

TOWN OF SUMMIT\_

ORDINANCE # 1-97

LAND USE ORDINANCE

The Town Board of the Town of Summit, Juneau County, Wisconsin, for the purpose of promoting and preserving the public health, safety, and general welfare of its citizens; to encourage and further the orderly development of lands within the Town of Summit; to maintain proper ingress and egress from public highways to private lands and maintain access for emergency vehicles; to insure the proper installation of sewerage, water, and other improvements upon the lands of the Town of Summit, and to protect the best interests of the Town of Summit, do ordain as follows:

Section 1. Platted Lands

1.01. No final plat of lands in the Town of Summit shall be approved by the Town Board unless it complies with the following requirements as established by the Board:

- (1) Each parcel or lot platted shall be not less than five acres in size with a minimum width of not less than 50 feet frontage, with such minimum width fronting on a public street or highway.
- (2) Access to each lot shall be provided from a public street or highway.
- (3) All streets and highways shall be established at a width of 66 feet with a 24 foot wide travel base and shall be constructed at the expense of the applicant seeking approval of the plat according to the specifications and standards proscribed by the Town Board and in accordance with generally accepted construction standards in effect at the time of application. In the event that it is deemed necessary to install culverts for said road or roads, the applicants shall install all such culverts where needed, and provide easements as may be required for the proper drainage of waters. The Town Board may require a bond guaranteeing the construction of such streets and highways by the applicant as required in such amount as the Town Board shall deem reasonable and necessary.
- (4) All final plats submitted for approval shall contain a restriction on the sale of lots platted which provides that no more than one homesite may be erected or permitted on each lot.

1.02. Business, commercial, and industrial buildings shall not be erected on any lots unless the prior approval of the Town Board is obtained and specifically designates the size of the area upon which such proposed business, commercial, or industrial structure may be erected. The Town Board, in determining the size of the area proposed for the erection of a structure, shall not be bound by the limitations set forth in section 1.01 (1), above, and shall have wide discretion in determining the size and area necessary to properly provide for the conduct -of the business, commercial, or industrial use, including loading, unloading, parking and other facilities which shall be required for the proper use of the structure as a business, commercial, or industrial structure.

1.03. Applications for building permits for the erection and location of condominiums, apartments, or other multi-family units, shall contain the information set forth in section 2.03. The Town Board may grant the application for any area which, in the opinion of the Board, provides a reasonable area for the use of the structure as a condominium, apartment, or multi-family unit including consideration of necessary services to be provided to the occupants, such as parking areas, access, traffic congestion, and other factors related to the health, safety, and general welfare of the area. In no event shall the area for the erection or placement of any such condominium, apartment, or multi-family unit be less than ten acres in size.

## Section 2. Building Permits

2.01. No structure shall be erected, placed upon, or converted, upon any lands within the Town of Summit without a permit being obtained in the manner set forth herein. No building or structure shall be enlarged or structurally altered to the extent of increasing the square foot area of the building or structure without obtaining a permit being obtained in the manner set forth herein.

2.02. No structure or dwelling shall be erected on any parcel or lot less than five acres in size, exclusive of any public roadway or right of way, and no permit shall be issued for the erection or placement of more than one dwelling on any five acre parcel or lot.

2.03. Application for building permits shall be made to the Town Clerk on forms furnished by the Town and shall include the following information:

- (1) The name, address, and telephone number of the applicant, the owner of the site, and the name of the builder, contractor, architect, or engineer who will be responsible for constructing the structure on the site.
- (2) A detailed description of the proposed site for

the structure, showing the site of the lot or parcel involved, the exact location of the proposed building or structure on the lot, the type of the proposed structure, and the existing and proposed use to be made of the structure upon completion.

- (3) A description, for purpose of identification or location, of the nearest structure pre-existing on adjacent lands and information with respect to the present use of the adjacent lands.
- (4) Existing public highways or streets and other access to the property.
- (5) The proposed manner of providing a satisfactory adequate and safe sewerage disposal system.
- (6) The proposed manner in which an adequate and safe supply of water will be provided.
- (7) Evidence of the issuance of all required permits, including all permits for the installation of the sewerage system.
- (8) Such additional information as the Town Board may require to carry out the intent of this Ordinance from time to time.
- (9) Authorization to the Town Board the make regular inspections upon the property to verify compliance with this ordinance.

