

TOWN OF NECEDAH
Juneau County, Wisconsin

ORDINANCE # 10, as amended

ORDINANCE REGULATING THE DIVISION OF THE LANDS
AND
THE ERECTION OF BUILDINGS AND STRUCTURES IN THE TOWN OF NECEDAH

The Town Board of the Town of Necedah does ordain as follows:

SECTION 1: INTRODUCTION

REGULATING LAND USE: of division of lands; erection or placement of buildings, structures or mobile homes, installation of driveways, and roads.

The intent of this ordinance is to contribute to the betterment of the community for the benefit of persons who reside in the community. This ordinance intends to promote the public health, safety, welfare, orderly development of land within the Town of Necedah and to maintain and improve the quality of the Community.

SECTION 2: DEFINITIONS

DEFINITIONS: for the purposes of this ordinance, the following definitions shall be used:

ACCESSORY USE STRUCTURES: A use detached structure subordinate to the principal use of a structure located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure. No accessory structure or part thereof shall be used for sleeping or eating quarters.

CAMPING TRAILER: Any shelter designed to provide sleeping, eating and living quarters and designed to be transported on wheels from place to place, but and if the wheels have been removed, it shall be construed as a permanent dwelling structure.

DWELLING: A building or mobile home designed or used as a residence or sleeping space, but not including licensed, transient occupancy buildings.

DWELLING, SINGLE FAMILY: A residential dwelling containing one dwelling unit.

DWELLING, TWO FAMILY: A residential dwelling containing two dwelling unit on no less than 3 acres.

FLAG LOT: A lot not fronting on or abutting a public street except where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.

HOUSE TRAILER: A structure designed to be a dwelling which can be moved from place to place on wheels. As defined in Wis. Statutes, a dependent unit means a structure not having its own plumbing facilities, whereas an independent unit has plumbing as well as heating and cooking facilities ready for hookup to utility connections.

LAND USE: A broad term used to classify land according to present use and according to the suitability for future uses; that is, for housing, open space and parks, commercial, industrial, etc.

LOT: A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable, having its principal frontage upon a street, road or waterway.

MOBILE HOME: A structure, designed to be a dwelling unit, which is manufactured, inspected and totally assembled in a factory and then transported to a lot or site for placement on a foundation and hooked up to essential services for permanent habitation. Any such structure from which its wheels have been removed shall be construed to be a permanent structure for purposes of this ordinance.

MODULAR HOME: A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called "prefabricated" or "double wide" units. For the purposes of ordinance, modular homes must meet the requirements of all applicable state and local building codes.

PARCEL: A lot or group of lots under a single ownership or control. Minimum parcel/lot sizes in Necedah ordinances are inclusive of abutting road right-of-ways on lots 2 acres in size or greater, while smaller lots are required to be measured exclusive of right-of-way.

SITE PLAN: A scale drawing showing proposed uses and structures for a parcel of land as required by this ordinance.

STRUCTURE: Anything erected, the use of which requires a permanent location on the ground, e.g., buildings, stairways to the water, signs, billboards or other advertising medium, detached or projecting, decks, porches, roofs, shall be construed to be a structure.

SECTION 3: GENERAL PROVISIONS

No division of lands in the Town of Necedah shall be approved by the Town Board unless it meets the following requirements:

- A. Each parcel or a lot so divided shall be not less than two (2) acres in size unless grandfathered in before August 1989 or specially excepted by a Town Board resolution.
- B. Access to each lot shall be provided from a municipal street or highway.
- C. All streets and highway shall have a right-of-way of 66 feet, unless the geography at the area makes it impossible to comply with the 66 foot restriction. In such case, the board could permit a narrow street. If the traffic pattern indicated that 66 feet is not sufficiently wide enough, the board can require a greater width.
- D. All streets or roads to be deeded to the township shall meet the Towns requirements, which are as follows:
 - a. All town roads, laid out or dedicated shall be at least 4 rods and right away, 66 feet in right of way width, 30 feet in roadway width and 20 feet in surfaced width, except where section 82.26 of the Wisconsin statutes requires a larger minimum standards.
 - b. When cul-de-sacs are an integral portion of a road network, their diameter shall be 200 feet minimum.
 - c. All bridges shall conform to section 86.26(3) of the Wisconsin statutes.
 - d. All road beds and a roadway shall be graded to subgrade, and shall be surfaced to a minimum of eight (8) inches of gravel. Road surface shall be 20 feet in width, consisting of a two (2) inch compacted bituminous composition, either hot mix or cold mix. All tree stumps and debris shall be cleared from the right-of –way, and either completely remove from the right-of-way, or burned outside the roadway, and completely covered with soil to a natural grade.
- E. Pre-existing parcels established by deeds, plats, or certified survey maps of record before the effective date of this ordinance, shall be exempted from the acreage requirements of this ordinance.
- F. Any fences erected along town roads, and/or right-of-ways, shall be erected at the edge of the road right-of-way on the property owners side.
- G. There shall be no plowing, discing, cultivating, or planting of crops, trees, bushes or shrubs in any town road right-of-way.

