

## Zoning

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# ZONING

## CHAPTER 1 ZONING CODE

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# Article A

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## Introduction

### Sec. 13-1-1 Authority, Purpose and Interpretation

In accordance with the authority granted by sections 60.74, 61.35 and 62.23 of the Wisconsin Statutes and for the purpose listed in Section 62.23 of the Wisconsin Statutes, The City of Adams, Wisconsin, ordains these zoning regulations. The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Adams.

This ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.

*State Law Reference: Sec. 60.74, 61.35 and 62.23, Wis. Stats.*

### Sec. 13-1-2 Title

This Chapter shall be known as, referred to and cited as the “Zoning Code, City of Adams, Wisconsin” and is hereinafter referred to as the “Code” or “Chapter”.

### Sec. 13-1-3 General Provisions

1. Setback, lot size, and other dimensional requirements applicable to the various zoning districts are indicated in Sec. 13-1-20 of this ordinance.
2. After adoption of this ordinance, no lot area shall be so reduced that the dimension and yard requirements imposed by this ordinance cannot be met. However, where existing lots do not satisfy such requirements, the Board of Appeals (as provided in a succeeding section of this ordinance) may grant a variance.
3. ALL LOTS shall abut upon a public street, and each lot shall have a minimum frontage of at least 30 feet.
4. No lot shall have more than one principal building.
5. Accessory buildings shall not occupy more than 30 percent of the required area for the rear yard. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.
6. Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of eaves, cornices and ornamental features. Fire escapes may project into a required yard area not more than five feet.
7. In each quadrant of every street intersection there shall be designated a vision clearance triangle space, bounded on the inner right-of-way lines and a line connecting them twenty-five (25) feet from their intersection. Within this triangle no object shall be allowed above the height of two feet above the street elevation and below a height of ten (10) feet above the street elevation, if it obstructs the view across the triangle. Posts, trees unbranched to a height of ten (10) feet and located a minimum of fifteen (15) feet from any other tree in the same vision triangle, and fences that are a minimum of fifty percent (50%) open shall be excepted. This provision shall not apply to intersections located within district zoned C-1 (General Commercial) under this ordinance and located contiguous to State Highway 13 (Main Street).”

8. Maximum building height standards specified in this ordinance shall not apply to church spires or church belfries, nor to water towers.

**Sec. 13-1-4 Through 13-1-19 Reserved For Future Use.**

# ARTICLE B

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## ZONING DISTRICTS

### SEC. 13-1-20 Zoning District and Zoning Maps

The Official Zoning District Map is an integral part of this ordinance. The single official copy of this map entitled “City of Adams Official Zoning District Map”, together with a copy of this ordinance, shall be available for public inspection during office hours. The map shall be certified by the Mayor and attested by the City Clerk of the City of Adams. Any changes in zoning district boundaries shall be recorded in City records on file with the City Clerk. Thirteen zoning districts are provided as follows:

- |     |   |       |
|-----|---|-------|
| 1.  | Single-Family Residence                     | (R-1) |
| 2.  | Two-Family Residence                        | (R-2) |
| 3.  | Multiple-Family Residence                   | (R-3) |
| 4.  | Single-Family Residence-Mobile Home Allowed | (R-4) |
| 5.  | General Commercial                          | (C-1) |
| 6.  | Highway Commercial                          | (C-2) |
| 7.  | Extensive Commercial                        | (C-3) |
| 8.  | Industrial                                  | (I)   |
| 9.  | Special Purpose                             | (SP)  |
| 10. | Planned Unit Development                    | (PUD) |
| 11. | Agriculture                                 | (A)   |
| 12. | Conservancy                                 | (CON) |
| 13. | Industrial Park                             | (IP)  |

### SEC. 13-1-21 Rules for Interpretation of District Boundaries

The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

In un-subdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

The following land uses and minimum standards apply to the districts delineated on the Zoning District Map:



**SEC 13-1-22 Site Restrictions**

No land shall be used, or structure erected, where the land is held unsuitable for such use or structure by the building inspector by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion, susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. If for any reason the site is found unsuitable, the developer may appeal to the Plan Commission. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

**SEC. 13-1-23 Use Restrictions**

Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district. The following use restrictions and regulations shall apply:

- (a) Identification of buildings with letters of not less than 3” nor more than 6” in height shall be located in a manner so as to be visible from the address street.
- (b) No building permit for any structure for which a building permit is required shall be issued unless the architectural style and character of the proposed structure is compatible with the architectural style and character of surrounding structures. In general, the architecture of new structures shall be compatible with the aesthetic character of surrounding structures, including harmonious building style, form size, color, material, roofline, building placement and orientation, and driveway location. In particular, residential homes shall have a minimum width of 24 feet, not including appurtenances such as porches and garages, to be deemed compatible with surrounding residential structures.

## **SEC. 13-1-24 Single Family Residence District (R-1)**

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

The following uses of land are permitted in this district:

1. Single-family dwellings.
2. One private garage for each residential parcel.
3. Accessory buildings.
4. Public parks, playgrounds, recreational and community center buildings and grounds.
5. Graded schools.
6. Churches and their affiliated uses.
7. Cemeteries of less than one acre located adjacent to a church.
8. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
9. Water-storage and pumping facilities and their accessory structures.
10. Unlighted signs and bulletin boards of up to eight square feet for public or religious announcements; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk or street.
11. Unlighted signs of up to six square feet for advertisements for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public street.
12. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

The following are permitted as conditional uses within this district:

1. Customary home occupations.
2. Two-family dwellings.
3. Libraries, museums, and art galleries.
4. Hospitals and clinics.
5. Colleges and vocational schools.
6. Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.
7. Microwave radio relay structures and television transmission towers.
8. Funeral homes.
9. Mobile homes, only within a mobile home subdivision, as defined in SEC. 13-1-90 of this ordinance, authorized by the City of Adams. Such use shall conform to all ordinances of the City of Adams regulating or applying to mobile homes.
10. Commercial parking lots
11. Rooming houses and/or boarding houses
12. Greenhouses

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*SINGLE FAMILY RESIDENCE DISTRICT (R-1)*

Within the R-1 District the following standards shall apply:

Maximum Building Height            35 feet

Minimum Front Yard Setback        25 feet

Minimum Rear Yard Setback:

Primary Building                      25 feet

Accessory Building                    5 feet

Minimum Side Yard:

Primary Building                      8 feet minimum; 20 feet total

Accessory Building                    3 feet on each side, except garages to be a  
minimum of 5 feet from alleyway

Minimum Lot Area Per Family        8,500 square feet

Minimum Lot Width

(Measured at rear of front yard)    75 feet

Minimum Floor Area Per Family      900 square feet

Minimum Width for Residential Home   24 feet

Off-Street Parking, Residential        1 space per family

Off-Street Parking, Public Gathering   1 space per 5 seats

## **SEC. 13-1-25 Two-Family Residence District (R-2)**

The R-2 District is intended to provide a quiet pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

The following uses of land are permitted in this district:

1. Two-family dwellings.
2. Private garage space for up to three cars for each - residential parcel.
3. Accessory buildings.
4. Public parks, playgrounds, recreational and community center buildings and grounds.
5. Graded schools.
6. Churches and their affiliated uses.
7. Cemeteries of less than one acre located adjacent to a church.
8. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
9. Water-storage and pumping facilities and their accessory structures.
10. Unlighted signs and bulletin boards of up to eight square feet for public or religious announcements; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk or street.
11. Unlighted signs of up to six square feet for advertisements for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest Public street.
12. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

The following are permitted as conditional uses within this district:

1. Customary home occupations.
2. Single-family dwellings.
3. Libraries, museums, and art galleries.
4. Hospitals and clinics.
5. Colleges and vocational schools.
6. Telephone building, exchanges, lines and transformer stations, but excepting service garages and storage yards.
7. Microwave radio relay structures and community television - antenna.
8. Funeral homes.
9. Commercial parking lots
10. Rooming houses and/or boarding houses

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*TWO-FAMILY RESIDENCE DISTRICTS (R-2)*

Within the R-2 District the following standards shall apply:

Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback:	
Primary Building	25 feet
Accessory Building	5 feet
Minimum Side Yard:	
Primary Building	8 feet minimum; 20 feet total
Accessory Building	3 feet on each side, except garages to be a minimum of 5 feet from alleyway
Minimum Lot Area Per Family	5,000 square feet
Minimum Lot Width	
(Measured at rear of front yard)	75 feet
Minimum. Floor Area Per Family	600 square feet
Minimum Width for Residential Home	24 feet
Off-Street Parking, Residential	1.5 space per family
Off-Street Parking, Public Gathering	1 space per 5 seats

## **SEC. 13-1-26 Multiple Family Residence District (R-3)**

The R-3 District is intended to provide a living area that is pleasant but not so spacious as the R-1 and R-2 districts.

The following uses of land are permitted in this district:

1. Multiple-family residential buildings.
2. Rooming and boarding houses.
3. Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the aged, homes for the care of the indigent, and similar institutions.
4. Accessory buildings.
5. Garages or parking spaces incident to the above uses; provided that garages incident to multiple-family residences must be at least 75 feet away from the front lot line and 30 feet away from the side lot lines; and provided that there must be at least 2,000 square feet of lot area for each vehicle space.

The following are permitted as conditional uses within this district:

1. Customary home occupations.
2. Churches and their affiliated uses, graded schools and libraries.
3. Public parks, playgrounds, recreational and community center buildings and grounds.
4. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
5. Water-storage and pumping facilities and their accessory structures.
6. Unlighted signs and bulletin boards of up to eight square feet for public or religious announcements; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest sidewalk or street.
7. Unlighted signs of up to six square feet for advertisements for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest street.
8. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
9. Mobile home parks, as defined in SEC. 13-1-90 of this ordinance. This use shall be subject to the condition that it shall conform to all ordinances of the City of Adams and of Adams County regulating mobile homes and mobile home parks; to the Wisconsin Administrative Code, Chapter H 77, "Mobile Home Parks"; to any Flood Plain Zoning Ordinance enacted pursuant to Section 87.30 of the Wisconsin Statutes, "Flood Plain Zoning"; and to any Shoreland Protection Ordinance enacted pursuant to Section 59.971 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable C- C- Waters".
10. Commercial parking lots

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*MULTIPLE-FAMILY RESIDENCE DISTRICT (R-3)*

Within the R-3 District the following standards shall apply, except within mobile home parks. Within mobile home parks the standards set forth in ordinances of the City of Adams and provisions of the Wisconsin Administrative Code regulating mobile homes and mobile home parks shall apply.

Maximum Building Height	45 feet
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback:	
Principal Building	25 feet
Accessory Building	5 feet
Minimum Side Yard Setback:	
Principal Building	15 feet on each side
Accessory Building	3 feet on each side, except garages to be a minimum of 5 feet from alley
Minimum Lot Area Per Family	3,600 square feet
Minimum Lot Width	
(Measured at rear of front yard)	70 feet
Minimum Width for Residential Home	24 feet
Minimum Floor Area	500 square feet
Off-Street Parking, Residential	1.5 spaces per family
Off-Street Parking, Public Gathering	1 space per 5 seats

**SEC. 13-1-27 Single Family Residence – Mobile Homes Allowed District (R-4)**

The R-4 District is intended to provide a quiet, pleasant, and relatively spacious living area protected from traffic hazards and the intrusion from incompatible land uses.

The following uses of land are permitted in this district:

1. Single-family dwellings.
2. One private garage for each residential parcel.
3. Accessory buildings.
4. Public parks, playgrounds, recreational and community center buildings and grounds.
5. Graded schools.
6. Churches and their affiliated uses.
7. Cemeteries of less than one acre located adjacent to a church.
8. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
9. Water storage and pumping facilities and their accessory structures.
10. Unlighted signs and bulletin boards of up to eight square feet for public or religious announcements; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk or street.
11. Unlighted signs of up to six square feet for advertisements for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public street.
12. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
13. Mobile homes shall be allowed provided they were constructed five years or less from the date application is made with the City Building Inspector for a permit to locate a mobile home on the land in question; and further provided that the mobile home has at least 720 square feet of living space. Any mobile home not meeting both of the foregoing standards shall be a conditional use within this district.

