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## **Article I. Introduction**

### **9.1.1 Authority and Purpose**

- (A) For the purposes listed in Sections 59.99, 59.692, 59.694, 87.30 and 281.31, Wis. Stats., the Board of Supervisors of Iron County in regular session on the (twenty-first) day of January, 1971 do ordain and enact an ordinance regulating and restricting the location, construction and use of buildings, structures and the use of land in the unincorporated portions of Iron County and for said purposes dividing the County into districts.

### **9.1.2 Municipalities and State Agencies Regulated.**

- (A) Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply when Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.12, Wis. Stats., applies.

### **9.1.3 Abrogation and Greater Restrictions.**

- (A) The provisions of this Chapter supersede all the provisions of any county zoning ordinance adopted under Sec. 59.69, Wis. Stats., which relate to shorelands. However, where an ordinance adopted under a statute other than Sec. 59.69, Wis. Stats., is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions but not otherwise.
- (B) This Chapter shall not require approval or be subject to disapproval by any town or town board.
- (C) If an existing town ordinance relating to shorelands is more restrictive than this Chapter or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- (D) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

### **9.1.4 Force and Effect**

- (A) **Applicability.** This ordinance shall affect the unincorporated areas of Iron County, or applicable portions thereof, as provided in sub. (B).
- (B) **Effect.** Upon enactment by the Iron County Board of Supervisors, this Ordinance shall go into full force and effect as follows:
- (1) Within any town this Ordinance shall go into effect upon approval by the applicable town board and upon filing with the Iron County Clerk by the applicable town clerk a certified copy of an approving resolution attached to one copy of this Ordinance, as provided in Section 59.69(5)(c) of the Wisconsin Statutes. The ordinance shall become effective in the town as of the date of filing, which filing shall be recorded by the county clerk in the clerk's office, reported to the town board and the county board, and printed in the proceedings of the county board.
  - (2) The Iron County Zoning Ordinance of January 21st 1971, as amended, shall remain in effect in the towns of Anderson, Carey, Gurney, Kimball, Knight, Mercer, Oma, Pence, Saxon, and Sherman until this Ordinance is approved by the applicable town board(s), or for a period of one year from the day following its enactment by the Iron County Board of Supervisors, whichever period is shorter. Pursuant to Section 59.69(5)(d) of the Wisconsin Statutes, if a town board of the aforesaid towns does not approve this Ordinance by the end of the one year

period, neither this ordinance nor the Iron County Zoning Ordinance of 1971, as amended, shall be in effect in that town.

### Section 9.1.5 Interpretation

- (A) In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 115 standards in effect of the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to the Chapter.

### Section 9.1.6 Definitions

- (A) For purposes of this Chapter certain terms or words herein shall be interpreted as follows:
- (1) Words used in the present tense include the future tense. The singular included the plural.
  - (2) The word “person” includes an individual, all partnerships, associations, and bodies politic and corporate.
  - (3) The word “lot” included the word “plot” or “parcel.”
  - (4) The term “shall” is always mandatory.
  - (5) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- (B) The following definitions shall be applicable in this Chapter:
- (1) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.
  - (2) **Boathouse.** Any structure located on the same lot as the principal building and used for protecting or storing of boats used for non-commercial purposes in conjunction with a residence.
  - (3) **Building.** Any structure used, designed or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.
  - (4) **Building, Height of.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
  - (5) **Camping Ground.** A parcel of land used or intended to be used let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.
  - (6) **Conditional Use.** A use in which is permitted by the Chapter provided that certain conditions specified in this Chapter are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Zoning Committee or County Board.
  - (7) **County Zoning Agency.** A committee or commission created or designed by the County Board under Sec. 59.69(2)(a), Wis. Stats., to act in all matters pertaining to County planning and zoning.
  - (8) **Department.** The Department of Natural Resources.
  - (9) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or ground water and convey it to a point of discharge.
  - (10) **Dwelling.** A building designed or used exclusively as the living quarters for one (1) or more families.
  - (11) **Dwelling, Accessory.** Any additional dwelling unit on a parcel of land where a principal

- dwelling unit already exists.
- (12) **Dwelling, Multi-Family.** A dwelling or group of dwellings on one (1) plot containing separate living units for one (1) or more families, but which may have joint services or facilities or both.
  - (13) **Dwelling, Principal.** A dwelling unit on a lot consisting of a room or a group of rooms, which are arranged, designed, used or intended for use as the main living quarters for one family.
  - (14) **Dwelling Unit.** Any structure that is wholly or partly used or intended to be used for human habitation, which includes sanitary and/or food preparation facilities.
  - (15) **Essential Services.** Services provided by the public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services included underground, surface, or overhead gas, electrical, steam, water sanitary sewage, storm water drainage, and communication systems and accessories there to, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
  - (16) **Family.** One (1) or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.
  - (17) **Farming, General.** The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.
  - (18) **Floodplain.** The land which has been or may be hereafter covered by flood water during regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wis. Adm. Code.
  - (19) **Home Occupation.** A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.
  - (20) **Human Habitation.** That which provides living, sleeping, cooking, eating, sanitary or other related facilities required for human needs.
  - (21) **Hospital.** Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.
  - (22) **Junk or Salvage Yard.** Either:
    - (a) A lot, land, or structure, or any part thereof; used for the collecting or storage; or for the sale of waste paper, rags, scrap metals, or discarded material; or for the abandoning, collecting, dismantling, storage and salvaging, or for the sale of parts of motor driven vehicles.
    - (b) Three (3) or more unlicensed motor vehicles stored on any land or lot.
  - (23) **Lot.** A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Chapter.
  - (24) **Lot, Depth of.** A mean horizontal distance between the front and rear Lot lines, measured in the general direction of its side lot lines.
  - (25) **Lot, Front.** On shoreland lots, the front shall be the area from the shoreland landward. On non shoreland lots, the front shall be the area from the road setback away from the road.
  - (26) **Lot, Width of.** The mean width measured at right angles to its depth provided however the front yard and set-back width of the lot shall, at all points along its depth, meet the minimum lot requirements of the Zoning Schedule.
  - (27) **Lot Lines.** Any line dividing one (1) lot from another.
  - (28) **Major Recreational Equipment.** Includes travel trailer, pickup campers, or coaches, motorized dwellings, tent trailers, boat and boat trailer, snowmobiles and snowmobile trailers

and the like.

- (29) **Mobile Home.** Any structure originally designed to be capable of transportation by any motor vehicle upon public highway which does not require substantial onsite fabrication; which is intended for occupancy as a year-round residence.
- (30) **Navigable Water.**
  - (a) Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State.
  - (b) Under Sec. 281.31(2)(d), Wis. Stats., and Ch. 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches, if;
    - i. Such lands are not adjacent to a natural navigable stream or river;
    - ii. Those parts of such drainage ditches adjacent to such lands where not navigable streams before ditching; and
    - iii. Such lands are maintained in nonstructural agricultural use.
- (31) **Nonconforming Use.** A building, structure or use of land existing at the time of enactment of this Chapter, and which does not conform to the regulations of the district or zone in which it is situated.
- (32) **Ordinary High Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (33) **Regional Flood.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every one hundred (100) years.
- (34) **Shorelands.** Lands within the following distances from the ordinary high water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (35) **Shoreland Buffer Protection Area.** The area extending from the ordinary high water mark to thirty five (35) feet inland.
- (36) **Shoreland-Wetland Zoning District.** The zoning district, created as a part of the Shoreland Zoning Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this Chapter.
- (37) **Sign.** A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.
- (38) **Structure.** Any physical thing or appurtenance attached to, placed upon, or erected upon real estate, including but not limited to buildings, satellite television antennas, radio antennas, or commercial fuel tanks over five hundred (500) gallons, gasoline or diesel pumps, which are placed upon said real estate by the owner, occupant, or their agents, with the intention that such a physical thing remain either permanently or temporarily attached to or places upon such real estate.
- (39) **Trailer.** A portable vehicle designed and use for temporary sleeping purposes while its occupants are engaged in the pastime of camping.
- (40) **Unnecessary Hardship.** The circumstances where special conditions, which were not self created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

- (41) **Use.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.
- (42) **Variance.** An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter.
- (43) **Wetlands.** Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophydic vegetation and which have soils indicative of wet conditions.
- (44) **Yard, Front.** An open unoccupied space on the same lot with the building between the front line of the building between the front line of the lot and extending the full width of the lot.
- (45) **Yard, Rear.** An open unoccupied space of the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- (46) **Yard, Side.** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

## **Article II. Administration**

### **9.2.1 County Zoning Administrator.**

- (A) **Designation.** The County Zoning Committee shall appoint a County Zoning Administrator for the administration and enforcement of the provisions of this Chapter. The County Zoning Committee may also authorize designation of Deputy Zoning Administrators to assist in the enforcement and administration of this Chapter.
- (B) **Duties.** In administering and enforcing this Chapter, the County Zoning Administrator, and any of his deputies, shall perform the following duties:
- (1) Provide necessary forms and applications for use permits.
  - (2) Issue Land Use Permits where the provisions of this Chapter have been complied with.
  - (3) Issue Conditional Use Permits when authorized by the County Zoning Committee.
  - (4) Survey the County, upon adoption of this Chapter, and when necessary upon the passage of amendments, identify and record information relative to nonconforming uses and structures.
  - (5) Maintain files of applications, permits and other relevant information.
  - (6) Make an annual report of his activities to the County Zoning Committee.
  - (7) Submit written notice of all proposed shoreland variances, special exceptions (conditional uses), appeals for map or text interpretations, and map on text amendments to the appropriate area office of the Department, at least ten (10) days prior to the Public Hearing held on the matter.
  - (8) Submit copies of decisions on variances, special exceptions and decisions on appeals for map on text interpretations and map on text amendments within ten (10) days after they are granted or denied to the appropriate area office of the Department.
- (C) **Powers.** The County Zoning Administrator and the duly appointed deputies shall have powers and authority including but not limited to the following:
- (1) Access to any structure or premise for the purpose of performing his duties between 8:00 a.m. and 6:00 p.m. by the permission of the owner or upon issuance of a special inspection warrant.
  - (2) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Chapter.

### **9.2.2 Land Use Permits.**

- (A) **Permit Required.** No structure shall be built, moved, or structurally altered, and no land use shall be substantially altered until a Land Use Permit has been issued by the County Zoning Administrator. He shall not issue a permit for a structure or a use not in conformity with the requirements of this Chapter. The fee for filing of applications for land use permits shall be established by the County Zoning Committee. A copy of the current fee schedule shall be kept on file in the office of the County Zoning Administrator.
- (B) **Application Procedure.** Applications for land use permits shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot (s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot and the number of families to be accommodated.
- (C) **Expiration.** Land use permits for construction, alteration, or removal of structure shall expire twelve (12) months from their date of issuance if no building activity has begun within such time. Land use permits for land use changes shall expire eighteen (18) months from their date



of issuance where no action has been taken to accomplish such changes.

- (D) **Exceptions.** A Land Use Permit is not required for farm buildings, school bus-stop shelters or structures not for human habitation provided such structures meet the dimensional and setback requirements of this Chapter. and are less than one thousand (1,000) cubic feet in size.
- (E) **Fuel Tanks.** Any fuel tank above ground with a capacity of one thousand (1, 000) gallons or more shall require a retaining wall high enough to contain capacity of tank and have an impermeable base, and be subject to the same specifications as a bulk plant.

### **Section 9.2.3 Violations.**

- (A) Any person who violates this Chapter shall forfeit a sum up to Three Hundred Dollars (\$300.00), plus costs of prosecution, for each day of violation. Default of payment shall result in imprisonment in the Iron County Jail for a period of not to exceed six (6) months.
- (B) All violations shall be referred to the Iron County Corporation Counsel, for prosecution.

## **Article III. Zoning Districts**

### **Section 9.3.1 Establishment of Districts.**

(A) For the purposes of this Chapter, the unincorporated areas of Iron County are hereby divided into the following types of districts:

- R-1 General Residential District
- RR-1 Residential-Recreation District
- R-2 Single Family Residential District
- R-3 Rural Residential District
- A-1 Primary Agricultural District
- A-2 Agricultural District
- C-1 Commercial District
- I-1 Industrial District
- I-2 Industrial District
- F-1 Forestry District
- W-1 Non-Shoreland Resource Conservation District
- PUD Planned Unit Development District
- W-2 Shoreland-Wetland District

### **Section 9.3.2 Zoning Map and District Boundaries.**

- (A) The locations and boundaries of these districts are shown in a single map officially designated “Official Zoning Map, Iron County, Wisconsin” and on separate maps number 1 to 13 officially designated “Detailed Zoning Maps, Iron County, Wisconsin,” which were adopted \_\_\_\_\_ 2011.
- (B) These maps, together with all explanatory matter and regulations thereon, are an integral part of this Chapter. In the event of a conflict between zoning district boundaries shown on the “Official Zoning Map, Iron County, Wisconsin” and the “Detailed Zoning Maps, Iron County, Wisconsin” the latter shall govern and prevail. District boundaries are normally lot lines; Section and quarter-section lines, center lines or streets, highways, railroads, or alleys. Questions regarding exact location of district boundaries shall be decided by the County Zoning Administrator. Decisions may be reviewed on appeal to the Board of Adjustment as provided in this Chapter.
- (C) The single official copies of the “Official Zoning Map, Iron County, Wisconsin” and “Detailed Zoning Maps, Iron County, Wisconsin”, together with a copy of this Chapter shall be kept at the County Zoning Administrator's Office and shall be available for public inspection during office hours. These maps shall be certified by the Chairman of the County Board and attested by the County Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with provisions of Sec. 59.69, Wis. Stats.

### **Section 9.3.3 saved for future use**

## **Article IV. Zoning Districts; Specific Requirements.**

### **Section 9.4.1 R-1 Residential District.**

(A) **Purpose.** This District provides for one- (1) family and two- (2) family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those areas which can be economically and readily served by utilities and municipal facilities.

(B) **Permitted Uses.**

- (1) Single family dwellings.
- (2) Private garages and carports no larger than one thousand (1000) square feet with ten (10) foot wall.
- (3) Essential services and utilities intended to serve the principal permitted use.
- (4) Signs subject to the provisions of Article VI.
- (5) Horticulture and gardening.
- (6) Customary accessory uses provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public or private nuisance.
- (7) Multi-family dwelling units.

(C) **Uses Authorized by Conditional Permit.**

- (1) Mobile home parks subject to the provisions of Article VII.
- (2) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites. Sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings shall not be permitted.
- (3) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- (4) Home occupations or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area.
- (5) Recreation trails including hiking, snowmobiling and bicycling.
- (6) Private garages and carports over one thousand (1000) square feet or with walls exceeding ten (10) feet in height.

### **Section 9.4.2 RR-1 Residential-Recreation District.**

(A) **Purpose.** This District is intended to provide for seasonal residential development and essential recreation-oriented service in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

(B) **Permitted Uses.**

- (1) Single family year around dwellings.
- (2) Horticulture and gardening.
- (3) Essential services and utilities to serve the principal permitted use.
- (4) Signs subject to the provisions of Article VI.
- (5) Customary accessory uses provided such uses are clearly incidental to the principal

Permitted use.

(6) Permissible to be entered into Managed Forest Law (MFL) program.

(C) Uses Authorized by Conditional Permit.

(1) Multi-family dwellings.

(2) Mobile home parks and trailer parks subject to the provisions of Article VII.

(3) Telephone, telegraph and power transmission towers, poles and line, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

(4) Recreational service-oriented uses such as resorts and motels, restaurants and cocktail lounges, marinas, sport shops and bait sales, other recreational services which in the opinion of the County Zoning Committee are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.

(5) Recreation trails, including but not limited to the following: hiking, snowmobiling and bridle.

(6) Private garages and carports over one thousand (1000) square feet.

#### **Section 9.4.3 R-2 Single Family Residential District.**

(A) **Purpose.** This District is intended to provide for large lot, residential development in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

(B) Permitted Uses.

(1) Single family dwellings.

(2) Horticulture and gardening.

(3) Essential services and utilities to serve the principal permitted use.

(4) Signs subject to the provisions of Article VI.

(5) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

(C) Uses Authorized by Conditional Permit.

(1) Multi-family dwellings.

(2) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

(3) Recreation trails, including but not limited to the following: hiking, snowmobiling and bridle.

(4) Private garages and carports larger than one thousand (1000) square feet.

#### **Section 9.4.4 R-3 Rural Residential District**

(A) **Purpose.** The Rural Residential district is established in conformance with the Iron County Comprehensive Plan in order to provide for low density, large lot rural residential development consistent with the predominant rural character of the area and the physical capability of the land. These areas are not likely to be served by public sewer or water facilities within the foreseeable future; therefore, larger lot sizes are indicated.

(B) **Permitted Uses.**

(1) Single family dwellings.

(2) Private garages and carports no larger than one-thousand (1000) square feet.

(3) Essential services and utilities intended to serve the principal permitted use.

(4) Signs subject to the provisions of Article VI.

(5) "Farmettes" and non-commercial agricultural and quasi-agricultural uses

- (6) Customary accessory uses provided such uses are clearly incidental to the principal permitted use
- (7) Permissible to be entered into Managed Forest Law Program
- (8) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) Multi-family dwellings.
- (2) Rooming or boarding houses.
- (3) Mobile home parks and trailer parks subject to the provisions of Article VII.
- (4) Telephone, telegraph and power transmission towers, poles and line, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- (5) Recreational service-oriented uses
- (6) Private carports and garages over one-thousand (1000) square feet.
- (7) Home occupations or professional offices provided no such use occupies more than Twenty five percent (25%) of the total floor area of the dwelling, not more than: one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area.
- (8) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

**Section 9.4.5 A-1 Primary Agricultural District.**

**(A) Purpose.** This district is to provide for large tracts that may remain in general agricultural use and related activities in those areas best suited for such development; and to prevent the untimely and uneconomical scattering of residential, commercial, or industrial development into such areas.

