new employee group.

(e) An employee shall take earned vacation time within the twelve month period immediately following eligibility. Earned vacation time not taken within the designated twelve month period shall be forfeited, unless the Department Head and Human Resources Director specifically approves the carryover of an employee's vacation, in writing, due to an inability of the employee to utilize the time requested to be carried over because of work requirements or other legitimate reasons; or paid out according to HR Policy and Procedures. Vacation deferral or carry over of one (1) hour or more shall be requested by the employee in writing prior to his or her anniversary date, or within ten weeks of his or her anniversary date, and shall state with specificity the reason for the request. Failure to make a timely request shall result in the vacation being forfeited.

(f) The amount of vacation days deferred shall not exceed the number of vacation days that the employee earns on that anniversary date. Vacation may be granted in advance only upon the approval of the Department Head and the Human Resources Director.

Department Heads shall establish work and vacation schedules with the first consideration to be given to the efficient operation of the department. Senior employees in terms of length of service shall be given vacation schedule preferences

when practicable. Deferral of vacation for the County Administrator shall be at the discretion of the County Board Staff Committee.

(g) Part-time employees whose regular workweek is sixteen hours or more shall earn vacation time on a pro rata basis directly proportionate to the amount of time worked in relation to the normal full time employment period. Part-time employees whose regular workweek is less than sixteen hours shall not earn vacation credits.

(h) In the event an employee is on authorized sick leave and has insufficient sick leave credits to cover the period of absence, earned vacation time may be used for this purpose if the employee or employer so elects.

(i) Upon separation, an employee shall be paid for the unused portion of his/her accrued vacation credits provided the employee has completed twelve consecutive months of service, except as modified by the rules governing resignation without sufficient notice.

(j) An employee who moves from one position to another in the County service, by transfer, promotion or re-assignment, shall be credited with his/her accumulated vacation leave in the new position.

(k) An employee who moves from one an employee group to another employee group in the County service, by transfer, promotion or re-assignment, will have their vacation entitlement determined by a number of factors (i.e. years of service, FTE previously worked, entitlement under new employee group, etc.).

(l) An employee, whose appointment status is changed from temporary to regular status without a break in service, shall receive vacation credits from the date of his/her original appointment to temporary status.

(m) No credit for vacation leave shall be granted for time worked by an employee in excess of his/her normal workweek.

(n) Vacation credits shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-compensable status, should such period without pay exceed thirty working days in any calendar year.

(o) There shall be charged against accrued vacation only those days on which an employee normally would have worked. In the event a legal holiday falls within the vacation period, the holiday shall not be charged against vacation.

(p) Use of vacation time must be approved in advance by the Department Head or his

or her designee. Use of vacation by appointed Department Heads must be approved in advance by the County Administrator.

(q) All vacation shall be utilized in not less than thirty minute increments.

(r) Unilateral "C" employees whose position has been moved to Unilateral "A" will have their vacation allotment frozen at current level until the employee's length of service would provide additional vacation under the Unilateral "A" schedule.

Workers Compensation
18.507

Worker compensation benefits will be provided in accordance with applicable statutory provisions and administrative codes.

Rock County strives to insure all work assignments are performed safely and work areas are maintained in a safe manner. The County promotes a light duty program for injured employees on worker compensation. All on the job accidents must be reported to the Human Resources Director or his/her designee immediately and proper forms must be completed in full.

Any employee, who is receiving worker's compensation, may at the employee's option, take sufficient sick leave or vacation to make up the difference between the worker's compensation payment and his/ her regular wage. When the employee's sick leave and/or vacation account is exhausted, he/she shall receive worker's compensation payments only. If an employee is on worker's compensation for a period of twelve (l2) months, that employee shall have his/her earned vacation paid out, unless the employee asks for deferral of vacation payout in writing.

Leave of Absence Policy
18.508

The County Administrator or the Department Head after consulting with the Human Resources Director, may grant a regular employee leave of absence (with or without pay) for a period up to six months except for an educational leave, subject to the following conditions:

(1) Leave of absence (with or without pay) may be granted when it is in the best interest of the County to do so. Requests for leave of absence shall be approved prior to the taking of such leave. When such leave is requested as an extension of sick leave, an acceptable physician's certificate shall be required.

(2) At the expiration of a leave of absence, the employee shall be reinstated to the position he/she vacated or to an equivalent position which is vacant at the time, provided the employee meets the stated qualifications. If there is not a suitable vacancy available, the employee's name shall be placed on an appropriate reinstatement list.

(3) Credit toward vacation and sick leave shall not be earned after 30 days while an employee is on leave without pay. Insurance benefits may be retained according to HR Policy and Procedure.

(4) Leave without pay shall not constitute a break in service; however, if the employee is absent more than thirty days during a calendar year, it shall change the employee's anniversary date.

When a leave without pay of more than thirty (30) consecutive days is taken, the employee's anniversary date shall be moved ahead by the total number of days of the leave.

(5) A return to work earlier than the scheduled termination of leave date may be arranged by the supervisor and the employee, with the approval of the Human Resources Director.

(6) Employees on leave of absence from the County may not be employed full time elsewhere. Employees holding employment elsewhere during a leave of absence shall be deemed to have voluntarily resigned from employment with Rock County.

(7) If an employee is unable to return to work on the date stipulated, he/she may submit a written request to extend the leave of absence, subject to the approval of the County Administrator or Department Head and the HR Director**.** If, on the date following the expiration of the leave of absence, an extension is not requested and granted and the employee has not returned to his/her position, the employee shall be considered to have voluntarily resigned from County employment.

(8) Unauthorized Absence. It is recognized that there may be extenuating circumstances for unauthorized absence, and due consideration shall be given each case. However, an employee who is absent from duty without approval shall receive no pay for the duration of the absence, and shall be subject to disciplinary action, which may include dismissal.

Bereavement Leave
18.509

In the event of a death an employee may be excused from work without loss of pay for up to a maximum of thirty-two (32) hours annually for the purpose of attending a person's wake, visitation, memorial service, funeral, or make necessary arrangements regarding the person's death, within a reasonable time after the occurrence.

If additional time is required beyond the thirty-two (32) hours annually, an employee may request to use accumulated vacation, holiday or comp-time. Sick leave cannot be used.

Bereavement leave cannot be accrued from one year to the next.

Bereavement leave can be used in increments of quarter hours.

A second or third shift employee may be excused from work the scheduled shift before or after the event, provided the shift begin or ends on the same calendar date of the event.

All leaves under this section shall be prorated based upon the employee's FTE.

Jury Duty
18.510

Any employee called for jury duty in any court of competent jurisdiction shall be granted time off from his/her regular and normal daily schedule of working hours with pay, for such jury service provided such employee shall remit to Employer all fees received from the Clerk of Courts for such service, and further provided that no claim for overtime pay or compensatory time off shall be made by such employee as a result of his/her jury services. If a second or third shift employee is selected to serve on a jury panel, the employee will not be required to work their next scheduled shift, if such shift begins on the same calendar day. If the employee does not remit the fee, he/she shall be considered to be on leave of absence without pay while performing jury duty. The County shall pay a reasonable amount for the difference if the employee has to pay parking fees and reimbursement from the Court does not fully cover the fee.

