

**TOWNSHIP OF HARRISON  
Town Board  
Waupaca County**

**Zoning Ordinance**  
Last Revised January 2018

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## **Zoning Ordinance**

### **Town of Harrison Waupaca County, Wisconsin**

An Ordinance under the provisions of Section 62.23(7) to promote the health, safety, morals and general welfare of the Town of Harrison, Waupaca County, Wisconsin and to provide a method for its administration and enforcement and to provide penalties for its violation.

The Town Board of the Town of Harrison, Waupaca County, Wisconsin, having been granted Village powers pursuant to Section 60.18(12), do ordain as follows:

#### **SECTION I, INTERPRETATION AND PURPOSES.**

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 Town of Harrison, Waupaca County, Wisconsin.

It is intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

#### **SECTION II, DISTRICTS.**

- A.** For the purposes of this Ordinance, the Town of Harrison, Waupaca County, Wisconsin, shall be one General District, known as the General Agricultural District. All property located within said township shall be deemed to be within said District.
- B.** The Waupaca County Shoreland Zoning Ordinance adopted May 20, 1997 by the Waupaca County Board of Supervisors and all amendments thereto, continue in all respects to the extent of the greater restrictions, but not otherwise and are adopted herein by reference.
- C.** Permitted uses and structures in General Agricultural District:

The following uses and structures are permitted in the General Agricultural District:

1. Agricultural and general farming, including dairy farming, livestock raising, truck farming and poultry raising and structures used in connection therewith.
2. Single family residences.
3. Two family residences.
4. Silviculture.

**D.** Conditional uses and structures in General Agricultural District:

1. All uses and structures not listed above as permitted uses shall be conditional uses and structures in the General Agricultural District.

**E.** Conditional Uses:

1. The Board of Appeals may authorize the Zoning Administrator(s) 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 purposes and intent of this Ordinance. Notice of such public hearing, specifying the time, place and subject matter, shall be given in the manner specified in the Wisconsin Statutes. The Board of Appeals shall state in writing the grounds for refusing any conditional use permit.
2. Application for conditional use permits shall be submitted to the Zoning Administrator and shall be accompanied by the same information as is required for a Land Use Permit as specified in this ordinance. The Board of Appeals may require such other information as may be necessary to determine and provide for an enforcement of this ordinance, including a plan showing contours, soil types, high-water marks, ground water conditions, bedrock, vegetative cover and specifications for areas of proposed filling, grading and lagooning.
3. The Board of Appeals shall review the site; existing and proposed structures and architectural plans; parking areas; driveway locations; highway access, traffic generation and circulation; drainage; sewage and water systems; operation; conditions which will affect the maintenance of safe and healthful conditions, prevention and control of water pollution including sedimentation, the location of the site with respect to flood plains and the compatibility of the proposed use with the use of adjacent land.

4. Upon consideration of the factors listed above, the Board of Appeals may require such conditions, in addition to those listed elsewhere in this Ordinance, as it deems necessary in furthering the purpose of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration; landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increase setbacks and yards, type of shore cover, specified sewage disposal and water supply systems, planting screens, piers and docks, signs or any other requirements necessary to fulfill the purpose and intent of this Ordinance.
5. The Board of Appeals shall evaluate each application and may request technical assistance from any source.

### **SECTION III, DEFINITIONS.**

For the purposes of this Ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and local building codes.

**Accessory Building or Use.** A detached building or part of the principal building or a use on the same lot with the subordinate to the principal building or use and customarily incidental thereto. A mobile home or other vehicle or part thereof or other building or part thereof used as a temporary or permanent dwelling or lodging place is not an accessory building or use.

**Automobile Junk Yard.** Any premises on which more than two automobile vehicles, not in running or operating condition, is stored in the open.

**Basement.** A story partly or wholly underground.

**Building.** Any structure used, designed or intended for the protection shelter, enclosure or support of persons, animals or property. If a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building, except for side yard requirements where manifestly inappropriate.

Exception. The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance.

Family. One or more persons living together in one dwelling unit as a single housekeeping entity; provided that a family shall consist of not more than 5 such persons when not related by birth or marriage.

Farming. The principal use of a premises for the raising and harvesting of crops or the keeping of livestock.

Frontage. All the property abutting on one side of a street between two intersecting streets or all the property abutting on one side of a street between an intersecting street and the dead end of a street.

Highway. See "Street".

Junk Yard. Any premises on which there is an accumulation of automobile scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall not be housed in a completely enclosed building, but not including such accumulation as are incidental to manufacturing conducted on the premises.

Land Disposal Operation. A land disposal operation is a solidly waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth on a regular schedule.

Lot. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this Ordinance and abutting on a public street or officially approved place.

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.

Lot. Depth of. The mean horizontal distance between the front and rear lot lines.

Lot. Interior. A lot other than a corner lot.

Lot. Reversed Corner. A corner lot improved with a building which faces at right angles to other buildings or interior lots in the same block.

Lot. Through. An interior lot abutting on two non-intersecting street.

Lot. Width of. The shortest horizontal distance between the side lines of a lot, measured at the building setback line.

Lot Lines. The lines bounding a lot as defined herein.

Mobile Home. Is that which is, or was, as originally constructed, designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additional, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 per cent of the assessable value of the house trailer.

Nonconforming use. A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use of occupancy does not conform to the regulations of this Ordinance or any amendments thereto.

Setback Line. The minimum horizontal distance from the centerline on the highway, right of way, or established shoreline, to the nearest part of the building, exclusive of permitted projections measured at right angles to the highway or shoreline.

Solid Waste. Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials, resulting from industrial, commercial and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

Solid Waste Disposal. Solid waste disposal means the collection, storage, treatment, utilization, processing or final disposal of solid waste.

