TOWN OF GERMANTOWN

Juneau County, Wisconsin

ORDINANCE #9, as amended

REGULATING LAND USE: Division of lands; erection or placement of buildings, structures or manufactured homes, installation of driveways, roads and junkyards.

The Town Board of the Town of Germantown do ordain as follows:

SECTION 1

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 German-town and to maintain and improve the quality of the Community.

SECTION 2

DEFINITIONS: for the purposes of this ordinance, the following definitions shall be used, except and including where defined in Section 11 Definitions of the Town Zoning Ordinance:

ACCESSORY USE: A use 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.

ACCESSORY STRUCTURE: A 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 an eating, sleeping, or living quarters.

DWELLING: A detached building designed or used exclusively as a long-term residence or sleeping place, having a minimum of 816 sq. ft. of living space, excluding the basement, but does not include commercial indoor lodging such as hotels, motels, boarding houses or bed and breakfast establishments. See also RESIDENCE.

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

DWELLING UNIT: A building or portion thereof with rooms arranged, designed, used or intended to be used for one family. For enforcement purposes, guest houses or rooms with exclusive kitchen and bathroom facilities are considered dwelling units.

JUNK: Any used, old or second hand scrap metal, metal alloy, synthetic or organic material, or waste or any junked, ruined, dismantled, unlicensed, if licensing is required for legal usage, inoperable or unusable vehicle, machinery, appliance, manufactured home or part thereof.

JUNKYARD: Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk. Two or more pieces of junk kept on a property in the Town of Germantown shall constitute a junkyard. A junkyard does include uses established entirely within a closed building.

LAND USE: A broad term used to classify land according to present use and according to the suitability for future uses such as housing, open spaces and parks, commercial, industrial, and institutional.

LOT: A parcel, piece or portion of land, defined by metes and bounds, citified 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. A Lot may encompass more than one tax parcel.

MANUFACTURED HOME: A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development (HUD) as complying with the standards established under Wisconsin and Federal law.

MOBILE HOME: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid construction, which has an overall length in excess of 45 feet. ‘Mobile Home’ includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer’s warranty. This definition does not include a recreational vehicle, as defined in Wisconsin S. 340.01 (48r).

MODULAR HOME: Any structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer. 'Modular home' does not mean manufactured home as defined in this section. .

PARCEL: A lot or group of lots under a single ownership or control.

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

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. The following shall be construed to be a structure, but the definition is not limited to those listed: arbors, billboards or other advertising medium detached or projecting, , boathouses, buildings, docks, dwellings, fences, garages, manufactured homes, piers, signs, stairways to the water, tool houses, and walls. Driveways and parking lots shall not be considered structures. Setbacks for signs shall be regulated in the Sign Ordinance.

SECTION 3

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

A. Each parcel or lot so divided shall meet the requirements of the Town Zoning Ordinance, Town Land Subdivision Ordinance, and other applicable regulations.

B. Access to each lot of a parcel subdivided after the effective date of this amended

 ordinance shall be provided from a public street, road or highway.

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 the Town of Germantown’s Ordinance 15.

E. Pre-existing parcels established by deeds, plats or certified survey maps of record

Before the effective date of this ordinance, June 12, 1980, shall be exempted from the acreage requirements of this ordinance.

SECTION 4

BUILDING PERMITS

A. Are required within the Town of Germantown for all structures, buildings,

dwellings, manufactured homes including but not limited to decks, gazebos, porches or patios and/or additions, whether constructed on site, prefabricated and erected or moved from another location.

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.

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. Expire in accordance with the Wisconsin State Statutes.

E. Issued in conflict with any provision of Town ordinances shall be null and void.

F. A Certificate of Zoning Compliance shall be required to be issued to the building permit applicant, for the same development, prior to approval of a building permit.

SECTION 5

NO PERMIT SHALL BE ISSUED FOR:

A. Any application which requires a conditional use permit, a variance or other

action, by the Plan Commission, Zoning Board of Appeals or the Town Board, until appropriate action has been taken by the approving entity.

B. The construction, placement, erection or installation of any dwelling,
manufactured home, or modular home, home unless it has a minimum of 816 square feet area, exclusive of an attached garage or other accessory use structures.

C. Any building or part of a building which would exceed the height limit of the applicable zoning district.

D. The construction, erection or installation of a manufacturing or industrial building

 or site of less than ten acres, exclusive of private or public right-of-way.

E. The construction or placement of any building, structure or manufactured home, if such would be determined or unsuitable to the zoning district or general area or detract from the value of adjoining properties.

F. 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 Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals to hear and decide on administrative interpretations.

SECTION 6

APPLICATION FOR BUILDING PERMITS shall be filed with the Town Zoning Administrator on forms furnished by the town. The Zoning Administrator shall act on the application within fourteen 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 and the Chairperson of the Zoning Board of Appeals.

An application for a building permit must be accompanied by:

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

B. A site plan showing the location of the building, structure or manufactured 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 Zoning Administrator prior to the issuance

 of a building permit for a dwelling or commercial building.

SECTION 7

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

 A. In situations where a lot abuts a private road rather than a public road, the

 street right-of-way shall be interpreted to be the lot line which abuts the

 private road.