The following are permitted as conditional uses within this district:

1. Customary home occupations.
2. Two-family dwellings.
3. Libraries, museums, and art galleries.
4. Hospitals and clinics.
5. Colleges and vocational schools.
6. Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.
7. Microwave radio relay structures and television transmission towers.
8. Funeral homes.



*SINGLE FAMILY RESIDENCE -MOBILE HOMES ALLOWED DISTRICT (R-4)*

9. Mobile homes, only within a mobile home subdivision, as defined in SEC. 13-1-90 of this ordinance, authorized by the City of Adams. Such use shall conform to all ordinances of the City of Adams regulating or applying to mobile homes.
10. Commercial parking lots
11. Rooming houses and/or boarding houses
12. Mobile homes not meeting both standards required to be allowed as permitted use within this district.

Within the R-4 District the following standards shall apply:

Maximum Building Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback:	
Primary Building	25 feet
Accessory Building	5 feet
Minimum Side Yard:	
Primary Building	8 feet minimum; 20 feet total
Accessory Building	3 feet on each side, except garages to be a minimum of 5 feet from alleyway
Minimum Lot Area Per Family	8,500 square feet
Minimum Lot Width	
(Measured at rear of front yard)	75 feet
Minimum Floor Area Per Family	900 square feet
Minimum Width for Residential Home	24 feet
Off-Street Parking, Residential	1 space per family
Off-Street Parking, Public Gathering	1 space per 5 seats

## **SEC. 13-1-28 General Commercial District (C-1)**

The C-1 District is intended to provide an area for the business and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district. The following uses of land are permitted in this district.

1. Hardware stores.
2. Electric supply stores.
3. Paint, glass and wallpaper stores.
4. Department stores, variety stores, general merchandise stores.
5. General grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, and miscellaneous food stores.
6. Dairy products stores, including ice cream stores.
7. Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service delivery.
8. Candy, nut or confectionery stores.
9. Clothing and shoe stores.
10. Furniture, home furnishings, and floor covering stores.
11. Restaurants, lunchrooms and other eating-places, except drive-in type establishments.
12. Taverns, bars, and other drinking places.
13. Drug stores and pharmacies.
14. Liquor stores.
15. Antique stores and secondhand stores.
16. Book and stationary stores.
17. Sporting goods stores.
18. Bicycle shops, including facilities for the repair of non-motorized bicycles only.
19. Jewelry stores, including clock and watch stores.
20. Gift, novelty and souvenir shops.
21. Florist shops.
22. Camera and photographic supply stores.
23. Tobacco and smokers supplies stores.
24. News dealers and newsstands.
25. Wholesale merchandise establishments.
26. Banks and other financial institutions.
27. Offices of insurance companies, agents, broker, and service representatives.
28. Offices of real estate agents, brokers, managers, and title companies.

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*GENERAL COMMERCIAL DISTRICT (C-1)*

29. Retail laundry and dry-cleaning outlets, but not including laundering and dry-cleaning plants, and not including coin-operated laundries and dry-cleaning establishments, commonly called laundromats and launderettes.
30. Photographic studios and commercial photography establishments.
31. Barbershops, beauty shops and hairdressers.
32. Shoe repair shops and shoe shine parlors.
33. Tailor shops, dressmaker's shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments.
34. Advertising agencies, news agencies, and employment agencies.
35. Duplicating, blueprinting, photocopying, addressing, mailing, mailing list, and stenographic services.
36. Commercial parking lots, parking garages, parking structures.
37. Watch, clock and jewelry repair services.
38. Hotels, except those with more than 8,700 square feet of parking space not contained within or under the primary building structure.
39. Rooming and boarding houses.
40. Motion picture theaters, not including drive-in theaters.
41. Billiard and pool establishments.
42. Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.
43. Offices of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, and chiropractors; but not veterinarian's offices.
44. Law offices.
45. Accounting, auditing, and bookkeeping firms or services.
46. Engineering and architectural firms or consultants.
47. Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations.
48. The offices, meeting places, and premises of professional membership associations, civic, social, and fraternal associations, business associations, labor unions and similar labor organizations, political organizations, religious organizations, charitable organizations, or other non-profit membership organizations.
49. The offices of governmental agencies and post offices.
50. Telephone and telegraph offices.
51. Lawn & Garden Center.

*GENERAL COMMERCIAL DISTRICT (C-1)*

The following are permitted as conditional uses in the district, provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke steam, harmful vapors, obnoxious materials, unsightly conditions, obstructions of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations which are necessary or incident to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Plan Commission with regard to such matters:

1. The sale, service, repair, testing, demonstration or other use of piston-type engines or motors, or any type of device, appliance, or equipment operated by such engines or motors; but not including passenger automobiles, trucks, or other motor vehicles, and including light welding and brazing establishments.
2. The sale, service, repair, testing, demonstration or other use of radios, television sets, high-fidelity sound equipment, electronic amplifiers, stereophonic sound systems, musical instruments, or other such devices.
3. Establishments engaged in the sale, service, repair, testing, demonstration or other use of motor-driven bicycles, commonly called motorbikes; with the provision that such activity, when carried out in an establishment which also engages in the sale, repair or other operations with non-motor-driven bicycles, shall constitute a separate and district use insofar as the intention of this ordinance is concerned.
4. Establishments engaged in the sale, servicing, repairing, testing, demonstration, or other use of electrical household appliances, including washing machines, vacuum cleaners, dishwashers, irons, toasters, or similar household appliances, but not including refrigeration or air-conditioning appliances or equipment; provided further, specifically, that areas and facilities for loading, unloading, and storage of such appliances shall be provided in a manner which affords no nuisance of obstruction or of unsightly conditions to the public.
5. Establishments engaged in the sale, servicing, repairing, testing, demonstration, or other use of household electrical refrigerators, freezers, air conditioners, other self-contained refrigeration units, or other similar appliances or equipment; provided further, specifically, that areas and facilities for operating, repairing, loading, unloading and storage of such appliances or equipment shall be provided in a manner which affords no nuisance of obstruction, or of the discharge of unpleasant or harmful vapors or liquids, or of unsightly conditions, to the public.
6. Garment pressing establishments, hand laundries, and hat cleaning and blocking shops.
7. Coin-operated laundries and dry-cleaning establishments, commonly called laundromats and laundrettes.

*GENERAL COMMERCIAL DISTRICT (C-1)*

8. Parking lots, parking garages, or parking structures.
9. Bowling alleys.
10. Establishments engaged in the publishing and printing of newspapers, periodicals, or books.
11. Single or Multiple Dwellings, provided that at least the front half of the ground-level space in the building in question remains in use for commercial purposes.
12. Any combination of two or more uses which are either permitted uses or conditional uses within this C-1 commercial district.

Within the C-1 District the following standards shall apply:

Maximum Building Height	45 feet
Maximum Building Area	14,000 square feet
Minimum Front Yard Setback	None
Minimum Rear Yard Setback	25 feet
Minimum Side Yard:	
Fireproof Construction	None
Non-Fireproof Construction	9 feet
Minimum Lot Width:	
Fireproof Construction	25 feet
Non-Fireproof Construction	45 feet
Off-Street Parking *	1 space for every 325 square feet of floor space
Off-Street Parking	
Places of Public Gathering	1 space per 5 seats
Truck Unloading Area	Sufficient space so that no streets or alleys need be blocked

\* Off-street parking may be provided on site or on an adjacent lot or the equivalent improved space may be donated to the City for a municipal parking lot subject to approval by the City Council.

## **SEC. 13-1-29 Highway Commercial District (C-2)**

The C-2 District is intended to provide an area for those business and commercial activities which especially have to do with motor vehicles or highway transportation, or which provide goods or services primarily to travelers on a highway, or for which location adjacent to a major thoroughfare or highway is a compelling practical consideration, or for which it is especially appropriate for some other reason to be located adjacent to a major thoroughfare or highway.

The following uses are permitted in this district:

1. Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 30 feet from any existing or officially proposed street line.
2. The sale, service, repair, testing, demonstration or other use of small engines or motors, or any type of device, appliance or equipment operated by such small engines or motors; and including light welding and brazing establishments.
3. Automobile repair shops, including shops for general mechanical repairs, automobile body repair and/or painting, and repair of tires, but not including establishments for rebuilding, re-treading, recapping, vulcanizing, or manufacturing tires, and establishments primarily engaged in specialized automobile repair such as electrical, battery and ignition repair, radiator repair, glass replacement and repair, carburetor repair, and wheel alignment service.
4. Stores for the sale of tires, batteries or other automotive accessories.
5. Establishments for the washing, cleaning or polishing of automobiles, including self-service carwashes.
6. Dealers in new passenger automobiles and trucks.
7. Dealers in used passenger automobiles and trucks.
8. Establishments engaged in the retail sale of automobile passenger trailers, mobile homes, or campers.
9. Establishments engaged in the daily or extended term rental or leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
10. Establishments engaged in the daily or extended term rental or leasing of house trailers, mobile homes, or campers.
11. Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
12. Restaurants, lunchrooms and other eating-places, including drive-in type establishments.
13. Commercial parking lots, parking garages, parking structures.
14. Tourist-oriented retail shops, including souvenir and curio shops.

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*HIGHWAY COMMERCIAL DISTRICT (C-2)*

The following are permitted as conditional uses within the district. Such use shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.

1. General grocery stores.
2. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
3. Establishments or facilities of the sale, rental, services, repair, testing, demonstration, or other use of motorcycles, motorized bicycles, go-karts, snowmobiles, aircraft, or other motorized vehicles or their components.
4. Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorboats, other watercraft, marine supplies, motors for watercraft, or their components.
5. Wholesale merchandise establishments.
6. Warehouses.
7. Motor carrier facilities.
8. Travel Trailer Parks, specifically, parcels of land in which two or more spaces are occupied, or intended for occupancy, by travel trailers or campers, and for transient dwelling purposes only. This provision shall include by reference the definitions of Travel Trailer Park- and -Travel Trailer- set forth in SEC. 13-1-90 of this ordinance. This use shall be subject to the condition that it shall conform to all ordinances of the City of Adams and of Adams County regulating travel trailers and travel trailer parks: to the Wisconsin Administrative Code, Chapter H 78, "Campgrounds and Camping Resorts"; and to any Shoreland Protection Ordinance enacted pursuant to Section 59.971 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable Waters".
9. Woodworking or wood milling establishments.
10. Veterinarian's offices and facilities for small domestic animals.
11. Single or Multiple Dwellings, provided that at least the front half of the ground-level space in the building in question remains in use for commercial purposes.
12. Any combination of two or more uses which are either permitted uses or conditional uses within this C-2 commercial district.
13. Greenhouses and Nurseries
14. Miniature Golf Courses

*HIGHWAY COMMERCIAL DISTRICT (C-2)*

Within the C-2 District the following standards shall apply:

Maximum Building Height	35 feet
Maximum Building Area	25,000 square feet
Minimum Front Yard Setback	50 feet
(75 feet if parking is permitted in the front yard)	
Minimum Rear Yard Setback	50 feet
Minimum Side Yard:	
Principal Buildings	10 feet on each side
Accessory Buildings	3 feet on each side
Minimum Lot Width:	
(Measured at rear of front yard)	
Off-Street Parking *	1 space per every 325 square feet of floor area
Off-Street Parking:	
Places of Public Gathering	1 space per 5 seats
Truck Unloading Area	Sufficient space so that no streets or alleys need be blocked



**SEC. 13-1-30 Extensive Commercial District (C-3)**

The C-3 District is intended to provide a suitable location for those business and commercial activities which require a fairly large area of land, or for which it is desirable that they be located an appreciable distance from other activities. For some, but not all, of these land uses, it may also be appropriate that they be located adjacent to a highway or other major thoroughfare, and this factor is duly recognized in the provision of conditional uses.