2.04. The application for the building permit when filed, shall be accompanied by the payment of a fee in accordance with the fee structure adopted by the Town Board. A separate fee shall be paid for each building to be constructed or placed upon the lot. The application shall be considered by the Town Board within 30 days of filing with the Clerk and shall expire six months from the date of issuance unless extended by the Town Board. All exterior construction must be completed within six months from the date of issuance of the permit.

2.05. No permit for the erection of a dwelling or placement of a dwelling on any premises shall be granted unless the building shall be of a size not less than 840 square feet of living space.

2.06. Any permit issued as a result of any false or misleading statement made in the application for the permit, or any permit issued in violation of any provision of this ordinance shall be null and void.

### Section 3. Miscellaneous Provisions

3.01. No permit shall be issued for the erection or placement of any structure closer than 50 feet from the closest boundary of any highway right-of-way, nor closer than 15 feet to the boundary of any adjoining properties.

3.02. No permit shall be issued until the applicant has obtained a sanitary permit for the installation of a septic or sewage disposal system. The entire system, including tanks and drainfields, shall be located no less than 25 feet from the boundary of any adjoining lot.

3.03. No permit shall be issued for the erection or placement of any structure in the Town of Summit if such structure, in the opinion of the Town Board, will detract from the general appearance of the area, detract from the value of the surrounding properties, or is for any reason not suitable for the area in which it is sought to be erected or placed. The Town Board may conduct or authorize any investigation deemed reasonable and proper under this ordinance for the purpose of promoting the objectives of said ordinance.

3.04. No permit shall be issued for the erection or placement of any mobile home or other type movable structure which is more than ten (10) years old as indicated on the title, owner's certificate, or other document of origin.

3.05. No permit shall be issued for the establishment or enlargement of any mobile home or trailer park unless the Town Board makes a finding that such establishment or enlargement would not adversely affect the health, safety, or welfare of the of the surrounding area. Any application for the establishment or enlargement of a mobile home or trailer park shall contain all of the information required in section 2.03, and, in addition, shall contain the following:

- (1) A scale drawing showing the lot size for each trailer or mobile home site;
- (2) The location, size, and capacity of the sanitary sewage disposal system and water system;
- (3) Electrical outlets, street lighting, and all other information proscribed by the Town Board including, but not limited to garbage disposal, snow removal, and other related matters involved with the operation of a mobile home park.

The provisions of this section shall be subject to and in addition to any State, Federal or County laws or regulations which apply to trailer or mobile home parks.

3.06 Permits issued for the placement of a trailer or mobile home, other than those situated in a lawfully established trailer or mobile home park, shall require the applicant to permanently affix said trailer or mobile home to the real estate within 120 days of placement. "Permanently affixed" shall be defined as placed upon a basement or set on concrete piers. In addition, regardless of the ownership of the trailer or mobile home, the titled owner of the real

estate shall be personally responsible for all real and personal property taxes assessed upon said real estate as a result of the placement of the trailer or mobile home upon said lands.

3.07. No permit shall be issued under this ordinance if, in the judgment of the Town Board, the proposed location of the building or structure will increase the fire hazard of the area or in any manner would be detrimental to the general area in which it is proposed to be located.

#### Section 4. Roadways/Driveways

4.01. The establishment and installation of all proposed public roads and driveways from all public roads into private property shall be controlled by the Town Board. No public or private roads or driveways shall be installed, altered, or changed without first obtaining a permit authorizing the same. Such permit shall designate the location and width of such roadway or driveway, and shall be constructed pursuant to specifications and standards proscribed by the Town Board and in accordance with generally accepted construction standards in effect at the time of application. The cost of any such roadway or driveway shall be paid by the applicant.

