

901. ADMINISTRATION

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901.1. ZONING ADMINISTRATOR: The Town Board shall appoint a Zoning Administrator for a term of one year, and shall review and annually fix his/her compensation plus expenses. All permit fees paid under this Ordinance are paid to the Town. The Zoning Administrator shall perform duties under guidelines and supervision of the Zoning Committee with the advice and consent of the Town Board. The duties and responsibilities of the Zoning Administrator shall include the following:

901.1.1. To enforce the provisions of this Ordinance diligently and to the best of his or her ability.

901.1.2. To issue Zoning Permits as required by this Ordinance when the applicant conforms to the restrictions of this Ordinance and other applicable laws and regulations and to deny or revoke permits when the applicant fails to conform, and issue citations to those found in noncompliance with the provisions of this Ordinance.

901.1.3. To make the necessary inspections and re-inspections within five (5) business days after notification that the footings and/or slabs have been set, to insure conformity with the terms of this Ordinance.

901.1.4. To keep comprehensive records of applications, of permits issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of

required plans, plats, and all documents relating to construction work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Zoning Administrator without his written consent.

901.1.5. To report any violations of this Ordinance as to location or construction of buildings, roadways, or structures within the town to the Town Board and the Zoning Committee along with his recommendations. To issue citations to those found in noncompliance with the provisions of this Ordinance.

901.1.6. To appear at any appeal of a decision of his with facts and/or illustrations to indicate the basis of his decision, and to attend all meetings of the Zoning Committee and the Board of Adjustment.

901.1.7. To notify the Town Board and the Zoning Committee of any change in the county sanitary Ordinance of which he may become aware.

901.1.8. To serve as staff to the Zoning Committee. In this capacity the Zoning Administrator shall present staff reports on all applications for zoning amendments, and other matters requiring Zoning Committee action.

901.1.9. Wherever the language of this

Ordinance purports to grant to the Zoning Administrator or any other official any discretionary authority, his power shall be limited to determining factually whether or not the conditions required by this Ordinance have been complied with; however this limitation does not apply to the powers of the Zoning Board of Adjustment as later defined.

901.1.10. The Zoning Administrator shall have access to building, structure, or premises for the purpose of performing his duties. This power shall be exercised at a reasonable hour.

901.1.11. The Zoning Administrator shall establish and post regular office hours weekly in the Town Offices.

901.2. CREATION OF THE ZONING COMMITTEE: The five-member Zoning Committee shall be appointed by the Town Board and shall also serve on the Town's Plan Commission as provided in Section 60.62(4)(a) of the Wisconsin Statutes. Terms of office for committee members shall be three (3) years. Of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. The Town Chairperson shall also select the presiding officer. The Zoning Committee shall have the following duties and responsibilities:

901.2.1. Supervise the administration of the Zoning Ordinance.

901.2.2. To hold public hearings on proposed amendments to this Ordinance and to make recommendations on such amendments to the Town Board.

901.2.3. To perform other duties in connection with zoning or land use planning as may be delegated to it by Wisconsin Statutes, or specified in any section of this Zoning Ordinance or by the Town Board.

901.2.4. To hold hearings on applications for conditional use permits and to recommend issuance of conditional use permits, where appropriate, after holding a public hearing.

901.2.5. To advise and assist the Zoning Administrator in the interpretation of this Ordinance.

901.2.6. The members of the Zoning Committee shall serve as volunteers.

901.3. RULES AND PROCEDURES FOR RECOMMENDING AMENDMENTS IN THE ZONING ORDINANCE TEXT OR ZONING MAP:

901.3.1. The Town of Presque Isle may from time to time alter, supplement, or change the

boundaries and regulations contained in this Ordinance in the manner provided by Section 60.61(4)(c) of the Wisconsin Statutes.