Solid Waste Disposal Operation. A solid waste disposal operation is the operation maintenance of a solid waste disposal site or facility, for the collection, storage, utilization, processing or final disposal of solid waste, including, but not limited to, land disposal, incineration, transfer, air curtain destruction, composting, reduction, shredding, compression, processing and salvage. In house reuse of imperfect finished products to make a merchantable finished product is not a solid waste disposal operation.

Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore, which affords the principal means of vehicular Access to abutting property.

Street Line. The dividing line between a lot, tract or parcel of land and an abutting street.

Structural Alterations. Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

Structure. Anything constructed or erected, which requires a permanent location on the ground or attachment to something having a permanent location on the ground, not including fences or walls less than 6 feet in height.

Value, Market. That value at which a seller willing to sell, but not forced to sell, would sell to a buyer will to buy, but not forced to buy.

Variance. A departure from the terms of this Ordinance as applied to a specific building or lot, which the board of appeals may permit contrary to the regulations of this Ordinance for the district in which such building or lot is located, when the board finds that a literal application of such regulations will cause a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is not compensating gain to the public health, safety or welfare.

#### **SECTION IV, GENERAL PROVISIONS.**

Except as specifically provided otherwise in this Ordinance, the following regulations shall apply.

##### **A. Buildings and Uses**

1. No provision of this Ordinance shall be construed to bar an action to enjoin or abate the use of occupancy of any land or structure as a nuisance under the appropriate laws of the state of Wisconsin.
2. No provision of this Ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of overground or underground public utility neighborhood service lines and mechanical appurtenances thereto where reasonably necessary for the preservation of the public health, safety, convenience and welfare.
3. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district.
4. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one residential building on one lot.
5. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for

which construction shall have been started six (6) months prior to the effective date of this ordinance.

B. Land Use Permits.

1. Permits Required:

- (a) A Land Use Permit shall hereafter be required for the construction, reconstruction, remodeling or moving of any building within the Town of Harrison, whenever the fair market value of such shall be estimated to be over the amount of \$1,000.00. The permit shall be issued at least 48 hours before the work commences and no excavation or construction shall begin unless 48 hours have elapsed since the issuance of the permit. However, no Land Use Permit shall be required for replacement of an existing roof.
- (b) To apply for a land use permit, contact shall be made to the Zoning Administrator(s) to set an appointment date to complete a form designed to give pertinent information relative to any such proposed construction, reconstruction, remodeling or moving project. The permit application shall show the location, the owner, his agents, the type of construction, whether timber, masonry or metal, the size and dimensions, whether it is new construction, reconstruction or alteration.
- (c) After the application has been filed with the Zoning Administrator and he has made his inspection of any plans written or oral and in his opinion is satisfied the proposed work to be done is in every way in compliance with this ordinance and the laws of the State of Wisconsin he shall issue a Land Use Permit.
- (d) Any such Land Use Permit so issued shall show the owner or owners of such property upon which such proposed construction is to take place, described the property as described in the town assessment roll, and show the amount of cost or estimated cost of the proposed construction, reconstruction, remodeling or moving project.
- (e) The Zoning Administrator shall issue a notice to the town clerk and the assessor whenever a Land Use Permit is issued. Such notice shall be made by the Zoning Administrator on a form furnished by the town, and shall contain all required information that is pertinent to the construction for which the Land Use Permit has been issued.
- (f) If the Zoning Administrator shall find at any time that the above mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written

warning or instruction has been issued to him, he shall revoke the Land Use Permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Zoning Administrator may order to be done as a condition precedent to the reissuance of the permit or as he may required or the preservation of human life and safety or property.

- (g) A Land Use Permit shall lapse and be void unless operations under the permit are commenced within 6 months of the date of the issuance thereunder.
- (h) Applicants for Land Use Permits must pay the sum set by town board at the time of the appointment of the Zoning Administrator. Said fee schedule shall be revised and changed if necessary by the town board at the time of its January meeting in each subsequent year. The fee must be paid before a Land Use Permit will be issued.

C. Residential Lots.

- 1. Any lot to be used for residential buildings shall be at least 5 acres in size with a survey by certified survey. All buildings must be at least 20 feet from the property side line, 20 feet from the rear line and have highway setbacks as follows:

**State Road:** must be set back at least 110 feet from the centerline of any town highway or 50 feet from the right of way line of any town highway, whichever is greater.

**County Road:** must be set back at least 75 feet from the centerline of any town highway or 42 feet from the right of way line of any town highway, whichever is greater.

**Town Road;** must be set back at least 63 feet from the centerline of any town highway or 30 feet from the right of way line of any town highway, whichever is greater

All residences shall be at least 100 feet from any field being used or capable of being used for agricultural purposes so as to prevent conflict between residential and agricultural use.

- 2. All single family dwellings (excluding mobile homes) shall have a minimum dwelling structure valuation shall be \$20,000.00 exclusive of land, wells and septic system. All two family dwellings (excluding mobile homes) shall have a minimum structure valuation shall be \$20,000.00 per unit exclusive of land, wells and septic system.

3. Mobile Homes not located in Mobile Home Parks.
  - (a) Definitions. For the purposes of the Section 3 and Section 4 which follows:
    - (1) "Licensee" means any person licensed to operate and maintain a mobile home park under this section.
    - (2) "Licensing authority" means the Town Board.
    - (3) "Park" means mobile home park.
    - (4) "Person" means any natural individual, firm, true partnership, association or corporation.
    - (5) "Mobile home" is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and 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, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 per cent of the assessable value of the house trailer. "Mobile "Home" does not include those vehicles described in subsection 3b below.
    - (6) "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.
    - (7) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.
    - (8) "Unit" means a mobile home unit.
    - (9) "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
    - (10) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.
  - (b) Converted Vehicles and Touring or Recreational Mobile Homes.
    - (1) No converted vehicles such as, but not limited to, vans, semitrailers, buses or trolley cars are to be considered mobile homes within the scope of this ordinance. The parking of such vehicles within the Town of Harrison, outside of campgrounds, is strictly prohibited except that such vehicles may be parked in the township for no more than 2 weeks each year provided application is made to the Zoning Administrator, a \$5.00 fee paid and a permit issued. This section shall also apply to touring or recreational

mobile homes and camping and travel trailers except that subsection 3b(2) below shall also apply to such units. The above permit may be denied if the Zoning Administrator determines sanitation facilities for the unit create a health hazard.

