

Chapter 5: Regulations

5-1 Fire Prevention.

- A. Wis. Adm. Code ch. SPS 314 is hereby adopted by reference into this Code as if fully set forth herein, and as from time to time it is amended.
- B. Frequency of inspections.

The Fire Chief shall inspect or cause to be inspected by the Fire Inspector(s) or such subordinates in said District as the Chief shall designate at least once per nonoverlapping twelve-month period each calendar year, or as often as may be necessary, all buildings and premises requiring inspection.

5-2 Uniform Dwelling Code.

- A. Authority. These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
- B. Purpose. The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- C. Scope. The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980, and new camping units as defined in Wis. Admin. Code § SPS 327.08(9).
- D. Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, Wis. Adm. Code Chs. SPS 320-325 & 327, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- E. Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the State of Wisconsin, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- F. Building Permit Required. No person shall alter, in excess of \$1,500.00 value in any twelve-month period, build, add onto, or alter any building within the scope of this Ordinance without first obtaining a building permit for such work

from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

- G. Building Permit Fee. The building permit fees shall be set forth in a Town fee schedule and shall include the applicable fee per Wis. Adm. Code ch. SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Adm. Code § SPS 327.09 and inspection fees as outlined within Wis. Adm. Code § 327.10(3) shall also be included in the fee schedule.
- H. Penalties. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to the enforcement provisions of Section 1.4 of this Code.
- I. The Building Inspector(s) shall keep a log of all inspections completed.

5-3 Short-Term Rentals.

- A. For purposes of this Ordinance:
 - 1. “Residential Dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
 - 2. “Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.
- B. The rental of a Residential Dwelling for periods of six or fewer consecutive days is prohibited.
- C. The rental of a Residential Dwelling for periods of 7 but fewer than 30 consecutive days is limited to a total number of 180 days within any consecutive 365-day period. This maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the

person's Residential Dwelling shall notify the Town Clerk in writing when the first rental within a 365-day period begins.

- D. Any person who maintains, manages, or operates a Short-Term Rental for more than 10 nights each year, shall do all of the following:
1. Obtain from the Wisconsin Department of Agriculture, Trade and Consumer Protection a license as a tourist rooming house.
 2. Obtain from the Town a license for conducting such activities.

5-4 Manufactured and Mobile Homes and Manufactured and Mobile Home Communities.

A. Definitions.

The definitions set forth in Wis. Stats. § 66.0435(1), and as from time to time they are amended, are hereby adopted into this Ordinance by reference as if fully set forth herein.

B. Enforcement.

The provisions of this Ordinance shall be enforced by the Town Board. The Town Board or the Town Board's representative may enter upon any premises upon which a manufactured or mobile home is located or is about to be located and inspect the manufactured or mobile home and all accommodations connected with the manufactured or mobile home at any reasonable time with prior notice provided.

C. Location outside manufactured and mobile home communities.

1. It shall be unlawful for any person to park or cause to be parked any manufactured or mobile home within the Town, such as upon any street, alley, or highway or other public place or on any tract of land owned by any person within the Town, except as provided in this Subsection.
2. Emergency or temporary stopping or parking shall be permitted on any street, alley, or highway for not longer than one hour, subject to any other prohibitions, regulations, or limitations imposed by the traffic and parking regulations or Ordinances for that street, alley or highway.
3. No person shall park or occupy any manufactured or mobile home on any premises situated outside an approved manufactured and mobile home community. The parking of any unoccupied manufactured or mobile home in any accessory private garage building in the Town is

permitted without permit, provided no living quarters shall be maintained or any business conducted in such manufactured or mobile home while so stored.

D. Permanent occupancy.

Manufactured and mobile homes shall not be used as a permanent dwelling or for indefinite periods of time unless such manufactured or mobile home is properly connected with the public water supply and sanitary systems in an approved manufactured and mobile home community. Such manufactured or mobile home shall be constructed and located in compliance with all requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances applicable to the Town.

E. Alteration of manufactured or mobile home.

Any action toward the removal of wheels, except for temporary purposes of repair or any other action to attach the manufactured or mobile home to the ground by means of posts, piers or foundation or to construct any addition to the manufactured or mobile home, shall subject the manufactured or mobile home and its owner to the requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances applicable to the Town.