The following uses are permitted in this district:

1. Establishments for the sale or storage of lumber or other building materials.
2. Construction firms and construction equipment storage.
3. Dealers in plumbing, heating, and air-conditioning equipment.
4. Farm equipment dealers, and dealers in garden equipment, including power mowers.
5. Hay, grain and feed stores.
6. Greenhouses and nurseries.
7. Farm and garden supply stores.
8. Dealers in coal, wood fuel, and ice.
9. Fuel oil dealers.
10. Dealers in liquefied petroleum gas (bottled gas).
11. Equipment rental and leasing services, that is, establishments which rent or lease construction equipment, floor-sanding and waxing machines, ladders, scaffolds, tools, chairs or other furniture or other types of machines, equipment or similar items.
12. Bowling alleys.
13. Skating rinks.
14. Commercial sports clubs, athletic fields, arenas, and similar facilities.
15. Golf courses open to the public.
16. Golf or baseball driving ranges, archery ranges, miniature golf courses, and similar facilities.
17. Golf clubs and country clubs open to members but not to the general public.
18. Drive-in motion picture theaters.
19. Amusement parks.
20. Research and testing laboratories.

*EXTENSIVE COMMERCIAL DISTRICT (C-3)*

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, and other factors.

1. All uses permitted AS **CONDITIONAL USES** in the General Commercial (C-1) District.
2. All uses permitted AS **USES OF RIGHT** in the Highway Commercial (C-2) District.
3. All uses permitted AS **CONDITIONAL USES** in the Highway Commercial (C-2) District.
4. Summer resorts, winter resorts, tourist cottages or cabins, commercial camping and tenting areas, ski lodges and resorts, dude ranches, vacation farms, hunting and fishing camps, children's camps, and similar establishments.
5. Circuses, carnivals, musical or theatrical performances, public lectures, religious or evangelistic meetings, or any other similar public functions which customarily are held for short periods of time, which are customarily held in temporary structures, tents, or in the open air, and for which admission charge is required or a collection in lieu of admission charge is collected.
6. Veterinarians' offices and facilities, and boarding facilities for domestic animals.
7. Riding stables, riding schools.
8. Establishments primarily engaged in renting locker space for the storage of food products, including refrigerated storage of food products, and including those establishments which provide services or facilities for processing, preparing, or packaging food for such storage.
9. Stockyards, or any establishment providing public facilities for receiving, shipping, loading, unloading, weighing, or feeding livestock temporarily held either pending sale or while in transit.
10. Single or Multiple Dwellings provided that at least the front half of the ground-level space in the building in question remains in use for commercial purposes.
11. Any combination of two or more uses which are either permitted uses or conditional uses within this C-3

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*EXTENSIVE COMMERCIAL DISTRICT (C-3)****Commercial District.***

Within the C-3 District the following standards shall apply:

Maximum Building Height            45 feet

Maximum Building Area            None

Minimum Front Yard Setback       50 feet

(75 feet if parking is permitted in the front yard)

Minimum Rear Yard Setback       50 feet

Minimum Side Yard:

    Principal Buildings            10 feet on each side

    Accessory Buildings            3 feet on each side

Minimum Lot Width:

(Measured at rear of front yard)   300 feet

Off-Street Parking                1 space for every 325 square feet of floor area

Off-Street Parking:

Places of Public Gathering        1 space per 5 seats

Truck Unloading Area            Sufficient space so that no streets or alleys need be blocked.

### **SEC. 13-1-31 Industrial District (I)**

This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions; or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.

No uses are permitted as a matter of right within this district.

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.

1. Manufacturing establishments, usually described as factories, mills, plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.
2. Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
3. The outdoor storage of, industrial products, machinery, equipment, or other materials provided that such storage be enclosed by a suitable fence or other manner of screening.
4. Railroads, including rights-of-way, railroad yards, and structures normally incident to the operation of railroads, including station houses, platforms, and signal towers, but not including warehouses owned by companies other than railroad companies or railroad terminal companies.
5. Uses customarily incident to, or similar to, the above uses.
6. A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use which requires constant supervision.

Within the I District the following standards shall apply:

Maximum Building Height	45 feet
Minimum Side Yard:	
Principal Buildings	20 feet
Accessory Buildings	5 feet
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	40 feet
Minimum Lot Width	
(Measured at rear of front yard)	100 feet
Minimum Parking Provided	1 space per two employees
Truck Unloading Area	Sufficient space so that no streets or alleys need be blocked

## **SEC. 13-1-32 Special Purpose District (SP)**

This district is intended to provide for uses which present special problems, hazards or other circumstances with regard to the use of land. Included are those uses of land which require extremely large expanses of land: those which afford very severe hazards to health, safety, or other aspects of the general welfare; those for which it is inappropriate or undesirable to have more than one instance of a given land use within one community or governmental jurisdiction.

No uses are permitted as a matter of right within this district.

The following are permitted as conditional uses within this district. All such uses shall be subject to the consideration and approval of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, or other factors affecting the general welfare.

1. Sand or gravel quarries, or facilities for the manufacture or processing of such products as sand, gravel, Stone, or crushed stone.
2. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other paving or road-surfacing materials.
3. Aircraft landing fields, hangars, or accessory structures
4. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses: with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards, or other harmful conditions.
5. Public utility structures including, but not limited to, water towers, pumping stations, substations, transmission towers, and other similar structures.”

Within the SP District, the following standards shall apply:

Maximum Building Height	None
Minimum Front Yard Setback	50 feet
Minimum Side Yard:	
Principal Buildings	20 feet on each side
Accessory Buildings	5 feet on each side
Minimum Rear Yard Setback	50 feet

## **SEC. 13-1-33 Planned Unit Development District (PUD)**

The PUD District is intended to provide for large-scale combined use development. This district shall have no definite and measurable boundaries until such are approved by the City Council on the recommendation of the Plan Commission in accordance with procedures prescribed for zoning amendments by Wisconsin Statutes, Section 62.23. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multi-family development as well as other compatible uses; however, all uses shall be subject to the provisions of Section IV and the following:

1. A single area of at least two and nine tenths (2.9) acres involved.
2. Paved streets and sidewalks adequate to serve the needs of the area involved will be provided.
3. Adequate access to public streets and proper internal circulation will be provided.

4. Adequate sewer and water facilities will be provided
5. The development will constitute a reasonable extension of existing land uses in the City and will be compatible with present and probable future land uses in nearby areas.

### **SEC. 13-1-34 Agricultural District (A)**

The A District provides exclusively for agricultural uses, and uses compatible with agriculture. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development, which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines).

The following uses are permitted in this district:

1. Forestry, nurseries, orchards, and truck farming.
2. In-Season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
3. Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
4. Uses customarily incident to any of the above uses, including residential use incident to any of the above uses.

The following are permitted as conditional uses within this district:

1. Churches, schools, cemeteries, community parks and recreational areas.
2. Public and semipublic buildings.
3. Water-storage facilities and power stations (provided they are enclosed by an eight-foot or more protective fence).
4. Single-family residences provided they are located on tracts of five acres or more and that soil analysis indicated suitability for private sewer and water systems.

## **SEC. 13-1-35 Conservancy District (CON)**

This district is intended to preserve the natural state of scenic areas in the City and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help discourage intensive development of marginal lands so as to prevent hazards to public and private property.

The following uses of land are permitted in this district:

1. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
2. Forestry and the management of forests.
3. Wildlife preserves.
4. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
5. Fishing and trapping.
6. Public and private parks, picnic areas, and similar uses.
7. Hiking trails and bridle paths.
8. Preservation of areas of scenic, historic, or scientific value.
9. Uses similar and customarily incident to any of the above uses.

The following are permitted as conditional uses in the CON District:

1. Dams, flowages, ponds, and water storage and water pumping facilities.
2. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
3. Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines.
4. Piers, docks, and boathouses.
5. Relocation of any watercourse.
6. Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted pursuant to Section 59.971 of the Wisconsin Statutes.
7. Removal of topsoil or peat.
8. Cranberry bogs.
9. Camping grounds open to the public
10. Golf courses open to the public.
11. Bow and Arrow, as a permitted use.

There are no setbacks, lot size, or other dimensional standards applicable in the CON District.

## **SEC 13-1-36 Industrial Park District (IP)**

The property included in this district is known as the City of Adams Industrial Park.

It is the intention of the City of Adams that the City of Adams Industrial Park be developed to enhance the future growth of the City and of Adams County in such a planned development that includes a general mix of industrial and commercial uses. Such development should be encouraged while at the same time protecting the environment, guarding against the development of improper or unsuitable structures and users, maintaining property values, insuring protection from incompatibility and unsightliness, and the City in general, and attracting quality business and industries to the City of Adams Industrial Park.

The following uses are permitted in the Industrial Park (IP) District, provided that such uses are not found by the City of Adams Planning Commission to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odor, toxic or noxious matter, glare, heat, electronic interference, or the hazard of fire or explosion:

1. Bakeries
2. Bedding Manufacturers
3. Boot and shoe manufacturing
4. Carpet manufacturing
5. Cloth products manufacturing
6. Cartage and express facilities
7. Cosmetic production.
8. Dairy products manufacturing
9. Electronic and scientific precision products manufacturing.
10. Food manufacturing, packaging, processing.
11. Fur processing.
12. Glass products manufacturing.
13. Insulating materials manufacturing.
14. Laboratories- research and testing.
15. Laundries, not including self-service.
16. Light machinery production -appliances, business machines, etc.
17. Lithographing
18. Musical instruments manufacture.
19. Offices for manufacturing or warehousing operations.
20. Orthopedic and medical appliances manufacture.
21. Pottery and ceramics manufacturing
22. Printing and publishing.
23. Public utility and service uses.
24. Rope, cord and twine manufacturing.



25. Signs, as regulated hereunder.
26. Sporting goods manufacturing.

*INDUSTRIAL PARK DISTRICT (IP)*

27. Temporary buildings for construction purposes for a period not to exceed the duration of the construction.
28. Wearing apparel manufacturing.
29. Woodworking and wood products.
30. Accessory uses, incidental to and on the same lot as the principal use.

Recycling facilities, intending to include collection sites, storage sites, and actual recycling sites, and other commercial, office, manufacturing, processing, storage, warehousing, or assembly uses are permitted as conditional uses within this district provided they are not found by the City of Adams Planning Commission to be in violation of the standards set forth in the introduction to the permitted uses listed immediately above.

Within the IP District the following standards shall apply:

Minimum Lot Size	1 acre
Maximum Building Height	45 feet
Front Yard Set-Back:	
Primary or Accessory Building	30 feet from the street right-of-way line, or both street right-of-way lines on a corner lot
Employee Parking	25 feet of the front yard line
Visitor or Customer Parking	25 feet of the street right-of-way line, upon approval of the Adams Property Committee
Side Yard Set-Back:	
Primary or Accessory Building	10 feet to any side lot line; the combined total not less than 30 feet; corner lots shall not be deemed to have two side lot lines
Rear Yard Set-Back:	
Primary or Accessory Building	10 feet to any side lot 1 line, which is not abutting a public street; 30 feet if abutting a public street

*INDUSTRIAL PARK DISTRICT (IP)*

## **Submission of Plans**

No building or improvement shall be erected, placed or altered on any lot in the City of Adams Industrial Park until the plans for such building or improvement, including the site plan, landscape plan, exterior materials, and building plan and specifications have been approved by the Adams Planning Commission. Said Commission shall review and approve, approve conditionally, or disapprove such plans with respect to conformity with these restrictions and with respect to the harmony of external design and land use as it affects property within or adjacent to the Park.

Failure of the Planning Commission to act upon such building or improvement plans within 60 days after submission to the Adams City Clerk shall be deemed to constitute approval of such plans.

The front of all buildings, i.e., the side facing the street on which the building is deemed to front as determined by the Adams Planning Commission, shall be faced with concrete or brick masonry, stone, or other material approved by the Adams Planning Commission and said facing shall extend across the full front of the building. That portion of any building facing a street other than the street the building fronts shall be finished in an attractive manner in keeping with the accepted standards used for the type of building but need not be finished in a like manner as the front. It is in such a manner as to provide aesthetically pleasing and harmonious overall development of the industrial park.

All faces of all buildings must be kept in good repair and appearance at all time. All buildings must be of approved construction in conformance with all federal, state and local building codes.

Every effort shall be made to protect and retain all existing trees and shrubbery not lying in public areas. Trees shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by the uses of wells, islands, or retaining walls whenever abutting grades are altered to the extent that an existing tree could be damaged.