SECTION 4: LAND DIVISION

No division of lands in the Town of Necedah shall be approved unless it meets the following requirements;

- A. Each parcel or lot so divided shall not be less than two acres for a single-family dwelling with Sanitary Sewer. If the parcel or lot is on a public road it shall have a minimum frontage of 40 feet.
- B. Flag lots shall require Town Board approval and will be allowed only in special circumstances when various factors render creation of a more proportionate lot, in length and width, unachievable. The “pole” of a flag lot width shall not exceed two hundred fifty (250) feet in length unless additional length is needed to avoid significant degradation of cultural resources or productive agricultural soils and/or woodlands. The “pole” shall be used exclusively for vehicular access and shall maintain a minimum width of forty (40) feet for the entire length of the “pole”. No “pole” shall be located within two hundred (200) feet from another on the same side of the street.
- C. All streets, roads or highways shall be a minimum of four rods wide. If the traffic pattern indicates that four rods is not sufficiently wide, the Town Board, following state statutes for guidance, may require a greater width.
- D. All streets, roads or highways to be deeded to the Town shall meet the Town’s road requirements as outlined in this ordinance Section 3: General Provisions.
- E. Pre-existing parcels established by deeds, plats or certified survey maps of record before the effective date of this ordinance, August 1989, shall be exempted from the acreage requirements of this ordinance.
- F. A minimum of 3 acres for a two (2) family dwelling. Additional dwellings of three (3) family and over need to be a minimum of four (4) acres and are classified as a commercial lot.

SECTION 5: BUILDING PERMITS

BUILDING PERMITS

- A. Are required within the Town of Necedah for **the erection of any structure over 250 square feet** including but not limited to, buildings, dwellings, mobile homes, or gazebos, whether constructed on site, prefabricated and erected or moved from another location. Building permits are required for **all additions**, including but not limited to structure alterations, decks, porches or patios, **no matter the square foot size.**
- B. When issued, authorizes only the development or occupancy set forth in the permit application and plans submitted as part of the application. No other development or occupancy is permitted. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Town

- C. Issued as a result of any false or misleading information or statement provided by or on permit application(s) shall be null and void. Verbal statements as to intent or conditions shall not be heard.
- D. No permit shall be issued for any mobile (manufactured) home that has a year of manufacture more than fifteen (15) years prior to the date of said permit application. The intent of this is to protect property values by attempting to encourage better quality mobile homes being placed in the community. The board may issue a variance to this if the quality of a home older than fifteen years is documented by inspection, pictures, etc., but shall issue no permits for a home built prior to June 15, 1976 when the federal housing standards went into effect. A mobile home is not to be use as a storage building, residential only.
- E. A permit will expire in two (2) years from the date of issuance.
- F. Issued in conflict with any provision of Town ordinances shall be null and void.

SECTION 6: NO PERMIT FOR

NO PERMIT SHALL BE ISSUED FOR:

- A. Any building or structure if the proposed location shall increase the fire hazard of the area.
- G. Construction of a dwelling on any parcel or lot which has another dwelling upon it unless that parcel or lot is a planned unit development or the owner of the parcel or lot provides the Town with a Town approved security in an amount equal to the value of the existing dwelling ensuring that it will be removed from the parcel or lot upon completion of the new, permitted dwelling.

If any applicant is aggrieved by the determination of the Building Inspector, the applicant may appeal to the Town Board of Necedah to hear and decide on administrative interpretations.

SECTION 6: APPLICATION OF PERMIT

APPLICATION FOR BUILDING PERMITS shall be filed with the Town Building Inspector on forms furnished by the town. The Building Inspector shall act on the application within ten (10) days following its receipt. If the application is rejected, the applicant shall be notified in writing, stating the reason(s) for rejection. A copy of the rejection notice shall be delivered to the Town Clerk.

An application for a building permit must be accompanied by:

- A. A fee, in an amount determined by the Town Board.