Should an employee not be selected to serve on a jury panel, the employee will report back to work within one hour of dismissal by the court.

If the employee chooses not to return to work, they may use available benefit time to take the rest of the day off. Sick Leave cannot be used.

Medical Leave
18.511

Employees requiring a leave of absence for a period of medical disability shall request the leave in accordance with HR Policy and Procedure. Employees are entitled to medical leave in accordance with applicable Federal and State laws and HR Policy and Procedures. Any leave granted under this section will run concurrently with State and Federal FMLA.

Military Leave
18.512

An employee who leaves the service of the County to join the military forces of the United States during time of war or other national emergency, or who is drafted into the military service at any time, shall be granted military leave without pay, such leave to extend through a date ninety days after being relieved from such service. Proof must be filed with the Human Resources Director. Such employee shall be restored to the position which he/she vacated or to a comparable position with full rights and without loss of seniority or benefits accrued and not taken while serving in the position he/she occupied at the time the leave was granted, provided that application is made to the Human Resources Director within ninety days after the date of his/her honorable discharge, or fifteen days after rejection, and is physically and mentally capable of performing the work of his/her former position. Failure of an employee to notify the County within this time period of his/her intention to return to work shall be considered as a termination of his/her employment. Leave will be granted in compliance with State and Federal law.

Military Reserve Leave
18.513

(1) An employee who, by reason of membership in the United States Military Reserve, or ordered by the appropriate authorities to attend a training or encampment under the supervision of the United States Armed Forces, or by reason of membership in the National Guard, is required by the authorities thereof to do so, shall be granted a leave of absence from his/her position without loss of pay for a period not to exceed fifteen working days in any calendar year. It is intended that this shall be done without financial penalty to the employee. The County will therefore pay such employee for this time lost in an amount equaling the difference between his/her daily military pay and the employee's normal County daily wage. To receive such leave, the employee must file a copy of his/her orders with the Human Resources Director as far in advance as is reasonable under the circumstances (preference is at least two weeks advance notice) prior to date such training or encampment leave is to commence.

(2) An employee who has active membership in the U.S. Military Reserve or National Guard and who is ordered to active duty in the U.S. Armed Forces shall be granted military leave with supplemental pay equal to the difference between the employee's basic military pay and his/her normal County daily wage. Supplemental pay granted under this section is provided for the duration of an employee's military service, not to exceed 5 years. Proof must be filed with the Human Resources Director. To receive compensation the employee must submit a copy of his/her Military Leave & Earnings statement to the County Payroll Office on a monthly basis. The net pay to an employee may be an estimate with final pay reconciliation by the County's Payroll Office after receipt of the employee's military pay vouchers, either during the course of military service or after completion. Accrual of seniority and benefits, and reinstatement rights and limitations, shall be consistent with those outlined in section (d) and as required by law. An employee who voluntarily extends his/her military service shall not be granted supplemental pay, but may apply for additional unpaid military leave under section (d). The effect of this subsection is retroactive to January 1, 2004, and is subject to the rights of the various unions representing County employees to object to said compensation policy prior to implementation and request that this subsection be subject to the collective bargaining process.

(3) Any employee described in subsection (2) shall also be entitled to continue paid coverage under the County's group medical plan for four (4) weeks.

Non Work Related Witness or Personal Litigation
18.514

A leave of absence without pay shall be granted to an employee upon his/her request to appear under subpoena or in his/her own behalf in litigation involving personal or private matters

Sick Leave
18.515

Sick leave pay shall commence on the first day of any period of illness due to accident, injury or disease.

(1) All full-time employees shall earn one sick leave day per month of continuous employment. All part-time employees whose regular workweek is sixteen hours or more shall earn one sick leave day on a prorata basis directly in relation to the normal full time employment period. All part-time employees, who work less than sixteen hours

per week, shall not earn sick leave. Temporary and seasonal employees are not eligible for sick leave.

(2) Sick leave shall be granted after three months continuous service (from original hire date) when an employee is required to be absent from work because of:

(a) Illness of the employee.

(b) Illness of an employee's spouse

(c) Illness of a minor child (includes stepchild, current foster child, grandchild, or any other child they are legally responsible for and can provide legal documentation supporting the responsibility) or a child who meets the definition of a disabled adult child.

(d) Illness of a parent (includes stepparents and current foster parents).

(e) Contact with or exposure to a contagious disease rendering the employee's presence hazardous to fellow workers.

(f) Reasonable medical or dental attention that cannot be scheduled during non-working hours.

(3) Sick leave shall accrue to a maximum of one hundred thirty days.

(4) Employees who are absent from work for reasons which entitle them to sick leave shall notify their supervisor in accordance with Department Work Rules.

(5) A supervisor may identify a potential problem with an employee's sick leave usage. Patterns that may indicate a problem with sick leave usage include but are not limited to:

a) It occurs before or after a holiday,

b) It occurs before or after a scheduled day off,

c) An employee takes sick leave in excess of three days which has not been reported to FMLA, or

d) The employee has a history of using short amounts of sick leave repeatedly over an extended period of time.

e) It occurs on a day that an employee previously requested off and was denied.

Once a potential problem with sick leave usage has been identified the supervisor shall meet with the employee to discuss the reason(s) for the absences. The goal of the meeting is to gather information, counsel the employee and if there is an admitted problem, have the employee change his/her behavior.

When a problem has been identified and the employee has not voluntarily changed their behavior, a Department Head or the Human Resources Director may require the employee to submit a medical statement, stating the specific illness, period of treatment, and date that the employee may return to work.

The Department Head or Human Resources Director may require an employee to take a medical examination on returning from sick leave or on such occasions that it is in the best interest of the County. The medical examination shall be given by a physician designated by the Human Resources Director.

The Department Head or the HR Director may investigate the alleged illness of an employee absent from work on sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action against the employee, up to and including dismissal.

(6) An employee on vacation who presents an acceptable medical certificate giving the dates of illness may have that portion of his/her vacation leave converted to sick leave.

(7) Sick leave shall be debited in no less than quarter hour units.

(8) No credit for sick leave shall be granted for time worked by an employee in excess of his/her normal workweek.

(9) A regular employee who moves from one department to another by transfer, promotion or demotion shall have his/her total sick leave credits transferred to the new department.

(10) Employees who resign or retire with ten or more years of continuous service shall be paid for one half of the accumulated sick leave days, not to exceed a total of sixty-five days. In the event of the death of an employee, the County shall make the same sick leave payment to the employee's estate. In the event of a discharge, the employee will not receive this benefit.

Subpoenaed Witness
18.516

When subpoenaed to appear before a court, public body, or commission in connection with County business on regular work time, the employee shall be paid at his her regular rate of pay and the employee shall remit his/her fee to the County.

Employees who are off duty and are subpoenaed to appear in court as a result of their work assignment shall receive a minimum of two hours pay at the rate of time and one half. If the employee is required by the court to be present in court for time over and above the minimum, the employee will be paid at the rate of time and one half. Employees shall be reimbursed for mileage costs incurred because of court appearances required under this provision. Employees shall sign and turn over to the County any and all fees and reimbursements paid because of court appearances resulting from their work assignment.