- (2) Camping/Travel Trailers and Touring or Recreational Mobile Homes which are parked for more than 2 weeks and on a semi-permanent basis outside of campgrounds, require an annual town conditional use permit. This section does not apply to any converted vehicles such as but not limited to vans, semitrailers, buses or trolley cars. These permits require Town Board approval. Approval by the Town Board will be given for a maximum period of 3 years. These permits are approved primarily to allow absentee owners a transition period in which to construct permanent buildings. Town Board approval will not be given where a unit covered by this section will be used for living quarters and/or business purposes for more than 4 months in any of the 3 years. The Waupaca County Sanitary ordinance shall apply to units covered by this subsection. If it is determined that any provision of this section is violated Town Board approval will not be given in any subsequent year.
  - (3) The parking of any unoccupied touring or recreational or other converted vehicle in any accessory private garage or building or in a rear yard is permitted, provided no living quarters shall be maintained or any business conducted in such unit while so parked or stored.
  - (4) Camping/Travel Trailers and Tour or Recreational mobile homes but not any converted vehicles as defined above may be kept in the Township for longer than the periods set forth above if they are kept in mobile home parks as described below in subsection 4 and shall be subject to provisions thereunder. They, as well as converted vehicles, may be kept in licensed campgrounds for periods not to exceed 8 months in any year.
- (c) The establishment of recreational campgrounds within the Town of Harrison shall be permitted. Any person desiring to establish a campground within the Town of Harrison shall apply to the Town Board for a license. The license shall be issued annually and the cost of such license shall be computed at the rate of \$5.00 for each campsite. The provisions of Section IVC4i and Section IVC4e(3) of this ordinance as they pertain to sanitation facilities and screening shall apply to all licensed campgrounds. All campgrounds shall be screened as set forth above so they are not visible from any public roadway. An adequate supply of pure water for drinking and domestic use shall be supplied for all camping units within the campgrounds. The congregation of more than one recreational unit, which shall include but not be limited to camping trailers, vans, travel trailers, motor homes and converted vehicles, in any location shall be deemed a campground subject to licensing under this section.

- (d) Taxation of Touring or Recreational Type Mobile Homes and Camping/Travel Trailers. Touring or recreational type mobile homes and camping/travel trailers shall be registered with the Department of Transportation in similar manner as prescribed for motor vehicles according to fees established in Section 341.25(1)(i) of the Motor Vehicles Code. Touring or recreational type mobile homes and camping/travel trailers shall be exempt from assessment.
- (e) Permits. A permit for each Mobile Home is required. Any person, firm or corporation who intends to move a Mobile Home into the jurisdiction of the Township of Harrison, is hereby required to make application for a Mobile Home Permit to the Zoning Administrator. The cost for such permit is \$10.00. Such permit shall expire on the first day of each year, but may be renewed upon written request. The \$10.00 permit fee is required to be paid for the original permit, but shall not be required for the renewal of the permit. If a Mobile Home is to be moved from one location to another, application for a new permit is required before the unit is moved. Such permit shall require the \$10.00 permit fee to be paid, the same as if an original application for such permit is made. Application for permits shall be made by written application to the Zoning Administrator .
- (f) Posting of Permits. All permits required by this Ordinance shall be posted conspicuously on the premises which are the subject of the permit.
- (g) Specifications for Mobile Homes:
  - (1) A permanent foundation with footings shall be required. Wheels shall be removed and the mobile home skirted with material of the same color and style as the mobile home itself.
  - (2) Any additions, construction improvements or home relocation shall require a Town Land Use Permit, obtainable from the Town Zoning Administrator .
  - (3) The minimum size of mobile home units shall be 600 square feet of living space. The hitch area is not to be considered in computing this minimum size requirement.
  - (4) The minimum lot size for a mobile home is 5 acres.
  - (5) The minimum valuation of a mobile home exclusive of windbreaks or entrances buffers, carports, unattached structures and wells and septic systems shall be \$20,000.00. Valuation shall be established by the Town Assessor prior to the issuance of a permit under Section d above.
  - (6) The provisions of Section IV, subsection H shall apply to all mobile homes in the Township. In addition, all dwellings including mobile homes shall have an approved septic system or permanently installed waste incinerator unit. Privies are prohibited.
- (h) Currently Existing Mobile Homes. Whenever an existing Mobile Home and existing at the time of the adoption of this Ordinance is removed from any premises, another Mobile Home permit shall not be issued unless all the requirements of this Ordinance are met.
- (i) Currently Existing Mobile Homes to Comply. All mobile homes located within the Township of Harrison shall within 90 days after the effective

date of this Ordinance obtain a permit as set forth in subsection 3d above. All the requirements for mobile homes necessary to obtain said permit are waived except for the requirements of subsection 3f(6); all currently existing mobile homes shall comply with the provisions of the Waupaca County Sanitary Ordinance #2 as adopted by this Ordinance so as to not continue any hazard to the welfare and health of the Township.

- (j) Monthly Parking Permit Fees. See subsection 4c(6) below for the applicable law. The provisions thereof shall apply to all mobile homes not located within mobile home parks.

#### 4. Mobile Home Parks.

- (a) Definitions. The definitions in subsection 2a above apply to this section.

- (b) License and Revocation or Suspension Thereof.