- B. A site plan showing the location of the building, structure or mobile home to be placed on the lot, plus any existing buildings or structures, well or septic system on the property, and driveway from street or road edge to its termination, all with respect to property lines and in correct relation to each other, in scale or in size dimension.
- C. A valid Juneau County Sanitary and/or Shoreland zoning permit must be presented to the Building Inspector prior to the issuance of a building permit for a dwelling or commercial building.

SECTION 8: SET-BACKS

SET-BACKS for a building, structure, mobile home or auxiliary structure, including but not limited to building projections such as overhangs, porches, decks patios, had surfaced walkways, etc., but excluding a driveway shall be as detailed in the Town Zoning Ordinance, except:

- A. No permit shall be granted for the erection or placement of any structure closer than ten (10) feet to the boundary line of abutting properties. There shall be a setback on the right-of-way, a distance of 63 feet from the center of road for any structure. Setback of a distance of ten (10) feet for any sewerage disposal system including septic tank and drain field.

SECTION 9: DRIVEWAYS

The establishment and installation of all driveways from public roads into private property shall be controlled by the Town Board of Necedah, and no driveway shall be installed, altered or change without first obtaining a permit authorizing installation, change or construction of the same. Such permit for the installation for alteration or such driveway shall specify the width of the such driveway and designate the location of such driveway as well as a type of construction necessary for safe construction of such driveway. The expense for the installation of such driveway shall be paid by the owner or applicant seeking to install such driveway. Culverts (12 inch minimum) shall be required in all cases except in where permission thereof is especially permitted by the Town Board. All driveways shall have a minimum approach width of not less than twenty-six (26) feet at the culvert. There shall be at least eight (8) feet of gravel from the roadway not less than four (4) inches deep and a cleared passable driveway of not less than twenty (20) feet in width to provide for the passage of fire suppression equipment and ambulances. A fifty (\$50.00) fee shall be charged for the issuance of a permit to install a driveway. A permit for a temporary driveway shall be exempt, however they must have a permit issued. Temporary means, not more than 12 months.

SECTION 10: ANCHORED

All structures, dwellings and mobile homes shall be substantially anchored to prevent movement due to winds, earthquake or other acts of nature, per Wisconsin Uniform Dwelling Code.

SECTION 11: MOBILE HOMES

Mobile homes shall have pre-finished foundation siding installed which is fire and weather resistant, surrounding the entire perimeter and completely enclosing the space between the exterior wall and the ground. Foundation siding shall be properly vented, harmonious and compatible with the mobile home and installed within sixty (60) days of the mobile home installation on the parcel or lot.

SECTION 12: ENFORCEMENT

ENFORCEMENT: Any structure, building, dwelling, mobile home erected, placed upon, moved upon, enlarged or modified without a permit as required by this ordinance or otherwise not in conformity with this ordinance shall be deemed an unlawful structure and shall be removed. The Town of Necedah may bring action to enjoin the erection, placement upon, moved upon, enlarged or modified structure, building, dwelling, mobile home or the establishment of such use thereof and, by such action cause such structure, building, dwelling, mobile home, and use to be enjoined, vacated and removed.

SECTION 13: PENALTY

Any person(s), firm or corporation violating a provision of this ordinance after having been warned once in writing, shall be subjected to a forfeiture per the schedule of forfeitures under Citation Ordinance (Ordinance # 13), Section IV B, together with the costs incurred by the Town as a result of the violation and abatement of it. Upon failure to pay said forfeiture and costs, including abating the violation, the person(s) or officers of the firm or corporation may be confined to the Juneau County jail until said sum is paid and the cause of the violation abated. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 14: INVALID OR UNCONSTITUTIONAL

If any provision of this ordinance is invalid or unconstitutional, or if the application of the ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 15: CONFLICT

If any provision(s) of this ordinance is in conflict with any other Town ordinance, this ordinance shall take precedence.

SECTION 16: EFFECTIVE DATE

This ordinance shall be in force and effect the day after legal publication.

The foregoing ordinance was adopted at the regular meeting of the Town Board of the Town of Necedah, Juneau County, Wisconsin on July 20th, 1990.

_____ George Siegler Town Chairman	_____ Basil Berggren Supervisor	_____ Jack Lynch Supervisor
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Amended this 22nd day of June, 2010.

Vince Marchetti Town Chairman	George Schumer Supervisor	Terry Taft Supervisor
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Attested by: Susan Kosinski
Town Clerk

Published this 30th day of June, 2010

Amended the June 22, 2010 Ordinance #10 on this the 14th day of November, 2016

_____ Chairman Terry Taft	_____ Supervisor Ginny Hodal
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_____ Supervisor George Schumer	_____ Attested by: Clerk Susan Kosinski
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