Subpoena Cancellation Pay. Employees who are subpoenaed to testify on off duty time and are not notified of the cancellation or dismissal of said subpoena at least twenty-four hours prior to the time scheduled for appearance, shall be paid two hours of pay at their regular rate of pay. There shall be a maximum of two (2) canceled subpoenas per day.

Training/Educational Leave
18.517

Employees may be granted a full time leave of absence without pay to further their education for a period not to exceed eighteen months if it is determined to be in the best interest of the County.

At the expiration of the leave, the employee may be reinstated to his/her position if it is available or an equivalent position if one is available and if it is determined to be in the best interest of the County.

For language covering leaves with pay, see HR Policies and Procedures.

Voluntary Public Service Leave
18.518

County employees may be allowed time off with pay to serve on public or nonprofit boards, committees, or commissions if such service received the prior approval of the County Board Staff Committee.

Voting
18.519

Any employee who can satisfactorily show that he/she cannot vote during his/her off duty hours shall be allowed time off with pay to cast his/her ballot in all legally constituted elections.

Section 6: Conditions of Employment

Communications and Confidentiality
18.601

Communication is a joint responsibility shared by the County and all employees. No information, which is confidential in nature, concerning the internal operations of the County, including but not limited to the release of records of the County, may occur except through, and with the permission of, the County Administrator or individual Department Head if designated by the County Administrator.

If requests for information are received by employees, whether on or off duty, from any person, then the employee is required to politely decline to provide such information and to direct that individual to the County Administrator or Department Head for a response to that inquiry.

Because of an employee's responsibilities at the County, an employee may have access to confidential County, resident, personnel or other sensitive information. This may include information concerning a resident's financial status, the County's business practices including purchasing and negotiating strategies, and employee records. This sensitive information cannot be disclosed to any personnel who do not have a legitimate business need to know such information or to persons outside of the County without the determination of the County Administrator or Department Head designated by the Administrator. All employees are responsible for protecting the confidentiality of this information.

The County acknowledges the right of its employees, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the County, however, the employee's expression must be balanced against the interests of the County. In situations in which the employee is not engaged in the performance of professional duties, the employee should state clearly that his or her expression represents personal views and not necessarily those of the County.

Conflict of Interest
18.602

Except for the salary or compensation received from the County, no County employee shall use his/her office or position for personal financial gain or the financial gain of his/her family. No employee shall engage in his/her own business activity, accept private employment or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of the employees official duties or would impair his/her independence or judgment or action in the performance of the employee's official duties. Such employment, business activity or service shall not be engaged in or promoted during normal working hours for which such employee is being remunerated by the County and such employment, business activity or service shall not involve the use of County facilities or materials. No employee shall use or disclose "privileged information" gained in the course of or by reason of the employee's

official position or activities. Failure to comply with these conditions shall be considered grounds for discipline up to and including immediate dismissal.

County Administrator (Tenure)
18.603

The County Administrator shall hold his/her position at the pleasure of the County Board. The action of the County Board in removing the County Administrator shall be final. Dismissal actions against the County Administrator may be initiated by individual supervisors as per County Board rules.

County Equipment (return of)
18.604

Employees leaving County employment must return County identification cards, keys, tools and equipment on or before their last day of work.

County Residence
18.605

Key County officials, as determined by the County Administrator, shall reside in the County.

Demotions
18.606

Demotions may be used in lieu of layoff, or may be used as a disciplinary measure or can be voluntary. Demotions must be approved in advance by the Human Resources Director.

Discipline/Investigations
18.607

The purpose of discipline is correcting job behavior and performance problems of employees. Employees shall be informed of standards of conduct and performance. All staff must notify their immediate supervisor within twenty-four (24) hours of all arrests and convictions for any ordinance (other than minor traffic violations), misdemeanor or felony violations that may impact their ability to complete the essential functions of their position.

No disciplinary action will be taken until a thorough investigation has been completed. Employees under investigation shall have the right to representation during the investigatory process. The employee will be allowed to have a representative of their choice who is not a supervisor or manager within Rock County. The representative will be limited to listening and advising the employee but will not be allowed to speak in place of the employee. Unilateral

employees other than Department Heads shall be allowed to have a representative of their choice who has equal or less authority than they do. Employees may be placed on a Paid/Non Paid Administrative Leave during the investigation. Rules and standards shall be consistently applied. Penalties shall be uniform and shall match the infraction. Persons administering corrective discipline shall systematically document the case. Records of written reprimands, suspensions, demotions and terminations shall be provided to Human Resources and kept in the employee's personnel file. Written reprimands will remain in effect for a period not to exceed one year, and at the end of such period shall be removed from the active Employee's personnel file. Records of suspension shall remain in the active Employee's personnel file for a period of two years and at the end of such period shall be removed from the Employee's personnel file. (This section does not necessarily apply if the employee is represented by an attorney.)

Suspensions, demotions, and terminations shall be discussed with the Human Resources Director or the County Administrator before such actions are taken. In the event that the immediate dismissal action is required and the HR Director or the County Administrator cannot be reached, the employee shall be suspended with pay pending investigation.

Disciplinary Action (Grounds for)
18.608

The following shall be grounds for disciplinary action ranging from a written reprimand to immediate discharge depending upon the seriousness of the offense in the judgment of management:

(a) Dishonesty or falsification of records.

(b) Use, possession, distribution, selling, or being under the influence of alcohol or illegal drugs while on Rock County premises or while conducting business related activities off Rock County premises. The legal use of prescribed drugs when taken in standard dosage and/or according to a physician's prescription is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

(c) Unauthorized use or abuse of County equipment or property.

(d) Theft or destruction of County equipment or property.

(e) Work stoppages such as strikes or slowdowns.

(f) Insubordination or refusal to comply with the proper order of an authorized supervisor.

(g) Unlawful conduct defined as a violation of or refusal to comply with pertinent laws, ordinances and regulations.

(h) Habitual tardiness, unauthorized or excessive absence or abuse of sick leave, or repeated attempts to use unpaid leave when the employee does not have benefit time available.

(i) Use of official position or authority for personal or political profit or advantage.

(j) Disregard or repeated violations of safety rules and regulations.

(k) Incompetence, unprofessional or poor work performance.

(l) Discrimination because of race, color, creed, national origin, marital status, sex, sexual orientation, or any other grounds prohibited by State or Federal law.

(m) Violations of Section 18.601 "Communications and Confidentiality".

(n) Failure to call in or report to work.

(o) Sleeping during scheduled work hours.

(p) Being disrespectful or bullying in dealing with fellow employees or the general public.

(q) Failure to exercise good professional judgment and/or failure to conform to the County's or your Department's goals and mission.

(r) Disregard or repeated violations of Rock County Ordinance, Policy or Procedure, or Department Work Rules.

Other circumstances may warrant disciplinary action and will be treated on a case by case basis.

Exit Interview
18.609

An exit interview shall be conducted when possible with every employee who is separating from County employment regardless of his/ her length of service, position or circumstances or separation.