- (1) It shall be unlawful for any person to maintain or operate within the limits of the Town of Harrison, any mobile home park unless such person shall first obtain from the Town a license therefor. All such parks in existence on date of passage of this ordinance, shall within ninety (90) days thereafter, obtain such license, and in all other respects comply fully with the requirements of this section except that the licensing authority shall upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the Town or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

- (2) Any license granted under the provisions of this ordinance shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the Clerk signed by any law enforcement officer, health officer or Zoning Administrator after a public hearing upon such complaint, provided that the holder of such license shall be given ten (10) days notice in writing of such hearing, and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Town may within twenty (20) days of the date of such revocation or suspension appeal therefrom to the Circuit Court of the county in which the trailer camp or mobile home park is located by filing a written notice of appeal with the Town Chairman, together with a bond executed to the Town, in the sum of five thousand (\$5,000.00) dollars with two sureties or a bonding company approved by the said Chairman, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

- (c) License and Monthly Mobile Home Fee: Review.

- (1) The licensing authority shall exact from the licensee an annual license fee of \$2.00 for each space, with a minimum of \$25.00 within each mobile home park within its limits, except that where the park lies in more than

one municipality the amount of the license fee shall be such fraction thereof as the number of spaces in the park in the municipality bears to the entire number of spaces in the park.

(2) The licensing authority may collect a fee of Ten (\$10.00) Dollars for each transfer of a license.

(3) In addition to the license fee provided in paragraphs (1) and (2) the Town shall collect from each occupied mobile home occupying space or lots in a mobile home park in the Town a monthly parking permit fee computed as follows: the assessor shall determine the total fair market value of each occupied mobile home in the district subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishing thus established, shall be equalized to the general level of assessment on other real and personal property in the district. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding 1 assessment of general property. The parking permit fee shall first be reduced by the credit allowed under Section 77.63. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the local assessor on occupied mobile homes added to his park within five (5) days after their arrival, on forms prescribed by the Department of Revenue. As soon as the assessor receives the notice of an addition of an occupied home to a park, he shall determine its fair market value and notify the clerk of his determination. The clerk shall equalize the fair market value established by the assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by 12 and notify the mobile homeowner of the monthly fee to be collected from the mobile homeowner. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the occupied mobile home remains in the tax district. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70. If the Board of Review reduces a valuation on which previous monthly payments have been made, the tax district shall refund past excess fee payments. The monthly parking permit fee shall be paid by the mobile homeowner to the local taxing authority on or before the 10<sup>th</sup> of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed sixty (60) days in any 12 months or if the occupants of the mobile home are nonresidents tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the Town from qualified nonresident

- tourists or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee. Any person failing to comply with the reporting requirement of this subsection may for such failure be required to pay a forfeiture of \$25.00. Each failure to report shall be regarded as a separate offense.
- (4) The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying space therein as well as the owner and occupant thereof.
  - (5) This section shall not apply where a mobile home park is owned and operated by a county under the provisions of section 59.07(13)(b) of the Wisconsin Statutes.
  - (6) If a mobile home is located outside of a licensed park, at the time this ordinance is passed, the monthly parking permit fee shall be paid by the owner of the mobile home, the occupant thereof or the owner of the land on which it stands, the same as and in the manner provided for mobile homes located in mobile home parks, and the owner of such land shall be required to comply with the reporting requirements of paragraph 4c(3) above.
  - (7) Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable therein under Chapter 70 and 74 of the Wisconsin Statutes.
  - (d) Application for License. Original application for mobile home park license shall be filed with the Town Clerk. Applications shall be in writing, signed by the applicant and shall contain the following:
    - (1) The name and address of the applicant.
    - (2) The location and legal description of the mobile home park.
    - (3) The complete plan of the park.
  - (e) Plans and Specifications to be Filed.
    - (1) Accompanying and to be filed with an original application for a mobile home park, shall be plans and specifications which shall be in compliance with all applicable Town ordinances and provisions of the State Board of Health. The Clerk after approval of the application by the Town Board and upon completion of the work according to plans shall issue the license. A mobile home housing development harboring only nondependent mobile homes as defined in subsection 3a(7) shall not be required to provide a service building.
    - (2) The mobile home park shall conform to the following requirements:
      - (a) Minimum size – 5 acres.
      - (b) Maximum number of home sites – 10 per acre.
      - (c) Maximum height of a unit – 15 feet.

- (d) Parking spaces – 2 parking spaces for each unit and additional parking spaces for automobile vehicles within the park totaling not less than 1¼ parking spaces for each mobile home space.
- (e) The Park shall be located on a well-drained property, properly graded to insure rapid drainage and free from stagnant pools of water.
- (f) Each site shall be clearly defined or delineated. Each site shall have an average width of not less than 40 feet and a length of not less than 75 feet and the unit shall not occupy in excess of 25 per cent of the area of the site, provided however, that mobile home Parks which, at the time of the adoption of this Ordinance, existed lawfully with mobile home sites that do not comply with any of the foregoing minimum area and width or minimum average area and average width requirements, may continue to operate and may be excused from such compliance as provided in subsection 4b(1) above.
- (g) The units shall be so located on each site that there shall be at least a 20-foot clearance between units. No units shall be located closer than 10 feet to any building within the park or to any property line of the park which does not abut upon public street or highway. No unit shall be located closer than 25 feet from property line of public street or 50 feet from a trunk highway thoroughfare or such other distance as may be established by ordinance or regulation as front yard or setback requirement with respect to permanently erected buildings in the district in which the mobile home park is located.
- (h) All sites shall abut upon a driveway of not less than 40 feet in width, which shall have unobstructed access to a public street, alley or highway except that sites servicing only touring or recreational type units may abut on a driveway not less than 25 feet wide.
- (i) All driveways and walkways shall be hard surfaced and lighted at night with sufficient lighting that compares with lighting in any residential area of the average city or town. Walkways shall have minimum width of 36 inches.
- (j) An electrical outlet supplying at least 100/115/220-25 volts, 50 amperes shall be provided for each mobile home site, or 30 ampere, 100 V for each touring or recreational type housing unit site.
- (k) An adequate supply of pure water for drinking and domestic purposes shall be supplied to all building and primary housing sites within the park. Each such site shall be provided with a cold water tap, located to be accessible from side of the unit.
- (l) Each primary housing site shall be provided with a sewer receptacle at least four inches in diameter which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored on such site having