F. Manufactured and mobile home community license required.

It is unlawful for any person to establish or operate upon property owned or controlled by the person within the Town, a manufactured and mobile home community without first having secured a license therefor from the Town. The application for such license shall be accompanied by a fee of \$100.00 for each 50 spaces or fraction thereof within each manufactured and mobile home community. The license period shall be from July 1 to June 30 of each calendar year except that licenses shall expire every June 30 no matter when issued. Such communities shall comply with Wis. Admin. Code ch. SPS 326, which is hereby adopted into this Code by reference as if fully set forth herein and as from time to time amended. The Town shall collect a fee of \$10.00 for each transfer of a license.

G. Parking permit fee.

There is hereby imposed on each occupied, nonexempt mobile home located in the Town, a monthly parking fee as determined in accordance with Wis. Stats. § 66.0435(3)(c). Said fees shall be paid to the Town on or before the tenth day of each month following the month for which such fees are due.

H. Reports required.

1. Licensee of manufactured and mobile home communities or owners of land on which are parked any nonexempt manufactured or mobile home shall furnish information to the Town on such homes added to their community within five days after arrival of such home on forms prescribed by the Wisconsin Department of Revenue in accordance with Wis. Stat. §§ 66.0435(3)(c) and (e).
2. Occupants or owners of nonexempt manufactured or mobile homes parked outside of a manufactured and mobile home community shall remit applicable fees directly to the Town Clerk.
3. It shall be the responsibility of the licensee of a manufactured and mobile home community to collect applicable fees from each occupied, nonexempt manufactured or mobile home therein and to remit such fees to the Town Clerk.
4. Pursuant to Wis. Stat. § 66.0435(3)(h), there shall be a forfeiture of \$25.00 for failure to comply with the reporting requirements of this Section. Each failure to report is a separate offense.

I. Manufactured and mobile home community operation.

1. The manufactured and mobile home community shall maintain a staffed office in the community or local representative available during normal business hours.
2. The owner or operator, together with attendants or persons in charge of, or managing, the manufactured and mobile home community shall:
 - a. Keep a register, which is open at all reasonable times for inspection by appropriate state or local officials, of the owners of all manufactured and mobile homes in the community; and
 - b. Maintain the manufactured and mobile home community in a clean, orderly, and sanitary condition at all times.
3. Occupants shall maintain their sites in a clean, orderly, and sanitary condition at all times.

J. Revocation and suspension.

A license granted under this Ordinance is subject to revocation or suspension for cause by the Town upon complaint filed with the Town Clerk, if the complaint is

signed by a law enforcement officer, local health officer, as defined in Wis. Stat. § 250.01(5), or building inspector, after a public hearing upon the complaint.

K. Hearings on revocation or suspension of license.

The holder of the license shall be given ten days' written notice of the hearing on revocation or suspension of the license, and is entitled to appear and be heard as to why the license should not be revoked or suspended. A holder of a license that is revoked or suspended by the Town may within 20 days of the date of the revocation or suspension appeal the decision to the Marathon County Circuit Court by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$500.00 with two sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

L. Criteria for issuance of a license.

1. The Town shall consider, but not be limited to, all of the following criteria prior to the issuance of a license to an applicant:
 - a. The applicant's identity, contact information, and trade name, if any.
 - b. If the applicant is a corporation, the identity of the corporate officers and agent.
 - c. If the applicant is a limited liability company, the identity of the company members or managers and agent.
 - d. If the applicant is a cooperative organized under Wis. Stat. ch. 185, the identity of the cooperative members, board of directors, and agent.
 - e. If the applicant is of a type identified in subsections (2), (3), or (4) above, then the applicant must further provide the identifying information of any and all related entities, if any. A related entity is an entity that is a parent, subsidiary, associate, or affiliate of the applicant.
 - f. Any other information required by this Ordinance or other applicable law.
2. In the sole discretion of the Town Board, a license may be issued with conditions, or a license may be denied, if any of the following are present:

- a. The applicant, and/or a related entity, has past violations of this Ordinance.
- b. The applicant, and/or a related entity, has a history relevant to the applicant's fitness to hold such a license, as demonstrated by another manufactured and mobile home community within or outside of the Town that was not clean, safe, orderly and in sanitary condition at all times.
- c. The applicant, and/or a related entity, has failed to maintain a manufactured and mobile home community in accordance with the standards prescribed by the Wisconsin Department of Safety and Professional Services, an authorized agent of the Wisconsin Department of Safety and Professional Services, or in contravention of Wis. Adm. Code ch. SPS 326.
- d. The applicant is not of good character. Good character, for purposes of this Section, means an applicant, and/or a related entity, without a history of dishonest, uncooperative, or offensive acts towards the Town, its personnel, or agents.
- e. Fraud, misrepresentation, or an incorrect statement contained in the application for the license or made in the carrying on of the business of such license.

5-5 Storage of Junked Vehicles Prohibited.

A. Definitions:

1. For purposes of this Ordinance, “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, a personal delivery device, an electric scooter, and an electric personal assistive mobility device shall be considered a vehicle.
2. For purposes of this Ordinance, “junk” or “junked” means vehicles and/or vehicle parts to include at least one of any of the following:
 - a. Dismantled.
 - b. Of little or no resale value except as a source of parts and/or scrap.
 - c. In a state of being incapable of operation.

- d. In a state of being incapable of legal use upon a highway.
 - e. In a damaged state such that the estimated cost of repair exceeds the fair market value.
- B. No person, firm, partnership, or corporation shall accumulate, store, or have present any junked vehicles or parts thereof outside of any building on any real estate located within the corporate jurisdiction of the Town except upon a permit issued by the Town Board.
- C. No accumulation or storage of such material shall be allowed within 750 feet of the center line of any county, state, or federal highway or within 500 feet of the center line of any Town highway, except upon a permit issued granting the permission of the Town Board.
- D. The permit issued by the Town Board shall be signed by the Chairperson and Clerk and shall specify the quantity and manner of storing such junk vehicles. Such permit shall be revocable at any time after a hearing at which it has been found that the permit holder has failed or refused to comply with the Ordinances or permit conditions providing regulations for the storage of such junked vehicles or parts thereof. Such hearing may be held by the Town upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such Ordinance or permit condition. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

5-6 Public Nuisances Declared.

- A. The following acts, omissions, places, conditions, and things are declared to be public nuisances if they occur within the Town:
 - 1. Repeated and/or continuous violation of a Town ordinance.
 - 2. Repeated and/or continuous violation of a State statute that provides the Town with a cause of action.
 - 3. Repeated and/or continuous violation of a condition or term of any Town-issued approval, such as a permit or license.
- B. Any person causing a public nuisance is subject to Section 1-4 of this Code.

5-7 Non-Ferrous Metallic Mining.

- A. The purpose of this Ordinance is to establish mechanisms for Town regulation of non-ferrous metallic mining.
- B. This Ordinance is adopted pursuant to the Town's authority under Wis. Stat. §§ 60.10, 60.22(3), 61.34, 293.33 & 293.41.
- C. Approval Required: non-ferrous metallic mining is permissible only upon the issuance of a Town permit.
- D. Local Impact Committee.
 - 1. If it appears that the Town is likely to be substantially affected by potential or proposed non-ferrous metallic mining, the Town Board may designate an existing committee, or establish a committee, for purposes of:
 - a. Facilitating communications between operators and the Town.
 - b. Analyzing implications of mining.
 - c. Reviewing and commenting on reclamation plans.
 - d. Developing solutions to mining-induced growth problems.
 - e. Recommending priorities for local action.
 - f. Formulating recommendations to the investment and local impact fund board regarding distribution of funds under Wis. Stat. § 70.395(2)(g).
 - g. Negotiating a local agreement under Wis. Stat. § 293.41(3).
 - 2. Wis. Stat. § 293.33 is hereby adopted by reference into this Ordinance as if fully set forth herein, and as from time to time amended.
- E. Local Agreements.
 - 1. The Town may require an operator for the development of a non-ferrous metallic mining operation to enter into one or more agreements with the Town. Such an agreement shall include all of the following:
 - a. A legal description of the land subject to the agreement and the names of its legal and equitable owners.