At least one street tree of an approved species and of at least six feet in height shall be planted for each 50 feet of frontage on proposed public streets and private drives. However, the placement and selection of street species shall not hamper or interfere with access to natural light and air for nearby lots and structures. Tree species shall be selected, in part, based upon soil conditions and species hardiness to soil conditions. Street trees shall be located so as to be a minimum of 10 feet from a streetlight, 5 feet from a fire hydrant or water and sewer main and appurtenances and 5 feet from any driveway.

All off-street parking areas which serve 5 vehicles or more shall be provided with accessory landscape areas totaling not less than 5% of the surfaced area. The minimum size of each landscaped area shall not be less than 100 square feet. Location of landscape areas and plant materials, and protection afforded the planting, including curbing and the provision of maintenance, shall be subject to approval by the Adams Planning Commission. The preservation of existing trees, shrubs and other natural vegetation in the off-street parking area may be included in the calculation of the required minimum landscaped area.

Those off-street parking areas of 5 or more vehicles, if located 4 adjoining a residential area, shall be screened from such area by a solid wall or fence or by evergreen planting of adequate visual density, built and maintained to a minimum height of six feet.

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*INDUSTRIAL PARK DISTRICT (IP)*

All grass, trees, shrubs and other vegetation shall be kept watered in dry weather and in good appearance at all times. All grass shall be cut as necessary to maintain an attractive appearance. If grass is not cut, or the trees and shrubbery not properly maintained, the City of Adams may service notice of noncompliance, and if not complied within 10 calendar days, the City may maintain same and add the cost incurred to the lot owner's annual real estate tax bill.

All such landscaping, drives, and other site improvement shall be completed at the time of issuance of a building occupancy permit and zoning certificate of compliance.

Parking lot drives shall be a minimum of 24 feet wide for two- way traffic and at least 12 feet wide for one-way traffic.

At least one parking of not less than 180 square feet, excluding driveway and approaches, shall be required for each two employees. Employee or truck parking shall not be allowed within the front yard building set-back area. Additional parking shall be provided on each property as required by the Adams Planning Commission .as necessary to accommodate all employees and visitors.

Any parking area for 5 of more vehicles shall have the aisles and spaces clearly marked.

All driveways, parking lots and loading areas shall be surfaced with concrete or asphalt extending to the public street pavement.

All material or products stored outside buildings must be behind the building set-back line from the street and must be screened from view from the street with solid fencing or screening approved by the Adams Planning Commission. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimum height of such fence shall be 6 feet. The fence must be kept painted or have such other finish as is generally accepted for good appearance. Wire fence is not acceptable for this purpose.

No waste material shall be burned on the premises except in an incinerator designed and constructed for such purpose and in compliance with applicable statues and local ordinances.

Lots within the City of Adams Industrial Park may be fenced with materials including wire mesh, chain link, brick, wood, or decorative masonry to a height not exceeding 8 feet unless otherwise approved in the site plan. Fences must be kept in good repair and wood, must be kept painted or stained. Fences shall not be permitted in the front yard of the building set-back area. Provisions must be made for access by fire department apparatus to all sides of any building.

One free standing, monument type sign per business shall be allowed. The total size of the freestanding sign shall not exceed 70 square feet. Maximum height of all monument signs shall not exceed 6 feet above ground level and must be set back a minimum of 15 feet from street right-of-ways.

One exterior wall sign per business shall be allowed. The total size of the sign shall not exceed 10 percent of the area of the wall upon which the sign is erected. Wall signs shall be fixtures signs; signs painted directly on the surface of the wall shall not be allowed.

No billboard or rooftop signs shall be allowed in the Industrial Park.

*INDUSTRIAL PARK DISTRICT (IP)*

All utilities, including all electric power, telephone, gas, water, storm and sanitary sewers shall be located underground. The location of the utility shall be subject to approval by the Adams Planning Commission.

The City of Adams retains such right-of-way and easements as may be necessary or convenient for the purpose of erecting, constructing, maintaining and operating utility services over, across, under and through the premises in the designated set-back areas between building lines and property lines. The City shall also have the right to grant such right-of-way easements to others to carry out this purpose. Any contract for the laying of such lines, wires, conduits, pipes or sewers shall provide that the premises shall be restored to the same condition they were in prior to the doing of such work.

No land shall be developed and no use shall be permitted that results in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area or other storm water management facility. All parking and paved areas are to have designated retention capabilities.

No operation, process, manufacturing, or building use in the City of Adams Industrial Park shall produce or create excessive noise, electronic interference, light, odors, smoke, dust, gas, vibration, heat, industrial waste, toxic matter, or other public or private nuisance, health hazard, or safety hazard.

## **SEC. 13-1-37 Municipal Well Recharge Area Overlay District (MW)**

### **SECTION 1. GROUNDWATER PROTECTION OVERLAY DISTRICT.**

STATEMENT OF PURPOSE. City residents depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to institute land use regulations and restrictions to protect the City's municipal water supply, and to promote the health, safety and general welfare of the residents of the City.

This section, which may be cited and referred to as the “City of Adams Wellhead Protection Ordinance”, institutes land use regulations and restrictions in the Groundwater Protection Overlay District in order to protect the portion of the recharge area for the City wells that lie within the City limits. The recharge area for the City wells is that land area which contributes water to the City wells by infiltration of water into the subsurface and movement with groundwater toward the wells.

It is further intended that the Groundwater Protection Overlay District shall be operated in conjunction with the regulations governing the underlying zoning districts and other overlay districts in the subject area. Uses permitted by such other districts, but subject to the provisions of this section, may not be undertaken unless they are also permitted by the terms of this section. In the event of conflicting standards between the underlying zoning and these groundwater regulations, the more restrictive will apply. If conditional use permits are required for both this overlay district and the underlying zoning district for a proposed use, the processing of the two permits shall be treated separately under the terms applicable to each district.

The boundaries of the Groundwater Protection Overlay District are incorporated into and shown on the City of Adams Zoning Map.

### **SECTION 2. DEFINITIONS**

- (A) **AQUIFER** - “Aquifer” means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
- (B) **CONDITIONAL USES** - In addition to permitted and prohibited uses, this section identifies the requirements for getting approval of certain conditional (or provisional) uses. If an activity isn't identified as permitted or prohibited, a conditional use permit may be needed for that activity. This section identifies the requirements for getting approval for a conditional use not otherwise allowed. This section could also be called Other Permitted Uses.
- (C) **EXISTING FACILITIES** - “Existing facilities” means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City's wellhead protection area that lies within the corporate limits of the City.
- (D) **GROUNDWATER PROTECTION OVERLAY DISTRICT** – “Groundwater protection overlay district” means that area described as the “Wellhead Protection Area” within the City's wellhead protection plan, and incorporated herein as exhibit A, City of Adams Municipal Wellhead Protection Area Map.
- (E) **RECHARGE AREA**- The “recharge area” for the City well is that land area which contributes water to the City well by infiltration of water into the subsurface and movement with groundwater toward the well.
- (F) **WELLHEAD**- The “wellhead” is the well that provided the source of water along with the structures built on top of and around the well.

(G) WELLHEAD PROTECTION AREA- The “wellhead protection area” is the surface or subsurface area surrounding a water well or wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield. The wellhead protection area for the City of Adams is designated in the City of Adams Wellhead Protection Plan.

(H) HAZARDOUS CHEMICALS- “Hazardous Chemicals” means Chemicals and chemical mixtures that is required to have an MSDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c). Substances packaged for consumption for humans or animals are not considered Hazardous Chemicals.

### SECTION 3. PRINCIPAL PERMITTED USES.

Uses within the Groundwater Protection Overlay District must be permitted uses in the underlying zoning district as well as in this overlay district. The following are permitted uses within the Groundwater Protection Overlay District provided the separation distances set forth in Section 4 of this ordinance are maintained. Uses not listed are to be considered prohibited uses.

#### (A) PRINCIPAL PERMITTED USES

- a. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- b. Playgrounds.
- c. Wildlife, natural and woodland areas.
- d. Non-motorized trails, such as bike, skiing, nature and fitness trails.
- e. Municipally sewerred residential development, free of:
  1. Underground storage tanks containing flammable and combustible liquid; and
  2. Aboveground storage tanks larger than 20 gallons in size, containing flammable and combustible liquid other than heating oil or propane.
- f. Municipally sewerred business development zoned Industrial, Industrial Park District, Highway Commercial or General Commercial, except for the following uses:
  1. Above or underground storage tanks containing flammable and combustible liquid.
  2. Any use where the *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.
  3. Chemical manufacturers (Standard Industrial Classification Major Group 28).
  4. Automotive, equipment or small engine service and repair garages, body shops.
  5. Blue printing and photocopying services.
  6. Car washes.
  7. Laundromats and diaper services.
  8. Dry cleaning.
  9. Gas stations.
  10. Septage, wastewater or sewer lagoons.
  11. All mining including sand and gravel pits.
  12. Nurseries, lawn and garden supply stores.
  13. Landfills and any other solid waste transfer or storage facility.
  14. Wells, private, production, injection or other.
  15. Any other use determined by the city council to be similar in nature to the above listed uses.
- g. Single-family residences with a private on-site-sewage treatment system receiving less than 12,000 gallons per day, which meets the County and State health standards for the effluent, and is in conformance with SPS. 383, Wis. Adm. Code.

- h. Any other use determined by the City Board to be similar in nature to the above listed items.
- i. Agricultural uses in accordance with the county land conservation department's best management practices guidelines.

(B) **CONDITIONAL USES.** The uses listed above in subsection (3)(A)f 1-15 are conditional uses. Although they are conditional uses, the presumption is that these uses are disfavored and that conditional use permits will not be granted unless conditions may be imposed that will ensure to a reasonable degree of certainty to the City's satisfaction that the groundwater will be protected. An application for a conditional use permit shall be processed in accordance with Section 5 of this ordinance.

(C) **PROHIBITED USES.** All uses not expressly identified as permitted or conditional uses are prohibited within the Groundwater Protection Overlay District.

**SECTION 4. SEPARATION DISTANCES FROM WELL.** Uses within the Groundwater Protection Overlay District shall maintain the following minimum separation distances as specified in s. NR 811.12(5), Wis. Adm. Code.

- (A) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. [ATCP 93.260](#) and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. [ATCP 93.110](#).
- (B) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
- (C) Two hundred feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
- (D) Three hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- (E) Three hundred feet between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (F) Four hundred feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
- (G) Six hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (H) One thousand feet between a well and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- (I) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. [NR 140](#) enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. [ATCP 93.110](#) for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.



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**SECTION 5. CONDITIONAL USE APPLICATIONS.**

(A) **REQUIRED APPLICATION MATERIALS.** Each application for a conditional use permit under this section shall include the following:

1. A statement with supporting evidence showing that the use seeking the proposed conditional use shall conform to the standards set forth in subsection (5)C below.
2. An operational plan and/or other documentation which describes in detail the use, activities, and structures proposed.
3. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, or groundwater monitoring as required.
4. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
5. If deemed necessary by the City of Adams, an environmental risk assessment report prepared by a licensed environmental professional which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
6. Additional information deemed necessary to determine and provide for enforcement of this section may be required.
7. Pre-payment of the required fee.

(B) **REFERRAL TO PLAN COMMISSION.** A properly filed application shall be referred to the Plan Commission for its review and recommendation. The Plan Commission shall review the application and make its recommendation, if any. The Plan Commission shall forward the recommendations to the City Board. Upon receipt of the recommendations of the Plan Commission, the City Board shall hold a public hearing.

(C) **STANDARDS FOR CONDITIONAL USE.** The City Board shall apply the following factors:

1. The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may threaten or degrade groundwater quality in the City or the City's recharge area.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The then existing condition of the City's groundwater public water well(s) and well fields, and the vulnerability to further contamination.
7. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.
9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(D) TYPES OF CONDITIONS WHICH THE BOARD MAY REQUIRE. The City Board may stipulate conditions and restrictions including but not limited to the following:

- a. A requirement for periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. The City may require an application to install one or more groundwater monitoring well(s), at the expense of the applicant;
- b. The establishment of safety structures to prevent groundwater contamination;
- c. The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination;
- d. Written policies and procedures for reporting and cleaning up any spill of a hazardous material;
- e. The provision of copies of all federal, state and local facility operation approval or certificates, and on-going environmental monitoring results to the City.
- f. A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination;
- g. Bonds and/or securities satisfactory to the City for future monitoring and cleanup costs if groundwater contamination occurs in the future.