**(B) Permitted Uses.**

- (1) One- (1) family and two- (2) family farm residences and a single mobile home (mobile home provision does not apply to the Town of Mercer due to local ordinance), but only when occupied by owners and/or persons engaged in farming activities on the premises.
- (2) Limited commercial uses (recreation-oriented, service shops, repair shops, etc.)
- (3) All agricultural land uses, buildings and activities except farms for disposal of garbage or offal.
- (4) Roadside stands for the sale of products grown on the premises, if sufficient off-street Parking space for customers is provided.
- (5) Agricultural processing industries and warehouses, except slaughterhouses, and rendering and fertilizer plants.
- (6) Vacation farms and other farm-oriented recreational uses such as riding stables, winter sports activities and game farms.
- (7) Essential services and utilities intended to serve a permitted use on the premises.
- (8) Woodlots and tree farms.
- (9) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- (10) Signs subject to the provisions of Article VI

- (11) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) Mobile home parks and trailer parks subject to the provisions of Article VII.
- (2) Dumps for the disposal of garbage, sewage, rubbish, or offal, subject to the applicable provisions of Wisconsin Administrative Code and the provisions of Article VII.
- (3) Slaughterhouse, rendering and fertilizer plants.
- (4) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites, sewage disposal plants, garbage incinerators and maintenance.
- (5) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- (6) Airports.
- (7) Cemeteries and mausoleums.
- (8) Quarrying, mining and processing of products from these activities subject to the provisions of Section 9.7.2.
- (9) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

**Section 9.4.6      A-2 Agricultural District**

**(A) Purpose.** This district is to provide for large tracts that may remain in general agricultural use.

**(B) Permitted Uses.**

- (1) Beekeeping
- (2) Cranberry production
- (3) Dairy farming
- (4) Floriculture
- (5) Feedlots
- (6) Poultry raising and egg production
- (7) Livestock raising and pasture land
- (8) Orchards
- (9) Noncommercial stables
- (10) Plant nurseries
- (11) Raising of trees, fruits, nuts, & berries
- (12) Raising of grain, grass, mint & seed crops
- (13) Sod farming
- (14) Vegetable raising
- (15) Forest products and tree farms
- (16) Roadside stands – one/farm
- (17) Ponds, excavation & extractions less than B30,000 sq. ft.
- (18) Temporary sawmills
- (19) Lands not actively farmed
- (20) Agriculturally related residences
- (21) Accessory buildings and uses

- (22) Signs subject to the provisions of Article VI.
- (23) Game and fish farms
- (24) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) A single (1) non-farming residence. Zoning permit approval requires that a deed restriction be established to prevent further subdivision. The deed restriction must be recorded and an official copy provided to the Zoning Administrator before the permit is issued.
- (2) Farm labor housing
- (3) Housing for seasonal or migratory farm workers
- (4) Livestock sales facilities
- (5) Vet service for farms
- (6) Commercial fish and fur farming
- (7) Dairies
- (8) Fertilizer mixing plant
- (9) Greenhouses
- (10) Land restoration
- (11) Sewage disposal plant
- (12) Landing fields
- (13) Utility and commercial lines and stations
- (14) Ponds greater than 30,000 sq. ft.
- (15) Home occupations
- (16) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.
- (17) Concentrated Animal Feeding Operation (CAFO)

**Section 9.4.7 C-1 Commercial District.**

**(A) Purpose.** This District is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices and similar commercial establishments.

**(B) Permitted Uses.** Facilities such as, but not limited to the following:

- (1) Retail stores and shops offering convenience goods and services.
- (2) Business and professional offices and studios.
- (3) Banks and savings and loan offices.
- (4) Public and semi-public buildings and institutions.
- (5) Commercial entertainment facilities.
- (6) Laundromats.
- (7) Restaurants.
- (8) Taverns.
- (9) Medical and dental clinics.
- (10) Auto services stations and maintenance facilities.
- (11) Public and private marinas.
- (12) Recreation service-oriented facilities as stated in the RR-1 District.
- (13) Motels and tourist homes.
- (14) Rooming and boarding houses.

- (15) Customary accessory uses provided such uses are clearly incidental to the principal use.
- (16) Single family dwellings.
- (17) Signs subject to the provisions of Article VI.
- (18) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) Public and semi-public conditional uses as stated in the R-1 District.
- (2) New and used car sales establishments.
- (3) Wholesaling establishments.
- (4) Transportation terminals.
- (5) Farm implement sales firms.
- (6) Outdoor theaters.
- (7) Miniature golf, go-karts and amusement parks.
- (8) Drive-in establishments offering in-car service to customers.
- (9) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

**Section 9.4.8 I-1 Industrial District.**

**(A) Purpose.** This District is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare and safety. Those industries requiring outdoor storage for raw materials and/or finished products may be required to provide a fence or screen.

**(B) Permitted Uses.**

- (1) Manufacturing, assembly, fabricating, and processing plants and similar-type industrial operations consistent with the purposes of this District.
- (2) General warehousing.
- (3) Accessory uses clearly incidental to a permitted use. Any use determined to be objectionable by the County Zoning Committee on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights, or danger of explosion maybe permitted only upon the issuance of a conditional use permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.
- (4) Signs subject to the provisions of Article VI.
- (5) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) Salvage yards, subject to the provisions of Section 9.7.8.
- (2) Quarrying, mining and processing of products from these activities, subject to the provisions of Section 9.7.2.



- (3) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

#### **Section 9.4.9 I-2 Industrial District.**

(A) **Purpose.** This district is established for the principal purpose of providing long-term sites for heavy industrial uses in conjunction with a mining site/operation. Uses within this zoning district are likely to cause smoke, noise, odors, dust, fumes, visual impacts, and heavy equipment traffic thus; require separation from residential or other more sensitive uses. This district shall apply only to lands in the Town of Knight and the Town of Anderson along the State Highway 77 corridor.

(B) **Permitted Uses.**

- (1) Manufacturing, assembly, fabricating, and processing plants and similar-type industrial operations consistent with the purposes of this District.
- (2) Wrecking and salvage operations
- (3) Warehousing and storage operations
- (4) Accessory uses clearly incidental to a permitted use. Any use determined to be objectionable by the County Zoning Committee on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights, or danger of explosion may be permitted only upon the issuance of a conditional use permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.
- (5) Signs subject to the provisions of Article VI.
- (6) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

(C) **Uses Authorized by Conditional Permit.**

- (1) Salvage yards, subject to the provisions of Section 9.7.8.
- (2) Quarrying, mining and processing of products from these activities, subject to the provisions of Section 9.7.2.
- (3) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

#### **Section 9.4.10 F-1 Forestry District.**

(A) **Purpose.** This District provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a recreational resource by permitting as a conditional use certain recreational activities which, when adequately developed, are not incompatible to the forest.

(B) **Permitted Uses.**

- (1) Production of forest crops, including tree plantations.
- (2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (3) Recreation trails, including but not limited to the following: hiking, snowmobiles, bridle.
- (4) Signs, subject to the provisions of Article VI.
- (5) Wildlife refuges.

- (6) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) Hunting and fishing cabins.
- (2) Seasonal dwellings and customary accessory buildings such as private garages and carports on the same lot as the seasonal dwelling unit.
- (3) Public and private parks, playgrounds and winter sports areas.
- (4) Dams, plants for production of electric power and flowage areas.
- (5) Trailer camps subject to the provisions of Section 9.7.11.
- (6) Forest-connected industries such as sawmills, debarking operations, chipping facilities and similar operations. Pulp and paper production plants are not permitted.
- (7) Recreation and youth camps.
- (8) Riding stables.
- (9) Shooting ranges.
- (10) Quarrying and mining operations subject to the provisions of Section 9.7.2.
- (11) Year-round residences for caretakers of recreational areas.
- (12) Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave radio relay towers.
- (13) Airports.
- (14) Garbage and refuse disposal sites subject to the provisions of Section 9.7.9.
- (15) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

**Section 9.4.11 W-1 Non-Shoreland Resource Conservation District.**

- (A) Purpose.** This District is intended to be used to prevent destruction of natural or manmade resources and to protect watercourses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding, where developments would result in hazards to health or safety; would deplete or destroy resources; or be otherwise incompatible with the public welfare, and may not include shoreland wetland as identified on wetland maps of Iron County stamped final on October 16, 1984.

**(B) Permitted Uses.**

- (1) Public fish hatcheries.
- (2) Soil and water conservation programs.
- (3) Forest management programs.
- (4) Wildlife preserves.
- (5) Ferrous or Nonferrous metallic mineral exploration as defined in 295.44(1)\*h) or 293.01(5) Wisconsin Statutes as amended pursuant to license under 293.21 Wisconsin Statutes as amended and any other required state, federal, or municipal permits provided no more than five (5) exploratory borings may be drilled per acre per year nor more than ten (10) per acre every five (5) years in which case further exploration shall be a conditional use.

**(C) Uses Authorized by Conditional Permit.**

- (1) Drainage where such activity will not be in conflict with the stated purposes of this District.

- (2) Public and private parks.
- (3) Dams, plants for the production of electric power and flowage areas.
- (4) Grazing where such activities will not be in conflict with the stated purposes of this District.
- (5) Accessory structures such as hunting and fishing lodges.
- (6) Orchards and wild crop harvestings.
- (7) Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave radio relay towers.
- (8) Recreation trails, where such activities would not be in conflict with the stated purpose of this District.
- (9) Trailer camps, subject to the provisions of Section 9.7.11.
- (10) Signs, subject to the provisions of Article VI.
- (11) Ferrous or Nonferrous mineral exploration in excess of the limits set forth in Section (B) above.

NOTE: No use shall involve dumping or filling of mineral soil or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen, or topography.

#### **Section 9.4.12 PUD Planned Unit Development District.**

- (A) The PUD District is intended to provide for large-scale residential or residential-recreational development. This District shall have no definite boundaries until such are approved by the County Board on the recommendation of the Land and Zoning Committee in accordance with procedures prescribed for zoning amendments by Sec. 59.69, Wis. Stats. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multi-family development as well as related commercial uses, provided that the plans indicate that:
  - (1) A single area of at least five (5) acres is involved.
  - (2) Each residential building and lot in the District will conform to the R-1 District requirements and each commercial building and lot will conform to the C-1 District requirements.
  - (3) Adequate streets and sidewalks as determined to serve the needs of the area involved will be provided.
  - (4) Adequate access to public streets and proper internal circulation will be provided.
  - (5) Adequate sewer and water facilities will be provided.
  - (6) The development will constitute a reasonable extension of the living areas in the County and will be compatible with surrounding land uses. The development will constitute a reasonable extension of the living areas in the County and will be compatible with surrounding land uses.
- (B) The requirements of this District shall apply uniformly to all such residential or residential recreational developments regardless of type or form of ownership.

#### **Section 9.4.13 W-2 Shoreland-Wetland District.**

##### **(A) Designation.**

- (1) This District shall include all shorelands within the jurisdiction of this Chapter which are wetlands of five (5) acres or more; shown on the Wisconsin Wetland Inventory maps, stamped "FINAL" on October 16th 1984, that are hereby adopted and made a

part of this Chapter and are on file in the office of the Zoning Administrator for Iron County. A portion of a wetland which is less than five (5) acres in size, and which is located in the unincorporated shoreland area within the County, shall be included in the shoreland-wetland district where the wetland as a whole is five (5) acres or larger, but extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County.

- (2) This District is intended to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimized adverse impacts upon the wetland.

**(B) Permitted Uses.** The following uses shall be allowed, subject to general shoreland zoning regulations of this Chapter, the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other state and federal laws, if applicable:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:
  - (a) Hiking, fishing, trapping, hunting, swimming and boating;
  - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - (c) The pasturing of livestock;
  - (d) The cultivation of agricultural crops;
  - (e) The practice of silviculture, including the planting, thinning and harvesting of timber;
  - (f) The construction and maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
  - (a) Temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
  - (b) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries;
  - (c) Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use and only where permissible under Sec. 30.20, Wis. Stats. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible and such filling is permissible under Chapter 30, Wis. Stats.;
  - (d) Limited excavating and filling necessary for the construction and maintenance offences for the pasturing of livestock;
  - (e) Limited excavating and filling necessary for the construction and maintenance of piers, docks and walkways built on pilings;
  - (f) Limited excavating and filling necessary for the maintenance, repair, replacement and reconstruction of existing town and county highways and bridges.
- (3) Uses which are allowed upon the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating only to the extent

specifically provided below:

- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:
  - i. The road cannot, as a practical matter, be located outside the wetland;
  - ii. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
  - iii. The road is designed and constructed with the minimum cross sectional area to serve the intended use;
  - iv. Road construction activities are carried out in the immediate area of the roadbed only; and
  - v. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road;
- (b) The construction and maintenance of nonresidential buildings provided that:
  - i. Such building is essential to and used solely in conjunction with the raising of water fowl, minnows or other wetland or aquatic animals or a permitted use in the shoreland-wetland district;
  - ii. Such building cannot, as a practical matter, be located outside the wetland;
  - iii. Such building does not exceed five hundred (500) square feet in floor area; and is not designed for human habitation; and
  - iv. Only limited excavating and filling necessary to provide structural support for the building is allowed.
- (c) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, shooting preserves, public boat launching ramps and access roads used in conjunction with a public boat launching ramp, provided that:
  - i. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
  - ii. Filling and excavating necessary for the construction and maintenance of public boat launching ramps and access roads is allowed only where such construction meets the criteria under Subsection (b)(iii) and (a) i v.
  - iii. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game bird and animal farms, fur animal farms and shooting preserves is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values;
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
  - i. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
  - ii. Any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (e) The construction and maintenance of railroad lines provided that:
  - i. The railroad lines cannot, as a practical matter, be located outside the wetland; and

- ii. Any filling, excavating, ditching, or draining must be necessary for such construction or maintenance and must be done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(C) **Prohibited Uses.** Any use not listed in Subsection (B) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Sec. 59.97(5)(c), Wis. Stats., Chapter NR115, Wis. Adm. Code and Subsection (D) below,

(D) **Rezoning of Lands in the Shoreland-Wetland Zoning District.**

- (1) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department shall be provided with the following:
  - (a) A copy of every petition for a text or map amendment to the Shoreland Wetland District, within five (5) days of the filing of such petition with the County Clerk;
  - (b) Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
  - (c) A copy of the County Zoning Agency's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and
  - (d) Written notice of the County Board's decision on the proposed amendment, within ten (10) days after it is issued.
- (2) A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  - (a) Storm and flood water storage capacity;
  - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - (d) Shoreline protection against soil erosion;
  - (e) Fish spawning, breeding, nursery or feeding grounds;
  - (f) Wildlife habitat; or
  - (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (3) If the Department has notified the County Zoning Agency that a proposed amendment to the shoreland-wetland provisions of this Chapter may have a significant adverse impact upon any of the criteria listed in Subsection (D)(2) above, that amendment, if approved by the County Board, shall contain the following provision: This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that thirty (30) day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Sec. 59.692(6). Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Sec. 59.692(6), Wis. Stats., adoption procedure is completed or otherwise terminated.

## Section 9.4.14 Zoning Schedule, Non-Shoreland Dimensional Requirements

	R-1	RR-1	R-2	R-3	A-1	A-2	C-1	I-1	I-2	F-1
<b>BUILDING HEIGHT LIMIT</b>	35	35	35	35	35	35	35	60	60	35
<b>REQUIRED LOT AREA(SQ FT)</b>										
With Public Sewer	15,000 * <sup>2</sup>	15,000* <sup>2</sup>	40,000	5 acres	20 acres	35 acres	10,000	1 acre	10 acres	10,000
Without Public Sewer	60,000* <sup>6</sup>	60,000* <sup>6</sup>	80,000* <sup>6</sup>	5 acres	20 acres	35 acres	20,000* <sup>3</sup>	1 acre	10 acres	60,000* <sup>6</sup>
<b>MINIMUM LOT WIDTH (FT)</b>										
With Public Sewer	125	125	200	200	200	200	125	200	200	125
Without Public Sewer	200	200	200	200	200	200	200	200	200	200
<b>YARDS REQUIRED</b>										
Front	30	30	45	50	50	50	10	50	50	30
Side										
Principal Building	10	10	25	20	20	20	10	20	20	10
Accessory Building	5	5	10	10	10	10	5	10	10	5
Rear	25* <sup>1</sup>	25* <sup>1</sup>	40	50	50	50	20	50	50	40
<b>FLOOR AREA, RESIDENCES (sqft) *<sup>4</sup></b>										
3 or more bedrooms	900	700	900	900	900	900	700	700	700	700
2 bedrooms	800	600	800	800	800	800	600	600	600	700
1 bedroom	700	500	700	700	700	700	500	500	500	500

\*1 Unless specified elsewhere in this ordinance or on the official zoning map, the dimensional requirements of this schedule shall apply to the respective listed districts. Requirements for the W-1: Resource Conservation,

SP-1: Shoreland Protection, and PUD: Planned Unit Development are contained on the official zoning map.

\*2 Minimum for one-family dwellings; and 8,250 or each additional unit over one.

\*3 Plus any additional area required by Sec. 85.093, Wis. Adm. Code.

\*4 Includes liveable basement area

\*5 Plus 15,000 additional square feet for each habitable unit.

\*6 Plus 20,000 square feet for each additional habitable unit.

## **Article V. General Regulations**

### **Section 9.5.1 Application of Regulations.**

The use of any land or water; the size, shape, and placement of lots; the use, size, height, type, and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the “Official Zoning Map, Iron County, Wisconsin”, and in the text of this Chapter.