Gifts and Gratuities
18.610

No County employee shall use their position to solicit or accept for himself/herself or another person any gift, campaign contribution, gratuity, favor, services, promise of future employment, entertainment, loan or any other thing of monetary value. This does not include acceptance of loans from banks or other financial institutions on customary terms of finance for personal use, such as home mortgage loans, the acceptance of unsolicited advertising or promotional material, such as pens and calendars, and acceptance of an award for meritorious public or personal contributions or achievements.

Harassment
18.611

It is the policy of Rock County that all employees should be able to enjoy a work environment free from all forms of harassment. Employees who engage in harassment not only hurt others, but they also expose both themselves and the County to potential legal liability. Consequently, Rock County will not condone or tolerate any conduct in the workplace on the part of its employees (whatever their positions), elected officials, vendors, or members of the public, if that conduct violates the right of someone else to be free from harassment. County employees who violate this policy will be subject to appropriate discipline, up to and including termination. (See HR Policies and Procedures for a detailed description of the procedures employees should follow in regard to this policy.)

Hours of Work
18.612

The normal workweek for County employees shall be forty hours per week. Most County employees work from 8:00 a.m. to 5:00 p.m. Monday through Friday. However, since some County services are provided outside the Monday through Friday, 8:00 a.m. to 5:00 p.m. schedule, some County employees may have different work schedules which are designated in Department work rules.

Nonstandard work schedules may be approved by a Department Head, when doing so is in the interest of County operations. Notice of nonstandard work schedules shall be made to Human Resources and payroll.

Staffing needs and operational demands may necessitate variations in starting and ending times, days of the week worked, as well as variations in the total hours that may be scheduled each day and week.

Employees included in Sections 18.1002, 18.011, and 18.1020 are considered salaried exempt employees. These employees must cover a partial day taken off with paid vacation, sick leave or comp time (where applicable). If the employee has insufficient paid time to cover the entire day off, the employee must take the entire day off without pay.

Layoffs
18.613

The appointing authority may layoff an employee: a) whenever it is necessary to reduce the workforce for any reason (e.g. lack of work, lack of funds, abolishment of a position, etc.), b) when an employee has exhausted all available leave options and is unable to return to work, c) when an employee has failed to successfully complete their probationary period after a promotion or d) when an employee can no longer perform the essential functions of the job.

In situation (a) above, no regular employees shall be laid off while there are temporary or probationary employees serving in the same classification, in the same department. Layoffs shall be based on the needs of the County.

The appointing authority shall notify each person laid off of all his/her rights. Regular employees shall receive at least thirty (30) calendar days' notice prior to layoff in situation a) above. Layoff plans shall be approved by the Human Resources Director before they are implemented.

Laid-off employees shall be held in a layoff pool for a period of time equal to their length of service, but in no case longer than two years.

Lunch Periods and Break Time
18.614

(a) Lunch Periods.

Lunch periods are normally scheduled midway in an eight hour shift. Lunch periods shall not be longer than one hour nor shorter than thirty minutes.

(b) Break Time.

Employees may leave their workstation and return fifteen minutes later for two breaks in an eight hour shift, one during the first four hours of their first shift, and the second during the last four hours of their shift. Breaks not taken are lost. Breaks cannot be accumulated or used to extend lunch periods or to shorten the workday. Breaks must be used in 15 minute increments.

Lunch periods and break times are to be arranged between the employee and his/her supervisor or Department Head. Since most County offices remain open continuously on normal work days between 8:00 a.m., and 5:00 p.m., it

is the Department Head's responsibility to assure that lunch periods and breaks are scheduled so that adequate staff coverage is provided at all times.

Employees who are on a nonstandard work schedule or work 2nd or 3rd shift shall follow Department Work Rules for lunches and breaks.

(c)The Lunch Period and Break Times cannot be combined to the start or end of the shift in order to come in late or leave early.

More than One County Position
18.615

No person shall hold more than one full or part-time County position at the same time without written consent of the County Administrator.

Nepotism
18.616

Members of immediate families shall not be hired or transferred into a position that would create a direct or indirect superior subordinate relationship. This policy does not include situations where the superior subordinate relationship would be incidental.

Outside Employment
18.617

The County's policy on outside duties or employment shall be as follows: County employees may engage in outside employment, unless such employment conflicts with or affects the performance of their duties. Prior to engaging outside employment, the County employee must give written assurance prescribed by the Human Resources Director that said employment does not violate Section 18.602 of the Rock County Ordinance. The fact that an employee has reported outside employment does not mean that management has given its approval to that employment.

Outside Services
18.618

All fees, gratuities, honorarium or any other form of compensation for outside services performed during normal County work hours or while being paid by the County shall be turned over to the County and any such activities for which said compensation is paid shall be reported to the County Board Staff Committee. This subsection shall not be construed to apply to activities performed after regular work hours, or while an employee is on a bona fide vacation, or taking a floating or other holidays, or to part-time employees. Failure to comply with these conditions shall be considered grounds for discipline up to and including immediate dismissal.

Payday
18.619

Employees shall be paid biweekly on alternate Fridays, except when those days fall on a holiday in which case employees shall receive their pay on the day preceding the holiday. If an employee is on vacation or leave of absence, his/her pay shall be mailed to him/her upon request. (See HR Policy and Procedures.)

Pre-Employment Physicals
18.620

New full time and regular part-time employees may be required to pass a physical examination before they are employed. Such exams shall measure the individual's physical capabilities in terms of the job to be performed. When pre-employment physicals are required, they shall be conducted by a licensed physician at the County's expense.

Political Activity
18.621

Employees are precluded from engaging in political activity that interferes with their normal work performance or is conducted during hours for which the employee is being paid by the County. Employees may not use County equipment or property for political purposes. Employees are specifically prohibited from using their County position or their official authority with the County for the purpose of directly or indirectly coercing any person to hold or contribute monetary or other types of assistance to any political candidate, party or purpose.

Under provisions of the federal Hatch Act, employees who are principally employed in an activity which is financed in whole or in part by federal loans or grants cannot:

(a) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;

(b) directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(c) Be a candidate for partisan elective office.

Professional Liability Insurance
18.622

The County shall provide professional liability insurance for employees for performance of their duties within the scope of their employment.

Resignations
18.623

Employees covered by the Unilateral Pay Plan in positions in Pay Range 16 or lower, and wishing to leave Rock County employment shall submit a resignation in writing to their Department Head at least two weeks in advance of their planned departure. Employees in positions in Pay Range 17 or higher, shall submit their resignation in writing at least four weeks in advance of their planned departure (see Unilateral Pay Grid).

Non FLSA exempt employees not covered by the Unilateral Pay Plan wishing to leave Rock County employment shall submit a resignation in writing to their Department Head at least two weeks in advance of their planned departure. FLSA exempt employees shall submit their resignation in writing at least four weeks in advance of their planned departure.

Employees who do not give sufficient notice shall lose the vacation benefits they are accruing for use after they reach their next anniversary date, unless such requirement is waived by the Human Resources Director. It is expected that employees will give as much notice as possible in order to facilitate recruitment and orientation of new staff members. A resignation, once accepted, may not be rescinded.