901.3.2. Petitions for amendments of the Zoning Ordinance may be made by any property owner. Petitions for amendments of the Zoning Map may be made by any property owner(s) of a minimum of 10 acres in the area to be affected by the amendment. Petitions for amendments of the Zoning Ordinance or Map may also be made by the Town Board or by the Zoning Committee. Forms for submitting petitions shall be provided by the Zoning Administrator.

901.3.3. Completed petition forms shall be filed with the Town Clerk who shall immediately refer the petition to the Zoning Committee.

901.3.4. Upon receipt of the petition, the Zoning Committee shall schedule a public hearing thereon. Notice of the time and place of such hearing shall be given by publication of Class 2 Notice as provided under Section 985 of the Wisconsin Statutes.

901.3.5. As soon as possible after the public hearing, the Zoning Committee shall act on the petition either recommending approval, modification, or disapproval. If its action is favorable to granting the requested change or any modification thereof, it shall cause an Ordinance to be drafted effecting its determination and shall submit such proposed Ordinance directly to the Town Board with its recommendation. If the Zoning Committee recommends denial of the petition it shall report its recommendations directly to the Town Board with its reasons for such action.

901.3.6. In addition, such amendments as here above provided, shall be submitted to Vilas County for approval before adoption by the Presque Isle Town Board.

901.3.7. Upon receipt of the recommendation of the Zoning Committee, the Town Board shall either approve, modify, or deny the petition. Actions of the Town Board are subject to protest as provided in Section 60.61(4)(c)2. of the Wisconsin Statutes.

901.3.8. The Zoning Administrator shall send certified copies of all shoreland amendments to the Department of Natural Resources if approval is required, and also a copy to Vilas County as reference.

901.4. RULES AND PROCEDURES FOR OBTAINING A ZONING PERMIT

- 901.4.1. It shall be unlawful to construct, add to, alter, remove or demolish, or to commence the construction of a building or structure, including private roadways and driveways, without first filing with the Zoning Administrator a written application and obtaining a zoning permit. Any structure used for habitation must be connected to an approved sanitary system. Should a structure or use be started prior to the issuance of a permit, the applicant will pay a minimum fee of \$200 or a double fee, whichever is greater, and may be subject to citation. under 901.8. Exceptions to this requirement are:
- 901.4.1.1. Public telephone and electrical service equipment.
- 901.4.1.2. Decorative fences (those ornamental flower garden fences with a height of less than two (2) feet).
- 901.4.2. An application for a zoning permit shall be submitted in such form as the Zoning Administrator may prescribe. The application shall contain the full name(s) and addresses of the applicant and of the owner, and if the owner is a corporate body, of its responsible officer. The application shall also include the legal description of the property and briefly describe the proposed work, the name(s) of the contractor(s) involved and the estimated total cost of the proposed work. Applications for permits shall be accompanied by drawings of the proposed work showing dimensions of the proposed building(s), all setbacks (measured in feet) from all lot lines, waterways, streets and roads and the size and locations of all existing buildings, waste disposal systems and water wells.
- 901.4.3. The Zoning Administrator shall require evidence of compliance with the Vilas County Sanitary Code, and the issuance of a sanitary permit, Vilas County Land Division & Sub-division Ordinance, Vilas County Trunk Highway Access Control Regulations or any other Federal, State, County, or Town requirements as a condition precedent to the issuance of a Zoning Permit.
- 901.4.4. The Zoning Administrator shall not be responsible for the determination of lot line locations and may require the applicant to furnish a land survey of such lines. It is the responsibility of each landowner to properly and clearly identify lot lines and boundaries. The Zoning Administrator may also require any additional information deemed necessary for the issuance of a zoning permit.
- 901.4.5. The application shall be signed by the owner; provided however, that if a prospective owner desires a prior finding on a proposed construction or use before consummation of purchase, such a person may apply for a permit, and, if a permit be denied, may appeal to the Zoning Board of Adjustment.
- 901.4.6. Any permit obtained through misrepresentation shall be null and void.
- 901.4.7. Normal repairs may be made without filing an application or obtaining a zoning permit. Major repairs, or structural alterations, such as foundation replacement require zoning permits.
- 901.4.8. A permit issued pursuant to the provisions of this section shall expire six (6) months from the date of issuance of all necessary permits if construction has not started within that time. Such a permit will expire if the construction, once started, does not diligently proceed to completion of all exterior portions of the building or structure within one (1) year of the date of issuance of all necessary permits. Within that one-year period, one one-year renewal may be granted by the Zoning Administrator
- 901.4.9. No permit to move a building or structure shall be issued until notice of application shall have been given to owner(s) of adjacent property and to owner(s) of wires and other impediments, the temporary removal of which will be necessary, and an opportunity has been given said owners to be heard upon such application. A bond in an adequate sum may be required to be filed with the officer of proper authority to indemnify and save harmless the Town from damage.
- 901.4.10. All work performed under a permit issued by the Zoning Administrator shall conform to the approved application, plans and amendments thereto. The location of all new construction as shown on the approved plan or an approved amendment thereto, shall be strictly adhered to.
- 901.4.11. The Zoning Administrator may revoke a permit or approval issued in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. When a permit has been revoked by the Zoning Administrator, reinstatement of the permit after correction of the violation shall require the owner or his agent to file a new application with the Zoning Administrator and pay the prescribed fee as for a new permit.