### **Section 9.5.2 Setback Requirements on Highways and Roads.**

- (A) All state and U.S. numbered highways are hereby designated Class A highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in effect in the County shall be one hundred ten (110) feet from the centerline of the highway or fifty (50) feet from the right-of-way line, whichever is greater.
- (B) All County trunk highways not otherwise designated as Class A highways are hereby designated Class B highways. The setback for Class B highways and for roads designated as arterial roads on official maps in effect in the County shall be seventy-five (75) feet from the centerline of such highway or forty-two (42) feet from the right-of-way line, whichever is greater.
- (C) All town roads not otherwise designated Class A or Class B highways are hereby designated Class C highways. The setback for Class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the County shall be sixty-three (63) feet from the centerline of the highway or thirty (30) feet from the right-of-way line, whichever is greater.
- (D) A setback equal to the average setback of existing principal buildings, located within five hundred (500) feet of a proposed building site and on the same side of the street, shall be permitted where five (5) of these buildings do not conform with the appropriate setback line.
  - (1) Both of the existing structures are located on adjacent lot to the proposed structure.
  - (2) Both of the existing structures are located within 250' of the proposed structure.
  - (3) Both of the existing structures are located less than the required road setback as stated above.
  - (4) The average setback shall in no case be less than fifty (50) feet from the right-of-way of a federal, state or county trunk highway nor less than 20 feet from all other roads right of way.
- (E) Minor, readily removable structures such as open fences or signs permitted by this Chapter may be placed within setback lines. Public utility equipment without permanent foundations is also permitted. When deemed necessary by the County Zoning Committee in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right-of-compensation, any such structures erected within setback lines.

### **Section 9.5.3 Visual Clearance at Intersections.**

- (A) Except as provided in subsection (B) of this section, in each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street centerline and a line connecting them 300 feet from a Class A highway intersection, 250 feet from a Class B highway, and 200 feet from a Class C highway intersection. If two (2) highways of a different class intersect, the largest distance shall apply to both centerlines. Within this triangle, no object over two and one half (2 ½) feet in height above these streets



shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten feet and located a minimum of 30 feet apart.

- (B) The visual clearance triangle in the following unincorporated areas of the following towns shall be determined as follows:
- (1) On a corner lot in said areas, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.
  - (2) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.
- (C) Town of Saxon - Commencing at the intersection of State Highway No. 122 and Defer Street, which is the Point-of Beginning of this description, thence along Defer Street to the intersection of Defer Street and School Street, thence along School Street to the intersection of School Street and Page Street, thence along Page Street to the intersection of Page Street and Church Street, thence along Church Street to the intersection of Church Street and State Highway No. 122, thence along State Highway No. 122 to the Point-of Beginning. The Visual Clearance triangle provisions of this description extends to adjacent lots.
- (D) Town of Knight - Commencing at the intersection of State Highway 77 and Buckeye Street, which is the Point-of Beginning of this description, thence along Buckeye Street to the intersection of Buckeye Street and Severance Street, thence along Severance Street to the intersection of Severance Street and Jackson Street, thence along Jackson Street to the intersection of Jackson Street and Corrigan Street, thence along Corrigan Street to the intersection of Corrigan Street and Johnson Street, thence along Johnson Street to the intersection of Johnson Street and State Highway 77, thence along Highway 77 to the Point of- Beginning.
- (E) Town of Mercer - Commencing at the intersection of US Highway 51 and Iron County Trunk Highway J, which is the Point-of-Beginning of this description, thence along Iron County Trunk Highway J to the intersection of Iron County Trunk Highway J and Railroad Street, thence along Railroad Street to the intersection of Railroad Street and Lakeview Avenue, thence along Lakeview Avenue to the intersection of Lakeview Avenue and US Highway 51, thence along US Highway 51 to the intersection of US Highway 51 and Garnet Street, thence along the Garnet Street to the intersection of Garnet Street and Vaughn Street, thence along Vaughn Street to the intersection Vaughn Street and an unnamed alley, thence along the unnamed alley to the intersection of the unnamed alley to Statehouse Circle, thence along Statehouse Circle to the intersection of Statehouse Circle and US Highway 51, to the Point of-Beginning.
- (F) Town of Anderson - Commencing at the intersection of State Highway 77 and Fuller Avenue, which is the Point-of- Beginning of this description, thence along Fuller Avenue to the intersection of Fuller Avenue and 4th Street, thence along 4th Street to the intersection of 4<sup>th</sup> Street and State Highway 122, thence along State Highway 122 to the intersection of State Highway 122 and Upson Park Road, thence along Upson Park Road to the intersection of Upson Park Road and Hoyt Avenue, thence along Hoyt Avenue to the intersection of Hoyt Avenue and State Highway 77, thence along State Highway 77 to the Point-of-Beginning.
- (G) Town of Pence - Commencing at the intersection of State Highway 77 and Birch Street, which is the Point-of- Beginning of this description, thence along Birch Street to the intersection of Birch Street and Allison Street, thence along Allison Street to the intersection of Allison Street and Cedar Street, thence along Cedar Street to the intersection of Cedar

Street and Hibbert Street, thence along Hibbert Street to the intersection of Hibbert Street and Linden Street, thence along Linden Street to the intersection of Linden Street and Whiteside Street, thence along Whiteside Street to the intersection of Whiteside Street and Hemlock Street, thence along Hemlock Street to the intersection of Hemlock Street and State Highway 77, thence along State Highway 77 to the Point-of-Beginning.

#### **Section 9.5.4 Access Driveways.**

- (A) Access driveways to highways from abutting properties shall comply with the following Requirements:

<b>Class of Highway</b>	<b>Min. Distance of Hwy. Frontage Between Access Driveways for Separate Land Uses</b>	<b>Minimum Distance Access Driveways May Be Located to the Right-of-Way of an Intersecting Highway</b>	<b>Minimum Distance between Access Driveways per parcel</b>
Class A Highways Federal Aid Primary Highways	300 feet	300 feet	200 feet
Federal Aid Secondary Highways	250 feet	250 feet	150 feet
Class B Highways	150 feet	150 feet	150 feet
Class C Highways	0 feet	75 feet	75 feet

- (B) Where there is more than one lot abutting on Class A and Class B Highways between access driveways, a service road of not less than 50 feet right- of-way shall be provided across the entire frontage of each lot unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway. Use of access is limited to the use authorized in the temporary access permit. This permit would be revocable when a frontage road is provided.

- (C) The maximum number and width of access driveways to highways and service roads shall be as follows:

<b>Type of Access Driveway</b>	<b>Maximum Number of Access Driveways</b>	<b>Maximum Width of Access Driveways</b>
Commercial and Industrial Land Uses	2	35 feet
Other Land Uses	2	24 feet

- (D) When cross-overs in median strips have been provided, access driveways shall be directly opposite these cross-overs.

#### **Section 9.5.5 Excessive Height Permitted.**

- (A) Heights of the following structures may exceed ordinance limits for the district in which they are to be located with the approval of the County Zoning Committee:
- (1) Cooling towers.
  - (2) Penthouses.
  - (3) Stacks.
  - (4) Lookout towers.
  - (5) Silos.
  - (6) Windmills.
  - (7) Water towers.
  - (8) Spires.
  - (9) Radio and television aerials.
  - (10) Masts.
  - (11) Antennae and necessary mechanical appurtenances.

#### **Section 9.5.6 Lot Sizes.**

- (A) After adoption of this Chapter, no lot area shall be so reduced that the dimensional and yard requirements required by this Chapter cannot be met. Lot existing and of record prior to adoption of this Chapter but of substandard size, may be devoted to uses permitted in the district in which located.
- (B) If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this Chapter, the lots involved shall be considered to be an individual parcel for the purposes of this Chapter.
- (C) Lots created after adoption of this Chapter and which are not served by public sewer systems shall meet minimum area requirements of the Iron County Sanitary Code and the Iron County Subdivision Control Ordinance. Any shoreland lot shall meet the dimensional requirements as listed on the Zoning Schedule.

#### **Section 9.5.7 Accessory Uses and Structures.**

- (A) Any permanent structure serving as an accessory use, if attached to the principal building, shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback, and other dimensional requirements of the district within which it is located.

#### **Section 9.5.8 Drainage, Sanitation and Water Supply.**

- (A) No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than four (4) feet above the highest groundwater level.
- (B) No principal building intended for human use or occupancy shall be erected, structurally

- altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Iron County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.
- (C) The County Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Iron County Sanitary Code, and a sanitary permit has been issued. Private sewage disposal systems for dwelling units shall meet the location requirements of the Iron County Sanitary Code and the Sanitary Code and the applicable minimum standards of the Wisconsin Administrative Code.
- (D) Where connection is not made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises.
- (E) Planned unit developments shall be served by sewage facilities which meet the requirements of the Iron County Sanitary Code and the applicable minimum standards of the Wisconsin Administrative Code.

### **Section 9.5.9 Private Sewage System Regulations.**

**(A) Adoption.**

- (1) Pursuant to Sec. 59.70(5)065, Wis. Stats., the Iron County Board of Supervisors hereby adopts the Iron County private sewage system ordinance.
- (2) This Section shall be subject to the provisions of Chapter 145, Wis. Stats. , and all subsequent rules and regulations promulgated thereunder regarding private sewage systems.
- (3) This Section shall not be more lenient nor stringent than the rules and regulations promulgated pursuant to Chapter 145, Wis. Stats.

**(B) Definitions.** The following definitions shall be applicable in this Section:

- (1) **Alternative Systems** .A state-approved substitute for a standard designed septic tank or soil absorption area. This includes:
  - (a) Holding tanks.
  - (b) The construction of a mound system to dispose of private sewage effluent in areas where soils are inadequate due to bedrock, high ground water or slowly permeable soils.
  - (c) Any private system which the State of Wisconsin may approve.
- (2) **Department.** The Department of Safety and Professional Services.
- (3) **Issuing Agent.** The County office, department, committee, position or employee assigned the duties of administering the private sewage system program by the County Board.
- (4) **Milkhouse Waste.** The discharge of any waste water created by the:
  - (a) Washing and rinsing of milk utensils and tanks.
  - (b) Washing down interior of milkhouse.
- (5) **Private Sewage System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure; an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure; and may be owned by the property owner or by a special purpose district.
- (6) **Privy.** A structure which has no plumbing or water under pressure and the primary use is to contain human wastes.
- (7) **Sanitary Permit.** A permit issued by the department or the issuing agent for the installation of a private sewage system.

(C) **Issuing Agent.** The Zoning Administrator shall act as the Iron County issuing agent and is hereby assigned the duties of administering the private sewage system program.

(D) **Sanitary Permit.**

(1) **Validity.**

- (a) No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.
- (b) No person may sell at retail a septic tank. for installation unless the purchaser holds a valid sanitary permit.
- (c) A sanitary permit is valid for two (2) years from the date of issue and renewable for similar periods thereafter.
- (d) A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent.

(2) **Application Forms.** The issuing agent shall use the sanitary permit forms provided by the department.

(3) **Application Process.**

- (a) The applicant shall submit the completed sanitary permit application to the issuing agent.
- (b) The issuing agent shall review the certified soil tester reports for the proposed private sewage systems and verify the report at the proposed site, if necessary.
- (c) The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
  - i. The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall: State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable. Inform the applicant of the right to appeal and the procedures for conducting an appeal under Chapter 68. Wis. Stats.

(E) **Permit Fees.** The fee for sanitary permits shall be as established by resolution of the Iron County Board of Supervisors.

(F) **Other Fees.** A copy of the current fee schedule shall be kept on file in the office of the County Zoning Administrator

(G) **Inspection.**

- (1) The issuing agent shall inspect or cause the inspection of all private sewage systems after construction, but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.
- (2) The issuing agent shall file reports and conduct surveys and inspections as required by the County or the department.
- (3) A maintenance program, which requires inspection of all private sewage systems at least once every three (3) years pursuant to s. 145.20 Wis. Stats., and ch. SPS 383.54 Wis. Adm. Code.. The owner of a system subject to the maintenance program must be required to submit to the County a certification form (to be provided by the County) every three (3) years, signed by the owner and signed by a licensed plumber, licensed pumper, licensed POWTS Inspector or, licensed POWTS maintainer or restricted plumber licensed under. 633BChapter 145, Wis. Stats., a person licensed under Sec. 146.20281.48(3), Wis. Stats., or by a County or State employee designated by the department, who has inspected the system. The form shall require certification that the system is in proper operating condition, and that after inspection, and pumping if

necessary, the septic or holding tank is less than one-third (1/3) full of sludge and scum.

- (4) If the owner of a private sewage system does not return the completed maintenance letter by deadline indicated on the letter they may be charged a \$100 Unanswered Maintenance Fee plus pumping costs and face Iron County Circuit Court Civil Action.
- (H) **Violations.** The issuing agent shall investigate violations of the private sewage system ordinance and Sec. 146.13, Wis. Stats. and Wisconsin law, issue orders to abate the violations and submit orders to the District Attorney, corporation counsel or Attorney General for enforcement.
- (I) **Citations.** Violation of this Section are subject to the provisions of Sec. 66.0113119, Wis. Stats., and the Iron County Citation Ordinance.
- (J) **Other Duties.** The issuing agent shall perform other duties regarding private sewage systems as considered appropriate by the County or as required by the rules of the department.
- (K) **Privies.** The regulation of privies shall be subject to provisions of State Administrative Codes and Iron County Codes.
  - (1) Privies shall be constructed and maintained in a clean condition so that insects and rodents cannot enter the vault.
  - (2) Privies shall be located at the minimum horizontal distance of twenty-five (25) feet from dwellings, twenty-five (25) feet from a lot line, fifty (50) feet from water supply wells, fifty (50) feet from a stream, lake or other water-course, and twenty-five (25) feet from the edge of a twenty percent (20%) slope, pits shall be three (3) feet above bedrock and the high ground water level. Water tight concrete vault pits shall be located a minimum horizontal distance of fifty (50) feet from a lake, stream, or other watercourse. Vault privies should have a minimum size of 200 gallons.
- (L) **Milkhouse Waste.** The regulation of the disposal of milkhouse waste shall be subject to the provisions of NR Codes, AG Codes and Iron County Codes. All milkhouses waste shall be disposed of in such a manner as not to create a nuisance on property or adjoining properties.

#### **Section 9.5.10 Supplementary Regulations.**

- (A) **Airport Safety Zones.** Except for field crops and fences under five six (65) feet high, the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two (2) miles from the end of the runway shall be no longer than one-twentieth (1/20th ) of the distance of the object to the landing strip.
- (B) **Off-Street Parking.** Any building hereafter erected or placed on a lot shall be provided with off-street parking spaces for those using such building.
  - (1) Each parking space required shall be at least two hundred (200) square feet in area.
  - (2) Residential uses shall be provided with at least one (1) parking space for each dwelling unit.
  - (3) Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below with one (1) parking space for each two hundred (200) square feet of floor area. However, restaurants, taverns and similar establishments shall be provided with at least one (1) space for each three (3) seats devoted to patron use; motels, tourists cabins and similar establishments, shall be provided with at least one (1) space for each unit; drive-in eating stands offering in car service shall be provided with at least five (5) spaces for each person employed to serve customers.
  - (4) Public gathering uses shall be provided with at least one (1) space for each five (5) patrons to be accommodated on the premises.

- (C) **Off-Street Loading and Unloading.** Any commercial or industrial building here after Erected or placed on a lot, shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities. In the Industrial District such buildings shall be provided with a minimum of four hundred (400) square feet of off street loading and unloading space.

#### **Section 9.5.11 Public Nuisance Regulations**

- (A) **Title/Purpose.** The title of this chapter is the Iron County Public Nuisance Ordinance. The purpose of this Ordinance is to regulate, for public health and safety reasons, public nuisances and certain uses and activities in the County.
- (B) **Authority.** The County Board has the specific authority under ss. 29.038 - Local Regulation of Wild Animals, 66.0407-Noxious Weeds, 66.0413 - Razing Buildings, 125.14- Enforcement Provisions, 169.43 - Captive Wild Animals, and 59.55 (5) - Junk Vehicles, and Chapter 823 – Public Nuisance, Wis. stats., and the general authority under s. 59.02 - General Ordinances, Wis. stats., to adopt this Ordinance.
- (C) **Adoption of ordinance.** The County Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the County Board present and voting, provides the authority for the County to regulate the storage, treatment, disposal, and discharge of certain junk and other items, uses and activities in the County.
- (D) **Definitions**
- (1) **“Agricultural use”** means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish, or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USSC 3831 to 3836, participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
  - (2) **“Appliance”** means any household or office device, instrument, utensil, or apparatus or machine that utilizes power, including, but not limited to any stove, clothes washer or dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, computer or peripheral device, or other home or office electronic device.
  - (3) **“Building”** includes any building or structure or any portion of a building or structure.
  - (4) **“County”** means Iron County, Wisconsin
  - (5) **“County Clerk”** means the Clerk of Iron County, Wisconsin.
  - (6) **“County Committee”** means a committee established by the county to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the County.
  - (7) **“County Zoning”** means the Iron County Zoning Administrator
  - (8) **“Debris”** Means any litter Junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, or create a public nuisance or public safety or health hazard, except when such items are determined by the County Board or County Committee or other agent of the County to be stored or housed out of public view and are treated and maintained not to be a public nuisance.
  - (9) **“Equipment”** means goods used or bought for use primarily in a business, including farming and a profession.