Safety
18.624

Safety is very important to each employee and Rock County. Employees must conduct themselves carefully at all times. All employees must act in a safe manner and practice good safety procedures. Similarly, all work areas are to be kept clean and free from debris, and tools and equipment are to be kept clean and in good repair.

The employer will comply with all applicable safety laws and regulations in order to provide a safe and secure workplace for its employees and clients.

Any accident, hazards or potentially unsafe conditions of equipment are to be reported to an employee's supervisor immediately for action. If the unsafe condition can be corrected immediately as to avoid any additional hazard, then the employee should implement the corrective action.

Any employee who is injured or becomes ill while performing service related to his or her employment must contact his or her supervisor immediately on the same day the injury or illness occurs and report the incident. If necessary the employee should secure the necessary medical attention on the job site to the extent practicable.

The first report of injury form must be in filled out completely, usually the day of the incident, if not, as soon as possible.

The employer has established the following protocols for evacuation of the premises. When employees are advised to evacuate the building, the employees should:

- Stop all work immediately.
- Contact outside emergency response agencies, if needed.
- Shut off all electrical equipment and machines, if possible.
- Walk to the nearest exit, including emergency exit doors.
- Exit quickly, but do not run. Do not stop for personal belongings.
- Proceed, in an orderly fashion, to a parking lot near the building.
- Do not reenter the building until instructed to do so.
- Employees must know the location of fire extinguishers, emergency exits and first aid kits.

Telephone
18.625

As a condition of employment, employees must have a telephone or a place of telephone contact. Employees shall be requested to notify the Department Head of any change of name, address, telephone number or contact place.

Travel
18.626

The County shall reimburse employees for actual necessary and reasonable itemized travel costs incurred while on official authorized County business. Commuting expenses between an employee's residence and normal place of employment are not reimbursable. All travel must be authorized by the Department Head in order to be eligible for reimbursement. Department Heads shall inform the County Administrator of any out of County travel plans. There will be no reimbursement for meals within the County, except as authorized by the Board Chair or Vice Chair. Out of County meals will be reimbursed at the IRS allowed rates. Receipts are required for all meals. Employees shall receive mileage reimbursement at the IRS allowed rate for all authorized travel in their personal automobile. Employees shall be required to complete an expense voucher before reimbursement will be made. All automobile allowances in all County departments shall be paid in a manner similar to that in which salaries are paid. Receipts are also required for air, train, bus or taxi travel, hotels or motels,

conference registration and all other items (except tolls) in excess of five dollars. Clerical employees who are required to return to work to take minutes at evening meetings shall be reimbursed for mileage to and from their residence. (This reimbursement is taxable to the employee.)

Section 7: Performance Evaluation

Policy
18.701

The performance evaluation program is used to assess an employee's work effectiveness and to suggest constructive actions on how he/she may improve. Performance evaluation reports shall be considered in decisions affecting placement, salary advancement, overtime assignment, promotions, demotions, dismissal, order of layoff, reemployment, and training.

Administration
18.702

Each employee shall be evaluated at the following periods:

(a) Probationary Period (of one year).

Each employee shall be evaluated during their probationary period and one month prior to the completion of the probationary period.

(b) Probationary Period (of less than one year).

Each employee shall be evaluated prior to the completion of the probationary period.

(c) Annual.

Each employee shall receive an annual performance evaluation close to his/her anniversary date, or at another specified time if the Department Head elects to evaluate members of a classification or the whole department together at one time.

(d) Special.

A special performance evaluation shall be completed:

(1) Whenever there is significant change in the employee's performance,

(2) Whenever a supervisor permanently leaves his/her position, in which case, the supervisor shall complete a performance report on each employee under his/her supervision that has not been evaluated within six months prior to the date the supervisor expects to leave.

(3) When an employee has accepted a new position with in Rock County, the current supervisor should complete a performance evaluation for the employee if they have not received a performance evaluation in the last six months.

Rater
18.703

The rater shall normally be the employee's immediate supervisor. The rater shall be responsible for completing a performance evaluation on forms prescribed by the Human Resources Director at the time prescribed for each employee under his/her supervision. The Human Resources Director, upon approval of the County Administrator, may also initiate rating procedures and mechanisms involving the Governing Committee, peers and/or subordinates.

The County Administrator shall be evaluated by the County Board Staff Committee.

Review of Performance Report
18.704

Supervisors serving as raters shall review all performance reports with Department Heads before discussing the report with the employee and before the report is filed in the employee's personnel folder. If the rater plans to recommend the denial of an in-grade salary increment, the report shall be discussed with the Human Resources Director prior to review with the employee.

Human Resources Director
18.705

The Human Resources Director shall be responsible for the overall administration of the employee performance evaluation programs and shall advise and assist employees, raters and Department Heads to ensure that performance evaluation procedures are handled according to the provisions of this Section.

Employee
18.706

If the employee does not agree with any information contained in the performance report, a removal or correction of that information may be mutually agreed upon by the employee and the rater. If an agreement cannot be reached, the employee may submit a written statement explaining the employee’s position to the Human Resources Director. The Human Resources Director shall attach the employee’s statement to the disputed portion of the performance report.

The Performance Improvement Plan (PIP) is a great way to give struggling employees the opportunity to succeed while still holding them accountable for past performance. The PIP may be done in conjunction with a performance evaluation or as a stand-alone assessment. The goal of the PIP is to improve performance and provide guidance to the employee, and the documentation helps put the employee back on track. The employee may need more training or help in understanding what is expected of them in order to be successful in meeting the criteria of the PIP. The supervisor should document the areas of the employee's performance that need improvement, as well as establish a provisional action plan for improvement. The employee is expected to demonstrate continued improvement. The supervisor will monitor and provide feedback to the employee regarding his or her performance on the PIP and may take additional disciplinary action, if warranted, through the progressive discipline process, up to and including termination at any time. At the completion of the Performance Improvement Plan, the supervisor shall document the outcome in writing and provide a copy to the Human Resources Office.

Section 8: Grievance Procedure

Policy
18.801

This grievance procedure is intended to meet all of the requirements set out in Wisconsin Statute Section 66.0509 (1m) and passed into law as Act 10 by the 2011 Wisconsin Legislature.

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. Each employee of the County shall be provided ample opportunity to understand and resolve matters affecting employment, which the employee believes to be unjust. The presentation of a formal grievance shall be considered to be the right of each regular County employee without fear of reprisal. Nothing contained herein alters the "at will" status of those employees.

The County Administrator shall not have access to the grievance procedure.

Department Heads shall not have access to the grievance process based on Wisconsin Statutes Section 59.18 (2)(b).

Definitions
18.802

"Arbitrary and capricious" means a decision which was made on unreasonable grounds or without any proper consideration of circumstances.

"Grievance" means a formal complaint by an employee concerning: employee discipline, employee termination, or workplace safety.

"Employee discipline" shall include written reprimands, suspensions without pay, and demotions.

"Termination" means a separation from employment, but does not include job loss resulting from a reduction in force.