#### Section 5. Recreational Lands

5.01. No lands located wholly or partially within the boundaries of the Town of Summit shall be established or utilized for principal use as recreational property by organized groups either as a commercial or private enterprise, unless a permit is first obtained for such use. The application for such permit shall state the intended use, the hours of such use, whether the use will be for a public or private group, the estimated number of persons involved in such use, and such other information as the Town Board may require. The Board may refuse to grant a permit under this section if, in the opinion of the Board, the intended use will be a health or safety hazard to surrounding area, or such intended use will adversely affect or constitute a nuisance to the surrounding area.

#### Section 6. Junkyards/Disposal Sites

6.01. It shall be unlawful to establish any junkyard or disposal site in the Town of Summit. All accumulations of junk, salvage material, unsightly wood, plastic, or metal accumulations, or other conditions which in the opinion of the Town Board, constitute unsightly appearances, shall be removed by the landowner upon notice by the Town Board. Any such notice shall be in writing, shall advise the landowner of the condition to be corrected and shall permit the landowner no less than 60 days to remove the same. In the

event that the landowner fails to correct such condition within the time permitted, the Town Board may, in addition to any other remedies available at law or in equity, take appropriate action for correction or removal of the condition and the owner of the premises shall be liable to the Town for all expenses incurred in connection with such action including actual attorney's fees.

For purposes of this section, farm machinery and automobile collector storage areas which are maintained in such a manner so as not to constitute a health or safety hazard, or adversely affect the appearance of the area and are screened from ordinary public view by means of fences, shall not be determined junk or salvage material.

#### Section 7. Variances

7.01. Any application which does not conform to the specific requirements of this ordinance may, upon request of the applicant, be scheduled for a hearing for the purpose of determining whether a variance on the building restrictions as established by this ordinance shall be granted. Such hearing shall be held by the Town Board within thirty (30) days of the request for hearing. Notice shall be given by regular mail to all landowners within 1000 feet of the proposed site the Board may provide notice to any other persons deemed to be interested parties.

At the conclusion of the hearing, the Town Board shall, based upon the evidence presented, determine whether the variance requested, or any other variance should be granted. If granted, the Board shall specify the conditions upon which such variance is granted.

#### Section 8. Nuisances

8.01. It shall be unlawful to maintain any nuisance, as that term is defined by the statutory and case law of the State of Wisconsin, in the Town of Summit, and the Town Board may take appropriate action for the abatement or removal of any such nuisance. In the event that such action is taken by the Town, the owner of such lands upon which the nuisance exists shall be liable to the Town of Summit for all expenses incurred in such action, including actual attorney's fees. A violation of any provision of this ordinance shall constitute a nuisance.

#### Section 9. Penalties

9.01. Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with the terms of this ordinance, shall, upon conviction, forfeit not more than \$500.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

9.02. In addition to any other penalties set forth in

this ordinance, any structure or building erected, placed upon, moved upon, located or relocated, or enlarged without a permit as required by the provisions of this ordinance, or not otherwise in conformity with the provisions of this ordinance, shall be promptly removed from the site and shall be deemed an unlawful structure. The Town Board may bring action to enjoin the erection, placing, moving, or structural alteration of such building, or the establishment or the use thereof of such building or premises, and may cause such building, structure, and use to be enjoined, vacated, and removed from the premises.

Section 10. Compensation

10.01. The Town Board shall fix the compensation to be paid to the representative of the Town of Summit who shall be responsible for receiving and processing applications for permits under this ordinance and for such inspections as the Board may, from time to time, require.

Section 11. Severability

11.01. Any action declaring any section, clause, or provision of this ordinance to be invalid shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 12. Effective Date

12.01. This ordinance shall become effective and shall be in full force and effect from and after its passage and publication in the manner provided by law.

INTRODUCED AND ADOPTED by the Town Board of the Town of Summit at a regular meeting of said Board held on the 2<sup>ND</sup> day September 1997.

Paul Wags  
Steve Buland  
Borden J. Buland

ATTEST:  
Jeffrey A. Hoile  
Town Clerk