- (10) (Reserved for Future Use)
- (11) (Reserved for Future Use)
- (12) **“Hazardous waste”** means any solid waste identified by the State Department of Natural Resources as hazardous under s. 291.05 (2), Wis. stats.
- (13) **“Health Officer”** means the Iron County Public Health Officer
- (14) **“ICSD”** means the Iron County Sheriff’s Department \*
- (15) **“Junk”** means scrap metal, metal alloy, wood, concrete, synthetic or organic material, or any junked, inoperative, unlicensed, or unregistered motor vehicle structures, equipment, furniture, appliances, or machinery, or any part thereof. “Junk” includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material
- (16) **“Junked”** means dismantled for parts or scrapped.
- (17) **“Junkyard”** means any place that is owned, maintained, operated, or used for storing, keeping, processing, buying, or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards, and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. “Junkyard” does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.
- (18) [Reserved for Future Use]
- (19) **“Local zoning and land use regulation”** means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
- (20) **“Machinery”** means a structure or assemblage of parts that transmits forces, motion, or energy from one part to another in a predetermined way by electrical, mechanical or chemical means. “Machinery” does not include a building.
- (21) **“Motor vehicle”** means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled except a vehicle operated exclusively on a rail, with or without a current registration issued by the State of Wisconsin or other state to the owner of the vehicle.-
- (22) **“Not registered,”** in reference to all-terrain vehicles” as defined in s. 340.01 (2g) Wis. stats., “snowmobiles” as defined in s. 340.01(58a) Wis. stats., or “boats” as defined in s. 29.001(16) Wis. stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
- (23) **“Noxious Weeds”** means Canada thistle, leafy spurge and field bindweed (creeping Jenny) and any other weed that the County Board may from time to time, by resolution, declare to be a noxious weed.
- (24) [Reserved for Future Use]
- (25) **“Public nuisance”** means a thing, act, occupation, condition, or use of property that continues in the County for such length of time as to do any of the following:
  - (a) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public.
  - (b) In any way render the public insecure in life or in the use of property.
  - (c) Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water, or other public way, or the use of public property.
- (26) [Reserved for Future Use]



- (27) **“Recyclable material”** means material that is suitable for recycling.
- (28) **“Scrap metal processor”** means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- (29) **“Solid waste”** means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires, and other like materials. “Solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under ch. 283, Wis. stats., or source material, as defined in s. 254.31 (10), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material, as defined in s. 254.31 (1), Wis. stats. “Solid waste” includes paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires and other like materials, debris, and junk.
- (30) **“Solid waste facility”** means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. “Solid waste facility” does not include a facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. “Solid waste facility” does not include an auto junk yard or scrap metal salvage yard.
- (31) [Reserved for Future Use]
- (32) **“Unlicensed”** or **“unregistered”** in reference to motor vehicles, mobile homes, manufactured homes, camper trailers, recreational vehicles, truck bodies, semi trailers, or trailers, are those that are required for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- (33) **“Vehicle”** means every device in, upon, or by which any person or property is or may be transported. “Vehicle” includes, but is not limited to, all of the following:
- “Aircraft” as defined in s. 29.001 (6), Wis. stats.
  - “All-terrain vehicles” as defined in s. 340.01 (2g), Wis. stats.
  - “Antique vehicles” as described in s. 341.265 Wis. stats.
  - “Automobiles” as defined in s. 340.01 (4), Wis. stats.
  - “Boats” as defined in s. 29.001 (16), Wis. stats.
  - “Camping trailers” as defined in s. 340.01 (6m), Wis. stats.
  - “Farm equipment” as defined in s. 100.47 (1), Wis. stats.
  - “Farm tractors” as defined in s. 340.01 (16), Wis. stats.
  - “Hobbyist or homemade vehicles” as defined in s. 341.268(1) Wis. Stats
  - “Implements of husbandry” as defined in s. 340.01(24), Wis. stats.
  - “Junk vehicles” as defined in s. 340.01 (25j), Wis. stats.

- “Manufactured homes” as defined in s. 101.91(2) Wis. Stats
- “Mobile homes” as defined in s. 340.01(29), Wis. Stats
- “Mopeds” as defined in s. 340.01 (29m), Wis. stats.
- “Motor bicycles” as defined in s. 340.01 (30), Wis. stats.
- “Motor buses” as defined in s. 340.01 (31), Wis. stats.
- “Motorcycles” as defined in s. 340.1 (32), Wis. stats.
- “Motor homes” as defined in s. 340.01(33m), Wis. stats.
- “Motor trucks” as defined in s. 340.01 (34), Wis. stats.
- “Railroad trains” as defined in s. 340.01 (48), Wis. stats.
- “Recreational vehicles” as defined in s. 340.01(48r), Wis. stats.
- “Road machinery” as defined in s. 340.01 (52), Wis. stats.
- “Road tractors” as defined in s. 340.01 (53), Wis. stats.
- “Salvage vehicles” as defined in s. 340.01 (55g), Wis. stats.
- “School buses” as defined in s. 340.01(56), Wis. stats,
- “Semi-trailers” as defined in s. 340.01(57), Wis. stats.
- “Snowmobiles” as defined in s. 340.01(58), Wis. stats.
- “Special interest vehicles” as defined in s. 341.266 Wis. stats.
- “Trailers” as defined in s. 340.01(71), Wis. stats.
- “Truck tractors” as defined in s. 340.01(73), Wis. stats.
- Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and golf carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles” that require no registration or licensure by the State of Wisconsin.

(34) **“Wild animal”** means any animal of a wild nature that is normally found in the wild and that is not a domestic animal.

(35) **“Wis. Stats.”** Means the Wisconsin Statutes, including successor provisions to cited statutes.

(36) [Reserved for Future Use]

(37) [Reserved for Future Use].

(38) **“Zoning”** means the Iron County Zoning Administrator

(E) **Public health or safety.** No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the County a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the County to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

(1) Noxious weed areas. Any place in the County where noxious weeds are over one foot high, are located on private or public land, and the noxious weeds are not timely cut or removed within 7 days after posting or publication of a notice to destroy noxious weeds under s. 66.0407 or within 7 days after receipt of written notice to remove from the County.

(2) Unburied animal carcass areas (any animals or fowl not intended for human consumption or food). Any place in the County where unburied animal carcasses are located on private or public land and are not timely removed or discarded, including timely burial in a sanitary manner, within 48 hours after receipt of written notice to remove from the County. This paragraph does not apply to any animal or pet cemetery approved in writing by the County.

(3) Noxious or polluted or waste areas. Any place in the County where noxious,

nauseous, unwholesome, or polluted water and waste are located on private or public land, including County and Town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the County or Towns, and these conditions are not timely removed within 7 days after receipt of written notice from the County.

- (4) Noxious emission odor areas. Any place in the County where noxious odor, stench, or gas escape or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within 24 hours after receipt of written notice to remove from the County. "Noxious odor" means an odor that is extremely repulsive to the senses of ordinary person in the County that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the County, as determined by the Health Officer.
- (5) Rat or vermin areas. Any place in the County where rat or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within 30 days after receipt of written notice to remove from the County. Vermin subject to this paragraph include, but are not limited to, all of the following: Rats, Mice, cockroaches, etc.
- (6) [Reserved for future use]
- (7) Hazardous, toxic, or solid waste facility or site areas. Any place or solid waste facility in the County where the discharge, disposal, storage, or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage, or treatment by all proper Federal, State, County, and Town governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the Federal, State, County, or Town, and the activity or condition is not timely removed or discontinued within 30 days after receipt of written notice to remove from the County. To constitute a public nuisance under this paragraph, an area, facility, or site must threaten or cause serious discomfort or serious injury to the health or, cause serious inconvenience to the health or safety of a significant number of persons with the County, as determined by the County.
- (8) Dangerous wild animal areas. Any place in the County where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the County and the animals are not removed or destroyed within 7 days after receipt of written notice to remove from the County unless written approval of the County is obtained within said time. To constitute a dangerous wild animal, under this paragraph, the species of animal must pose a threat to the safety of persons within the Town, including a keeper of such animal, as determined by the County. It is not necessary that the County find that a specific animal is dangerous in order to find a nuisance under this paragraph. For purposes of this Ordinance dangerous wild animals include, but are not limited to, all of the following species of animals:
  - Nonhuman primates and prosimians including chimpanzees.
  - Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, cougars, and other felids generally referred to as big cats.
  - Canids, except domesticated dogs of the subspecies *Canis Lupus* Familia is, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.
  - Ursids, including all bears.
  - Crocodilians, including alligators and crocodiles.
  - Marsupials, including kangaroos, wallabies, and opossums.

- Procyonids, including raccoons and coatis.
  - Viverrids, including mongooses, civets, and genets.
  - Reptilia over three feet in length, including boa constrictors, pythons, and other snakes.
  - Venomous reptilian.
  - Cervids, except farm-raised deer that are kept by a person registered under s. 95.55, Wisconsin stats.
- (9) Improper sewage areas. Any place in the County where effluent from a septic system, sewer, holding tank, cesspool, or other human waste container is located on private or public land without approval and licensing or permitting by all proper State and County governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the County and the effluent is not timely removed or properly treated or all proper licenses and permits obtained within 30 days after receipt of written notice to remove from the County.
  - (10) Dangerous or dilapidated building areas. Any place in the County where a building or structure, the contents therein, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and the conditions that are dangerous, unsafe, unsanitary, or otherwise render the building unfit for human habitation are not timely removed or discontinued within 30 days of receipt of written notice to remove from the County.
  - (11) Dangerous tree areas. Any place in the County where any trees or the tree's limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within 7 days after receipt of written notice to remove from the County.
  - (12) Fire hazard areas. Any place in the County where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within 7 days after receipt of written notice from the County.
  - (13) Improper encroachment or discharge areas. Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any County or Town roadway or on other County or Town public lands without written permission from the County or Towns, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within 7 days of the receipt of written notice to remove from the County.
  - (14) Junked motor vehicle and junk part areas. Any place in the County within 500 feet of the center line of any Town highway in the Town, or within 750 feet of the center line of any County trunk, State trunk, or Federal highway where junked motor vehicles or junk motor vehicle parts are accumulated or stored or any place in the County where junked motor vehicle, junk vehicles or junk parts are accumulated or stored outside of a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property.
  - (15) Junkyard and junked vehicle, appliance, and machinery areas. Any place in the County where junked vehicles, not otherwise subject to subsection (14)N, junked appliances, junked equipment, and junked machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property, and any place otherwise within the definition of junkyard under this Ordinance that is not timely removed or discontinued within 30 days of receipt of written notice to remove from the County, unless exempt under Section 9.5.11(G).
  - (16) Unlicensed or unregistered vehicle area. Any place in the County where for a period

exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the County and is not timely removed or discontinued within 30 days of receipt of written notice to remove from the County, unless exempt under Section 9.5.11(G).

**(F) Abandoned Vehicles on Public Lands** No person regardless of the vehicle's physical condition, registration, or license held shall leave unattended or stored any motor vehicle or other vehicle, appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or public property in the County, including the road right-of-way, for such time and under such circumstances so as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any such vehicles, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, public road, public highway, or public property, including the County/Town road right- of-way, within the County for a period of more than 72 hours, the vehicle, structure, machinery, appliances or equipment is presumed by the County abandoned and to be a public nuisance. This section does not apply to a railroad train stopped at a railroad crossing as defined in s. 340.01 (47), Wis. stats.

**(G) Exemptions/Permits**

**(1) Exemptions.**

- (a) Any storage of junked motor vehicles and vehicle parts on private lands in the County that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the storage of the vehicles or parts.
- (b) Any operation of a junkyard on private lands in the County that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the operation of the junkyard have obtained all the proper and necessary Federal, State, County, and extraterritorial municipal approvals, permits, or licenses for the operation or have obtained licenses for operation of a junkyard on that privately owned premise under s. 84.31, Wis. stats., is exempt from the provisions under Section 9.5.11(E)(15), applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
- (c) Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the County that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under s. 218.205, Wis. stats., authorizing storage uses, operations, and activities at property locations in the County or hold a current motor vehicle dealer license under s. 218.0114, Wis. stats., for salvage, sale, or storage operation and activities at a property location in the County, and are actively engaged in the County, as determined in writing by the County, in the commercial motor vehicle salvage or motor vehicle retail sales business on property in the County is exempt from the provisions under Section 9.5.11(E)(15), applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the to the extent allowed by the

applicable license.

- (d) Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the County that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current and valid manufactured home dealers license under s. 101.951, Wis. stats., or a current and valid recreational vehicle dealers license under s. 218.12, Wis. stats., issued by the State of Wisconsin and are actively engaged in the County, as determined in writing by the Town Board, in the business of commercial retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on property in the County is exempt from Section 9.5.11(E)(15) applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
- (e) Any parking, storage, or other keeping outside of buildings in the County of 2 or fewer unlicensed or unregistered motor vehicles or 2 or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner or leaseholder of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of sale or repair, is exempt from the provisions under Section 9.5.11(E)(16), relating to the keeping and storage of unlicensed or unregistered vehicles.
- (f) Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the County that is in conformity with local zoning and land use regulation, by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the County is exempt from the provisions under Section 9.5.11(E)(15), of this Ordinance applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph, storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than 30 days in the open shall be deemed a violation of Section 6a-1-59.5.11(E)(14) of, subsection O, this Ordinance unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired.

(2) Permits.

- (a) The County may permit on public or private lands in the county, with or without conditions and restrictions) the storage in the open on private premises vehicles, structures, machinery, appliances, or equipment in the County subject to Section 9.5.11(E); 2) the maintenance of certain buildings, structures, or dwellings in the County subject to Section 9.5.11(E); 3) the storage, disposal, treatment, or discharge of certain items, waste and materials in the County described in Section 9.5.11(E) upon proper and timely application of an owner or occupant of the premises in the County for a permit, regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste or materials to be stored, maintained, disposed, treated, or discharged. The County may specify the quantity and manner, including the timeline, for such storage, maintenance, disposal, treatment, or discharges after a public hearing held by the county.

- (b) The applicant shall be notified of the public hearing required under paragraph 1 at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the applicant noted on the application. The permit shall be for a specific location and may be established for a term of months or years and may be re-issued upon application by the permit holder if the permit holder is in full compliance with this Ordinance and with the permit conditions and restrictions as issued. The conditions and restrictions, if any, in the permit established by the County for such storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the County and to limit or negate potential public nuisances caused by such storage, maintenance, disposal, treatment or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by the County. The owner or occupant of the permitted premises shall be responsible for compliance with the conditions and restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

**(H) Abatement of Public Nuisances/Permit Revocation**

**(1) Inspection of Premises.**

- (a) Whenever a complaint is made to the Town Board or Town Chairman that a public nuisance under this Ordinance or a violation of a permit issued under this Ordinance exists within the Town, the Town Chair or other agents of the Town Board shall promptly inspect or cause to be inspected the premises complained of. If the complaint is directed to County Zoning the appropriate Town Chairman will be notified. The Town will attempt to resolve the situation. If unable to resolve the situation the complaint will be referred to the County Zoning for appropriate action. Whenever practicable, the Town Chairman or other agents of the Town Board shall cause photographs to be made of the premises and shall file the photographs with a written report in the office of the County Zoning Administrator.
- (b) If the person subject to complaint has a current permit under this Ordinance, any County Land Use Permit, or Junked Motor Vehicle Permit issued under s. 175.25, Wis. stats., the County may immediately hold a public hearing, to consider suspension or revocation of the permit, for refusal to comply with the permit and the conditions attached therein. The County shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the permit holder noted on the permit or permit application.
- (c) The County may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be in excess of 6 months and no reapplication can be received or acted upon by the County for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this Ordinance during the revocation period.
- (d) For any decision regarding the revocation or suspension of any permit, the County shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this Ordinance by the permit holder or by any

employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the County by mailing by US Mail of a First Class letter to the last known address of the permit holder noted on the permit or permit application.

- (2) Owner of Premises Responsibility. Any owner or occupant of land in the County shall be responsible for compliance with this Ordinance on the land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this Ordinance.

**(I) Summary Abatement**

- (1) Notice to Owner. If the County determines that a public nuisance exists under this Ordinance within the County on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the County shall serve a written order notice upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the County may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.
- (2) Abatement by County. If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the County shall cause the abatement or removal of the public nuisance by immediately seeking for the County a court order that allows for the immediate injunction and abatement of the public nuisance.

**(J) Abatement By Court Action.**

- (1) If the County determines that a public nuisance exists on public or private land but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the County may take one of the following actions:
  - (a) Contact in writing the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located with a notice order to cease and desist the public nuisance.
  - (b) Issue or have issued and served a citation by the ICSD upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located for violation of this Ordinance.
  - (c) Cause the County attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this Ordinance or the conditions of any permit as issued or have drafted by the County attorney to be filed and served a formal complaint for abatement of the public nuisance under chapter 823, Wis. stats.
  - (d) Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the injunction and abatement of public nuisances against any person by the County, or its officials in accordance with the laws of the State



of Wisconsin or this Ordinance, including against a permit holder that holds a current and valid permit issued by the County under this Ordinance.

- (e) Citations. - The County may enforce against such public nuisance violations in this Ordinance by issuance and service of a Citation against any alleged violation of this Ordinance. The ICSD will issue and serve such Citations.

**(K) Costs of Abatement/Disposal**

- (1) In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this Ordinance, the cost of abatement of any public nuisance by the County may be collected under this Ordinance or s. 823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If any vehicle, structure, equipment, implement, or appliance noted in this Ordinance is abandoned or remains unclaimed, the County may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 66.0139, Wis. stats., by public auction or other means as determined in writing by the County.

**(L) Enforcement Provisions**

- (1) Enforcement of this Ordinance, to include issuing and serving of notices and citations, will be accomplished by the Iron County Sheriff's Department.
- (2) First Offense/Penalty. Any person who violates this Ordinance shall, upon conviction, forfeit not less than \$20 nor more than \$500 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 until such forfeiture and costs are paid, but not exceeding 90 days.
- (3) Second Offense/Penalty. Any person guilty of violating this Ordinance or any who has previously been convicted of a violation of this Ordinance or shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 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 until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.
- (4) Separate Violations. Each day of violation of this Ordinance shall constitute a separate offense.