The foregoing conditions are listed for illustration purposes and are not exclusive.

(E) TRANSFERS OF INTEREST IN PROPERTY. Conditional use permits issued under this section are non-transferable to successor owners of the property subject to the permit without the express written consent of the City Board. The City Board may set conditions and restrictions on the transfer including but not limited to a stipulation that the permit shall not be transferred unless the new owner expressly and in writing assumes the same terms, if any, for personal liability as were required of the former owner in the conditional use permit to be transferred. The City Board may also stipulate as a condition of the transfer that the new owner provide assurances and guarantees deemed satisfactory by the City in its sole discretion that the new owner has at least the same means and ability, including but not limited to insurance, to pay potential liabilities as were required of the former owner in the conditional use permit. Written permission shall be obtained prior to the voluntary transfer of the subject property. When an involuntary transfer occurs, the new owner, trustee, or other successor to an interest in the real property shall apply to the City within 60 days for permission to continue the use granted by the conditional use permit.

(F) PAYMENT OF COSTS. The applicant shall be solely and exclusively responsible for any and all costs associated with the application. The conditional use will become effective only after any costs incurred by the City during the conditional use application review process and billed to the applicant are paid by the applicant. Those costs may include:

- a. The City's expenses, including consultant's and attorney's fees, if any, associated with the review at the invoiced amount plus administrative costs.
- b. The cost of an environmental impact study if so required by the City or its designee.
- c. The cost of groundwater monitoring or groundwater wells if required by the City or its designee.
- d. The costs of an appraisal for the property or other property evaluation expense if required by the City or its designee.

**SECTION 6. EXISTING NON-CONFORMING USES.** Non-conforming uses lawfully in existence within the Groundwater Protection Overlay District at the adoption of the ordinance creating this district may continue to exist in the form and scope in which they existed at that time subject to the following provisions.

- (A) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the City.
- (B) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

In the event a lawful non-conforming use poses a direct hazard to the City's public water supply, the City may take any action permitted by law to abate the hazard.

**SECTION 7. NO ACCEPTANCE OF LIABILITY BY CITY.** Nothing in this section shall be construed to imply that the City has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.

**SECTION 8. ENFORCEMENT AND PENALTIES.**

- (A) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the City of Adams.
- (B) The individual/facility shall be responsible for all costs of cleanup and the City of Adams consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, which includes all of the cost of City employees' time associated in any way with the clean-up, the cost of City equipment employed and the cost of mileage reimbursed to the City employees attributed to the clean-up.
- (C) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in Section 6 and 7 herein.
- (D) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Ordinance.
- (E) Penalties: Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

**SECTION 9. CONFLICT AND SEVERABILITY.** If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall take effect upon passage and posting as provided by law.

**SEC. 13-1-38 THROUGH 13-1-49 RESERVED FOR FUTURE USE**

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# ARTICLE C

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## ZONING DISTRICTS

### **SEC. 13-1-50 Application for Conditional Use Permits**

1. Application for conditional use permits shall be submitted to the Building Inspector on forms provided by the Inspector and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the City Council.
2. In all cases of proposed establishment of a conditional use specified in this ordinance, the Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of the proposed use.

### **SEC. 13-1-51 Standards**

1. No permit for a conditional use shall be granted unless the Plan Commission shall find that the following conditions are present:
  - (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (b) That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (d) That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
  - (e) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

### **SEC. 13-1-52 Conditions and Guarantees**

1. Prior to granting a permit for a conditional use, the Plan Commission may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in item 2 above. Establishment, maintenance and operation shall be construed to include, but shall not be limited to, such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Plan Commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

2. Conditional uses shall comply with all other provisions of this ordinance such as lot width and area, yards, height, parking and loading.
3. The Plan Commission may authorize the Building Inspector (as referred to in the enforcement and penalties section of the ordinance) to issue a conditional use permit for conditional uses specified in this ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.
4. No application for a conditional use which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

## **SEC 13-1-53 THROUGH 13-1-59 Reserved for Future Use**

# ARTICLE D

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## Signs

### SEC. 13-1-60 Permitted Uses

1. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a land use permit except those signs excepted below and without being in conformity with the provisions of this ordinance. The sign shall also meet all the structural requirements of the building code.
2. All signs are prohibited in the Residence, Agricultural and Conservancy district except the following:
  - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
  - (b) Real estate signs not to exceed six (6) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
  - (c) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
  - (d) Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
  - (e) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - (f) Official signs, such as traffic control, parking restrictions, information and notices.
  - (g) Temporary signs or banners when authorized by the Plan Commission.
    - (1) Temporary signs are defined as signs that will be erected for a period of six (6) months or less. The Plan Commission will make its determination regarding Temporary Signs based on the following factors:
      - (aa) Proximity of sign to dwelling units, public ways and municipal signs.
      - (bb) Size and shape of proposed temporary sign
      - (cc) Duration sign will be up and provisions for removal when time is ended.
      - (dd) Location of sign meaning whether it will be on a fence, temporary or permanent structure, the ground or some other location and how it will be affixed thereto.
      - (ee) Lighting and/or electricity utilized
      - (ff) Color (traffic sign colors, reflective colors, iridescent)
      - (gg) Any other factor the Plan Commission feels is relevant given the particular circumstances.

#### *PERMITTED USES*

- (2) For purposes of this subsection, if a property owner has a temporary sign in place upon the enactment of this ordinance, said property owner must approach the Plan Commission for a temporary sign permit when said existing temporary sign is



modified or the message thereon is changed. Once a property owner receives a temporary sign permit, said property owner must approach the Plan Commission for a new temporary sign permit only if one of the factors listed above that pertains to the new temporary sign differs from the previous temporary sign.

- (h) Permanent signs placed upon athletic field fences when authorized by the Plan Commission.

3. Signs are permitted in the Commercial and Industrial Districts subject to the following restrictions:

- (a) Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in area for any one premises, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premises, shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
- (c) Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one premises.
- (d) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed two hundred (200) square feet on all sides for any one premises.
- (e) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- (f) Combinations of any of the above signs shall meet all the requirements of the individual sign.

4. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.

5. Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section VI shall apply.

*Title 13-1-60(g)(1)(2)&(h) created by Council 11/21/05 by Ord #09-2005*

**SEC 13-1-61 THROUGH 13-1-69 Reserved for Future Use**

# **ARTICLE E**

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## **Non-Conforming Uses**

### **SEC. 13-1-70 Existing Non-Conforming Uses**

Present uses of buildings, signs and premises may be continued even though they do not conform to the restrictions of this ordinance. However, structural repairs or alterations of such buildings, signs or premises shall not during its life exceed 50 percent of their assessed value at the time they become nonconforming unless a building, sign or premises conforming to this ordinance results. Any nonconforming use that is abandoned for one year shall be discontinued permanently.

### **SEC. 13-1-71 THROUGH 13-1-79 Reserved for Future Use**

# **ARTICLE F**

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## **Board of Appeals**

### **SEC. 13-1-80 Appeals to the Zoning Board of Appeals**

A Board of Appeals shall be appointed as specified in sections 60.74 and 62.23, Wisconsin Statutes and shall be removable by the Mayor for cause upon written charges and after public hearing. The Board of Appeals shall make the file in the office of the City of Adams its own rules of procedure consistent with the statutes. It shall have the following powers:

1. To hear and decide appeals where it is alleged that the Building Inspector has made an erroneous finding or order.
2. To grant specific variances from the terms of this ordinance where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the ordinance, and that the variance still will be in fundamental harmony with surrounding uses. The Board may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made and to that end shall have all the powers of the Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The grounds for every such determination shall be stated and recorded.
3. No action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district by this ordinance.
4. The minutes of proceedings and hearings before the Board and all variances and special exceptions granted by it shall be filed promptly at the office of the City Clerk and shall be open for public inspection during office hours.

### **SEC. 13-1-81 THROUGH 13-1-89 Reserved for Future Use**

# ARTICLE G

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## Definitions

### SEC. 13-1-90 Definitions

1. Accessory Building. Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.
2. Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.
3. Arterial Street. A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
4. Basement. A story partly underground.
5. Boarding House. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.
6. Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.
7. Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.
8. Building Height. The vertical distance from the top of the building roof to the average elevation at the front property line.
9. Conditional Use. A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.
10. Corner Lot. A lot abutting two or more streets at their intersection.
11. Density. The number of living units per acre allowable under a schedule of district regulations.
12. Drive-in Establishment. A place of business in which patrons can be served while remaining in their automobiles.
13. Dwelling, Single-Family. A detached building designed for, or, occupied exclusively by, one family.
14. Dwelling, Two-Family. A detached or semi-detached building designed for, or occupied exclusively by, two families.
15. Dwelling, Multiple-Family. A building or portion thereof designed for, and occupied by, three or more families.
16. Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological or chemical warfare.

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*DEFINITIONS*

17. **Essential Services.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water drainage, and communication systems, and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but does not include buildings.
18. **Expressway.** A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.
19. **Family.** A group of persons related by blood or marriage and living together as a single housekeeping entity.
20. **Flood Plain.** The land adjacent to a body of water which is subject to periodic overflow there from.
21. **Floodway.** The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.
22. **Floor Area.** The area within the exterior walls of a building which is usable as living quarters.
23. **Freeway.** An expressway with full control of access and with fully grade separated intersections.
24. **Frontage.** The smallest dimension of a lot abutting a public street measured along the street line.
25. **Garage. Private.** Any accessory building or space for the storage only of not more than two (2) motor vehicles per dwelling unit.
26. **Garage. Public.** Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.
27. **Garage. Storage.** Any building or premises used for storage only of motor vehicles.
28. **Home Occupation.** A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as baby-sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios.)
29. **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.
30. **Household Unit.** The body of persons who live together in one dwelling unit as a single housekeeping unit.

*DEFINITIONS*

31. Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.
32. Loading Area. A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
33. Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than 12 persons not members of the owner's family.
34. Lot. A parcel of land described in a recorded plat or deed.
35. Lot, Corner. A lot abutting on two or more streets at their intersection provided that the interior angle of such intersection is less than 135 degrees.
36. Lot Lines and Area. The peripheral boundaries of a parcel of land, and the total area lying within such boundaries.
37. Lot Depth. The mean horizontal distance between the front and rear lot lines.
38. Lot Width. The width of a parcel of land measured at the rear 01 the specified street yard.
39. Minor Structure. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.
40. Mobile Home. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.
41. Mobile Home Lot. A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.
42. Mobile Home Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities; except that a mobile home subdivision shall not be deemed a mobile home park.
43. Mobile Homes Subdivision. A parcel of land subdivided into lots, each lot individually, owned and utilized as the site for placement of a single mobile home and its facilities.
44. Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
45. Nonconforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

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*DEFINITIONS*

46. Nonconforming Use. The use or occupancy of a building premises, which is lawful at the time of the enactment of this ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendment thereto.
47. Principal Building. The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance.
48. Rooming House. A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the owner's family.
49. Service Building. A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this ordinance.
50. Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.
51. Sign. A structure or device on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.
52. Story. That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or ceiling having one-half or more of its height above grade is a story for purposes of height regulation.
53. Story, Half. The space under any roof except a flat roof, the wall plates on which on at least two opposite exterior walls are not more than four feet above the floor of such story.
54. Street. All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.
55. Street Right-Of-Way Line. The dividing line between a lot tract or parcel of land and an abutting street.
56. Structure. Anything constructed or erected having location on the ground.
57. Structure 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.
58. Temporary Structure. A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
59. Tourist Camp or Court. A tract of land of at least one acre upon which two or more camp cottages are located or where temporary accommodations are provided for two or more travel trailers or house cars, open to the public either free or for a fee.
60. Trailer Space. A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

*DEFINITIONS*

61. Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form:
  - (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet;
  - (b) a unit designed to be mounted on a truck chassis;
  - (c) a unit constructed as an integral part of a self-propelled vehicle; or
  - (d) a canvas, folding unit mounted on wheels.
62. Travel Trailer Park. A parcel of land in which two or more spaces are occupied, or intended for occupancy, by travel trailers for transient dwelling purposes.
63. Turning Lanes. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.
64. Variance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.
65. Vision Clearance Triangle. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.
66. Waterline. The shortest straight line at the water front end of a stream lot that lies wholly within the lot, provided that not less, than 75 per cent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.
67. Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
68. Yard. Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered tap.
69. Yard. Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building, excluding uncovered steps.
70. Yard. Side. A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.