- b. The duration of the agreement.
 - c. The uses permitted on the land.
 - d. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its residents.
 - e. A description of any obligation undertaken by the Town to enable the development to proceed.
 - f. The applicability or nonapplicability of Town ordinances, approvals or resolutions.
 - g. A provision for the amendment of the agreement.
 - h. Other provisions deemed reasonable and necessary by the parties to the agreement.
2. Wis. Stat. § 293.41 is hereby adopted by reference into this Ordinance as if fully set forth herein, and as from time to time amended.

5-8 Wind Energy Systems.

A. Purpose:

- 1. The purpose of this Section is to incorporate the provisions of Wis. Stat. § 66.0401 and Wis. Adm. Code ch. PSC 128 as a Town ordinance and to establish Town regulations for the installation and use of large and small wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission. This Section is also intended to preserve and protect public health and safety, to not significantly increase the cost of the system or significantly decrease wind energy system efficiency, and to allow for an alternative system of comparable cost and efficiency.
- 2. This Ordinance requires an owner to obtain a permit from the Town before:
 - a. Construction of a wind energy system;
 - b. Expansion of an existing or previously-approved wind energy system; and/or
 - c. A material change in the approved design, location or construction of a wind energy system.

B. Adoption of State Laws:

Wis. Stat. § 66.0401 and Wis. Adm. Code ch. PSC 128, and as from time to time they are amended, are hereby adopted and incorporated into this Ordinance by reference as if fully set forth herein.

C. Definitions:

Terms used herein shall have the meanings described in Wis. Adm. Code § PSC 128.01. In addition, “large wind energy system” in this Ordinance means all wind energy systems that are not small wind energy systems. “Small wind energy system” means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

D. Applications:

1. Applications for proposed wind energy systems shall be reviewed by the Plan Commission for a determination of completeness in accordance with the requirements of Wis. Adm. Code § PSC 128.31. Following a determination of completeness by the Town Plan Commission, the applicant shall provide 10 copies of the complete application to the Town. The Town Clerk shall forward one copy of a complete application to a Public Library serving the Town, in accordance with Wis. Adm. Code § PSC 128.30(6). One copy of the application shall be made available for public review at the Town Hall during normal Town Hall business hours.
2. As soon as possible after receiving an application for a wind energy system, the Town Clerk shall cause to be published a Class 1 notice stating that an application has been filed, in accordance with Wis. Stat. § 66.0401(4)(a). The notice shall include the information required by Wis. Adm. Code § PSC 128.30(5)(b).
3. The Town reserves the right to request additional information necessary to understand the wind energy system. This provision still applies after a determination that an application is complete. An owner shall provide additional information to all reasonable Town requests in a timely, complete, and accurate manner.
4. The Town requires an owner to reimburse the Town for reasonable expenses relating to the review and processing of the application. The reimbursement shall be based on the actual and necessary cost of the review of the application and shall include the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts. The Town requires an owner to submit fifty percent (50%) of the total estimated amount of the costs before the Town issues a written decision

on the application. The Town shall give an owner written notice within ten (10) days of the date that the application is deemed complete with an estimate of the relevant reimbursement amounts.

E. Criteria for All Wind Energy Systems:

1. Wind energy systems shall comply with all applicable State and Federal laws, including but not limited to Wis. Stat. § 66.0401 and Wis. Adm. Code ch. PSC 128.
2. Wind energy systems are exempt from Town height and setback requirements except as is provided in Table 1 for large wind energy systems and Table 2 for small wind energy systems in Wis. Adm. Code ch. PSC 128. However, an applicant may utilize larger setbacks as necessary to meet other standards contained in Wis. Adm. Code ch. PSC 128, including but not limited to: noise, shadow flicker, signal interference, and stray voltage limitations.
3. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.
4. The Town reserves the right to establish a decommissioning review process to determine when a wind energy system has reached the end of its useful life.
5. Owners shall submit to the Town a copy of all necessary State and Federal permits and approvals.

F. Additional Criteria Applicable Only to Large Wind Energy Systems

1. Pursuant to Wis. Stat. § 66.0401(4)(f)2, the Town may deny an application if a wind energy system has a nominal capacity of at least one megawatt and the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted as part of a comprehensive plan pursuant to Wis. Stat. § 66.1001.
2. The Town reserves the right to establish reasonable requirements designed to minimize soil compaction, topsoil mixing, and damage to drainage systems on agricultural land.
3. Owners shall use shielding or control systems approved by the federal aviation administration to reduce the visibility of wind energy system lighting to individuals on the ground.
4. Owners shall provide annual training for all applicable fire, police, or other first responder agencies that provide such services to the Town. An owner shall provide at least eight hours of training during each calendar year and is responsible for all direct training costs.