**(M) Severability**

- (1) If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

**Section 9.5.12 Tourist Rooming House** (adopted 5/31/2023)

**(A) Purpose**

- (1) The purpose of this ordinance is to ensure the quality of tourist rooming houses operating within the county is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators, and resident agents offering these properties to tourists, to protect the character and stability of all areas within the county; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.
- (2) It is the intent of this section to set standards and clear expectations under which an existing family dwelling may be used as a tourist rooming house after receiving a

zoning permit from the Zoning Department. In the event the property owners or the occupants of a tourist rooming house do not comply with the terms of this section, additional conditions may be placed on the zoning permit, or the permit may be revoked.

**(B) Exemptions**

The following operations are exempt from complying with the requirements of this article:

- (1) A private boarding house or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
- (2) A hotel, motel, or resort status issued by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), pursuant to Wis. Stats. 97.605, or a designated local health department pursuant to Wis. Stats. 97.625, directly or through its agent
- (3) Bed and Breakfast establishments.

**(C) Definitions**

- (1) The following definitions and conditions apply unless specifically modified:
  - a. **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship authorized to conduct business in this state.
  - b. **Department:** Iron County Planning and Zoning Department.
  - c. **Dwelling:** A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or resort status cabins.
  - d. **Dwelling Unit:** A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as a living quarters for one family.
  - e. **Owner:** The owner of a short-term rental.
  - f. **Person:** Shall include a corporation firm, partnership, association, organization, and any other group acting as a unit as well as individuals including a personal representative appointed according to law. Whenever the word person is used in any section of this article prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.
  - g. **Resident Agent:** A person who resides in the state of Wisconsin within fifty (50) miles of the property, unless the property owner is a permanent resident of Iron County.
  - h. **State:** State of Wisconsin Department of Agriculture, Trade and Consumer protection, or its designee.
  - i. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business or employment.
  - j. **Tourist Rooming House (TRH):** Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to tourist or transients, or to persons who stay or intend to stay for a short term of thirty (30) days or less.

**(D) Tourist Rooming House Requirements**

- (1) No person may operate a tourist rooming house without an administrative permit from the Zoning Department:

- a. Every tourist rooming house shall have a resident agent from the state of Wisconsin within fifty (50) miles of the property, unless the property owner is a permanent resident of Iron County.
- b. Maximum occupancy for a tourist rooming house served by a Private Onsite Water Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection or its designee the Iron County Health Department, in accordance with Wisconsin Administrative Code ATCP 72, whichever is less.
- c. Written evidence shall be provided to the Zoning Department demonstrating the size, location, functionality, and code compliance of the POWTS by a state licensed plumber or inspector.
- d. Parking shall be provided on the property and shall not be located within the road right-of-way, or within the required ordinary high water mark setback. On-street parking is prohibited unless allowed by the governmental entity having jurisdiction over the public road.
- e. No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
- f. Accessory structures or buildings located on a property that has a tourist rooming house shall not contain habitable living spaces such as, but not limited to: bathrooms, sleeping accommodation, kitchens and offices unless permitted and served by a compliant Sanitary system.
- g. The property owner shall provide the Zoning Department with contact numbers at which the property owner and resident agent can be reached for public complaints and/or inquiries 24 hours per day.
- h. The Zoning Department shall, by mail, notify the township and all property owners within 300 feet of the permitted tourist rooming house. The notification shall include a copy of the permit and ordinance showing the conditions under which it was approved, the property owner's contact information, and resident agent contact information.
- i. Advertising the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained. Failure to obtain all applicable permits and licenses within 6 months of initial approval by the Zoning Department will be grounds for review of the permit approval by the Zoning Department and possible revocation of Department approval.
- j. A permit allowing the use of the property as a tourist rooming house shall expire upon change of property ownership. A new property owner shall be required to apply for a new zoning permit for the operation of a tourist rooming house under this section.

**(E) Application**

- (1) All applications for a tourist rooming house administrative permit shall be filed with the Zoning Department on forms provided. Applications must be filed by the owner of the tourist rooming house or by the resident agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 9.5.12(D).
- (2) An application for a tourist rooming house permit shall include the following and shall not be considered complete until all of the following are submitted:
  - a. Completed application form

- b. Site plan, including onsite parking, location of septic system and location of all lot lines
  - c. Resident agent form
  - d. Completed compliance statement
  - e. Confirmation of a sanitary system by permit or by written confirmation of size and function by a licensed plumber. Sanitary maintenance must be up to date and filed with the county
  - f. Proof of short-term rental insurance
  - g. Rental agreement including but not limited to the following:
    - i. quiet hours
    - ii. parking requirements
    - iii. occupancy limit, garbage collection/service
    - iv. pet policy
    - v. firearm and fireworks according to state and local regulations
    - vi. lake regulations according to state and local regulations
  - h. Application fee as periodically designated by the Iron County Zoning Committee on the fee schedule shall be paid when the application is filed.
- (3) Application will be reviewed within 30 days of receipt of a complete application packet.

**(F) Terms and filing date.** Each permit shall run for one year, from July 1 to June 30. Annual renewal is required. The filing fee, as designated by the fee schedule, shall be required upon filing of the application. Any application which does not include all of the information and documentation shall not be considered as complete.

- (1) If a Conditional Use Permit (CUP) has been obtained in the past (and is still active, valid, and all CUP conditions have been satisfied), an administrative annual permit is still required.
- (2) A late fee will be triple the fee of the original.
- (3) If a Tourist Rooming House is inactive for 12 months or more the permitted use expires and the owner will have to reapply.

**(G) Violations**

- (1) Revocation of permit shall be done by the Zoning Committee.
- (2) Reasons for revocation may include:
  - a. Violation of this chapter
  - b. Violation of room and sales tax
  - c. Violation of federal, state, and local laws
  - d. Matters that endanger, or threaten to endanger the public health, safety, comfort, and general welfare
  - e. Adverse environmental impacts
  - f. Documented noise complaints
  - g. Excessive response required from law enforcement
  - h. Property condition, including garbage or refuse complaints, condition complaints, and general care and maintenance
  - i. Parking complaints
  - j. Violation of the Private Onsite Wastewater Treatment System sizing and maintenance.
  - k. Violation of advertisement limits and requirements
  - l. Violation of application requirements

**(H)** The Zoning Committee may, in its sole discretion, hold a hearing to consider amending, suspending, or revoking the administrative permit. In that event, hearing procedure shall be as follows:

- (1) The hearing shall be held before the Zoning Committee
- (2) Written notice of the date, time, and place of the hearing shall be mailed by regular mail to the permit applicant/holder at least 10 calendar days prior to the date of the hearing.
- (3) Written summary for the reason behind the possible revocation shall be provided with the written notice.
- (4) At the hearing, the permit applicant/holder or representative shall have the right to make a statement and question allegations.
- (5) Written statements may be submitted by any person or township regarding the permit issue prior to the start of the hearing. The Zoning Committee shall only consider written statements that set forth the identity of the individual(s) making the statement.
- (6) The Zoning Committee shall hear, consider, and weigh all verbal and written statements prior to making its decision.
- (7) The Zoning Committee shall have the right to adjourn and reconvene as it deems necessary and need not make a decision immediately upon conclusion of the hearing.
- (8) The Zoning Committee shall consider these factors when determining whether to revoke a permit, including but not limited to the following:
  - a. Past or present compliance with this chapter
  - b. Past and present compliance with room and sales tax requirements.
  - c. Past and present compliance with federal, state and local laws.
  - d. Matters that endanger, or threaten to endanger the public health, safety, comfort, and general welfare.
  - e. Adverse environmental impacts
  - f. Documented noise complaints.
  - g. Excessive response required from law enforcement
  - h. Property condition, including garbage or refuse complaints, condition complaints, and general care and maintenance.
  - i. Parking complaints.
  - j. Compliance with the Private Onsite Wastewater Treatment System maintenance program
  - k. Compliance with the advertising limits and requirements
  - l. Compliance with all application requirements
- (9) If a permit is denied or revoked, the Zoning Committee shall set forth in writing the reason(s) for the denial or revocation. In order for a reason to form the basis for a denial or revocation, a majority of the Committee members present shall agree that the facts presented were sufficient to support that reason. The written decision shall set forth the committee members who supported the reasons for the decision.

**(I) Violation and penalties**

- (1) No applicant may reapply for 12 months from the date of revocation.
- (2) Enforcement and penalties as specified by Article II, Sec. 9.2.3 of the Iron County Land Use Ordinance.

**(J) Conditions on Permit.** The Zoning Department shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of Sec. 9.5.12(D).

## **Article VI Signs**

### **Section 9.6.1 Sign Permit Required.**

- (A) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered within Iron County until a land use permit has been issued by the County Zoning Administrator, except those signs excepted below and without being in conformity with the provisions of this Chapter. Iron County does not issue permits for signs on State or Federal Highways. Permits for signs on these highways shall be approved by State or Federal Agencies.

### **Section 9.6.2 Signs Permitted.**

- (A) All signs are prohibited in the R-1 and W-1 Districts except the following:
- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
  - (2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
  - (3) Names, occupations and warning signs not to exceed two (2) square feet located on the premises.
  - (4) Bulletin boards for public, charitable or religious institutions not to exceed twenty (20) square feet in area located on the premises.
  - (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - (6) Official signs, such as traffic control, parking restrictions, information and notices.
  - (7) Temporary signs or banners when authorized by the Zoning Administrator.
- (B) Signs are permitted in the R-1, RR-1, R-2, R-3, A-1, A-2, C-1, I-1, I-2, F-1, and W-1 Districts subject to the following restrictions:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in an area for any one (1) premises and shall not exceed twenty (20) feet in height above the mean centerline street grade.
  - (2) Projecting signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not exceed more than six (6) feet into any required yard, shall not exceed into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
  - (3) Ground signs shall not exceed twenty (20) feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one (1) side nor two hundred (200) feet on all sides for any one (1) premises.
  - (4) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.
  - (5) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.

- (6) Signs or billboards which advertise a general brand of product, an area of interest, a business activity or a service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed three hundred (300) square feet in area. Free-standing signs shall be erected outside the highway right-of way, shall not exceed twenty (20) feet in height above the ground or be located within three hundred (300) feet of an existing residence.
- (7) Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not exceed four (4) square feet in area. When a common posting is provided all such signs shall be attached thereto. Recreational directory signs may be at the right-of-way line of the highway provided they are not within one hundred (100) feet of an existing residence, information on such signs may be of reflective material.
- (8) Signs advertising a business or activity conducted, area of interest, or service available within twelve (12) air miles of the premises on which it is located. Such signs shall not exceed twenty (20) square feet in area, and no more than two (2) such signs relating to any one (1) use shall be permitted in the approaching direction along any one (1) highway. A larger number of signs and a greater distance from the premises may be permitted by the Zoning Committee by a Conditional Use Permit finding it necessary for directing the traveling public.
- (9) Combinations of any of the above signs shall meet all the requirements for the individual sign.

### **Section 9.6.3 Prohibited Signs.**

- (A) Signs shall not resemble, imitate, or approximate the shape, size, font or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility. No sign shall contain any rotating or moving parts, or be illuminated by flashing light.

### **Section 9.6.4 Nonconforming Signs.**

- (A) Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size or location does not conform with the provisions of this Chapter. However, it shall be deemed a nonconforming use or structure and the provisions of Article IX shall apply.

## Article VII. Regulation of Special Uses

### Section 9.7.1 General Provisions.

- (A) Except as added to or altered hereafter in this Section, the procedures and requirements of this Article governing Conditional Uses shall apply.

### Section 9.7.2 Non – Metallic Mining Reclamation

- (A) **Title.** Nonmetallic mining reclamation ordinance for the County of Iron.
- (B) **Purpose.** Abandoned nonmetallic mining sites are typically unstable and are often safety hazards, environmental threats, attractive nuisances and eyesores. They can result in groundwater and surface water pollution, personal injury or even loss of life. Abandoned sites result in a loss of productive land use and represent lost opportunities, loss or degradation of fish and wildlife habitat and loss of tax revenues, accordingly the purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Iron County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
- (C) **Statutory Authority.** This chapter is adopted under authority of Section 295.13(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 59.51, Wisconsin Statutes.
- (D) **Restrictions Adopted Under Other Authority.** The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
- (E) **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.
- (F) **Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.
- (G) **Applicability.**
- (1) **Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within Iron County, except (i) as exempted in sec. 9.7.2(G)(2) or (ii) for nonmetallic mining sites located in a city, village or town within Iron County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic



mining sites where nonmetallic mining permanently ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of a county, municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in sec. 9.7.5(C)(3).

**(2) Exemptions.** This chapter does not apply to the following activities:

- (a) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under secs. 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.
- (b) Excavations subject to the permit and reclamation requirements of secs. 30.30 or 30.31, Stats.
- (c) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (d) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (e) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (f) Excavations for building construction purposes conducted on the building site.
- (g) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.
- (h) Any mining operation, the reclamation of which is required in a permit obtained under ch. 293, Stats.
- (i) Any activities required to prepare, operate or close a solid waste disposal facility under ch. 289, Stats., or a hazardous waste disposal facility under ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (j)
  - 1. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
  - 2. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
  - 3. If a nonmetallic mining site covered under **pars. (a) and (b)** is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
- (k) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

- (1) Removal of material from the bed of Lake Superior by a public utility pursuant to a permit under s. 30.21, Stats.
- (H) **Administration.** The provisions of this chapter shall be administered by Iron County.
- (I) **Effective Date.** The provisions of this chapter shall take effect on March 29<sup>th</sup> 2016.
- (J) **Definitions.** In this chapter:
- (1) "Alternative requirement" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by Iron County pursuant to sec. 9.7.5(G).
  - (2) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (19) (c). If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.
  - (3) "Borrow site" means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.
  - (4) "Contemporaneous reclamation" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.
  - (5) "Department" means the Wisconsin Department of Natural Resources.
  - (6) "Environmental pollution" has the meaning in s. 295.11(2), Stats.
  - (7) "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in sec. 9.7.5(C) and is sufficient to pay for reclamation activities required by this chapter.
  - (8) "Highwall" means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds a 3:1 horizontal to vertical incline.
  - (9) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.
  - (10) "Licensed professional geologist" means a person who is licensed as a professional geologist pursuant to ch. 470, Stats.
  - (11) "Municipality" means any city, town or village.
  - (12) "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.
  - (13) "Nonmetallic mining" or "mining" means all of following:
    - (a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals,

such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

- (14) "Nonmetallic mining reclamation" or "reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.
- (15) "Nonmetallic mining refuse" means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.
- (16) "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in par. (a), subject to the qualifications in par. (b).

(a) Nonmetallic mining site means the following:

- 1. The location where nonmetallic mining is proposed or conducted.
- 2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
- 3. Areas where nonmetallic mining refuse is deposited.
- 4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
- 5. Areas where grading or regrading is necessary.
- 6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.
- 7. A "quarry" means a non-metallic mining site.

(b) "Nonmetallic mine site" does not include any of the following areas:

- 1. Those portions of sites listed in par. (a) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
  - 2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
  - 3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.
- (17) "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
  - (18) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or

federal agency.

- (19) "Registered professional engineer" means a person who is registered as a professional engineer pursuant to s. 443.04, Stats.
- (20) "Regulatory authority" means one of the following:
  - (a) The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under s. 295.13, Stats., except where a municipality has adopted an applicable reclamation ordinance pursuant to par. (b).
  - (b) The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under s. 295.14, Stats
  - (c) The department, in cases where a county mining reclamation program is no longer in effect under s. 295.13, Stats., but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.
- (21) "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.
- (22) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31 (1), Stats.
- (23) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- (24) "Topsoil substitute material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- (25) (a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sec. 9.7.6 (G)(3). However the term does not include any areas described in par. (b).
  - (b) "Unreclaimed acre" or "unreclaimed acres" does not include:
    - 1. Those areas where reclamation has been completed and certified as reclaimed under sec. 9.7.6 (G)(3).
    - 2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.
    - 3. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.
    - 4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or

- other industry that uses products produced from nonmetallic mining.
5. For purposes of fees under sec. 9.7.6 (E), those areas within a nonmetallic mining site which Iron County has determined to have been successfully reclaimed on an interim basis in accordance with sec. 9.7.6 (G)(3).

### **Section 9.7.3 - QUARRIES AND NONMETALLIC MINING PERMIT**

- (A) **Application Required.** No quarry or nonmetallic mining operation may be commenced in Iron County unless said activity is first approved by the Iron County Zoning Committee. Application requesting Iron County Zoning Committee approval of a proposed quarry or nonmetallic mining activity shall be submitted to the Iron County Zoning Department, and shall be accompanied by:
- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
  - (2) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
  - (3) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
  - (4) The name, address, and telephone number of the person or organization who is the operator.
  - (5) A certification by the operator of the operator's intent to comply with the statewide nonmetallic mining reclamation standards established by Sec. 9.7.4.
  - (6) A Reclamation Plan as hereinafter required.
  - (7) If specifically required by the Iron County Zoning Committee, a topographic map, at a minimum contour interval of ten (10) feet, of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides.
  - (8) Any other and further information that Iron County, by the Iron County Zoning Committee, may require.
- (B) **Consideration of Compatibility.** In reviewing a proposal for a quarrying or non-metallic mining activity, the Iron County Zoning Committee shall take into consideration:
- (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
  - (2) The possibility of soil erosion as a result of the proposed operation.
  - (3) The most suitable land use for the area.
  - (4) The impact upon, and the opinions and positions of, owners of lands within the vicinity of the proposed non-metallic mining site.
  - (5) Whether the applicant has ever failed to comply with a reclamation plan.
- (C) **Quarries and Nonmetallic Mines.** No authority or permit to carry on a quarry or nonmetallic mining operation shall be given until a reclamation plan has been approved, as required herein, and the operator has agreed to restore the quarried or mined area to a condition of practical usefulness and reasonable physical attractiveness. Further, the operator shall provide sufficient financial assurance to secure the performance of the reclamation agreement, as required herein. The agreement and financial assurance shall be in forms approved by the Iron County Corporation Counsel, and shall meet the requirements of Section 135.40, Wisconsin Administrative Code.
- (D) **Conditions for Approval.** The Iron County Zoning Committee may set forth conditions of approval regarding appropriate setback and other dimensional requirements particularly with

reference to avoiding a nuisance effect on surrounding residential uses, or an attractive nuisance effect upon children or a passersby. Suitable fencing, capping and landscaping may be required.