- any or all of such facilities. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard. Receptacle shall be located so as to be accessible from side of the unit.
- (3) Each site shall be attractively landscaped and all areas fronting the park and any buildings or recreation areas shall be attractively landscaped. The entire mobile home park shall be screened as set forth below so they are not visible from any public road. Unless adequately screened by existing vegetative cover, it shall be screened by: A temporary planting of fast growing material, capable of reaching a height of 15 feet or more, such as hybrid poplar and a permanent evergreen planting, such a number and so arranged that within 10 years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
  - (4) Renewal of License: Upon application by a licensee and after approval by the Town Board, and upon payment of the annual license fee, the Clerk of the Town shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Town.
  - (f) Transfer of License: Fee. Upon application for a transfer of a license the clerk after approval of the application by the Town Board shall issue a transfer upon payment of the required ten-dollar (\$10.00) fee.
  - (g) Distribution of Fees. The Town may retain 10 percent of the monthly parking permit fees collected in each month to cover the cost of administration and shall pay to the school district in which the park is located, within twenty (20) days after the end of each month, such proportion of the remainder of the fees collected in the preceding month and the credit allowed under Section 77.63 as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the municipality. If the mobile park is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.
  - (h) Service building:
    - (1) In the event proprietor desires to provide a service building for community use of permanent residents or temporary tourist residents, design and facilities of such building are regulated as herein provided.
    - (2) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes

regulation buildings, electrical installations and plumbing and sanitation systems.

- (3) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture proof material which may be painted woodwork and shall permit repeated cleaning and washing and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1<sup>st</sup> to May 1<sup>st</sup>. The floors of the service building shall be of water impervious material. Washing and drying machines may be installed according to the needs of the park.
- (4) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
  - (i) Sanitation Facilities for Dependent Mobile Home Parking:
    - (1) Each park harboring dependent mobile homes shall be provided with the following sanitation facilities:
      - (a) one flush toilet and one urinal for males, one flush toilet for females, one lavatory for each sex, and one shower or bathtub with individual dressing accommodations for each sex, for the first 25 dependent sites or any less number thereof, and
      - (b) One additional flush toilet and one additional urinal for males, one additional flush toilet for females, one additional lavatory for each sex and one additional shower or bathtub with individual dressing accommodations for each sex, for each additional 25 dependent sites or fractional number thereof in excess of 25 dependent sites.
    - (2) Each toilet and each shower or bathtub with individual dressing accommodations shall be a private compartment or stall.
    - (3) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall. The sanitation facilities for males and females shall be distinctly marked to denote the sex for which they are intended.

Garbage Receptacles in Mobile Home Parks: Metal garbage cans with tight fitting covers shall be required in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 100 feet from any mobile home site. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

- (k) Fire Protection: Service buildings shall be equipped with fire extinguishers. No open fire shall be started without permission from the fire department. No fires shall be left unattended at any time.

- (l) Animals and Pets: No mobile home owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance.
- (m) Supervision: The licensee or permittee or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the licensee or permittee for the violation of any provision of this ordinance to which the licensee or permittee is subject.
- (n) Parking or Touring or Recreational Type Mobile Homes:
  - (1) Sites for parking touring or recreational mobile homes in licensed parks may be provided in areas set aside for such service. Such areas shall have improved surface for placement of such units and such unit shall be screened so they are not visible from a public road as set forth above. A pure water supply or source for such sites shall meet the needs and requirements of occupants of said touring or recreational type housing units. Any units using said sites shall be required to have complete self contained toilet, bath and waste water facilities unless the unit is connected with a sewer receptacle on the site as described in subsection 3e(2)(1) above; however in lieu of this requirement a service building as described above may be provided for the use of such units. No sewage or wastewater shall be allowed to be dumped on the ground by such units.
- (o) Managements: Management is the person in charge of said Mobile Home Park.
  - (1) In every mobile home park, there shall be located, the office of the person in charge of said mobile home park.
  - (2) It is the duty of the mobile home park owner or operator, together with any attendants or persons in charge of a mobile home park to:
    - (a) Keep a register of all occupants of mobile homes, to be open at all times to inspection by federal, state and local officials.
    - (b) Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
    - (c) Report the presence of dogs or other animals running loose in the park.
    - (d) Report to the local health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
    - (e) Post copies of their rules and regulations in one or more conspicuous place in the mobile home park where they can be easily seen by the mobile home park residents or visitors.

- (P) Posting of License and Permit: The license certificate or special permit shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.
- 5. Shoreland Zoning. In addition to complying with the terms of this Ordinance, the owner of a mobile home shall comply with the conditions of the Waupaca County Shoreland Zoning Ordinance, as amended, whenever applicable. If a zoning permit is required under said Ordinance, said permit must be obtained prior to the issuance of any permit by the Town Board.
- 6. Violations and Penalties: In addition to the penalties provided in Section VIII of this Ordinance, if any mobile home, Touring or Recreational Vehicle, Camping/Travel Trailer or any converted vehicle located in the Town of Harrison is in violation of this Ordinance, the Town Board after 5 days notice to the owner of the unit in violation shall be empowered to remove and store said unit and the said owner shall pay the cost of removal and storage before the unit is returned to him. If the owner fails to redeem the unit within 30 days of its being removed, then after 14 days notice to the owner the Town Board shall be empowered to offer it for sale at public auction to the highest bidder. Notice of said auction shall be published 2 times in the Iola Herald prior to the sale with the last publication to be 1 week prior to the sale. Upon any redemption by the owner or purchase by anyone at said auction the costs of removal, storage, costs of sale and publication shall first be paid by said owner or out of the auction proceeds. Auction proceeds exceeding the cost of removal, storage, cost of sale, and publication shall be turned over to the owner.
- D. Nonconforming Uses: The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district, but no building or premises containing a nonconforming use shall be enlarged or extended unless it conforms with the provision of the ordinance.
- E. Junk Dealers and Automobile Junk Dealers.
  - (1) No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Harrison, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities, whether

temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, papers, rubbish, bottles, rubber, iron or other articles which from its worn condition renders it practically useless for the purpose for which it was made, and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, or maintain or operate an automobile junk yard, without first having obtained and paid for a license as hereinafter provided, one carrying on the aforesaid business shall be referred to herein as "junk dealers."