5. Owners shall provide information about whether the owner has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any Federal or State agency and whether the owner has incorporated the non-binding recommendation(s) into the design of the wind energy system.
6. Owners shall cooperate with any study of the effects of wind energy systems coordinated by a state agency.
7. Monetary compensation:
 - a. Owners shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes an initial annual monetary compensation of \$600 for one turbine located within one-half mile of a nonparticipating residence, \$800 for two turbines located within one-half mile of a nonparticipating residence, and \$1,000 for three or more turbines located within one-half mile of a nonparticipating residence.
 - b. The initial annual monetary compensation under this subsection shall furthermore be calculated by the application of increases since the year 2012 of the greater of either two percent (2%) or the increase in the Consumer Price Index as described in Wis. Stat. § 196.374(5)(bm)2, for each year since 2012, to arrive at the initial amounts applicable to the year that any agreements are created. Such agreements shall also provide for such further increases to apply during the term of the agreement.
 - c. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under Wis. Adm. Code ch. PSC 128 and whether acceptance of payment by the owner of the nonparticipating residence will establish it as a participating property pursuant to Wis. Adm. Code ch. PSC 128.
8. Aerial Spraying. An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:
 - a. Substantial evidence of a history, before the wind energy system owner gives notice under Wis. Adm. Code § PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
 - b. A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located

within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

9. Reports and Reviews:

- a. An owner of a wind energy system within the Town shall submit an annual report to the Town Plan Commission by January 31 of each year documenting the operation and maintenance of the wind energy system during the previous calendar year.
- b. The Town Plan Commission shall conduct a review of the annual reports submitted, in part to determine if a wind energy system has reached the end of its useful life.
- c. The Town reserves the right to establish a procedure to monitor compliance by the owner with any condition on an approved wind energy system or to assess when wind energy systems facilities are not maintained in good repair and operating condition. This procedure may include timelines, payment by the owner of reasonable fees to conduct assessments, and notification to the public.
- d. The Town may require the owner to pay a reasonable fee for a third-party inspector to monitor and report regarding an owner's compliance with permit requirements during construction.
- e. An owner shall monthly provide the Town with a copy of the owner's complaint log.

10. Financial Responsibility:

- a. An owner with a nameplate capacity of one megawatt or larger shall provide the Town with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.
- b. An owner shall provide the Town with three estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the Town. The amount of financial assurance required by the Town will be the average of the three estimates.
- c. An owner shall establish financial assurance that is acceptable to the Town and that places the Town in a secured position. The financial assurance must provide that the secured funds may be used for decommissioning the wind energy system, or at such time as the Town determines that the wind energy system has been decommissioned, as provided for in Wis. Adm. Code §

PSC 128.19(5)(b), or the Town approves the release of the funds, whichever occurs first. The financial assurance must also provide that the Town may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.

- d. The Town may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the Town finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this Section, the Town may correspondingly increase or decrease the amount of financial assurance required. The Town shall not adjust the financial assurance under this paragraph more often than once in a 5-year period.
 - e. The Town may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.
11. Signal Interference. An owner shall, under a protocol established by Wis. Adm. Code § PSC 128.50(2), implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under Wis. Adm. Code §§ PSC 128.16(2) and (3) and for which the original mitigation solution is only partially effective.

G. Review Process:

- 1. The Town Plan Commission shall have 90 days from the date that the Plan Commission notifies the owner that the application is complete in which to approve or disapprove the application, unless the time is extended in accordance with Wis. Stat. § 66.0401(4)(e).
- 2. The Town Plan Commission shall hold a public hearing on the proposed wind energy system in accordance with a class 2 notice under Wis. Stat. ch. 985. Any written comments submitted shall be considered at the public hearing. A record of the hearing shall be created either by stenographer or an electronic recording.
- 3. Following the public hearing, the Town Plan Commission shall issue a written decision to grant or deny a permit for a wind energy system and any conditions of approval. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.
- 4. The Town Clerk shall provide a duplicate original of the Town's written decision to the applicant.