#### **Section 9.7.4 – Standards**

(A) **Standards.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(1) **General Standards.**

(a) **REFUSE AND OTHER SOLID WASTES.** Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to chs. 289 and 291, Stats.

(b) **AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION.**

Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(c) **PUBLIC HEALTH, SAFETY AND WELFARE.** All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(d) **HABITAT RESTORATION.** When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(e) **COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

(2) **Surface Water and Wetlands Protection.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) **Groundwater Protection.**

(a) **GROUNDWATER QUANTITY.** A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(b) **GROUNDWATER QUALITY.** Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) **Topsoil Management**

(a) **REMOVAL.** Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Removal of on-site topsoil and

topsoil substitute material removal, when specified in the reclamation plan, shall be performed, prior to any mining activity associated with any specific phase of the mining operation.

(b) VOLUME. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

(c) STORAGE. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) Final grading and slopes.

(a) All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to Sec. 9.7.5(B) to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved under Sec. 9.7.5 (G); steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(c) When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

(6) Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) Revegetation and Site Stabilization. Except for permanent roads or similar surfaces

identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

- (8) Assessing Completion of Successful Reclamation.
  - (a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.
  - (b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:
    - 1. On-site inspections by Iron County or its agent;
    - 2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
    - 3. A combination of inspections and reports.
  - (c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
  - (d) Revegetation success may be determined by:
    - 1. Comparison to an appropriate reference area;
    - 2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
    - 3. Comparison to an approved alternate technical standard.
  - (e) Revegetation using a variety of plants indigenous to the area is favored.
- (9) Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Sec. 9.7.5(C) is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.
- (10) Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

## SECTION 9.7.5 - PERMITTING

- (A) **Nonmetallic Mining Reclamation Permit Application Required.** No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in Sec. 9.7.2(G)(1), 9.7.2(G)(2) or 9.7.2(J)(15)(b).
  - (1) **Required Submittal.** All operators of nonmetallic mining sites shall apply for a reclamation permit from Iron County. All applications for reclamation permits under this section shall be accompanied by the following information:
    - (a) A brief description of the general location and nature of the nonmetallic



mine.

- (b) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
- (c) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
- (d) The name, address and telephone number of the person or organization who is the operator.
- (e) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Sec. 9.7.4.

(2) **Reclamation Permit Application Contents.** The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to Iron County prior to beginning operations.

- (a) The information required by Sec. 9.7.5(A)(1).
- (b) The plan review and annual fees required by Sec. 9.7.6(D) and (E).
- (c) A reclamation plan conforming to Sec. 9.7.5(B).
- (d) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by Sec. 9.7.5(C) upon granting of the reclamation permit and before mining begins.
- (e) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

**(B) Reclamation Plan.**

- (1) **Reclamation Plan Required.** All operators who conduct or plan to conduct nonmetallic mining shall submit to Iron County a reclamation plan that meets all of the following requirements and complies with the reclamation standards of Sec. 9.7.4.
- (2) **Site Information.** The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:
  - (a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, as determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.
  - (b) Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.
  - (c) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.
  - (d) Existing topography as shown on contour maps of the site at 5 foot contour intervals.
  - (e) Location of manmade features on or near the site.
  - (f) For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously

affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

**(3) Post-Mining Land Use.**

- (a) The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.
- (b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to s. 91.75, Stats., shall be restored to agricultural use.

**(4) Reclamation Measures.** The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

- (a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer as provided by Sec. 9.7.4(A)(5) (a) or (b).
- (b) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.
- (c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.
- (d) A plan or map which shows surface structures, roads and related facilities after the cessation of mining.
- (e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.
- (f) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.
- (g) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.
- (h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.
- (i) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to sec. 9.7.6(G)(2) and 9.7.6(G)(4) and release of financial assurance pursuant to sec. 9.7.6(G)(3)(c), and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in sec. 9.7.4 and timing of interim and final reclamation.
- (j) A description of how the reclamation plan addresses the long-term safety of

the reclaimed mining site. The description shall include a discussion of site specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

- (5) **Criteria for Successful Reclamation.** The reclamation plan shall contain criteria for assuring successful reclamation in accordance sec. 9.7.4 (A)(8).
- (6) **Certification of Reclamation Plan.** The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation. ,
- (7) **Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.
- (8) **Approval of Reclamation Plan.** Iron County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sec. 9.7.5(E)(2) for mines that apply for a reclamation permit in conformance with sec. 9.7.5(A). Conditional approvals of reclamation plans shall be made according to sec. 9.7.5(E)(5) and denials of reclamation plans shall be made pursuant to sec. 9.7.5(F). The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

**(C) Financial Assurance.**

- (1) **Financial Assurance Requirements.** All operators of nonmetallic mining sites in Iron County shall prepare and submit a proof of financial assurance that meets the following requirements:
  - (a) **NOTIFICATION.** The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. (c).
  - (b) **FILING.** Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Iron County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Iron County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Iron County only if it currently has primary regulatory responsibility.
  - (c) **AMOUNT AND DURATION OF FINANCIAL ASSURANCE.** The amount of financial assurance shall equal as closely as possible the cost to Iron County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Iron County to assure it equals outstanding reclamation costs. Any financial assurance filed with Iron County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Iron County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.
  - (d) **FORM AND MANAGEMENT.** Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Iron County and released upon successful completion of the reclamation

measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Iron County, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(e) **MULTIPLE PROJECTS.** Any operator who obtains a permit from Iron County for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Iron County.

(f) **MULTIPLE JURISDICTIONS.** In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(g) **CERTIFICATION OF COMPLETION AND RELEASE.**

1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Iron County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Iron County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Iron County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.
2. Iron County shall make a determination of whether or not the certification in par. 1 can be made within 60 days that the request is received.
3. Iron County may make a determination under this subsection that:
  - A. Reclamation is not yet complete;
  - B. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
  - C. Reclamation is complete in a part of the mine; or
  - D. Reclamation is fully complete.

(h) **FORFEITURE.** Financial assurance shall be forfeited if any of the following occur:

1. A permit is revoked under sec. 9.7.6(B) and the appeals process has been completed.
2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(i) **CANCELLATION.** Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 day notice to Iron County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Iron County a replacement proof

of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(j) **CHANGING METHODS OF FINANCIAL ASSURANCE.** The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sec. 9.7.5(A). The operator shall give Iron County at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Iron County.

(k) **BANKRUPTCY NOTIFICATION.** The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceedings under the bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

1. **ADJUSTMENT OF FINANCIAL ASSURANCE.** Financial assurance may be adjusted when required by Iron County. Iron County may notify the operator in writing that adjustment is necessary and the reasons for it. Iron County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(m) **NET WORTH TEST.**

1. Only an operator that meets the definition of “company” in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.
2. The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in secs. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.
3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.
4. Determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.
5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

(2) **Private Nonmetallic Mines.** The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with sec. 9.7.5(A) shall submit the proof of financial assurance required by sec. 9.7.5(C)(1) as specified in the reclamation permit issued to it under this chapter.

(3) **Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

(D) **Public Notice and Right of Hearing.**

(1) **Reclamation Plan Hearing.** Iron County shall provide public notice and the opportunity for a public informational hearing as set forth below:

(a) **PUBLIC NOTICE.**

1. When Iron County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sec. 9.7.5(A).
2. The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to s. 985.07(1), Stats., in the official newspaper of Iron County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

3. Copies of the notice shall be forwarded by Iron County to the county or applicable municipal zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.
- (b) HEARING. Iron County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:
  1. If it conducts a zoning-related hearing on the nonmetallic mine site, Iron County shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. Iron County shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.
  2.
    - A. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in par. 1, opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. Iron County shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (a). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation – Required under s. NR 135.20(2)(b)1., Wisconsin Administrative Code.
    - B. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

***Note: Informational hearings are limited to reclamation of the nonmetallic mining site. Regulatory authority staff conducting the hearings should make it clear that the hearings may not cover non- reclamation matters because they are beyond the scope of NR 135 reclamation. Non-reclamation matters are those related to zoning or subject to other local authority. These matters may include but are not limited to: traffic, setbacks, blasting, dewatering, hours of operation, noise or dust control or the question of whether to use the land for mining.***

- (2) **Local Transportation-Related Mines.** No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sec. 9.7.5 (E)(3).
- (E) **Issuance of a Nonmetallic Mining Reclamation Permit.**
  - (1) **Permit Required.** No person may engage in nonmetallic mining or nonmetallic mining reclamation in Iron County without first obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under sec. 9.7.2(G)(1), (2), or 9.7.2(J)(15)(b).
  - (2) **Permit Issuance.** Applications for reclamation permits for nonmetallic mining that satisfy sec. 9.7.5(A) shall be issued), (reclamation permit or otherwise acted on as provided below.
    - (a) Unless denied pursuant to sec. 9.7.5(F), Iron County shall approve in writing a request that satisfies the requirements of sec. 9.7.5(A) to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.
    - (b) Iron County may not issue an approval without prior or concurrent approval of the

reclamation plan that meets the requirements of sec. 9.7.5(B). The regulatory authority may issue a reclamation permit subject to conditions in sec. 9.7.5(E)(5) if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements in sec.9.7.5(A) and reclamation plan that meets the requirements in sec. 9.7.5(B), unless a public hearing is held pursuant to sec. 9.7.5(D). If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to sec. 9.7.5(E)(5) if appropriate, or shall deny the permit as provided in sec. 9.7.5(F), no later than 60 days after completing the public hearing.

- (c) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of sec. 9.7.5(B) and provision by the applicant of financial assurance required under sec. 9.7.5(C) and payable to Iron County prior to beginning mining.

(3) **Automatic Permit for Local Transportation-Related Mines**

- (a) Iron County shall automatically issue an expedited permit under this subsection to any borrow site that:

1. Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;
2. Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;
3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;
4. Is not a commercial source;
5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;
6. Is not otherwise exempt from the requirements of this chapter under sec. 9.7.2(G)(2)(j)

- (b) In this subsection, “municipality” has the meaning defined in s. 299.01(8), Stats.

- (c) Automatic permits shall be issued under this subsection in accordance with the following provisions:

1. The applicant shall notify Iron County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
2. The applicant shall provide evidence to Iron County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
3. Iron County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under sec. 9.7.5(B).
4. Iron County shall accept the contractual provisions in lieu of the financial assurance requirements in sec. 9.7.5(C).
5. The public notice and hearing provisions of sec. 9.7.5(D) do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.
6. Mines permitted under this subsection shall pay an annual fee to Iron County as provided in sec. 9.7.6(E), but shall not be subject to the plan review fee provided in sec. 9.7.6(F). The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 2 of sec. 9.7.6(E).
7. Iron County shall issue the automatic permit within 7 days of the receipt of a complete application.
8. If the borrow site is used to concurrently supply materials for other than the local

transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

9. Notwithstanding sec. 9.7.6(C), the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

(4) **Expedited Review.** Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under sub. (a) or sub. (b) as follows:

(a) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in sec. 9.7.6(D)(2). This request shall state the need for such expedited review and the date by which such expedited review is requested.

(b) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(c) Following receipt of a request under this subsection, Iron County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under sub. (a) shall be returned.

(d) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to sec. 9.7.5(D). This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

(5) **Permit Conditions.** Any decision under this section may include conditions as provided below:

(a) Iron County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.

(b) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to sec. 9.7.5(C) prior to beginning mining.

(F) **Permit Denial.** An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(1) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in sec. 9.7.5(E), if Iron County finds any of the following:

(a) The applicant has, after being given an opportunity to make corrections, failed to provide to Iron County an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

(b) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or subch. I. of ch. 295, Stats.

(c) 1. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of



this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

2. The following may be considered in making this determination of a pattern of serious violations:

- a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.
- b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.
- c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(2) A decision to deny an application to issue a reclamation permit may be reviewed under sec. 9.7.5(K).

(G) **Alternative Requirements.**

(1) **Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in sec. 9.7.4. Iron County may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and Iron County finds that all of the following criteria are met:

- (a) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.
- (b) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.
- (c) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

(2) **Procedures.**

- (a) The operator of a nonmetallic mining site requesting an alternate requirement in sec. 9.7.5(G)(1) shall demonstrate all the criteria in sec. 9.7.5(G)(1). This shall be submitted in writing to the Iron County Planning and Zoning Committee, 300 Taconite Street, Suite 115, Hurley, WI 54534.
- (b) The operator of a nonmetallic mining site requesting an alternative requirements will be required to submit requests through the Iron County Board of Adjustments. This procedure is outlined in Article X of Iron County's Land Use Ordinance.
- (c) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

(3) **Transmittal of Decision on Request for Alternative Requirements.** The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

(4) **Notice to Wisconsin Department of Natural Resources.** Iron County shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under **sub. (2)** on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

**(H) Permit Duration.**

(1) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sec. 9.7.7.

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to sec. 9.7.5(I).

**(I) Permit Transfer.** A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(1) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Iron County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Iron County and Iron County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

**(J) Previously Permitted Sites.** For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Iron County the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Iron County pursuant to sec. 9.7.6(A)(1).

**(K) Review.** Any permitting decision or action made by Iron County under this chapter may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on Iron County's decision to issue, deny or modify a nonmetallic mining reclamation permit.

## **Section 9.7.6 Administration**

**(A) Permit Modification.**

**(1) By Iron County.** A nonmetallic mining reclamation permit issued under this chapter may be modified by Iron County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with sec. 9.7.7(B). This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

**(2) At the Operator's Option.** If the operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to Iron County. The

application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

**(3) Required by the Operator.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

**(4) Review.** All actions by Iron County on permit modifications requested or initiated under this section are subject to review under sec. 9.7.5(K).

**(B) Permit Suspension or Revocation**

**(1) Grounds.** Iron County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

- (a) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.
- (b) Failed to submit or maintain financial assurance as required by this chapter.
- (c) Failed on a repetitive and significant basis to follow the approved reclamation plan.

**(2) Procedures.** If Iron County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sec. 9.7.6(A)(1), it may issue a special order suspending or revoking such permit as set forth in sec. 9.7.7(B)(2).

**(3) Consequences.**

- (a) If Iron County makes any of the findings in sec. 9.7.6(B)(1), it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to sec. 9.7.7(B).
- (b) If Iron County makes any of the findings in sec. 9.7.6(B)(1), it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to Iron County. Iron County may use the forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

(C) **Annual Operator Reporting.**

- (1) **Contents and Deadline.** Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

(a) **CONTENTS.** The annual report required by this section shall include all of the following:

1. The name and mailing address of the operator.
2. The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.
3. The identification number of the applicable nonmetallic mining permit, if assigned by Iron County.
4. The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.
5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
6. A plan, map or diagram accurately showing the acreage described in pars. (4.) and (5.).
7. The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

- (b) **DEADLINE.** The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.
- (c) **WHEN REPORTING MAY END.** Annual reports shall be submitted by an operator for all active and intermittent mining sites to Iron County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sec. 9.7.6(G)(3) or at the time of release of financial assurance pursuant to sec. 9.7.5(C)(1).

- (2) **Inspection in Lieu of Report.** Iron County may, at its discretion, obtain the information required in **sub. (1)** for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Iron County obtains and documents the required information, the annual report need not be submitted by the operator. If Iron County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, Iron County shall require the operator to submit the certification required in sec. 9.7.6(C)(1)(a)7.

- (3) **Retention of Annual Reports.** Annual reports submitted under sec. 9.7.6(C)(1) or inspection records that replace them under sec. 9.7.6(C)(2) shall be retained by Iron County at the Iron County Planning and Zoning Office for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

(D) **Plan Review Fees.**

(1) **Amount and Applicability.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 9.7.5(A) shall submit a non-refundable plan review fee specified in the Iron County Planning and Zoning Fee Schedule. No plan review fee may be assessed under this section for any local transportation-related mine receiving an automatic permit under sec. 9.7.5(E)(3). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to sec. 9.7.6(A).

(2) **Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 9.7.5(A) may obtain expedited reclamation plan review by paying a fee specified in the Iron County Planning and Zoning Fee Schedule. Such fee shall be in addition to that required in sec. 9.7.6(D).

(3) **Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under sec. 9.7.6(E).

(E) **Annual Fees.**

(1) **Areas Subject to Fees, Procedures, Deadline and Amount.**

(a) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to **the Iron County Planning and Zoning Department.**

(b) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

1. "Unreclaimed acre" or "unreclaimed acres" is defined in Sec. 9.7.2(J)(24)(a).
2. "Unreclaimed acre" or "unreclaimed acres" is defined in Section 9.7.2(J)(24)(b).

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**3. Fees shall be assessed on active unreclaimed acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.**

(c) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under sec 9.7.6 (G). Fees shall be paid no later than January 31 for the previous year .

(d) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by Iron County pending certification of completed reclamation pursuant to sec 9.7.6 (G)(3) and sec. 9.7.5(C)(1)(g). Upon such certification Iron County shall refund that portion of the annual fee that applies to the reclaimed areas. If Iron County fails to make a determination under sec 9.7.6 (G)(3) and sec. 9.7.5(C)(1)(g) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(e) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in sec. 9.7.6(E)(2), the share of Iron County described in 9.7.6(E)(3), and, if applicable, the reclamation plan review fee described in sec. 9.7.6(D).