# ARTICLE H

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## Enforcement and Penalties

### SEC. 13-1-100: Enforcement and Penalties

- (a) The City Council of the City of Adams shall designate that the City Building Inspector enforce this ordinance by means of land use permits, the cost of which shall be established by the City Council.
- (b) The Inspector shall not issue a permit for a structure or a use that is not allowed by this ordinance. No structures shall be built, moved, or altered, and no land use shall be substantially altered, until a land use permit has been issued.
- (c) Application for any land use permit shall be accompanied by a map showing the location, size and shape of the lot(s) involved, and of any proposed structures, and the existing and proposed use of each structure and lot, and in the case of residential development, the number of families expected to be accommodated.
- (d) In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Section H65 of the Wisconsin Administrative Code and the Adams County Sanitary Code.
- (e) Under rules established by the City Council of the City of Adams, the Inspector may issue temporary permits of up to one year's duration.
- (f) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Sec. 1-1-7, Code of Ordinances, City of Adams. Every day of violation shall constitute a separate offense.

### SEC. 13-1-101 TO 13-1-109 Reserved for Future Use

# **ARTICLE I**

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## **Changes and Amendments to Zoning Code**

### **SEC. 13-1-110: Amendments**

The City Council of the City of Adams may amend this ordinance following the procedures prescribed by Section 62.23, Wisconsin Statutes.

### **SEC. 13-1-111: Separability**

Invalidation of any part of this ordinance by a court shall not invalidate the rest of the ordinance as provided In Sec. 1-1-4 Separability of Provisions of the Code of Ordinances of the City of Adams.

### **SEC. 13-1-112: Annexation**

All territory annexed by the City of Adams shall become part of the A-District until definite boundaries and regulations are recommended by the Plan Commission and adopted by the City Council of the City of Adams, such adoption to be completed within 90 days of the annexation.

### **SEC. 13-1-113: Conflicting Provision Repealed**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed as provided in Sec. 1-1-3 Conflict of Provisions of the Code of Ordinances of the City of Adams.

# Chapter 2

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## Property Maintenance

<a href="#"><u>13-2-1</u></a>	<b>Purpose</b>
<a href="#"><u>13-2-2</u></a>	<b>Applicability</b>
<a href="#"><u>13-2-3</u></a>	<b>Interpretation</b>
<a href="#"><u>13-2-4</u></a>	<b>Definitions</b>
<a href="#"><u>13-2-5</u></a>	<b>Minimum Standards</b>
<a href="#"><u>13-2-6</u></a>	<b>Enforcement</b>
<a href="#"><u>13-2-7</u></a>	<b>Non-Compliance with Chapter – Notice to be Given</b>
<a href="#"><u>13-2-8</u></a>	<b>Placard on Building</b>
<a href="#"><u>13-2-9</u></a>	<b>Building to be Vacated</b>
<a href="#"><u>13-2-10</u></a>	<b>Unlawful to Remove Placard</b>
<a href="#"><u>13-2-11</u></a>	<b>Right of Appeal</b>
<a href="#"><u>13-2-12</u></a>	<b>Non-Compliance with Chapter – Remedy of Defects</b>
<a href="#"><u>13-2-13</u></a>	<b>Removal of Building</b>
<a href="#"><u>13-2-14</u></a>	<b>Vacated Dwelling to be Made Secure</b>
<a href="#"><u>13-2-15</u></a>	<b>Non-Compliance with Chapter – Transfer of Ownership of Non-Compliant Building</b>
<a href="#"><u>13-2-16</u></a>	<b>Penalty</b>
<a href="#"><u>13-2-17</u></a>	<b>Separability</b>
<a href="#"><u>13-2-18</u></a>	<b>Chronic Nuisance Premises</b>
<a href="#"><u>13-2-19</u></a>	<b>Tax Roll</b>

### Section 13-2-1 Purpose

The general purpose of this chapter is to protect the public health, safety, and the general welfare of the people of the City. These general objectives include, among others, the following specific purposes:

- (1) To protect the character and stability of all areas within the City.
- (2) To provide the minimum standards necessary for the health and safety of persons occupying or using buildings, structures, or premises.
- (3) To provide minimum standards for the exterior maintenance of all buildings, structures and exterior premises, and to thus prohibit the spread of slums and blight.
- (4) To declare that buildings, structures, and adjacent exterior property which have become deteriorated, dilapidated, neglected, fire hazards, vermin or rodent harborage, or unsanitary are detrimental to the health, safety, and welfare of the residents of this community.
- (5) To preserve the value of land and buildings throughout the City.

## Section 13-2-2 Applicability

Every building, structure, and premises shall conform to the requirements of this chapter, irrespective of the class to which such building, structure, or premises may otherwise belong, and irrespective of when such building or structure may have been constructed, altered, or repaired.

## Section 13-2-3 Interpretation

This chapter establishes minimum standards for maintenance of buildings, structures, and premises and does not replace or modify standards otherwise established for the construction, replacement, or repair of buildings and structures except such as are in conflict with the provisions of this chapter.

Any inconsistency or conflict between the provisions of this chapter and any other provision of this Code or other existing ordinance shall not repeal such provision or ordinance; but the provisions of this chapter shall be cumulative thereto.

## Section 13-2-4 Definitions

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- (1) **ACCESSORY STRUCTURE.** A structure detached from and subordinate to the main or principal structure and located on the same premises, including, but not limited to garages, storage sheds, carports, fences, retaining walls, garden treillage, and any other exterior appurtenance located on the premises.
- (2) **BASEMENT.** That portion of a building the floor-line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four feet above lot grade.
- (3) **BUILDING.** A structure built for the support, shelter or enclosure of persons, animals or chattels including all mechanical and electric appurtenances.
- (4) **DETERIORATION.** The condition or appearance of a building or structure, or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint, or other evidence of decay.
- (5) **EXTERMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.
- (6) **FENCE.** An independent structure forming a barrier at grade between properties, between a property and a street or an alley, or between portions of a property or properties, and includes a wall or latticework screen, but excludes a hedge or natural growth, or a barrier less than eighteen inches in height which is used to protect plant growth.
- (7) **GARBAGE.** Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.
- (8) **OCCUPANT.** Any person occupying or having use of a building, structure, premises of any part thereof.
- (9) **OWNER.** Any person who along, jointly, or severally with others shall hold title to a building, structure or property, or who shall be in actual possession of, or have charge, care or control of building, structure, or property as employee or agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder.

- (10) **OPERATOR.** Operator shall mean any person who has charge, care or control of a building, structure or premises or part thereof.
- (11) **PERSON.** The term "person" shall include a corporation, firm partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the term "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations, the work shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
- (12) **PROVIDED.** Any material furnished, supplied, paid for or under the control of the owner.
- (13) **REPAIR.** To restore to a state of operation, serviceability or appearance in conformity with this Code.
- (14) **REPLACE.** To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new.
- (15) **RUBBISH.** Rubbish is the miscellaneous waste material, combustible and non-combustible, resulting from housekeeping and ordinary mercantile enterprises, and includes boxes, cartons. Excelsior, paper, ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves, garden plants, and animal waste.
- (16) **STRUCTURE.** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence, freestanding wall, sign or other advertising medium, whether detached or projecting.
- (17) **SUBSTANDARD.** All buildings which do not conform to the minimum standards established by this chapter and by any other provision of this Code or ordinances or by State of Wisconsin Administrative Code.
- (18) **SUPPLIED.** Shall mean paid for, furnished or provided by or under the control of the owner or operator.
- (19) **YARD.** An open space at grade on the same premises as a building or structure located between such building or structure and the adjoining premises and/or street line.
- (20) **MEANING OF CERTAIN WORDS.** Whenever the words "building", "structure", or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

### Section 13-2-5 Minimum Standards

It shall be unlawful for any person to occupy, use, let, or hold out to another for occupancy or use any building, structure or premises which does not comply with each of the following requirements of this Code:

- (1) **FOUNDATIONS, EXTERIOR WALLS, AND ROOFS.** The foundation be substantially water tight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be substantially water tight, weather tight, protected against rodents, kept in good condition and repair, and shall be free of holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior portions of the walls or

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to the exterior spaces of the dwelling. Every roof shall be water tight, weather tight, kept in good condition and repair, and have no dangerous defects. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintels, sills, and similar projections shall be kept in good repair; free from cracks or defects which make them hazardous or dangerous.

- (2) **WINDOWS, DOORS AND HATCHWAYS.** Every window shall be fully supplied with transparent or translucent windowpanes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition and repair. Door hinges and door latches shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.
- (3) **STAIRWAYS AND PORCHES.** Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.
- (4) **CHIMNEYS.** Every chimney and chimney flue shall be in good and safe condition and repair. Masonry chimneys shall have caps to prevent moisture from entering the masonry.
- (5) **GRADING AND DRAINAGE OF LOTS.** Every yard, court, driveway or other portion of the premise shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.
- (6) **Regulation of Length of Lawn and Grasses**
  - (a) In addition to (5) above, no grass upon any private premises within the City limits shall be allowed to grow in excess of an average length of six inches before mowed, cut or trimmed, provided, however, that this provision shall not apply to land with a pitch greater than 30 degrees from horizontal.
  - (b) **INSPECTION.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection ~~(b)~~ (a) above exists.
  - (c) **ABATEMENT OF NUISANCE.**
    - (1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (a) above exists, he shall immediately cause written notice to be served that the City proposes to have the lot grass or lawn cut so as to conform with this Section and Section 13-2-5(6)(f).
    - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
  - (d) **DUE PROCESS HEARING.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the

decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Council. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Common Council's decision. If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(e) **CITY'S OPTION TO ABATE NUISANCE.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:

- (1) The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.
- (3) Yards shall be kept substantially clear of debris and shall be provided with adequate lawn, ground cover or vegetation. Hedges or bushes shall be cut or trimmed as often as necessary to maintain a neat and attractive appearance. All areas not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.
- (4) Every yard, court, driveway or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.
- (5) Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.

- (6) Every building shall have adequate refuse, garbage or rubbish storage facilities. No occupant shall accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents or vermin.
- (a) The exterior of every structure or accessory structure, residential and non-residential, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted where necessary for purposes of preservation and appearance. The same shall be maintained free of broken loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
- (b) Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and shall be so maintained as to be weather and water-tight. (The above applies to residential and non-residential properties.)
- (c) This Ordinance applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement upon the premises
- (f) **NATURAL LAWNS DEFINED.** An owner or occupier of land in the City may apply for approval of land management plan for a natural lawn in which grasses and vegetation may exceed six inches. Applications for such plans shall be considered as are applications for conditional use permits.
- (1) **NATURAL LAWN MANAGEMENT PLAN DEFINED.**
- (a) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed six (6) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- (b) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the City. "Property Owner" shall be defined to include the legal titleholder and/or the beneficial owner of any such lot according to most current City records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any City-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.
- (c) Any subsequent property owner who abuts an approved natural lawn may



revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(2) **APPLICATION PROCESS.**

- (a) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the City Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.
- (b) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the City Clerk-Treasurer shall issue permission to install a natural lawn.

- (3) **APPLICATION FOR APPEAL.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Common Council at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Common Council shall be final and binding.

(4) **SAFETY PRECAUTIONS FOR NATURAL GRASS AREAS.**

- (a) When, in the opinion of the Fire Chief of the Department serving the City of Adams, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
- (b) Natural lawns shall not be removed through the process of burning unless stated and

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approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a third-party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).