B. Every yard abutting a street or road shall be considered a front yard for

 purposes of determining set-backs. The property owner shall designate

 one side yard and the back yard. This designation shall be other than the

 front yards abutting a street or road.

SECTION 8

The location and width of driveways crossing the right-of-way from a public street or road must be approved by the Zoning Administrator as part of the building permit application. Driveways shall be minimum of fifteen (15) feet wide. Unless explicit

exclusion, in writing, is given by the Zoning Administrator, each driveway is required to have a twelve (12) inch diameter culvert which extends a minimum of one (1) foot beyond either side of the driveway. The cost of the driveway and culvert shall be paid by the applicant or property owner.

SECTION 9

All structures, dwellings and manufactured homes shall be substantially anchored to prevent movement due to winds, earthquake or other acts of nature. Foundations for a dwelling shall comply with State of Wisconsin Department of Commerce regulations. Manufactured homes may comply with that code or shall be anchored to foundation piers at least eighteen (18) inches square with a minimum of thirty six (36) inches in the ground. Piers shall be no more than ten (10) feet apart or the manufactured home may be placed and anchored to a reinforced four (4) inch or thicker concrete slab which is at least one (1) foot wider on each side and one (1) foot longer at each end than the manufactured home. All foundations shall be vented minimally by one vent on each of the four sides.

SECTION 10

Manufactured 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 manufactured home and installed within sixty (60) days of the manufactured home installation on the parcel or lot.

SECTION 11

EXEMPTIONS to this ordinance:

 A. Farm machinery actually used and owned by a person actively engaged in

 farming or used commercially in the farming industry.

 B. Construction equipment actually used and owned or leased by a person or

 company actively engaged in a construction business related to the type to

 the type of equipment stored.

 C. Logging trucks and equipment actually used and owned by a person actively

 engaged in the logging business.

SECTION 12

ENFORCEMENT: Any structure, building, dwelling, manufactured home or junkyard erected, placed upon, moved upon, enlarged of 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 Germantown may bring action to enjoin the erection, placement upon, moved upon, enlarged or modified structure, building, dwelling, manufactured home or junkyard or the establishment of such use thereof and, by such action cause such structure, building, dwelling, manufactured home or junkyard, and use to be enjoined, vacated and removed.

SECTION 13

**Any person or persons violating the provisions of this ordinance shall be subject to a forfeiture as provided in the Town of Germantown fee schedule.**

SECTION 14

The existing lawful use of a structure, building, dwelling, manufactured home or junkyard at the time of enactment of this ordinance or any amendment thereto may be continued, although legally established non-conforming structures shall not be enlarged, renovated, restored, rehabilitated, or remodeled beyond their original footprint or height, unless such modification is needed to address a zoning or building code violation and such modification is limited to the minimal modification needed to address the violation. No structure, building, dwelling, manufactured home or junkyard containing a non-conforming use shall be enlarged, added to or extended unless granted a variance by the Zoning Board of Appeals. If the use of a non-conforming structure, building, dwelling, manufactured home or junkyard is discontinued for a period of twelve (12) months, any future use shall conform to regulations of this ordinance. When a building is damaged in the amount of fifty percent (50%) of the assessed value of the structure, by fire, explosion, act of God or public enemy, it shall not be restored and no building permit thereafter issued except in conformity with the provisions of the Town Code.

SECTION 15

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 affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 16

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

**SECTION 17**

**The following Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Town of Germantown and shall be enforced by the Building Inspector.**

 **SPS Chapter 5 Credentials**

 **SPS 316 Electrical Code**

 **SPS 320-325 Uniform Dwelling Code**

 **SPS 361-366 & 375-379 Commercial Building**

 **SPS 381-387 Uniform Plumbing Code**

**Any local building codes or requirements other than those contained herein are repealed.**

**Any future amendments, revisions, and modifications of said Chapters incorporated herein are intended to be made a part of this code.**

SECTION 18

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 Germantown, Juneau County, Wisconsin on December 10, 1996, by

Michel Sullivan -Supervisor#1, C.J.Laridaen -Supervisor#2, J.V.Schulz -Town Chairman

**Published this 15th day of February, 1997**

Kathleen Potter - Town Clerk

**Amended** at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on the 10th day of February, 2009.

William Jax – Town Chairman, Betty Manson – Town Clerk

**Amended to remove all fees from the ordinance and replace them with a reference to find those fees in the fee schedule,** at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on the 11th day of August, 2015.

**Amended to add the sentence in bold below to the end of section 11D** at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on this 13th day of October, 2015. “**Proof of insurance, security and compliance with this and any other pertinent Town ordinance must be presented prior to the renewal permit being granted.**”

**Amended to change the expiration date of permits to be in accordance with Wisconsin State Statutes,** at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on the 15th day of November, 2017.

**Amended to add Section 18 regarding the adoption of Wisconsin Administrative Codes and to renumber subsequent section to Section 19**, at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on the 12th day of March, 2019. Gregg Haunroth -Town Chairman, Susan Ganther -Town Clerk/Treasurer

**Amended definitions, sections and numbering to update it and to be more in line with the zoning ordinance** at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on the 13th day of July, 2021.

**APPROVED:** Gregg Haunroth, Town Chairman  **ATTEST:** Susan Ganther, Town Clerk/Treasurer