2. Every application for a license to engage in the business of junk dealer shall file with the Zoning Administrator a written application upon a form prepared and provided by the Town, signed by the applicant or applicants. Said application shall state:
  - (a) The name and residence of the applicant, if an individual, partnership or firm or the names of the principal officers and their residences, if the applicant is an association or corporation.
  - (b) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.
  - (c) The premises where such business is to be located or carried on.

Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the Town Board.

3. The Zoning Administrator shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that there can be a thorough inspection at any time by proper authorities.

Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a solid, painted fence or other structure not less than seven (7) feet in

height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No articles shall be piled so as to protrude above said enclosures. Said fence or other structure shall be constructed along the side of the premises facing any public roadway and shall be high enough so that no articles protrude above the fence. The fence itself shall be screened as set forth below so that it is not visible from any public road. Unless adequately screened by existing vegetative cover, it shall be screened by: A temporary planting of fast growing material capable of reaching a height of 15 feet or more, such as hybrid poplar and a permanent evergreen planting, such a number and so arranged that within 10 years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

5. No premises shall be used for carrying on the business of junk dealing when more than two buildings situated within a distance of three hundred (300) feet are used solely for residence purposes. Said enclosure shall be located twenty-five (25) feet from the street line and nine (9) feet from the side lot line. Two or more adjoining junkyards may be constructed wall to wall if approved by the Zoning Administrator and the Town Board.
6. After inspection of the premises, the Zoning Administrator shall report to the Town Board whether or not the premises comply with the provisions of this ordinance and he shall recommend whether or not a license should be granted or denied. The Town Board shall then act on said license application. No license shall be denied except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall clearly state the location of the junk business, the date of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.
7. Every junk dealer shall pay an annual license fee of Two Hundred Dollars (\$200.00). All licenses shall be issued as of July 1<sup>st</sup> and shall continue in force until June 30<sup>th</sup> next

succeeding the date of issuance thereof, unless revoked sooner.

8. Every junk dealer's license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Town Board and the same shall have been endorsed upon the license.
9. No junk dealer shall carry on the business at or from any other place other than the one designated in the license therefore, nor shall said business be carried on after such license has been revoked or has expired.
10. The Health Officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.
11. Every junk dealer, upon being served with a written notice to do so by the Town Board on blank forms to be furnished by the said Town Board, shall furnish an accurate description of, all goods, articles, or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for the same and the name, residence and general description of the person from whom such goods, articles or things were received.
12. If any goods, articles or things whatsoever shall be advertised in the newspaper printed in the Village of Iola as having been lost or stolen, and the same or any answering the description advertised or any portion or part thereof shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof in writing to the proper officer and state from whom the same was received. Any junk, merchant or peddler who has or received any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any Police Officer, Town Board or any Magistrate or person duly authorized in writing by the Sheriff of Waupaca County, or any Magistrate who shall exhibit such authorization to such dealer or peddler.

13. Upon complaint being made in writing by any town official or resident of the Town of Harrison to the Town Clerk that any licensee has violated any of the provisions of this ordinance, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why this license shall not be revoked. The Town Board shall proceed to hear the matter, and if they find the allegations of said complaint are correct, they may revoke said junk dealer's license.
  14. Any person, persons, firm, association, partnership or corporation who by himself or itself or by his or its clerk, agent or employee, shall conduct the business of a junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its, or their license revoked, shall continue as a junk dealer, may upon conviction thereof be subjected to a fine or penalty of not more than Ten Dollars (\$10.00) for each day during which said violation shall continue, together with the costs of prosecution, and in default of the payment of such fine and the costs of such prosecution, shall be imprisoned in the County Jail of Waupaca County or county workhouse for a period not exceeding ninety (90) days. In addition to the penalties imposed, the license of the person, persons, firm, association, partnership or corporation violating the same, shall be cancelled or revoked.
- F. Highway Setbacks.
1. All buildings and other structures shall be set back from the streets and highways of the Town of Harrison as designated in Section IV C (1)
  2. No building or other structure shall be erected within twenty (20) feet of any section line.
  3. This section shall not apply to poles, underground or overhead lines, maintenance buildings, substations or any other structure erected by any utility or cooperative.
- G. Gravel Pits. All gravel pits within the Town of Harrison shall be maintained at all times in a safe and proper manner. When a gravel pit has been abandoned, the owner shall be responsible for grading the area in a manner to conform with

the surrounding landscape. This section shall not apply to existing gravel pits unless they endanger the public safety.

- H. Sewage and Disposal Systems. All dwellings, mobile homes or any building producing liquid wastes shall be subject to the regulations of the Waupaca County Sanitary Ordinance #2 adopted by the Waupaca County Board of Supervisors on 11-8-67 and as thereafter amended. The above regulates all sewage treatments and disposal systems and shall be duly enforced under this zoning ordinance. Permanently installed waste incineration units may be installed in lieu of septic system. No privies shall be allowed in the Town of Harrison.
  