901.4.12. A copy of the permit shall be conspicuously posted on the premises for public inspection until the completion of the work.

901.4.13. An application for a Fire Number shall be filed with the Zoning Administrator prior to, or at the same time, an application is made for a zoning permit.

901.5. TEMPORARY PERMITS AND CONDITIONAL USE PERMIT RULES AND PROCEDURES:

901.5.1. A Temporary Permit may be issued owing to unforeseen circumstances arising, or under special conditions whereby a regular zoning permit cannot be secured and/or is not applicable, such as the following, but not limited thereto:

901.5.1.1. For the storage of chattel on a town road right-of-way.

901.5.1.2. For any temporary uses or structures inadvertently omitted from this Ordinance.

901.5.1.3. For the parking of a mobile home or other form of habitation structure during the construction of a dwelling provided the temporary structure is located on the same lot where a zoning permit has been issued for the dwelling under construction and the structure's waste water and sewage is connected to the approved sanitary disposal system that will serve the dwelling.

901.5.1.4. In order to accommodate individuals in emergency situations.

901.5.2. Conditional Use Permit Rules and Procedures: Any person, firm, corporation or organization, having a freehold, possessory, or contractual interest in the land for which a conditional use permit is sought, may file an application to use said land for one or more of the conditional uses permitted by this Ordinance in the zoning district where the land is located, as shown in Table 1.

901.5.2.1. An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator or Zoning Committee. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or Zoning Committee.

901.5.2.2. Upon receipt of the application, the Zoning Committee shall hold a public hearing on each application for a conditional use permit at such time and place as shall be

established by the Zoning Committee. The hearing shall be conducted and a record of the proceedings shall be preserved. Notice of the public hearing shall be noticed as prescribed by Wisconsin Statutes.

901.5.2.3. A conditional use permit shall not be granted by the Zoning Committee unless the Committee finds that all of the following conditions are met:

901.5.2.3.1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

901.5.2.3.2. That the uses, values and enjoyment of surrounding properties shall be in no foreseeable manner substantially impaired or diminished by the issuance of the conditional use permit.

901.5.2.3.3. That adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided.

901.5.2.3.4. That adequate measures have been or will be taken to provide safe ingress and egress for the general public, and so designed as to minimize traffic congestion on public streets.

901.5.2.4. Prior to the granting of a conditional use permit, the Zoning Committee may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to promote public health, safety, and general welfare. In all cases where a conditional use permit is granted, the committee may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the issuance of conditional use permit are being and will be complied with.

901.5.2.5. An appeal from the decision of the Zoning Committee may be taken as provided by section 901.9.5 of this Ordinance.