(2) Wisconsin Department of Natural Resources Share of Fee.

**(a) Fees paid under this section shall, except where provided in sub. (2), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1**

**TABLE 1: Wisconsin Department of Natural Resources' Share of Annual Fees Collected by Iron County.**

<b>Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre</b>	<b>Annual Fee</b>
1 to 5 acres, [does not include mines < 1 acre]	<u>\$35</u>
6 to 10 acres	<u>\$70</u>
11 to 15 acres	<u>\$105</u>
16 to 25 acres	<u>\$140</u>
26 to 50 acres	<u>\$160</u>
51 acres or larger	<u>\$175</u>

(b) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be **\$15**.

(c) Iron County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31<sup>st</sup>.

**(3) Iron County's Share of Fee.**

(a) Fees paid under this section shall also include an annual fee due to Iron County which shall be the amount set forth in Table 2. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Iron County.

**Table 2.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres, does not include mines < 1 acre	\$ 155
6 to 10 acres	\$ 310
11 to 15 acres	\$ 465
16 to 25 acres	\$ 620
26 to 50 acres	\$ 720
51 acres or larger	\$ 775

(b) The annual fee collected by Iron County under this subsection for local transportation-related mines issued permits under sec. 9.7.5(E)(3) may not exceed the amounts set forth in **Table 3**. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Iron County.

**Note: This is required by NR 135.23(1)(g), Wis. Adm. Code. TABLE 3:  
Limit on Total Annual Fees For Automatically Permitted Local Transportation Project-Related  
Mines.**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres, does not include mines < 1 acre	\$ 155
6 to 10 acres	\$ 310

<b>11 to 15 acres</b>	<b>\$ 465</b>
<b>16 to 25 acres</b>	<b>\$ 620</b>
<b>26 to 50 acres</b>	<b>\$ 720</b>
<b>51 acres or larger</b>	<b>\$ 775</b>

(F) **Regulatory Reporting and Documentation.**

**(1) Reporting.** Iron County shall send an annual report to the Wisconsin Department of Natural Resources by March 31<sup>st</sup> for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

- (a) The total number of nonmetallic mining reclamation permits in effect.
- (b) The number of new permits issued within the jurisdiction of Iron County.
- (c) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.
- (d) The number of acres being mined or unreclaimed acres.
- (e) The number of acres that have been reclaimed and have had financial assurance released pursuant to sec. 9.7.5(C)(1)(g).
- (f) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to sec. 9.7.6(G)(1) and 9.7.6(G)(2).
- (g) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

**(2) Documentation.** Iron County shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Iron County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

- (a) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.
- (b) The procedures employed by Iron County regarding reclamation plan review, and the issuance and modification of permits.
- (c) The methods for review of annual reports received from operators.



- (d) The method and effectiveness of fee collection.
- (e) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (f) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (g) Responses to citizen complaints.
- (h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (i) The maintenance and availability of records.
- (j) The number and type of approvals for alternative requirements issued pursuant to sec 9.7.5(G).
- (k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sec. 9.7.5(C)(1)(g).
- (l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Iron County to implement its nonmetallic mining reclamation program under this chapter.
- (m) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
- (n) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

**(G) Completed Reclamation - Reporting, Certification and Effect**

- (1) Reporting.** The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.
- (2) Reporting of Interim Reclamation.** The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in sec. 9.7.6(G)(1).
- (3) Certification of Completed Reclamation.** Iron County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sec. 9.7.5(C)(1)(g)3. If it is determined that interim or final reclamation is complete, including revegetation as specified in a

reclamation plan that conforms with sec. 9.7.5(B), Iron County shall issue the mine operator a written certificate of completion.

**(4) Effect of Completed Reclamation.** If reclamation is certified by Iron County as complete under sec. 9.7.6(G)(3) for part or all of a nonmetallic mining site, then:

(a) No fee shall be assessed under sec. 9.7.6(E) for the area so certified.

(b) The financial assurance required by sec. 9.7.5(C) shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

**(5) Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by sec. 9.7.6(G)(3) for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Iron County for it under sec. 9.7.6(E) shall be refunded.

**(H) Permit Termination.** When all final reclamation required by a reclamation plan conforming to sec. 9.7.5(B) and required by this chapter is certified as complete pursuant to sec. 9.7.5(C)(1)(g) and 9.7.6(G)(3), Iron County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

### **SECTION 9.7.7 - ENFORCEMENT**

- (A) **Right of Entry and Inspection.** For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Iron County may inspect any nonmetallic mining site subject to this chapter as provided below:

- (1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Iron County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of ch. 295, Stats.
- (2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

- (B) **Orders and Citations.**

**(1) Enforcement Orders.** Iron County may issue orders as set forth in Section 295.19(1)(a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

**(2) Special Orders.** Iron County may issue a special order as set forth in Sections 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to Sec. 9.7.6(B), or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

- (3) Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.

**(4) Citations.** Iron County may issue a citation under s. 66.119, Stats. to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**(5) Enforcement.** Iron County may submit any order issued under Sec. 9.7.7(B) to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.

(C) **Penalties.** Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes, as follows:

- (1) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under Sec. 9.7.7(B) may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under Sec. 9.7.7(B) is suspended, stayed or enjoined, this penalty does not accrue.
- (2) Except for the violations referred to in sub. (1), , any person who violates subchapter I of ch. 295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to Sec. 9.7.7(B) shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under Sec. 9.7.7(B) is suspended, stayed or enjoined, this penalty does not accrue.

### **Section 9.7.8      Salvage Yards.**

- (A) This Section of the Iron County Land Use Ordinance is intended to protect the public health, safety and welfare.
- (B) No salvage or junk yard shall be permitted in Iron County unless a Conditional Use Permit has been approved by the Iron County Land and Zoning Committee.
- (C) All salvage or junk yards shall meet all State of Wisconsin regulations and the following Iron County Requirements:
  - (1) Salvage and junk yards shall have a minimum side and rear yard of one hundred (100) feet and the setback for the front yard shall be a minimum of one hundred (100) feet from any road, street, or highway right-of-way.
  - (2) Salvage and junk yards shall be enclosed by a suitable fence or planted screen through which the material is not visible to other property owners nor from any public right-of-way such as roads, streets, highways or waterways.
  - (3) Screening and fences must be kept in good repair at all times.
  - (4) Material shall not be piled against fences or screens, or exceed the height of fence or screen.
- (D) Within sixty (60) days after the original adoption of this Chapter, all existing salvage and junkyards shall file for an Iron County Permit and meet all the requirements as stated in Subsections (B) and (C).
- (E) Anyone violating this Section shall be subject to citations as per the Iron County Land Use Citation Ordinance.

### **Section 9.7.9 Garbage and Refuse Disposal Sites.**

- (A) No garbage or refuse disposal sites shall be permitted in Iron County except in conformance with the rules and regulations of NR 500, Wis. Adm. Code.
- (B) All such disposal sites shall have minimum front, side and rear yards of one hundred (100) feet each.
- (C) Garbage refuse disposal sites shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, and highways and waterways.

### **Section 9.7.10 Mobile Home Parks.**

- (A) 267B Except as otherwise specified, a mobile home park, the plan of which has been approved by the County Zoning Committee shall meet the following requirements:
  - (1) Minimum size-four (4) acres.
  - (2) Maximum number of mobile home sites-six (6) per acre.
  - (3) Minimum width of a mobile home site-forty (40) feet.
  - (4) Maximum height of a mobile home trailer-fifteen (15) feet.
  - (5) Minimum distance between mobile home trailers-twenty (20) feet.
  - (6) Minimum distance between mobile home and service road-ten (10) feet.
  - (7) Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
  - (8) All drives, parking areas and walkways shall be hard surfaced. There shall be one (1) parking space for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than one and one-quarter (1 ¼) parking spaces for each mobile home space.
  - (9) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one (1) office are permitted.
  - (10) Minimum side yard setback-forty (40) feet at all front, side and rear lot lines of the mobile home park.
  - (11) Each mobile home park shall be completely enclosed, except for permitted entrances and exists; by:
    - (a) A temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet or more, and
    - (b) A permanent evergreen planting, the individual tree to be of such a number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
  - (12) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
  - (13) Mobile home parks shall comply with the sanitation regulations of the Iron County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.

### **Section 9.7.11 Trailer Camps.**

- (A) Except that a trailer or recreation vehicle may be parked or located in conformance to Section 9.7.12, no trailer or recreation vehicle shall be located within Iron County except in a Federal, State, Town or County camp or in a campsite, the plan of which has been approved by the Iron County Zoning Committee.
- (B) Each trailer site shall be plainly marked and surfaced.
- (C) Maximum number of trailer sites shall be fifteen (15) per gross acre.

- (D) All drives and parking areas other than those at individual trailer sites shall be hard surfaced.
- (E) Central toilet, shower and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Health and Social Services requirements.
- (F) Water supply and the manner of sewage disposal shall comply with regulations of the Iron County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.
- (G) No trailer shall be less than fifty (50) feet from the front, side or rear lot lines of the camp.
- (H) Marshland and shoreline areas shall not be altered.
- (I) The screening provisions for mobile home parks shall be met.

#### **Section 9.7.12 Travel Trailers and Recreation Vehicles.**

- (A) No recreational vehicle shall be used as a permanent residence or as a storage accessory structure.
- (B) Recreational vehicles located in a campground shall comply with DHS 178.
- (C) Any recreational vehicle located outside an approved campground or park shall:
  - (1) Require a Uniform County Address System Number (fire number) to be assigned to the access point of the parcel.
  - (2) Meet the setback and dimensional requirements of the district in which it is located
  - (3) Require a Recreational Vehicle Permit when it is being used for a temporary dwelling and is located on a parcel of land 14 or more days and less than 90 days in a calendar year. If the recreational vehicle or trailer is located on a parcel of land for more than 90 days in a calendar year a conditional use permit and Recreational Vehicle Annual Permit shall be required and a privy or sanitary waste disposal system meeting the requirements of the Dept. of Safety and Professional Services Sanitary Code shall be provided.
  - (4) Such units shall be permitted to be stored within a garage, carport or accessory structure or in the rear or side yard areas of developed parcels of land, provided setback standards are met. Units shall not be stored on undeveloped parcels. The placement or storage of more than three (3) units shall require a conditional use permit and/or meet the requirements of a permitted campground or park.
- (D) No abandoned, dilapidated, unsafe or unsanitary unit will be allowed on the parcel.
- (E) A time limit of not less than thirty (30) days shall be given in the order for the removal of any recreational vehicle not complying with the provisions of this Section.
- (F) Within one (1) year after the adoption of this amendment, all nonconforming recreational vehicles and trailers shall comply with the terms of this Section.
- (G) Any Recreational Vehicle or Trailer on a parcel of land located in the Town of Mercer must also meet the requirements of Ordinance: No. 2004.01 section 3.3 of the Town of Mercer.

#### **Section 9.7.13 Fences, Walls and Hedges.**

- (A) Fences, walls and hedges erected, placed or maintained shall be regulated by the following:
  - (1) No fence, wall, or hedge shall be constructed that would constitute a nuisance, pursuant to Chapter 844.10, Wis. Stats.
  - (2) No fence, wall or hedge shall exceed a height of six (6) feet except as provided.
    - (a) There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and like activities.
    - (b) There shall be an eight (8) foot height limit to act as a screen between residential districts and any land use that would require a Conditional Use Permit, pursuant to Article VIII.
    - (c) No fence, wall, hedge or shrubbery shall be erected, maintained or grown to a height exceeding three (3) feet above the road or street grade nearest thereto where the lot is bound by intersecting roads or streets. within twenty (20) feet of the intersection of any road or street line or road or street projected.

(3) Fences erected may be decorative fences of either wood or wire and shall have a smooth surface on either side and shall be kept neat and in good repair. Barbed wire and solid board fences are forbidden, except as provided in Subsection (4).

(4) No barbed wire or solid board fence shall be used except to fence livestock, protect crops, industrial junkyards, utility or municipal property. Open fences that do not obstruct vision and used for these purposes may be in highway and waterfront setback areas and may exceed the height restrictions.

(5) Fences erected in shoreland areas shall maintain the setbacks as required by the Iron County Shoreland Protection Ordinance.

(6) Anyone erecting a fence or wall except as described in Subsection (4) must have an Iron County Land Use Permit.

#### **Section 9.7.14 Ferrous Metallic Mineral Mining Bulk Sampling.**

(A) **Title.** Ferrous Metallic Mineral Mining Bulk Sampling Ordinance for the County of Iron.

(B) **Purpose.** This Ordinance requires a person or entity engaging in ferrous metallic mineral mining Bulk Sampling in the County to first obtain a Conditional Use Permit from the County the conditions of which shall, to the extent of the County's zoning authority and police powers, promote the public health, safety, convenience and general welfare, and encourage planned and orderly land use development.

(C) **Statutory Authority.** This section is adopted pursuant to sections 59.01-59.04, 59.51, 59.54, 59.69-59.70, 92.07, 92.11, 293.41, 293.43(4) and 295.443(1m) Wisconsin Statutes, as amended, and pursuant to County Home Rule and Police Powers.

(D) **Definitions.** When used herein, the following words are defined as follows:

(1) **"Bulk Sampling"** means excavating in a potential mining site by removing material for the purpose of obtaining site-specific data to assess the quality and quantity of a deposit pursuant to section 295.45 (1) Wisconsin Statutes and as set forth in section 295.41(7) as amended.

(2) **"County"** shall mean the County of Iron in the State of Wisconsin.

(3) **"Local Management Zone"** means and refers to real property or land, improved or unimproved, situated in Iron County which is within one thousand (1,000) feet of metallic mineral mining Bulk Sampling activities.

(4) **"Ferrous mineral"** shall mean an ore or earthen material in natural deposits in or on the earth that primarily exists in the form of an iron oxide, including taconite and hematite, or as otherwise defined in 295.41(18) Wisconsin Statutes as amended.

(5) **"Metallic mineral mining"** shall mean mining for any metal or metals, including ferrous and nonferrous mineral mining. This definition does not refer to Exploration, Prospecting or Bulk Sampling as defined in this Zoning Code.

(6) **"Person"** shall mean an individual, owner, mine operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency, federal agency or another entity.

(7) **Other Words Defined.** Words which are not defined in this section shall have the meaning provided for elsewhere in the Iron County Code or in Wisconsin Statutes unless such a definition is inconsistent with a definition provided for herein.

(E) **Bulk Sampling.** Bulk sampling under 295.41 (7) of any kind pursuant to 295.45 (1) for ferrous metallic mineral mining is a conditional use in the R-3, A-1, A-2, C-1, I-1, I-2, F-1, and W-1

districts.

- (F) **Conditional Use Application Required.** No Metallic Mineral Mining Bulk Sampling may be commenced in Iron County unless said activity is first approved by the Iron County Zoning Committee. A Conditional Use Application requesting Iron County Zoning Committee approval of a proposed Metallic Mineral Mining Bulk Sampling activity shall be submitted to the Iron County Zoning Department and shall be accompanied by:

- (1) The Iron County Metallic Mineral Mining Bulk Sampling Conditional Use Application form.
- (2) The Bulk Sampling Plan that is submitted to the Wisconsin Department of Natural Resources.
- (3) The Metallic Mineral Mining Bulk Sampling Conditional Use Application Fee, in the amount of ten thousand dollars (\$10,000) or such other amount as the County Board may set from time-to-time.

- (G) **Conditional Use Standards and Procedures.** Conditional use permits under this Ordinance shall conform to the standards and procedures set forth herein as well as 59.69 Wisconsin Statutes and sections 9.8.1 (general conditional use standards) and section 9.8.2 (conditional use procedures) as set forth in Article VIII of the County Zoning Code.

- (H) **Factors to Be Considered.** In reviewing a proposal for a metallic mineral mining bulk sampling activity, the Iron County Zoning Committee shall take into consideration:

- (1) Substantial adverse impacts of the proposed metallic mineral mining Bulk Sampling on land use and values regarding properties in the Local Management Zone.
- (2) Substantial adverse effects on agriculture, forestry, industry, future business growth, or property tax due to the proximity of bulk sampling site and on the ability of municipalities to efficiently and economically use public lands.
- (3) Substantial adverse effects on public roads, public highways, bridges and other public infrastructure from vehicles and equipment used in metallic mineral mining bulk sampling activity.
- (4) Substantial adverse noise, dust, fumes, light, and visual impacts on properties in the Local Management Zone.
- (5) Substantial adverse water table and surface and groundwater quantity and quality impacts in the Local Management Zone.
- (6) Substantial adverse public safety, crime, or other issues regarding maintenance of the peace and safety of County residents.
- (7) Such other factors as might in the opinion of the Zoning Committee have a substantial adverse impact on the health, safety, and welfare of the County or its residents.