- I. Unsafe Buildings (etc.) Whenever the Building Inspector finds any building or part thereof within the Town of Harrison to be in, his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Section 66.05(5) of the Wisconsin Statutes. Where the public safety requires immediate action, the Zoning Administrator shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed and the expense of such work may be recovered by the Town in an action against the owner or tenant.
  
- J. Waste Disposal Operations.
  - 1. It shall be unlawful for any person to expand, establish, maintain, conduct or operate a solid waste disposal operation within the Town of Harrison without first obtaining an annual license therefore from the Harrison Town Board. The licensing period will begin on October 1<sup>st</sup> of each year and will terminate the following September 30<sup>th</sup>.
    - (a) License Fee. The annual license fee for a license to operate a solid waste disposal operation shall be Two Hundred Dollars (\$200.00).
    - (b) Initial Licensing. Application for initial licensing of an expansion or new waste disposal operation may be submitted at any time during the licensing year.

- (c) Relicensing Application. A relicensing application shall be submitted to the Town Board by June 1<sup>st</sup> of each year and shall include the annual license fee.
  - (d) Additional Documents. All applications for license shall include copies of all documents filed by the applicant with the Wisconsin Department of Natural Resources pursuant to Chapter NR 151 of the Wisconsin Administrative Code.
  - (e) Public Hearing. No license for expansion of an existing solid waste disposal operation or opening of a new solid waste disposal operation shall be granted until public notice of application for same has been given and a public hearing conducted thereon by the Harrison Town Board.
  - (f) Revocation. The Harrison Town Board may revoke any license if it finds that the solid waste disposal operation is not operated in accordance with the provisions of this ordinance or Chapter NR 151 of the Wisconsin Administrative Code, as amended from time to time.
2. Solid waste disposal operations are prohibited within the areas now or hereafter prohibited by the provisions of Chapter NR 151 of the Wisconsin Administrative Code.
- (a) Minimum Size. All solid waste land disposal operations hereafter established in the Town of Harrison shall have a minimum size of 40 acres.
  - (b) Buffer Zone. No land disposal operation hereafter established shall be conducted within four hundred (400) feet of bordering property lines.
  - (c) No land disposal operation shall be maintained or operated in violation of any provision of Chapter NR 151 of the Wisconsin Administrative Code, as amended from time to time.
  - (d) All persons holding a license for a land disposal operation shall permit periodic on-site inspection of the licensed premises by the Code Enforcement Officer of the Town of Harrison.
3. There is hereby created the office of Code Enforcement Officer who shall be responsible for the enforcement of this ordinance as it applies to land disposal operations. The

Code Enforcement Officer shall be appointed by the Town Board for a one year term. His compensation shall be established by the Town Board.

- (a) Duties. The Code Enforcement officer shall make periodic inspections of all land disposal operations to determine whether each complies with this ordinance and the provisions of Chapter NR 151 of the Wisconsin Administrative Code. He shall report violations to the Town Board and shall take such further action regarding said violations as directed by said Town Board.
4. The following operations are not required to be licenses as a solid waste disposal operation:
- (a) Operations used for the disposal of solid waste from a single-family or household, a member of which is the owner, occupant or lessee of the property used for solid waste disposal.
  - (b) A farm on which only agricultural wastes resulting from the operation of the farm are disposed of except that all liquid and semi-solid manure pits and holding areas shall require a permit. Such permit shall be issued by the Board only after copies of any permits required by the Department of Natural Resources are filed with the Board. The Town Board shall have no requirements more restrictive than those of the Department of Natural Resources.
  - (c) Operations at which earth containing less than 25% by volume of concrete, building stone, and asphalt are disposed.
- K. Nuclear Waste Dumping. The dumping of nuclear and other hazardous wastes within the Town of Harrison is strictly prohibited.
- L. Private Dump Sites. There shall be no dumping of any trash or waste by anyone within 400 feet of an adjoining property line.
- M. Salvage, Auction and Resale Operations. There shall not be conducted within the Town of Harrison any salvage, auction, resale or any other business or operation that entails the accumulation and/or stockpiling of materials unless said materials are concealed within a building or are screened

from view as described in Section IV E3 so as not to create an eyesore or public nuisance.

- N. Nuclear Power Plants. No nuclear power plant shall be erected or operated within the Township except after approval in a referendum vote of the town electors held at the time of the annual election.
  
- O. Industrial and Commercial Operations.
  - 1. No industrial or nonagricultural commercial business or operation shall be conducted within the Township of Harrison if it would create a public nuisance by way of air, water or noise pollution or if it would interfere with the agricultural use of adjoining lands or with the agricultural production of the Township. Any person, firm or other entity desiring to locate an industrial or nonagricultural business or operation (other than one operated out of a residential dwelling) in the Township shall make application for a permit to the Zoning Administrator. Said Zoning Administrator shall grant or deny said permit within 7 days in writing. Failure of the Zoning Administrator to act within 7 days shall be deemed a denial. If the application is denied and upon written request of the applicant, the applicant shall be entitled to a public hearing. The Town Board shall set a date for a public hearing on the application on a date no later than 30 days from the date of the denial. Notice of said hearing shall be published once in the Waupaca County Post with said publication to be not less than 7 nor more than 14 days prior to said hearing date. After the hearing and within 7 days thereof, the Town Board shall in writing grant or deny the permit and in the case of a denial shall set forth in detail the reasons therefor.
  
- P. Livestock Facilities. The owner of a livestock facility shall comply with the terms and conditions of ATCPSI, as amended, whenever applicable.