901.5.2.6. A conditional use permit may be revoked by the Zoning Committee upon any one of the following conditions:

901.5.2.6.1. Construction not begun within one year of the issuance of the conditional use permit.

901.5.2.6.2. Non-compliance with the conditions and stipulations, if any, in the conditional use permit.

- 901.5.2.6.3. Original use, as provided for in the conditional use permit, ceases for a period of one year.
- 901.5.3. These permits shall be posted as specified in section A copy of the permit shall be conspicuously posted on the premises for public inspection until the completion of the work..
- 901.6. UNSAFE BUILDINGS AND STRUCTURES:
- 901.6.1. The term unsafe building or structure shall apply to buildings and structures or portions thereof, existing or hereafter erected as follows:
- 901.6.1.1. Those deemed structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use of occupancy to which they are put, constituting a hazard of health or safety to others.
- 901.6.1.2. Vacant buildings or structures or portions thereof deemed to constitute a hazard.
- 901.6.2. REMOVAL OR MADE SAFE: When a building or structure or any portion thereof is found unsafe by the Zoning Administrator or other town official, the Zoning Administrator shall order such building or structure or any portion to be made safe, secured or taken down and removed.
- 901.6.3. NOTICE OF UNSAFE BUILDINGS OR STRUCTURES: Upon determining that a building, structure, or portion thereof is unsafe, the Zoning Administrator shall serve written notice to the owner or owner's agent, containing an explanation as to why the building, structure, or portion thereof is unsafe, and an order requiring same to be made safe or removed, as may be deemed necessary by him. If the owner or owner's agent cannot be located after diligent search, then such notice shall be sent by certified mail to the last known address of such owner or owner's agent, and a copy of the notice shall be conspicuously posted on the premises. Such notice and mailing shall be deemed adequate service.
- 901.6.4. DISREGARD OF UNSAFE NOTICE: If the person served with a notice or order to remove or repair an unsafe building or structure or portion thereof should fail, within thirty (30) days to respond to the notice or order, or fail to comply with same, the Zoning Administrator shall notify the Town Board of all the facts in the case and the Town Board shall then institute an appropriate action in the courts to compel compliance.
- 901.6.5. EMERGENCY WORK: In case there shall be, in the opinion of the Zoning Administrator, actual and immediate danger of failure or collapse of a building, structure, or portion thereof so as to endanger life or property, the Zoning Administrator shall obtain approval from the Town Board to procure the necessary funds from the Town Treasurer, purchase such material and labor, and cause the necessary work to be done to render such building, structure, or portion thereof, temporarily safe, whether the procedure prescribed in section 901.6.2 and section 901.6.3 has been instituted or not.
- 901.6.6. VACATING UNSAFE BUILDINGS OR STRUCTURES AND CLOSING STREETS: When a building, structure, or portion thereof is in an unsafe condition so that life is endangered, the Town Board, upon recommendation of the Zoning Administrator, shall order and require all occupants to vacate the same. They shall, when necessary for public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used.
- 901.6.7. RECOVERY OF COSTS: The Town Board shall institute proper action against the owner(s) of premises for the recovery of costs incurred by the Zoning Administrator in the performance of emergency work.
- 901.7. NOTICES OF VIOLATION:
- 901.7.1. Whenever the Zoning Administrator finds that any structure, activity, or other condition is in violation of this Ordinance, or of a permit issued in accordance with the terms of this Ordinance, he/she shall post a Notice of Violation at the site of the offense and may issue a Wisconsin Uniform Municipal Court Citation in person or by certified mail, return receipt requested, to the owner and/or their agent directing discontinuance of said activity and/or the condition that is in violation. The Citation shall specify the structure, activity, or other condition that is in violation of this Ordinance and specify the date of the hearing of this Citation in the Municipal Court. Service of Citation may be made by any Town Officer.
- 901.7.2. STOPPING WORK: The Zoning Administrator may order, in writing, all further defective or illegal work to be stopped and may require suspension of all work until the condition in violation has been corrected.
- 901.7.3. DISREGARD OF VIOLATION

NOTICE: In case a notice of violation/citation is not properly complied with, the Zoning Administrator shall notify the Town Board of such non-compliance. The Town Board, upon such notice, shall institute an appropriate action at law, or in equity, to correct, said violation.