- (5) **REVOCATION OF AN APPROVED NATURAL LAWN MANAGEMENT PLAN PERMIT.** The Mayor, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Common Council. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15)-calendar day requirement shall be reviewed by the Common Council in an open meeting. The decision rendered by the Common Council shall be final and binding.
- (6) **PUBLIC NUISANCE DEFINED-ABATEMENT AFTER NOTICE.**
- (a) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the City as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (b) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State Statute.
- (c) The failure of the City Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.
- (7) **DESTRUCTION OF NOXIOUS WEEDS**
- (a) The City Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice,

then the Weed Commissioner of the City shall give five (5) days written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

- (c) As provided for in Sec. 66.96(2), Wis. Stats., the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the City corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

*Cirsium Arvense* (Canada Thistle)

*Arctium minus* (Burdock)

*Ambrosia trifida* (Great Ragweed)

*Euphorbia esula* (Leafy Spurge)

*Tragopogon dubius* (Goat's Beard)

*Rhus radicans* (Poison Ivy)

*Plantago lanceolata* (English Plantain)

*Chenopodium album* (Common Lambsquarter)

*Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed)

*Ambrosia artemisiifolia* (Common Ragweed)

*Rumex Crispus* (Curled Dock)

*Pastinaca sativa* (Wild Parsnip)

*Xanthium strumarium* (Cocklebur)

*Cirsium vulgaries* (Bull Thistle)

*Amaranthus retroflexus* (Pigweed)

*Cannabis sativa* (Hemp)

Noxious grasses, as defined in this Section and in Section 8-1- 7, shall include but not be limited to the following:

*Agrostia alba* (Redtop)

*Poa pratensis* (Kentucky Blue)

*Sorghum halepense* (Johnson)

*Setaria* (Foxtail)

Noxious weeds are also the following plants and other rank growth:

Ragweed

Thistles

Smartweed

Dandelions (over 8 inches in height)

Milkweed (over 8 inches in height)

*State Law Reference:* Sec. 66.96, Wis. Stats.

- (8) **EXTERIOR APPEARANCE.** Every building and structure shall be kept neat and attractive in appearance. All wooden portions shall be painted, stained or receive other similar treatment as often as necessary to maintain such appearance.
- (9) **REFUSE, GARBAGE AND RUBBISH STORAGE REQUIREMENTS.** Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. No occupant shall accumulate rubbish, boxes, lumber, metal, animal waste, or other materials which may provide harborage for rodents or vermin.
- (10) (a) **Outdoor Storage and Seasonal Structures.** Outdoor storage and personal property of any description shall be contained in one (1) structure. Said structure shall not be in excess of 200 square feet. Said structure, of any description, and particularly, without limitation due to enumeration, structures constructed of tubing or poles and covered with tarps, canvas, plastic or vinyl, may be utilized within the City limits between April 1 through the ensuing months until November 1. Citizens requesting authority to utilize said temporary structures must apply to the City Zoning Administrator for a permit therefore.

Said temporary structure shall be well maintained and loose material, rips, tears, broken poles or support members to be immediately repaired. Said structures shall be completely taken down and removed from public view between November 2 through March 31 of each year.

One such structure shall be allowed per dwelling unit/primary residence located on said lot. The definition of "structure" as set forth in section 13-1-90 paragraph 56 and 13-2-4 paragraph 16 are hereby incorporated herein and augmented by the definition of temporary storage set forth in this section 13-2-5 paragraph 6(a).

The provisions of this Section 13-2-10(a) specifically do not apply to lots that are owned commercial or industrial within the City limits of the City of Adams, Adams County, Wisconsin. Commercial property owners wishing to erect said structures must contact the City Inspector before doing so."

- (11) **MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.** No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:
- (a) Every dwelling unit having a kitchen or kitchenette shall be equipped with the following:
- (1) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which

provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.

(2) Cabinets and/or shelves for the storage of eating, drinking, cooking equipment, and utensils and of food that does not, under ordinary summer conditions, require refrigeration for safekeeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(3) A stove, or similar device, for cooking food and a refrigerator, or similar device, for the safe storage of food at temperatures less than 50 F, but more than 32 under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator, and/or similar devices are provided.

(b) Within every dwelling unit there shall be a nonhabitable room which affords privacy to anyone within said room and which is supplied with a flush water closet in good working condition and within every dwelling unit let to another, there shall be such closet for each eight (8) persons or fraction thereof. Said flush water closet shall be equipped with easily cleanable surfaces, and shall be connected both to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and to a sewer system which is approved by the appropriate authority.

(c) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be placed in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.

(d) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority.

(12) **RESPONSIBILITIES OF OWNERS, OPERATOR AND OCCUPANT INDEPENDENT OF EACH OTHER.**

(a) Owners and operators shall have all the duties and responsibilities as prescribed in this Ordinance and the regulations promulgated pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor in violation thereof.

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- (b) Occupants shall have all the duties and responsibilities as prescribed in this Ordinance. No person shall attempt to contract away his responsibilities under this Ordinance.

(13) **DUTIES AND RESPONSIBILITIES OF OWNERS AND OPERATORS.**

- (a) Maintenance and Appearance of Exterior of Premises.
  - (1) The exterior of premises and all structures thereon shall be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of occupants, pedestrians and to the persons utilizing the premises. Any of the foregoing shall be promptly removed and abated by the owner or operator.
  - (2) The exterior of the premises and surrounding yard shall be kept free of hazards which include, but are not limited to: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.
  - (3) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free of defects.
  - (4) The exterior appearance of all buildings shall reflect a level of maintenance in keeping with the standards of the neighborhood. It shall not constitute a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood.
  - (5) The premises shall be kept landscaped and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown, and unsightly where exposed to the public view. Premises shall include the areas between the sidewalk and the curb of the street.

**Section 13-2-6 Enforcement**

- (1) **PROPERTY MAINTENANCE ENFORCEMENT OFFICERS:** City officials authorized to act as enforcement officers of this chapter include the Police Chief, Building Inspector, and any other City official so designated by the City Council. The Enforcement Officer is authorized to, and upon receipt of a complaint may, make exterior inspections to determine whether buildings, structures, and premises located within the City conform to the requirements of this chapter.
- (2) **INSPECTION AUTHORITY:** For the purpose of making exterior inspections, the Enforcement Officer is authorized to enter, examine and survey at all reasonable times the exterior portions of all buildings, structures or premises. Every owner or occupant shall give the Enforcement Officer free access to any said premises. The Enforcement Officer or his delegated representative, having probable cause to believe a violation of this Ordinance exists, shall have authority to enter any of such premises after written notice has been given to the owner, occupant or his agent. If, after such notice is given, access is denied to the Enforcement Officer, he or she may apply to the Circuit Court for a special inspection warrant.
  - (2) **INSPECTION AUTHORITY:** For the purpose of making exterior inspections, the Enforcement Officer is authorized to enter, examine and survey at all reasonable times the

exterior portions of all buildings, structures or premises. Every owner or occupant shall give the Enforcement Officer free access to any said premises. The Enforcement Officer, having probable cause to believe a violation of this Ordinance exists, shall have authority to enter any of such premises after written notice has been given to the owner, occupant or his agent. If, after such notice is given, access is denied to the Enforcement Officer, he or she may apply to the Circuit Court for a special inspection warrant.

(3) **ADMINISTRATIVE PROVISIONS.**

- (a) The Enforcement Officer is hereby made responsible for the enforcement of this Ordinance. All inspections, enforcement, orders or matters relating to violation of this Ordinance shall be under his direction and supervision. He may appoint or designate such other public officials or employees of the City to perform duties as may be necessary to the enforcement.
- (b) The Enforcement Officer shall be supplied with official identification and upon request shall exhibit such identification when entering any premises subject to this Ordinance. The Inspector shall conduct him/her as to avoid intentional embarrassment or inconvenience to occupants.

### **Section 13-2-7 Non-Compliance with Chapter – Notice To Be Given**

Whenever the Property Maintenance Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, notice of such alleged violation shall be given to the person or persons responsible therefor, which shall:

- (a) Be in writing;
- (b) Indicate the nature of the violation(s);
- (c) Indicate the time for the correction of the violation in accordance with (e) hereof;
- (d) Be served upon the owner or his agent, or the occupant or operator, as the case may require. Such notice shall be deemed to be properly served upon such owner or his agent, or occupant, or operator, if a copy thereof is:
  - (I) Served upon him personally, or
  - (II) Sent by regular mail to the owner at its last known address, or
  - (III) Posted in a conspicuous place in or about the building or structure affected by notice, or
  - (IV) Served upon a member of the family of the owner, operator or occupant 14 years of age or older.
- (e) State a reasonable amount of time, not to exceed 30 days, to correct or abate the violation;

*(Creating section 13-2-5(6)(a) of the Code of Ordinances of the City of Adams, WI by Council on August 7, 2006 by Ord. 18-2006)(Amend Section 13-2-5(6)(a) of the Code of Ordinances of the City of Adams, WI by Council on April 2, 2007 by Ord. No. 02-2007)(Amend Section 13-2-5(6)(a) of the Code of Ordinances of the City of Adams, WI by Council on July 21, 2008 by Ord. No. 05-2008)(Creating Title 13 Chapter 2 Section 5(11) of the Code of Ordinances of the City of Adams, WI by Council on February 2, 2009 by Ord. No. 04-2009)*

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### **Section 13-2-8 Placard on Building**

- (1) The Enforcement Officer shall cause to be placed upon a building, structure or premises a placard, which will state the determinations of the Enforcement Officer as to the building, structure or premises being unfit for use or occupancy whenever all of the following occur:
  - (a) any building, structure or premises does not substantially comply with the requirements of this Chapter, and
  - (b) the Enforcement Officer has given notice of the violation involved as provided for in Section (7) herein; and
  - (c) if the owner, occupant or operator has failed to correct the violations set forth in said notice; and
  - (d) the Enforcement Officer has further determined that the building, structure, or premises are so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is, therefore, unfit for use or occupancy.
- (2) The form of the placard placed under the provisions of this Section of the Ordinance shall be determined by the Enforcement Officer but shall also substantially state the specific violations of this Ordinance.
- (3) No person shall deface or remove the placard from any building, structure or premises which has been placed by the Enforcement Officer until removal of such placard is authorized by the Enforcement Officer.
- (4) Any building, structure or premises which have been determined by the Enforcement Officer as being so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health and safety of the occupants or of the public, and is, therefore, unfit for use or occupancy, and which said building, structure or premises has been placarded by the Enforcement Officer, shall be vacated within such reasonable time as is determined and ordered by the Enforcement Officer.
- (5) No building, structure or premises which has been determined by the Enforcement Officer as unfit for use or occupancy and placarded as provided herein shall again be used or occupied until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall grant such approval and remove such placard in the event that the violations have been corrected and the enforcement Officer determines that the building, structure or premises are now fit for use or occupancy.

### **Section 13-2-9 Building to be Vacated**

Any building, structure, or premises which as been determined by the Enforcement Officer as being so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public, and is therefore unfit for use or occupancy, and which said building, structure, or premises have been placarded by the Enforcement Officer pursuant to Section 13-02-08 herein, shall be vacated within such reasonable time as is determined and ordered by the Enforcement Officer.

No building, structure, or premises which has been determined by the Enforcement Officer as unfit for use or occupancy and placarded as provided in Section 13-02-06 herein can again be used or occupied until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall grant such approval and remove such placard in the event that the violations have been corrected and the Enforcement Officer determines that the building, structure or premises are now fit for use or occupancy.



### **Section 13-2-10 Unlawful to Remove Placard**

No person shall deface or remove the placard from any building, structure or premises which has been placed by the Building Inspector pursuant to Section 13-02-08, except for the removal by the Building Inspector under the conditions as set forth in Section 13-02-09.

### **Section 13-2-11 Right of Appeal**

Any person affected by any notice or order relating to violations under this Chapter or any determinations of the Building Inspector may request and shall be granted a hearing on the matter before the Zoning Board of Appeals under the procedure set forth in section 13-01-80 of this code.