**SECTION V. BUILDING INSPECTOR, .and ZONING ADMINISTATOR(A)  
PPOINTMENT, DUTIES.**

- A. Building Inspector and Zoning Administrator(s) shall be appointed by the Town Board of Harrison. Such Building Inspector/Zoning Administrator(s) shall be appointed by the Town Board not less than 10 days after the election of each Town Board. Such Building Inspector/Zoning Administrator(s) shall be appointed for a two year period, and shall serve in such capacity during the term of office of such Town Board. The salary or fee at which such Building Inspector/Zoning Administrator(s) shall be compensated shall be set at the time such Building Inspector/Zoning Administrator(s) is appointed. The Building Inspector will be involved whenever a construction will be inhabited at any time.
- B. Duties: The Building Inspector/Zoning Administrator(s) shall examine all plans, blueprints, etc. (oral or written) of all new buildings to be constructed and of all construction, classified as remodeling or reconstruction. Such Building Inspector/Zoning Administrator(s) shall approve or disapprove the moving of any building when such building is proposed to be moved into the township. The duties of the Building Inspector/Zoning Administrator(s) shall be set forth in writing and presented to the Building Inspector/Zoning Administrator(s) at the time he is appointed.
- C. The Building Inspector/Zoning Administrator(s) shall make an inspection of any building constructed, proposed to be constructed or remodeled or moved into the township, before such work is commenced, especially prior to the time that footings or walls are poured for the purpose of checking distances of such proposed construction relative to setback from highways and property lines as provided by this ordinance. The Building Inspector/Zoning Administrator(s) shall make periodic checks of any construction if progress within the Town of Harrison whenever he deems it necessary and shall have the authority to halt any construction or reconstruction when in his opinion such construction or reconstruction or remodeling is not in compliance with this ordinance. Whenever such construction, remodeling or reconstruction is not in compliance with this Ordinance, he may immediately revoke the Land Use Permit from the person or persons to whom such permit has been issued and such permit shall not be

reissued to such person or persons unless the proper corrections shall have been first made which in his opinion were not in compliance with this Ordinance.

- D. The Building Inspector/Zoning Administrator(s) shall not be required to make an inspection of the construction, reconstruction or remodeling and moving of any farm or agricultural outbuildings. The Building Inspector/Zoning Administrator(s) shall be required to inspect the construction of a farm or agricultural dwelling. However, the Building Inspector may be required to inspect and enforce the setback requirements of this ordinance relative to the required distance from any highways within the Township.

## **SECTION VI. TOWN ZONING COMMITTEE.**

- A. A Town Zoning Committee shall be established in conjunction with this ordinance and shall be a part thereof. The Town Zoning Committee herein established may also act as the Board of Appeals as provided in this ordinance under Section VII., The Town Zoning Committee shall consist of five members appointed by the Town Board, for 3 years, except that of those first appointed, when one shall serve for one year, two for two years, and two for three years. Such persons may be compensated in a manner and method designated by the Town Board which has appointed them, and such compensation and its amount shall be established and set at the time of such appointments and shall remain in effect in such amounts as set for the remainder of the term of such appointment of such Town Zoning Committeeman. Town Zoning Committee members shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall designate one of the members as Chairman. The Town Board shall also appoint an alternate member for a term of 3 years who shall act with full power, only when a member of the Town Zoning Committee refuses to act because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

## **SECTION VII. BOARD OF APPEALS.**

- A. A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Town Board, for 3 years, except that of those first appointed when one shall serve for one year, two for two years and two

for three years. The Members shall serve without compensation unless the Town Board shall order or vote to compensate such members at the time of their appointment. The members of the Board of Appeals shall be removable by the Town Board for cause upon written charges and after public hearing. The Town Board shall designate one of the members Chairman. The Board of Appeals may employ a secretary and other employees. The Town Board shall appoint an alternate member for a term of three years, who shall act within full power, only when a member of the Board of Appeals refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. In addition, any member of the Board of Appeals who misses three (3) consecutive meetings without just cause will be deemed to have resigned from said Board of Appeals and will be replaced. The Board of Appeals shall elect its own chairman.

- B. Meetings of the Board of Appeals shall be held at the call of the Chairman of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All costs associated with the Board of Appeals Meetings are the responsibility of the person requesting the appeal .All meetings shall be open to the public.
- C. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be a public record.
- D. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Harrison. Such appeal shall be taken within a reasonable time and specify the grounds thereof. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.
- E. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the

notice of appeal shall have been filed with him, that by reason of facts stated in the Certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- F. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- G. Powers of the Board of Appeals. The Board of Appeals shall have the following powers:
  - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector.
  - 2. To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Appeals is required to pass.
  - 3. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance, as well not be contrary to the public interests, where, owing to special conditions peculiar to a specific property, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done. In every case where a variance from these regulations has been granted by the Board of Appeals; the minutes of the Board shall affirmatively show in what Particular and specific respects an “unnecessary hardship” or “practical difficulty” would have been created by the literal enforcement of the terms of the Ordinance.
  - 4. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirements, decisions or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote

of majority of four (4) of the Board of Appeals present and voting 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 any variation in the requirements of this Ordinance.

5. In exercising the foregoing powers the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this Ordinance.
6. In addition to the above powers, the Board of Appeals shall from time to time give advice and recommend changes to the Town Board relative to this Ordinance.

#### **SECTION VIII. VIOLATIONS AND PENALTIES.**

- A. Any building or structure hereafter erected, moved or structurally altered or in use hereafter established in violation of any of the provisions of this Ordinance shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Board who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- B. Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance for which no specific penalty is established, may also be required, upon conviction, to forfeit not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) dollars for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail of Waupaca County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

#### **SECTION IX. AMENDMENTS.**

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Zoning Committee, amend,

supplement, or repeal the regulations and provisions of this Ordinance after public notice and hearing.

**SECTION X. SEVERABILITY.**

The provisions of this Ordinance are severable, and if for any reason, a clause, phrase, sentence, paragraph, section, subsection or other part of this Ordinance should be decided by the court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

**SECTION XI. CONFLICTING PROVISIONS REPEALED.**

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION XII. WHEN EFFECTIVE.**

This Ordinance shall be deemed to be in force from and after its passage, approval, publication and recording according to law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Town Chairman

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Supervisor