901.8. PENALTIES:

901.8.1. NON-COMPLIANCE: A person who violates the provisions of this Ordinance or fails to comply with any of the requirements of this Ordinance shall be guilty of a misdemeanor. Persons in violation may include the owner of the premises that is the subject of the violation, and any architect, engineer, builder, contractor, agent, person or corporation who assisted in the commission of such violation. Each such person shall be guilty of a separate offense for each and every day during which a violation is committed or continued. Each violation shall be punished within the limits of state law, except that forfeitures shall be not less than fifty dollars (\$50.00) per day nor more than one thousand dollars (\$1000.00) per day plus the cost of prosecution. In the discretion of the Court, a limit may be placed on the total forfeiture levied. Persons accused of violations under this Ordinance shall be served with a Wisconsin Uniform Municipal Court Citation as specified in Section 901.7.1.

901.8.2. INJUNCTION: Any use or action which violates any provision of this Ordinance shall be subject to a court injunction prohibiting such violation.

901.8.3. ABATEMENT: The imposition of the penalties herein prescribed shall not preclude the Town Board from instituting an appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.

901.9. BOARD OF ADJUSTMENT:

901.9.1. APPOINTMENT: A Board of Adjustment is hereby established, which shall consist of three (3) members appointed by the Town Chairman subject to the approval of the Town Board of Supervisors for terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, one for two (2) years and one for three (3) years. The members of the

Board shall be removable by the Town Chairman for cause upon written charges and after a public hearing. The members of the Board shall designate one member of the Board as chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Town Chairman may appoint, for a term of three (3) years, two (2) alternate members of such Board, in addition to the three (3) members above provided for, who shall act, with full power, only when a member is absent or refuses to vote because of interest. Such alternate member will automatically fill any vacancy in the Board of Adjustment for the unexpired term remaining. In addition to the appointed members of the Board of Adjustment, the Town Chairman may, subject to the approval of the Town Board of Supervisors, appoint a Secretary who shall be responsible for performing the clerical duties of the Board of Adjustment. Such duties include, but are not limited to publication of notices to all parties concerned, transcribing the minutes of the board meetings, and notification of all board decisions. The Secretary shall be present at the on-site inspections of the Board.

901.9.2. QUORUM: Three members of the board shall constitute a quorum. In varying the application of any provision of this Ordinance or in modifying an order of the Zoning Administrator, affirmative votes of two (2) of the three (3) members shall be required. No member of the Board shall pass upon any question in which he, or any corporation in which he is a shareholder, is interested.

901.9.3. MEETINGS: Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its meetings and proceedings, showing the votes of each member upon every question, or if a member be absent or fail to vote, indicate such facts, and shall also keep records of its examinations and other official actions. Such minutes and actions shall be public records. All hearings before the Board shall be open to the public.

901.9.4. PROCEDURE: The board shall establish rules and regulations for its own procedure which are not inconsistent with the provisions of this Ordinance and Wisconsin Statute(s). The Board of Adjustment shall notify adjacent landowners by certified mail, prior to the Board of Adjustment hearing. In addition to the powers and duties as set forth therein, the board

shall have such additional powers and duties as set forth in Section 60.6.14 or 62.23 (7)(c) Wisconsin Statutes.

901.9.5. **APPEALS TO THE BOARD:** Appeals to the Board may be taken by any person aggrieved or affected by the terms and conditions of this Ordinance or the decision rendered by the Zoning Administrator regarding the terms and conditions of this Ordinance. Appeals must be taken within thirty (30) days from the date of the decision by filing a written notice of appeal with the Zoning Administrator and the Town Clerk specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Zoning Administrator, is unsafe or dangerous, the Zoning Administrator may limit the time for such appeal to a shorter time. The Town Clerk shall forthwith transmit to the Board of Adjustment all the papers upon which the action appealed was taken.