5. The Town shall maintain a record of the permit review and decision as required by Wis. Adm. Code § PSC 128.34.

5-9 Solar Energy Systems.

A. Purpose:

1. The purpose of this Ordinance is to establish Town regulations for the installation and use of Solar Energy Systems that generate less than 100 megawatts but more than 10,000 watts.
2. This Ordinance requires Owner(s) to obtain a permit from the Town before:
 - a. Construction of a Solar Energy System;
 - b. Expansion of an existing or previously-approved Solar Energy System; and/or
 - c. A material change in the approved design, location, or construction of a Solar Energy System.
3. The Town may place any condition upon a permit as long as it satisfies at least one of the following:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.
4. The Town shall consider each permit application on a case-by-case basis.

B. Definitions. Terms used herein shall have the following meanings:

1. "Decommissioning" means removal of all of the above ground and below ground portions to a depth of at least four (4) feet of the Solar Energy System and its supporting facilities.
2. "Owner" means:
 - a. A person with a direct ownership interest in a Solar Energy System, regardless of whether the person was involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of a Solar Energy System.

- b. At the time a Solar Energy System is being developed, a person who is acting as a Solar Energy System developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a Solar Energy System, regardless of whether the person will own or operate the Solar Energy System.
 3. "Solar Energy System" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. In addition, for purposes of this Ordinance, only electric generating facilities of less than 100 megawatts but more than 10,000 watts are applicable.
- C. Applications for a Solar Energy System permit are required to contain the following:
 1. Name and address of all Owner(s) of the Solar Energy System, and the name and contact information for a designated representative, if any.
 2. Evidence that the applicant is the owner of the real property involved or has the written permission of the owner to make such an application.
 3. Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
 4. Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.
 5. The Town reserves the right to establish a Decommissioning review process to determine when a Solar Energy System has reached the end of its useful life.
 6. Owner(s) shall submit to the Town a copy of all necessary State and Federal permits and approvals.
 7. A finished landscape plan that includes proposed structures, topography, grubbing, clearing, plantings, and final vegetation.
 8. Such additional information as the Town may reasonably request, if any.
 9. A fee bearing a reasonable relationship to the Town's anticipated review and processing of the application that shall include the reasonable, direct cost of services necessary for review of the application provided by outside engineers, attorneys, planners, environmental specialists, and/or other consultants or experts. Additional fees may be required as necessary, and any fees unused at the end of the application process shall be returned to the applicant. The Town Board shall determine and monitor the fee(s).
 10. As-built plans upon completion of construction.

- D. Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System including but not limited to any of the following:
1. Location, setbacks, ground clearance, and height.
 2. Anticipated costs related to emergency services required as a result of the Solar Energy System, such as for e.g., additional training and/or equipment.
 3. Decommissioning.
 4. Financial security, such as bonds, cash deposits, or letters of credit.
- E. Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this Ordinance or the provisions of a permit granted pursuant to this Ordinance.
- F. Reports and Reviews:
1. An Owner of a Solar Energy System within the Town shall submit an annual report to the Town Plan Commission by January 31 of each year documenting the operation and maintenance of the Solar Energy System during the previous calendar year.
 2. The Town Plan Commission shall conduct a review of the annual reports submitted, in part to determine if a Solar Energy System has reached the end of its useful life.
 3. The Town reserves the right to establish a procedure to monitor compliance by the Owner with any condition on an approved Solar Energy System or to assess when Solar Energy System facilities are not maintained in good repair and operating condition. This procedure may include timelines, payment by the Owner of reasonable fees to conduct assessments, and notification to the public.
 4. The Town may require the Owner to pay a reasonable fee for a third-party inspector to monitor and report regarding an Owner's compliance with permit requirements.
 5. An Owner shall provide the Town with a copy of any third-party complaints regarding the Solar Energy System.
- G. Financial Responsibility:
1. An Owner with a nameplate capacity of 20,000 watts or larger shall provide the Town with financial assurance of the Owner's ability to pay the actual and necessary cost to Decommission the Solar Energy System before commencing major civil construction activities.