"Workplace safety" shall include violations of state and federal laws and regulations on health and safety.

The following personnel actions shall not be subject to the grievance process: oral or written evaluations; counseling; job coaching; placing an employee on paid administrative leave pending an internal investigation; change in job assignments; voluntary quits; layoff or failure to return to work when recalled; retirement; job abandonment or failure to report to work; inability to perform job duties due to physical or medical limitations; and loss of required licensure, certification or other requirement necessary to perform the job.

"Preponderance of the evidence" means the greater weight of the evidence - superior evidentiary weight that, though not sufficient to free the mind wholly from doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

Administration
18.803

The Human Resources Director shall supervise and administer the grievance process. Supervisors and Department Heads shall keep the Human Resources Director informed of all grievances in process.

Filing a Grievance
18.804

This grievance procedure is available to all County employees (except Department Heads and elected County Officials).

Limitations:

1. A grievance that may be brought by or on behalf of a law enforcement officer using the procedure specific in Wis. Stat. Section 59.26(8) may not be brought under this section.

2. A grievance that may be brought by or on behalf of an employee under a grievance procedure that is contained in a collective bargaining agreement may not be brought under this section.

3. A grievance filed outside of the specified time lines in 18.806 will be denied. The employee will forfeit all rights to participate in the grievance procedure as spelled out in 18.806.

Discussion of Problem with Immediate Supervisor
18.805

Any employee having a problem regarding his/her employment shall first discuss the problem with his/her immediate supervisor. If the problem is not settled to the employee's satisfaction and is a grievance according to Section 18.802, the employee may present his/her grievance according to Section 18.806.

A formal grievance of an employee shall be handled in accordance with the following procedure.

STEP 1. Supervisor.

The employee shall, within seven (7) calendar days of the event giving rise to the grievance or within ten calendar days of the date he/she could reasonably be expected to have knowledge of the grievance, present his/her formal grievance in writing on the form designated by the County to his/her immediate supervisor unless the immediate supervisor is the subject matter of the grievance, in which case, the employee may immediately proceed to Step 2. If the Department Head is the subject matter of the grievance, the employee may immediately proceed to Step 3. The supervisor shall within three (3) calendar days meet and discuss the grievance with the employee and then reply in writing within three (3) calendar days.

STEP 2. Department Head.

In the event that the immediate supervisor's decision is not satisfactory to the employee or the immediate supervisor is the subject matter of the grievance, the employee may within seven (7) calendar days, present the grievance in writing to his/her Department Head. The Department Head, or his/her designee, shall, within five (5) calendar days, meet and discuss the grievance with the employee and then reply in writing within five (5) calendar days.

STEP 3. Human Resources Director.

In the event that the Department Head's decision does not satisfy the employee's grievance or if the Department Head is the subject matter of the grievance, the employee may, within seven (7) calendar days, present the grievance in writing to the Human Resources Director. The Human Resources Director shall arrange to meet within ten (10) calendar days of receipt of the grievance with the employee, his/her representative, if any, and any other person the Human Resources Director deems necessary. If, in the judgment of the Human Resources Director, a hearing is necessary to ascertain the facts surrounding the dispute, one shall be scheduled as soon as practicable. After the hearing, the Human Resources Director shall respond to the grievance in writing to the employee within ten (10) calendar days.

By mutual agreement between the Employer and the Employee the timelines in Steps 1, 2 and 3 may be extended.

STEP 4. Impartial Hearing Officer (IHO).

In the event the decision of the Human Resources Director does not resolve the grievance, the employee may, within seven (7) calendar days, request a hearing before an Impartial Hearing Officer and pay the filing fee (if one is established) by the County Board. The cost of the impartial hearing officer shall be equally shared by the parties.

a. The Office of Corporation Counsel shall upon receipt of a written hearing request, provide the employee with the name of an Impartial Hearing Officer. The Impartial Hearing Officer must not be an employee of the County. The Impartial Hearing Officer may be a lawyer, a professional mediator/arbitrator or other qualified individual as determined by the County Administrator.

b. The Impartial Hearing Officer shall be impartial and may not have any prior knowledge of the grievance.

c. The Office of Corporation Counsel will contact the hearing officer and schedule a meeting with the employee and the IHO to discuss the hearing. This meeting shall occur within two weeks of the date the Human Resource Director receives the request for the hearing. If the employee does not respond to the attempt to schedule the meeting or does not attend a scheduled meeting, the request for a hearing shall be considered withdrawn and the decision of the HR Director shall stand.

d. The Impartial Hearing Officer may decide the case on the existing record or may conduct a hearing. A hearing will be scheduled within 30 calendar days of receipt of the hearing request and filing fee. The Impartial Hearing Officer may reschedule the hearing with permission of both parties.

e. The Impartial Hearing Officer, with the consent of both parties, may use his/her best efforts to mediate the grievance.

f. The employee has a right to be represented at the hearing (at the employee's expense) by a person of the employee's choosing.

g. The County has the burden of proof in a reprimand, suspension or termination grievance to show that its actions were not arbitrary or capricious. The employee has the burden of proof in a workplace safety grievance.

h. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence.

i. The hearing shall be recorded by a court reporter, who will make a record of the proceedings, and the costs will be shared equally by the parties.

j. Formal rules of civil procedure will not be followed.

k. Both parties may introduce exhibits and present witnesses. Witnesses shall be sworn to tell the truth.

l. The Impartial Hearing Officer shall provide a written decision within thirty (30) calendar days following the close of the record. The written decision should include a case caption; the parties and appearances; a statement of the issues, findings of fact; any necessary conclusions of law; the final decision and order; and any other information the hearing officer deems appropriate.

m. The Impartial Hearing Officer shall have the power to sustain or deny the grievance. He or she shall have the power to order only the following remedies: withdrawal of a written reprimand, reduction of suspension, transfer to original position from demoted position, reinstatement with or without some or all back pay. The Impartial Hearing Officer may recommend other remedies, however, all other remedial authority shall be subject to the determination and approval of the County Board, and shall be addressed by the County Board in the event the grievance is sustained.

STEP 5. <u>County Board</u>.