### **Section 13-2-12 Non-Compliance with Chapter – Remedy of Defects**

- (a) The owner, occupant or operator of any building, structure or premises shall have the time as specified in the notice under Section (7) to remedy the violations specified in such notice.
- (b) In the event the Enforcement Officer shall determine, in his discretion, that the owner, occupant or operator is, within said time, making a good faith effort to correct the violations, he may extend the time for compliance.
- (c) If the owner, occupant or operator of building, structure or premises shall fail or refuse, after notice and order of the Enforcement Officer, to remedy the violations specified in such notice, then the Enforcement Officer may cause such work to be done and certify the cost thereof to the City Clerk, who shall extend such cost against the property upon the next tax roll of the City.

### **Section 13-2-13 Removal of Buildings**

If any building, structure or premises does not substantially comply with the requirements of this Chapter, and the Enforcement Officer has further determined that the building, structure or premises are so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is therefore unfit for use or occupancy, and if the required notice under Section 13-02-07 has been given, the placard under Section 13-02-08 has been placed on the dwelling, the order of the Enforcement Officer, including a reasonable time for vacation under Section 13-02-09 has been given, and the owner, occupant or operator of said building, structure, or premises refuses or fails to correct such violations, then the Building Inspector shall order the razing and removal of said building, structure or premises, shall cause said work to be done and certify the costs thereof to the City Clerk-Treasurer, who shall extend the cost against the property upon the next tax roll of the City.

### **Section 13-2-14 Vacated Dwellings to be made Secure**

The owner, occupant or operator of every building, structure, or premises which has been declared by the Enforcement Officer to be unfit for use or occupancy shall make said building, structure, or premises safe and secure so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant building or structure open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and a public nuisance within the meaning of this provision. If the owner, occupant or operator of such building, structure or premises shall, after notice and order by the Enforcement Officer, refuse or fail to make such provisions, then the Enforcement Officer shall cause such work to be done and certify the cost thereof to the City Clerk-Treasurer who shall extend such cost against the property upon the next tax roll of the City.

### **Section 13-2-15 Non-Compliance with Chapter – Transfer of Ownership of Non-Compliant Buildings**

It shall be unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the grantee, transferee, mortgagee, or lessee a true copy of any compliance or notice of violation issued by the Enforcement Officer and shall furnish to the Enforcement Officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation, and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

### **Section 13-2-16 Penalty**

- (a) A violation of any section or subsection of this Ordinance shall be punishable by a fine or forfeiture not to exceed \$200.00 for each violation committee hereunder, or upon failure to pay, by imprisonment in the county jail for not more than 60 days.
- (b) Each day a violation exists after the notice of violation has been received and which becomes an order of the Enforcement Officer shall constitute a separate violation of this Ordinance.
- (c) Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Ordinance or otherwise.

### **Section 13-2-17 Separability**

If any section or subsection, sentence, clause, phrase or any other part of this Chapter if for any reason held to be void or invalid, such decision shall not affect the validity of the remaining portion of the Title. The City Council hereby declares that it would have passed this Chapter, each section, subsection, clause, sentence and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase or other parts be declared as void or invalid.

- (1) In the event of a conflict between this Chapter and another section of the City Code, the more restrictive provision shall prevail.

## Section 13-2-18 Chronic Nuisance Premises

(1) Findings. The Common Council finds that certain premises within the City receive and require more than the general, acceptable level of police services. Such premises place an undue and inappropriate burden on Adams taxpayers, and constitute public nuisances. The Common Council therefore authorizes the Chief of Police to charge the owners of such premises the costs associated with abating the violations at premises where nuisance activities chronically occur and to provide for forfeitures for the failure of property owners to abate such nuisance activities.

**(2) Definitions.** The following terms are defined as follows in this chapter:

(a) “Chief” means the Chief of Police or designee.

(b) “Enforcement Action” means the arrest, the issuance of a citation, or the issuance of a written warning.

(c) “AC” means City of Adams Municipal Code of Ordinances.

(d) “Nuisance Activity” shall mean any of the activities, behaviors or conduct set forth in the Appendix to this Code Section occurring on or within two hundred (200) feet of a premises whenever engaged in by premises owners, operators, occupants or a person or persons associated with a premises.

(e) “Owner” means the owner of the premises and its agents.

(f) “Person associated with a premises” means the premises owner, operator, manager, officer, director, resident, occupant, guest, visitor, customer, patron or employee or agent of any of the above individuals, or one who waits to enter or attempts entry or the premises.

(g) “Premises” means individual dwelling unit; any property or premises used for residential purposes whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

**(3) Notice.**

(a) Whenever the Chief determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premises on separate days during a 12-month period, the Chief may notify the premises owner and tenant in writing. In reaching this determination, the Chief shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises.

(b) The notice shall contain the street address including unit number if applicable or legal description sufficient to identify the premises, a description of the nuisance activities and enforcement actions that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

(c) The Chief’s written notice shall be delivered to the owner of the premises by one of the following methods in descending order of preference: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, in that order, as the Chief may determine appropriate under the particular facts and circumstances.

**(4) Abatement Plan.** Any owner receiving such notice shall personally meet with the Chief, or his/her designee, within five (5) days of receipt of such notice. The Chief and person shall review the problems occurring upon the premises and/or property. Within ten (10) days of this meeting, the owner shall submit to the Chief, or his/her designee, a written abatement plan designed to effectively end all the nuisance activity upon the premises. The plan shall also specify a name, address and telephone number of a person living within sixty (60) miles of the premises who can be contacted in the event of further police, fire or inspection activities and/or contact.

**(5) Additional Nuisance Activity.** Whenever the Chief determines that:

(a) Additional nuisance activity and/or enforcement action has/have occurred upon a premises for which the Chief’s notice has been issued under this Chapter; and,

(b) This additional nuisance activity and/or enforcement action has/have occurred more than fifteen (15) days after the Chief’s notice was served; and,

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(c) Reasonable effort has not been made by the owner of the premises to abate the nuisance activity; then,

(d) The Chief may calculate all of the cost, fees and expenses arising from and/or pertaining to any and all such police and related City responses and enforcement including, but not limited to, actual burdened labor, overtime, materials, vehicle use and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Chief shall cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid, charged, assessed, levied and collected by the City as a special charge against the premises/property pursuant to Wis. Stat. §66.0627.

**(6) Appeal.**

(a) Appeal by Affected Property Owner. An affected owner of the premises may appeal the Police Chief's determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this Ordinance in the manner set forth in this Subsection.

(b) The appeal shall be in writing, filed with the City Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal shall be filed within 90 days of the invoice from the City Clerk.

(c) The appeal shall be considered only if filed prior to the time that any unpaid special charges imposed against the premises/property under this Chapter are turned over by the Treasurer onto the tax roll.

(d) Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal nor shall any other provision of state law or city ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

(e) Upon receipt of the written appeal, the Clerk shall set the matter for a public hearing for a regularly scheduled meeting of the Common Council not less than thirty (30) days nor more than sixty (60) days after the filing of the written appeal.

(f) The Clerk shall provide written notice to the appellant and to the Chief of Police of such Common Council meeting hearing date, time and place.

(g) The parties may agree to continuances and stipulations as to procedure and substance, but in no event shall the hearing be continued beyond the time set forth in Subparagraph c.

(h) The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven years by the City Clerk. A party may request a court reporter but the requesting party shall pay all costs of the court reporter in advance regardless of the determination of the appeal.

(i) The appellant and the Chief of Police may each present witnesses who testify upon oath after being duly sworn-in by the City Clerk, the Deputy City Clerk or any person authorized by law to administer oaths.

(j) After the hearing, the Common Council in open session shall deliberate and then make a determination by recorded motion, second and vote with a majority of Council Members voting governing.

(k) The City Clerk/Treasurer shall adjust all invoices, tax and related City records in accord with the Council's determination.

**(7) Violations, Penalties, Remedies, Injunctive and Other Relief.** In addition to the special charges authorized and described above, the following penalties, remedies and other cumulative and not exclusive, may be jointly and severally sought and/or employed by the City, and may be ordered and/or imposed, as applicable, by the courts:

(a) First Offense. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall forfeit and pay to the City not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution.

(b) Subsequent Offenses. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder within twenty-four (24) months after committing a previous violation shall forfeit and pay to the City not less than \$200.00 nor more than \$5,000, together with the costs of prosecution.

(c) Each and every day that a violation occurs, continues and/or remains present constitutes a separate offense.

(d) The City, in addition to the above monetary penalty(ies) and special charges may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, remedies, judgments and/or orders of the court against any person(s) and/or property(ies) as the court may, from time to time deem necessary, appropriate and/or desirable to effectuate the intent of this chapter and the public good, peace, order, welfare and/or safety.

(e) In addition to the above penalties, relief and remedies, the Common Council may refuse to issue or not-renew any license or permit to the owner of the premises and/or the premises, after conducting a public hearing thereon.

(f) It shall be the responsibility of the convicted person(s) to immediately abate each and every violation upon the premises property as expeditiously as possible, unless otherwise directed by the City or the court.

(g) This chapter is cumulative in its legal affect and is not in lieu of any and all other legal and equitable remedies under City ordinances, state statutes, state administrative codes and common law, including, but not limited to, forfeiture of the property to the City under this chapter and/or the applicable state statutes.

#### Chronic Nuisance Activities

1. Harassment, as defined in Wis. Stat. § 947.013.
2. Disorderly Conduct, as defined in Wis. Stat. § 947.01.
3. Acts of Violence as defined in Wis. Stat. Ch. 940.
4. Lewd and Lascivious Behavior, as defined in Wis. Stat. § 944.20.
5. Prostitution, as defined in Wis. Stat. § 944.30.
6. Keeping a Place of Prostitution, as defined in Wis. Stat. § 944.34.
7. Soliciting Prostitution, as defined in Wis. Stat. § 944.32.
8. Patronizing Prostitution, as defined in Wis. Stat. § 944.31.
9. Pandering, as defined in Wis. Stat. § 944.33.
10. Theft, as defined in Wis. Stat. § 943.20.
11. Receiving Stolen Property, as defined in Wis. Stat. § 943.34.
12. Arson, as defined in Wis. Stat. § 943.02.
13. Possession, Manufacture or Delivery of a Controlled Substance or related offenses, as defined in Wis. Stat. Ch. 961 and WDC § 18.16.
14. Gambling, as defined in Wis. Stat. § 945.02.
15. Animal violations as defined in WDC Chap. 25.
16. Trespassing, as defined in Wis. Stat. §§ 943.13 and 943.14.
17. Loitering, as defined in WDC § 18.14(7).
18. Littering, as defined in WDC § 18.14(6).
19. Illegal possession or use of firearms, as defined in Wis. Stat. Chap. 941, Wis. Stat. § 948.60 and WDC § 18.08.

### **Section 13-2-19 Tax Roll**

If the owner, occupant or operator of building, structure or premises shall fail or refuse, after notice and order of the Enforcement Officer, to remedy the violations specified in such notice, then the Enforcement Officer may cause such work to be done and certify the cost thereof to the City Clerk, who shall extend such cost against the property upon the next tax roll of the City.

*(Creating Title 13, Chapter 2, Section 18 of the Code of Ordinances of the City of Adams, WI by Council on June 2, 2014 by Ord. No.05-2014) (Creating Title 13, Chapter 2, Section 19 of the Code of Ordinances of the City of Adams, WI by Council on June 16, 2014 by Ord. No.08-2014)*



# Chapter 3

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## Regulating Rummage, Garage, Yard or Occasional Sales

### 13-3-1 Regulation of Sales

### 13-3-2 Penalty

#### Section 13-3-1 Regulation of Sales

- a. **Frequency of Sales.** Operators of rummage, garage, yard or occasional sales are limited to a total of three in a calendar year. Length of the sale is not to exceed four days. Removal of items outside of residence shall be completed within twenty-four hours from the last day of the sale.
- b. **Signage.** Signs are limited to the days of the sale. Signs cannot exceed six square feet in area and are limited to five signs per sale. Signs are to be removed as soon as possible, however no later than twenty-four hours from the last day of the sale.

#### Section 13-3-2 Penalty

Title 1 General Provisions for use of Code of Ordinances shall apply, with penalties as provided in Sec. 1-1-7 of the Code of Ordinances of the City of Adams, Wisconsin.