- (I) **Conditions Imposed.** The Zoning Committee may impose whatever conditions are necessary within its power to protect the interests set forth in this Ordinance, as well as human health and the environment and the health, safety and welfare of the County and its residents, and to abate or mitigate the impacts from Bulk Sampling. Such conditions shall incorporate and take into account existing state and federal permits and approvals granted to the Applicant. In the event of any conflict between such permits and approvals and a Conditional Use Permit under this Ordinance such permits and approvals shall control. Conditions may include, without limitation:

- (1) truck routes and weight limits



- (2) hours of operation;
- (3) noise limits;
- (4) dust control measures;
- (5) run off protection;
- (6) ground water monitoring;
- (7) emergency planning;
- (8) financial assurance for reclamation;
- (9) sunsets and deadlines for permits and the accomplishment of milestones;
- (10) blasting rules (time, notice, damages, etc.);
- (11) testing and precautions regarding sulfide spoils or runoff to prevent sulfuric acid formation;
- (12) limits on the use of solution, high pressure or other technologies which do not rely solely on excavation or boring technologies;
- (13) compensation to, (including financial assurance) property owners in the Local Management Zone and to the County for measurable damages or other financial impacts caused by the activity;
- (14) such other restrictions as may be reasonably necessary to protect the health, safety and welfare of human health and the environment or the health, safety and welfare of the County and its residents; and
- (15) subject to site safety rules and regulations under Wisconsin Statutes and the Mining Safety Health Act including but not limited to 30 C.F.R. 48.31, consent to County personnel access to the property containing the area of Bulk Sampling activity at all reasonable hours without notice.

#### **Section 9.7.15 Nonferrous Metallic Mineral Prospecting.**

(A) **Title.** Nonferrous Metallic Mineral Prospecting Ordinance for the County of Iron.

(B) **Purpose.** This Ordinance requires a person or entity engaging in nonferrous metallic mineral prospecting in the County to first obtain a Conditional Use Permit from the County the conditions of which shall, to the extent of the County's zoning authority and police powers, promote the public health, safety, convenience and general welfare, and encourage planned and orderly land use development.

(C) **Statutory Authority.** This section is adopted pursuant to sections 59.01-59.04, 59.51, 59.54, 59.69-59.70, 92.07, 92.11, 293.41, 293.43(4) and 295.443(1m) Wisconsin Statutes, as amended, and pursuant to County Home Rule and Police Powers.

(D) **Definitions.** When used herein, the following words are defined as follows:

- (1) **"County"** shall mean the County of Iron in the State of Wisconsin.
- (2) **"Local Management Zone"** means and refers to real property or land, improved or unimproved, situated in Iron County which is within one thousand (1,000) feet of metallic mineral prospecting activities.
- (3) **"Metallic mineral mining"** shall mean mining for any metal or metals, including ferrous and nonferrous mineral mining. This definition does not refer to Exploration, exploring, Prospecting or Bulk Sampling as defined in this Zoning Code.
- (4) **"Nonferrous mineral"** shall mean ore or earthen material in natural deposits on or in the earth that do not contain iron oxide in concentrations sufficient to render that iron oxide worthy of commercial development and sale via mining technologies.
- (5) **"Prospecting"** shall mean engaging in the examination of an area for the purpose of

determining the quality and quantity of nonferrous metallic minerals and as set forth in section 293.01 (18).

(6) **“Prospecting Site”** shall mean the lands on which prospecting is actually conducted as well as those lands on which physical disturbance will occur as a result of such activity.

(7) **Other Words Defined.** Words which are not defined in this section shall have the meaning provided for in Wisconsin Statutes unless such a definition is inconsistent with a definition provided for herein.

(E) **Prospecting.** Nonferrous Metallic Mineral Prospecting under 293.01 (18) of any kind pursuant to a DNR permit 293.35 (1) for nonferrous metallic mineral mining will be a conditional use in all districts except R-1(Residential), R-2 (Residential), RR-1 (Residential Recreation) and W-2 (Shoreland-Wetland).

(F) **Conditional Use Application Required.** No Nonferrous Metallic Mineral Prospecting may be commenced in Iron County unless said activity is first approved by the Iron County Zoning Committee. Conditional Use Application requesting Iron County Zoning Committee approval of a proposed Nonferrous Metallic Mineral Prospecting activity shall be submitted to the Iron County Zoning Department and shall be accompanied by:

- (1) The Iron County Nonferrous Metallic Mineral Prospecting Conditional Use Application form.
- (2) The Prospecting Permit Application that is submitted to and deemed complete by the Wisconsin Department of Natural Resources.
- (3) The Metallic Mineral Prospecting Conditional Use Application Fee, in the amount of ten thousand dollars (\$10,000) or such other amount as the County Board may set from time-to-time.

(G) **Conditional Use Standards and Procedures.** Conditional use permits under this Ordinance shall conform to the standards and procedures set forth herein as well as 59.69 Wisconsin Statutes and sections 9.8.1 (general conditional use standards) and section 9.8.2 (conditional use procedures) as set forth in Article VIII of the County Zoning Code.

(H) **Factors to be Considered.** In reviewing a proposal for a metallic mineral prospecting activity, the Iron County Zoning Committee shall take into consideration:

- (1) Substantial adverse impacts of the proposed metallic mineral prospecting on land use and values regarding properties in the Local Management Zone.
- (2) Substantial adverse effects on agriculture, forestry, industry, future business growth, or property tax due to the proximity of prospecting site and on the ability of municipalities to efficiently and economically use public lands.
- (3) Substantial adverse effects on public roads, public highways, bridges and other public infrastructure from vehicles and equipment.
- (4) Substantial adverse noise, dust, fumes, light, and visual impacts on properties in the Local Management Zone.
- (5) Substantial adverse water table and surface and groundwater quantity and quality impacts in the Local Management Zone.
- (6) Substantial adverse public safety, crime, or other issues regarding maintenance of the peace and safety of County residents.
- (7) Such other factors as might in the opinion of the Zoning Committee have a substantial adverse impact on the health, safety, and welfare of the County or its residents.

(I) **Conditions Imposed.** The Zoning Committee may impose whatever conditions are necessary within its power to protect the interests set forth in this Ordinance, as well as human health and the environment and the health, safety and welfare of the County and its residents, and to abate or mitigate the impacts from prospecting including but not limited to: Such conditions shall incorporate and take into account existing state and federal permits and approvals granted to the Applicant. In the event of any conflict between such permits and approvals and a Conditional Use Permit under this Ordinance, such permits and approvals shall control. Conditions may include, without limitation:

- (1) truck routes and weight limits
- (2) hours of operation;
- (3) noise limits;
- (4) dust control measures;
- (5) run off protection;
- (6) ground water monitoring;
- (7) emergency planning;
- (8) financial assurance for reclamation and restoration;
- (9) sunsets and deadlines for permits and the accomplishment of milestones;
- (10) blasting rules (time, notice, damages, etc.);
- (11) testing and precautions regarding sulfide spoils or runoff to prevent sulfuric acid formation;
- (12) limits on the use of solution, high pressure or other technologies which do not rely solely on excavation or boring technologies;
- (13) compensation to, (including financial assurance) property owners in the Local Management Zone and to the County for measurable damages or other financial impacts caused by the activity.
- (14) such other restrictions as may be reasonably necessary to protect the health, safety and welfare of human health and the environment or the health, safety and welfare of the County and its residents; and
- (15) subject to site safety rules and regulations under Wisconsin Statutes and the Mining Safety Health Act including but not limited to 30 C.F.R. 48.31, consent to County personnel access to the property containing the area of prospecting activity at all reasonable hours without notice.

## **Article VIII. Conditional Uses**

### **Section 9.8.1 Conditional Uses**

#### **(A) Purpose**

- (1) The purposes of this Chapter are to divide the unincorporated portions of the County into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform.
- (2) There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems that use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land or public facilities, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.

## **9.8.2 Application**

### **(A) Applicant**

Any person having ownership interest in property, an exclusive possessory interest, or a contractual interest in property that may become an ownership or exclusive possessory interest, may apply for a CUP. Prior to final approval of the CUP, the entire tract covered by the CUP or proposed project shall be either under single ownership, evidenced by legal title or binding sales contract or under lease or such other legal control over the land and proposed use which is sufficient to ensure that the applicant will be able to carry out the proposed project and assume all liability for the project which would normally be assumed under full land ownership.

### **(B) Application Fee**

The application fee as periodically designated by the Iron County Zoning Committee shall be paid when the application is filed.

### **(C) Filing of Application**

Application for a CUP shall be made on forms approved by the Zoning Committee and available at the Zoning Department. A completed application packet, together with the applicable CUP application fee shall be filed with the Department. The Zoning Administrator shall immediately initial and date one copy of the application when received.

### **(D) Additional Information**

In addition to the information obtained on the application, the Zoning Administrator and/or Committee may request any additional information deemed necessary or appropriate for review.

## **9.8.3 Conditional Use Application Review Process**

### **(A) Completed Applications Referred to Committee**

- (1) The application shall first be reviewed by the Zoning Administrator for completeness.

When it is deemed complete by the Zoning Administrator, a notation of completeness shall be made on the application, and it shall be referred to the Committee.

### **(B) Notice and Public Hearing**

- (1) The Committee shall seek an advisory recommendation from the town board of the town in which the proposed conditional use is located. The town board shall make a recommendation and send to either the County Zoning Administrator or the County Zoning Committee. Comments or recommendations received from the town in a timely manner will be taken into consideration by the Zoning Committee decision.
- (2) The Zoning Committee shall hold a public hearing on the completed application. Notice of the hearing shall be published as a Class 2 notice pursuant to Ch. 985, Wis. Stats. In addition, notice of the date of the public hearing shall be sent to the clerk of the town where proposed conditional use is located and the applicant.

### **(C) Issuance or Denial of an Application**

- (1) Conditional use permit applications shall be reviewed for completeness by the Zoning Administrator within 30 working days of the date the application is filed and the fee is paid. The Committee shall attempt to approve the complete application, conditionally approve the application, or deny the application within 90 days of receipt of the completed application. However, at its sole discretion, the Committee may extend this review time for up to a total of 180 days after receipt of the completed application.

- (2) The Committee may request additional information from the applicant, the town, or others after the receipt of the completed application. Comments or recommendations received from the town in a timely manner shall be considered by the Zoning Committee in their decision, but the Committee is not bound by the town's input.
- (3) If the application is approved or conditionally approved, the Zoning Administrator shall issue a written CUP with any conditions attached. The Zoning Administrator may require that the applicant and/or property owner sign a CUP agreement expressly accepting the permit conditions.
- (4) If the application is denied, written reasons for the denial shall be provided to the applicant along with a notice of the applicant's right to appeal the denial to the Board of Adjustment.

(D) Basis of Approval or Denial

- (1) The Zoning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this ordinance. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence. "Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion."  
Wis.Stats.§59.69(5e)(a)(2).
- (2) To aid in the review of and decision-making regarding the proposed conditional use, the Zoning Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto:
  - (a) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (b) The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - (c) The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
  - (d) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (e) Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
  - (f) Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
  - (g) The conditional use shall conform to all applicable regulations of the district in which it is located.
  - (h) The conditional use does not violate shoreland or floodplain regulations governing the site.
  - (i) Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

- (3) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(E) Conditions

The Committee may attach conditions to the CUP deemed necessary or appropriate in furthering the purposes of this ordinance. Such factors to be considered may include, but are not limited to the following:

1. Landscaping
2. Type of construction
3. Sureties
4. Lighting
5. Fencing
6. Planting
7. Screening
8. Operational control
9. Period of operation
10. Improved traffic circulation
11. Deed restrictions
12. Free and unlimited access to the project site during daylight hours to any Zoning Committee member or any Zoning employee investigating the project's construction, operation or maintenance
13. Written notification of the Department at least five days before the project is started and five days after each phase of the project is completed.
14. Parking requirements
15. Erosion control
16. Stormwater management
17. Signage
18. Construction schedule
19. An acknowledgment that the nature and extent of the conditional use shall not change from that described in the application and approved in the CUP

Conditions imposed as part of the conditional use permit shall be achievable, practicable and to the extent possible, measurable. Any conditions imposed must be related to the purpose of the ordinance and be based on substantial evidence.

(F) Reapplication After Denial

- (1) No CUP application which has been denied by the Committee shall be considered again within one year of the written denial.
- (2) An applicant may file a CUP application if the application does not involve a request for a similar project or project of similar size, scope and design, or where the application no longer conflicts with any ordinance provisions.

(G) Recording of Conditional Use Permits

The Zoning Administrator shall keep a complete record of all CUPs issued by the County. The Zoning Administrator may record notice of a CUP with the register of deeds as appropriate.

(H) Lapse of Conditional Use Permit

A CUP shall lapse and be void unless the use permitted by the CUP has been substantially commenced within three years from the date of issuance of the CUP and has been completed within the time period specified in the CUP.

## **Article IX. Nonconforming Uses**

### **Section 9.9.1 Nonconforming Uses.**

(A) Lawful uses and structures predating the adoption of this Chapter may be continued even though they do not conform to the restrictions of this Chapter. However, structural repairs or alterations of such buildings, signs or premises shall not during the life of the structure exceed fifty percent (50%) of their current assessed valuation unless a building, sign or premises conforming to this Chapter results. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter.

(B) The maintenance and repair of nonconforming boathouses which are located below the ordinary highwater mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.

(C) Uses which are nuisances shall not be permitted to continue as nonconforming uses.

(D) If the alteration, addition or repair of an existing nonconforming building or structure is prohibited because it is in excess of fifty percent (50%) of the current assessed valuation, the property owner may still make the proposed alteration, addition or repair if:

(1) The building or structure with a nonconforming use is permanently changed to a conforming use.

(2) The property owner appeals the determination of the Zoning Administrator, and either the County Board of Adjustment or the Circuit Court find in the property owner's favor under Sec. 59.694(4) or 59.694(10), Wis. Stats.; or

(3) The property owner successfully petitions to have the property rezoned under Sec. 59.69(5)(e), Wis. Stats., and Sec. NR15.05(2)(e), Wis. Adm. Code, if applicable.

## **Article X. Miscellaneous Administrative Procedures**

### **Section 9.10.1 Board of Adjustment.**

- (A) **Composition.** A Board of Adjustment is hereby created. Such board shall be appointed in accordance with the provisions of Sec. 59.694, Wis. Stats.
- (B) **Call for Meetings.** The Board of Adjustment shall meet at the call of the Chairman, and at such other times as the Board of Adjustment may determine at a fixed time and place.
- (C) **Open Meetings.** All meetings of the Board of Adjustment shall be open to the public.
- (D) **Public Hearing Location.** Any public hearing which the Board of Adjustment is required to hold under Subsection (E) shall be held in a town hall or other place as convenient as may be to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address, or other commonly known means of identification, shall be included in the notice of such hearing.
- (E) **Notification of Public Hearing.** Notice of any public hearing which the Board of Adjustment is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing and the matter to come before the Board of adjustment at such hearings, and such notice shall be given in each of the following ways:
  - (1) By publication in the official newspaper of the County at least twice, not less than ten (10) days prior to the date of the hearing.
  - (2) By posting, not less than ten (10) days prior to the date of such hearing, in each of the public places in which official notices are usually published, in each town affected by the matters to come before the Board of Adjustment at such hearing.
  - (3) Notice shall be mailed directly to the parties in interest.
  - (4) In cases where shorelands are involved a copy of the notice for a public hearing shall be sent to the appropriate area office of the Department at least ten (10) days prior to the hearing.
- (F) **Minutes.** The Board of Adjustment 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 including the reasons for granting or refusing a variance, all of which shall be public record. In those cases where shorelands are involved a copy of the Board's determination shall be sent to the Department's appropriate area office within ten (10) days of the decision.
- (G) **Powers and Duties.**
  - (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Sec. 59.694, Wis. Stats.
  - (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
  - (3) It may grant a variance from the dimensional standards of this Chapter where the criteria for a variance are met, where the spirit of the Chapter will be observed, and where the variance will not be contrary to the public interest.
  - (4) The Board of Adjustment shall have power to call on any County departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
  - (5) It shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (H) **Appeals to the Board.** Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question,



and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

(I) **Standards.** The Board of Adjustment may grant upon appeal a variance from the dimensional standards of this Chapter where the applicant convincingly demonstrates that literal enforcement of the provisions of the Ordinance will result in unnecessary hardship on the applicant due to special conditions unique to the property, where the criteria for a variance are met, where the spirit of the Ordinance will be observed and where the variance will not be contrary to public interest.

### **Section 9.10.2 Amendments.**

(A) **Procedure.** The County Board of Supervisors may amend this Ordinance in accordance with the requirements as prescribed by Sec. 59.69(5), Wis. Stats., and NR115, Wis. Adm. Code.

(B) **Fee.** A copy of the current fee schedule shall be kept on file in the office of the County Zoning Administrator

(C) **Notification.** Petitions for text or map amendments shall be filed with the County Clerk according to the provisions in Sec. 59.69(5)(e), Wis. Stats. Copies of each petition shall be mailed to the appropriate area office of the Department within five (5) days of the filing with the County Clerk. Written notice of the public hearing on a proposed amendment shall be mailed to the appropriate area office of the department at least ten (10) days prior to the hearing. A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within ten (10) days after the decision is issued.

(D) No petition/application for rezoning, which has been denied, shall be resubmitted within one (1) year from the date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

### **Section 9.10.3 Public Hearings.**

(A) Notice. Adequate notice shall be given of any public hearing required by the provisions of this Chapter, stating the time and place of such hearing and the purpose for which it is being held. A public hearing is required for all conditional uses, appeals and amendments.

(B) Procedure for Posting and Publishing.

(1) Notice of public hearing shall be given as per Chapter 985, Wis. Stats.

(2) In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, the town in which affected land is located shall be notified as per Sec. 59.69(3)(d), Wis. Stats.

(3) An application/petition for rezoning may be withdrawn by the applicant at any time prior to the date of the first published notice of the application/petition. Thereafter, an application/petition may only be withdrawn with the approval and consent of the Zoning Committee.

### **Section 9.10.4 Validity.**

(A) Conflict. All other ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed.

(B) Court Invalidation. Invalidation by a court of any part of this Chapter shall not invalidate the rest of the Chapter.

(C) Force and Effect. Following passage and publication by the County Board of Supervisors, this amendment shall be in full force and effect in each town, as provided in Sec. 59.69(3), Wis. Stats., except that shoreland zoning provisions required by NR115. Wis. Adm. Code. shall be immediately effective.