An employee or the County, within ten (10) calendar days of receipt of the hearing officer's decision, may appeal the decision to the County Board by filing a written notice of appeal with the County Clerk.

a. The written notice of appeal must contain: (1) a statement explaining the reason for the appeal, (2) a copy of the written grievance filed with the County, (3) the County's response to the grievance, and (4) a copy of the Impartial Hearing Officer decision. The notice of appeal may not contain any information that was not admitted into evidence at the hearing.

b. The appeal will be placed on the agenda for a County Board meeting that is held at no longer than sixty (60) calendar days after the County Clerk receives a written notice of appeal. The appeal will be noticed for consideration in closed session pursuant to Wis. Stat. Section 19.85(1)(b) pertaining to dismissal, licensing, or suspension of a public employee. The County Clerk will provide a copy of the meeting notice to the employee, and the employee may request that an open session be held.

c. The employee has the right to representation by a person of the employee's choosing and at the employee's request. The employee and the employee's representative may attend the closed session.

d. The employee or the employee's representative and a representative of the County may address the County Board for an equal period to be determined by the County Board Chair. The appealing party will go first and may reserve a part of his/her time for rebuttal. The responding party will go second. The appealing party may present a rebuttal, if he/she has reserved any time and not used it.

e. The employee and the employee's representative, and the person speaking on behalf of the County, will be excluded from any closed session during the County Board's discussion or deliberation.

f. The County Board's consideration of the appeal will be limited to a review of the Impartial Hearing Officer's written decision, the record before the impartial hearing officer, the appealing party's reason(s) as to why the decision is wrong, and the response by the other party along with any oral presentations made by the parties. Only matters admitted into the evidence before the Impartial Hearing Officer shall be considered a part of the record.

g. Should the County Board Chair become aware of some relevant piece of information that could have had a significant impact on the decision of the impartial hearing officer, that neither party was aware of, or could have been expected to be aware of, prior to the impartial hearing officer's decision, the County Board Chair, with the advice of the Corporation Counsel, may take whatever action he/she deems appropriate so as not to disadvantage either party, and report such action to the County Board.

h. The County Board shall give due deference to the decision and recommendation of the Impartial Hearing Officer and his/her decision shall not be overturned unless the Board finds by a simple majority vote the appealing party has established by evidence that is clear, satisfactory, and convincing: (1) the hearing was not conducted fairly, (2) there was fraud or corruption on the part of the hearing officer, or (3) the hearing officer made an error in fact or law.

i. In the event the County Board does not sustain the Impartial Hearing Officer's decision, then the Board may render a new decision and remedy, or take other action as appropriate.

j. The County Board Chair shall prepare and sign a written determination reflecting the County Board decision. The County Board Chair may enlist the assistance of the Corporation Counsel in preparing the determination. A copy of the determination will be provided to the employee within ten (10) calendar days following the County Board's decision.

k. The County Board's decision is final and may not be appealed.

Grievance of Termination
18.807

All grievances regarding termination shall be initiated at the third step of the grievance procedure.

Failure to Follow Grievance Procedure
18.808

If at any time during the grievance process, the employee fails to follow any proscribed timeline, procedure or requirement, as outlined in this chapter, the Human Resources Director, or the County Board Chair if at Step 5 may dismiss the grievance.

Section 9: Transactions and Records Management

Policy
18.901

The development and maintenance of an effective personnel transaction procedure and personnel records management system is essential to a sound personnel program. All appointments, separations, and other personnel transactions shall be made on forms designated by the Human Resources Director. The primary purpose of these systems and procedures shall be to:

(a) Establish and maintain clear lines of authority for the processing of personnel transactions and management of personnel records.

(a) Establish and maintain uniform, easily accessible and complete employment records of all County employees and employee transactions.

The Payroll Unit shall convert data from personnel transactions to payroll records and shall maintain cumulative records of vacation, overtime, sick leave, and payroll deductions. Payroll records and data shall be developed in cooperation with the Human Resources Director and Finance Director to provide current and meaningful personnel and position information, summaries and statistics.

All employees shall be responsible for notifying their supervisor of any changes, which affect their personal status.

Public Inspection
18.902

Information as to the name, class title and salary of employees and former employees is available for public inspection at times in accordance with procedures prescribed by the Human Resources Director. Other information shall be considered confidential and shall be available as authorized by State and Federal law.

Destruction of Records
18.903

Employee service records shall be kept for seven years after separation from County employment. Applications and examinations will be destroyed after two years.

Reports
18.904

The Human Resources Director shall provide the Board and the County Board Staff Committee with reports and information relating to personnel actions upon request or as may be appropriate.

Section 10: Definitions

Accrued Benefits
18.1001

This refers to vacation benefits that the employees are accumulating which they will only be able to use once they reach their next anniversary date.

Administrative Personnel
18.1002

Administrative employees act as an advisor, limited function department head, or a specialist in a management or supportive service who meet all the following criteria:

(a) A primary duty of the employee includes the performance of office or non-manual work directly related to the management or general business operations of the County or its citizens.

(b) A primary duty of the employee includes the exercise of discretion and independent judgment with respect to matters of significance.

Allocation
18.1003

The assignment of a position to a pay range.

Anniversary Date
18.1004

The date an employee begins County employment. The anniversary date may be modified by subsequent personnel actions – leave of absence and layoff.

Appointing Authority
18.1005

A County official who has the authority to appoint and remove individuals to and from positions in the County service.

Board
18.1006

The Rock County Board of Supervisors.

Class
18.1007

One or more positions which are substantially alike in duties and responsibilities to warrant using the same title, similar qualifications, selection procedures and the same pay range.

Class Description
18.1008

A written description of a class containing the class title, a general statement of the duties and responsibilities, examples of duties performed, and minimum qualifications required.

Class Title
18.1009

The official designation or name of the class as stated in the class description. The class title shall be used on all personnel records and other official personnel actions.

Classification Plan
18.1010

The sum total of all job class descriptions in the County service and a system showing salary and classification relationships.

County Administrator
18.1011

The person hired by the Rock County Board of Supervisors as the chief administrative officer for the County.

Demotion
18.1012

The assignment of an employee from one class to another class with a lower pay range.

Department Head
18.1013

A County official with the responsibility for the operation of a County department.

Disciplinary Action
18.1014

The action taken to discipline an employee, including: written reprimand, suspension without pay, demotion, and discharge.

Earned Benefits
18.1015

Those benefits that employees have on the books which are currently available to use (i.e. vacation after reaching an anniversary date, sick leave earned a day a month, floating holiday, etc.).

Eligible Candidate
18.1016

A person certified by the Human Resources Director as meeting the training and experience requirements and as successfully completing all parts of the selection process when formal selection devices are used.

Eligibility List
18.1017

A list of Eligible Candidates to fill positions in a particular job class.

Employee
18.1018

An individual who is employed by the County and is paid in part or in whole through the County payroll.

Entrance Pay Rate
18.1019

The rate of pay a newly hired employee is assigned at commencement of employment.

Executive Personnel
18.1020

An executive employee is an administrator who meets all of the following criteria:

(a) The employee's primary duty consists of management of the County or a customarily recognized department or division of the County.

(b) The employee customarily and regularly directs the work of two or more other full time employees or their equivalent.

(c) The employee has the authority to hire or fire other employees, or their recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees is given particular weight.

Flexible Time
18.1021

Time off allowed at the discretion of the Department Head, in recognition of excess hours worked by an FLSA exempt employee not receiving overtime, consistent with HR Policy and Procedures.

Full Time Equivalent (FTE)
18.1022

A way to measure the amount of time a person assigned to a county position is scheduled to work. An FTE of 1.0 means that the position is equivalent to a full time position, while an FTE of 0.5 means that the position is only half time. FTE is measured in tenths from 0.1 to 1.0.

Grievance
18.1023

A formal complaint by an employee concerning: employee discipline, employee termination, or workplace safety.

Human Resources Director
18.1024

The Director of the Rock County Human Resources Department and the person responsible for implementing all County Personnel Policies and Procedures.