901.9.6. **MODIFICATIONS AND VARIATIONS BY THE BOARD OF ADJUSTMENT:** The Board of Adjustment, when so appealed to and after public hearing, shall have the power to authorize variance from the terms of this Ordinance. A decision of the Board of Adjustment to vary the application of any provision of this Ordinance, or to modify an order of the Zoning Administrator, shall specify in what manner such modification or variation is made.

901.9.7. **DECISIONS OF THE BOARD OF ADJUSTMENT:** The Board of Adjustment shall in every case reach a decision without unreasonable or unnecessary delay. Such decision shall be rendered within thirty (30) days following the date of appeal unless precluded by special conditions. Every decision of the Board of Adjustment shall be in writing and shall indicate the reasons for granting or denial and the vote upon the decision. Every decision shall be promptly filed in the office of the Zoning Administrator and shall be open to public inspection. A certified copy shall be sent via mail or otherwise to the appellant and a copy shall be kept publicly posted for two (2) weeks after filing. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Zoning Administrator, or varies the application of any provision of this Ordinance, the Zoning Administrator shall take action immediately in accordance with such decision. Decisions of the Board of Adjustment modifying or varying any of the terms of this Ordinance shall be valid for a

period of one (1) year. If no valid zoning permit is acquired nor action commenced to initiate the variance, the variance shall become null and void. Variances granted by the Board of Adjustment are granted to the owner of record at the time the variance is granted and remain with a property transfer to a different owner or owners. Decisions should be filed in the office of the Zoning Administrator on the proper form.

901.9.8. **Standards and Criteria for Variances.** To qualify for a variance from the Board of Adjustment, the applicant must demonstrate that all of the following requirements are met:

901.9.8.1. **UNNECESSARY HARDSHIP:**

For a variance in use, the applicant must demonstrate that he/she will have no reasonable use of the property without granting of the variance. For an area variance, the applicant must demonstrate that strict compliance with these regulations would prevent the owner from using the property for a permitted purpose or would result in unnecessary hardship not justified by the underlying purpose of this ordinance. The applicant cannot claim hardship due to conditions which are self-imposed or created by a previous owner. Economic loss or financial hardship does not justify a variance. Decks and other accessory structures not essential to the reasonable use of the property shall not be eligible for a variance.

901.9.8.2. **UNNECESSARY HARDSHIP IS DUE TO THE PROPERTY:** The unnecessary hardship must be due to the unique physical limitations of the property. The circumstances of the applicant are not a factor.

901.9.8.3. **NO HARM TO THE PUBLIC INTEREST:** A variance may not be granted which results in harm to the public interest.

901.9.9. All decisions and findings of the Board of Adjustment on appeal shall in all instances be final administrative decisions and shall thereafter be only subject to review by a court of law upon the filing of a writ of certiorari within thirty (30) days of the board's decision.

901.10. **NOTIFICATION TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES:** Written notice shall be given to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to hearings on proposed variances, appeals for map or text interpretations, map or text amendments, or other

matters over which they exercise jurisdiction. Submission shall be made to the same office of decisions rendered in such matters within ten (10) days after they are granted or denied.

901.11. RESERVED POWER: The Vilas County Zoning office personnel shall have sole authority to issue county & state sanitary permits with the exception of “privies” which require approval of the Presque Isle Town Board in addition to the county & state sanitary permit.

901.12. APPLICABLE CODES ADOPTED BY REFERENCE: All applicable sections of the

Wisconsin Uniform Dwelling Code (inspections excepted) are hereby adopted by reference. The Wisconsin State Plumbing Code and the National Electrical Code are also adopted by reference. Exemption from inspections does not eliminate responsibility from compliance with all applicable sections of adopted codes.

901.13. PERMIT FEES: The fee structure for all permits shall be established by the Town Board. See Exhibit "A" of this Ordinance for the current fee schedule.