2. An Owner shall provide the Town with three estimates of the actual and necessary cost to decommission the Solar Energy System. The cost estimates shall be prepared by third parties agreeable to the Owner and the Town. The amount of financial assurance required by the Town will be the average of the three estimates.
3. An Owner shall establish financial assurance that is acceptable to the Town and that places the Town in a secured position. The financial assurance must provide that the secured funds may be used for Decommissioning the Solar Energy System, or at such time as the Town determines that the Solar Energy System has been Decommissioned, or the Town approves the release of the funds, whichever occurs first. The financial assurance must also provide that the Town may access the funds for the purpose of Decommissioning the Solar Energy System if the Owner does not Decommission the system when Decommissioning is required.
4. The Town may periodically request information from the Owner regarding industry costs for Decommissioning the Solar Energy System. If the Town finds that the future anticipated cost to Decommission the Solar Energy System is changing in a material way, the Town may correspondingly increase or decrease the amount of financial assurance required.
5. The Town may require an Owner to submit a substitute financial assurance if an event occurs that raises material concern regarding the viability of the existing financial assurance.

5-10 Recycling.

- 1.01 Title. Recycling Ordinance for the Town of Easton, Marathon County, Wisconsin.
- 1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.
- 1.03 Statutory Authority. This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.
- 1.04 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 1.05 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive Requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin

Statutes, or by a standard in ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

- 1.06 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 1.07 Applicability. The requirements of this ordinance apply to all persons within the Town of Easton, Marathon County, Wisconsin.
- 1.08 Administration. The provisions of this ordinance shall be administered by the Town Board or its designee.
- 1.09 Effective Date. The provisions of this ordinance shall take effect on its date of adoption and notice to the public as required by law.
- 1.10 Definitions. For the purpose of this ordinance:
- 1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
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 - 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) Is designed for serving food or beverages.
 - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
 - 4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
 - 5) "HDPE" means high density polyethylene, labeled by the resin code# 2.
 - 6) "LDPE" means low density polyethylene, labeled by the resin code# 4.
 - 7) "Magazines" means magazines and other materials printed on similar paper.

- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- 9) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
- 12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper 01 packaging.
- 13) "Other resins or multiple resins" mean plastic resins labeled by the resin code# 7.
- 14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
- 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code# 1.
- 16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- 17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined ins. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined ins. 289.01(17)., Wis. Stats.
- 18) "PP" means polypropylene, labeled by the resin code # 5.
- 19) "PS" means polystyrene, labeled by the resin code # 6.
- 20) "PVC" means polyvinyl chloride, labeled by the resin code# 3.
- 21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid

plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

- 22) "Solid waste" has the meaning specified ins. 289.01(33), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified ins. 289.01(35), Wis. Stats.
- 24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper

- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
 - 14) Steel containers
 - 15) Waste tires
- 1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following:
- 1) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified ins. 1.11 from solid waste in as pure a form as is technically feasible.
 - 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
 - 3) A recyclable material specified in s. 1.11(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.
- 1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- 1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- As directed by the Town Board or its designee.
- 1.15 Preparation and Collection of Recyclable Materials. Occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the separated materials specified ins. 1.11(5) through (15):
- As directed by the Town Board or its designee.
- 1.16 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified ins. 1.11(5) through (15):
 - a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.
 - iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified ins. LI1(5) through (15) from solid waste in as pure a form as is technically feasible.

1.17 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- 1) Owners or designated agents of non -residential facilities and properties shall do all of the following to recycle the materials specified ins. 1.11(5) through (15):
 - (a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.

- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified ins. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.
- 1.18 Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified ins. 1.11 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- 1.19 Enforcement.
- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Easton, Marathon County, Wisconsin may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Easton, Marathon County, Wisconsin who requests access for purposes of inspection, and who presents appropriate credentials and, if necessary, a special inspection warrant obtained pursuant to s. 66.0119, Wis. Stats. No person may obstruct, hamper, or interfere with such an inspection once undertaken.
 - 2) Any person who violates a provision of this ordinance may be issued a citation by the Town Board or its designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the

same or any other matter shall not preclude the issuance of a citation under this paragraph.

- 3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates s. 1.18 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this ordinance, excepts. 1.18, may be required to forfeit not less than \$10 or more than \$1,000 for each violation.

(Ord. 04/15/2026)