Immediate Family
18.1025

Spouse, child, step-child, parent, step-parent, sibling, mother-in-law, father-in-law, sister-in-law (the sister of one’s spouse or the wife of one’s brother or the wife of one’s spouse’s brother), brother-in-law (the brother of one’s spouse or the husband of one’s sister, or the husband of

one's spouses sister), son-in-law, daughter-in-law, grandparent, grandchild or step grandchild, aunt (the sister of one's father or mother, or the wife of one's uncle), uncle (the brother of one's father or mother, or the husband of one's aunt), niece, and nephew. Immediate family shall not include former "in-laws" due to divorce.

In Range Increment
18.1026

A pay step within a pay range.

Layoff
18.1027

The involuntary separation of an employee a) whenever it is necessary to reduce the workforce for any reason (e.g. lack of work, lack of funds, abolishment of a position, etc.), b) when an employee has exhausted all available leave options and is unable to return to work, c) when an employee has failed to successfully complete their probationary period after a promotion or d) when an employee no longer perform the essential functions of the job.

Limited Term Employee (LTE)
18.1028

An employee who is hired to perform a job for a determinant amount of time with a specific ending date at the time of hire and who meets all of the qualifications to perform the job. Limited Term Employees are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Limited Term Employee may not work more than 25 hours per week.

Part-time Employees
18.1029

Employees shall be considered part-time when they are normally scheduled to work less than 40 hours per calendar week, or on a regular 5-2 / 5-3 work rotation on a 15 day work cycle.

Pay Grid
18.1030

A schedule of pay ranges for all classes of positions in the County that are not covered by a Collective Bargaining Agreement.

Pay Range
18.1031

A salary range to which positions are assigned, consisting of a minimum wage rate, designated as "Step 1," and multiple additional steps, culminating in a maximum wage rate. All positions shall be compensated at one of the steps contained in the pay range to which the position is assigned.

Pool
18.1032

An employee who is hired to perform a certain job and who meets all of the qualifications to perform the job (e.g. Pool Psych Techs, Pool C.N.A., Pool RN). Pool staff are not guaranteed a set number of work hours. Specific rules and guidelines for the completion of Pool duties are contained within Departmental Work Rules. Pool are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Pool may not work more than 25 hours per week. If a current FTE employee wished to become a pool employee, he/she must resign from his/her regular employment with Rock County and reapply as a pool employee.

Position
18.1033

A grouping of duties and responsibilities to be performed by an employee. A position may be filled or vacant, full time or part-time, regular or temporary.

Position Description
18.1034

A written document that describes the individual employee's duties and responsibilities and is specific to that position.

Probationary Employee
18.1035

A person who has been properly appointed to a regular Rock County position and who is serving in his/her Probationary Period to determine if he/she can do the job.

Probationary Period
18.1036

The probationary period is a try out time for the employee. It is also used for determination of certain benefits.

Promotion
18.1037

The assignment of an employee from one class to another class with a higher pay range.

Reallocation
18.1038

The reassignment of a position from one pay range to another to correct an error in the original assignment, to reflect changing labor market conditions, or to reflect significant changes over a period of time in the duties and the responsibilities of the position (e.g. moving the Medical Record Manager position from Unilateral Pay Range 19 to Unilateral Pay Range 20). The incumbent in the position shall move with the position.

Reclassification
18.1039

The reassignment of a position from one existing class to another existing or newly created class to recognize a change in the duties and responsibilities of a position (e.g. a position is currently assigned as a Planner III and is reclassified to a Senior Planner). The incumbent in the position shall move with the position if they are qualified for the position.

If the incumbent in the position is not qualified for the position, an open recruitment shall be conducted to fill the position.

Regular Appointment
18.1040

An assignment of an eligible candidate to a budgeted County position.

Regular Employee
18.1041

A person who has been properly appointed to a regular Rock County position and has successfully completed the Probationary Period.

Reinstatement
18.1042

To restore or be placed back into a former or substantially equivalent position.

Relief
18.1043

An employee who is hired to perform a certain job and who meets all of the qualifications to perform the job (e.g. Relief Youth Specialist). Relief Staff are not guaranteed a set number of work hours. Specific rules and guidelines for the completion of Relief duties are contained within Departmental Work Rules. Relief staff are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Relief Staff may not work more than 25 hours per week. If a current FTE employee wished to become a pool employee, he/she must resign from his/her regular employment with Rock County and reapply as a pool employee.

Retiree
18.1044

An employee who terminates employment with the County to immediately and actively draw an annuity from the Wisconsin Retirement System (WRS).

Seasonal Employee
18.1045

An employee who is hired for a period of time to do a specific function (example: cut the grass), which cannot cumulatively exceed a period of nine months in a calendar year. Seasonal Employees are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Seasonal employee may not work more than 25 hours per week.

Selection Device
18.1046

A formal measurement device used to evaluate and/or rank applicants for County positions.

Seniority
18.1047

Seniority is continuous length of service as a County employee. Seniority shall, upon completion of the Probationary Period, begin with the original date of continuous employment

subject to the conditions of 18.1004. Seniority shall be used to determine accrual of vacation and sick leave.

Supervisor
18.1048

The person responsible for the assignment, direction and evaluation of the work of another employee, usually a full time County employee.

Temporary Appointment
18.1049

An appointment of an individual who meets the qualifications for a position appointed to fill that position for an unspecified term. Temporary Appointees may be eligible for fringe benefits.

Termination
18.1050

The removal of an employee from the payroll for voluntary or involuntary reasons, including dismissal, resignation, retirement or death.

Transfer
18.1051

The assignment of an employee from one position to another in the same class or to a class with the same pay range.

Travel Status
18.1052

An employee shall be considered to be in “travel status” when he or she is on County business outside of the County either for an entire day (before 7:00 a.m. and after 6:00 p.m.); or for part of a day before 7:00 a.m.; after 6:00 p.m.; and/or between the hours of 10:30 a.m. and 2:30 p.m.

Underslotting
18.1053

The filling of a vacant position at a lower classification.

Unilateral Employees
18.1054

Those County employees who are not covered by a collective bargaining agreement, excluding the County Elected Officials and the County Administrator. The Unilaterals are divided into three groups for purposes of overtime and vacation:

- Unilateral A's are "Non-Exempt". This means that they are subject to the requirements of the Fair Labor Standards Act (FLSA). The FLSA is federal law that requires, among other things, that employees who work more than 40 hours in a week get paid time and one half for any overtime hours.

- Unilateral B's are "Exempt" from provisions of the FLSA due to the nature of their position. However, the County has chosen to pay them straight time overtime after 40 hours a week even though the County is not required to do this by federal law.

- Unilateral C's are "Exempt" from provisions of the FLSA due to the nature of their position. Employees in these positions do not receive any form of overtime but are allowed to "flex" their time in accordance with HR Policy and Procedure.

Work Schedule
18.1056

The typical work schedule for County employees is Monday – Friday, 8:00 a.m. to 5:00 p.m. with a lunch period. All full time employees are expected to work at least 40 hours per week unless work rotation (i.e. 5-2/5-3), or a Department Work Rule dictates otherwise. Work schedules and hours of work may be determined by the operational needs of the department.