

ORDINANCE # 8

ZONING ORDINANCE

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE; AND TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; AND FOR THE SAID PURPOSES TO DIVIDE THE CITY OF FOUNTAIN CITY, WISCONSIN, INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT THE SAID PURPOSES; TO PROVIDE A METHOD FOR ITS ADMINISTRATION AND ENFORCEMENT AND TO PROVIDE PENALTIES FOR ITS VIOLATION.

The common council of the City of Fountain City, Wisconsin, do ordain as follows:

SECTION I. INTERPRETATION AND PURPOSES

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Fountain City, Wisconsin.

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION II. DISTRICTS

1. For the purposes of this ordinance, the City of Fountain City, Wisconsin, is hereby divided into 4 districts, as follows:

- (1) Residence District
- (2) Agricultural District
- (3) Commercial District
- (4) Industrial District

2. The boundaries of the aforesaid districts are hereby established as shown on the map entitled "District Map, City of Fountain City, Wisconsin," dated _____, 19___, which map accompanies and is made a part of this ordinance. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein.

(a) The district boundaries are either streets, alleys, lot lines, or natural features such as streams, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street, alley, lot line or stream, such lot line or the centerline of such street or alley, or the main channel of such stream shall be construed to be the district boundary line.

(b) In unsubdivided property, the location of the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

3. There shall be a certified copy of the district map described above. A copy of such map shall be kept in the office of the city clerk, and shall be available for inspection by any person during regular office hours. Such copy shall bear on its face the notation that it is the certified copy of the district map, the certificate to be signed by the mayor and attested by the city clerk, and it shall show the number and title of this ordinance and the date of its adoption. Thereafter no amendment of this ordinance which causes a change in the boundaries of any district shall become effective until such change, together with a certificate describing the change, has been shown on the certified copy. Such certificate of amendment shall likewise be signed by the mayor, attested by the city clerk, and shall show the number of the amending ordinance and the date of its adoption.

SECTION III. DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future, the singular number includes the plural number and the plural number includes the singular number; the word "building"

includes the word “structure”; the word “shall” is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and city building codes.

Accessory Use or Building. A use or building on the same lot with and subordinate to the main use or building and customarily incidental thereto. An automobile trailer or other vehicle or part thereof, or other building used as a temporary or permanent dwelling or lodging place is not an accessory use or building for the purposes of this ordinance.

Alley. A public or private way which affords only secondary vehicular access to abutting property.

Apartment House. See “Dwelling, Multiple.”

Automobile Wrecking Yard. Any premises on which more than one automotive vehicle not in running or operating condition is stored in the open.

Basement. A story partly or wholly underground.

Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for persons not members of the resident family.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building, except for side yard requirements where manifestly inappropriate.

Building, Height of. The vertical distance from the average curb level in front of the lot or the finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average heights of the highest gable of a gambrel, hip or pitch roof.

Building, Main. A building constituting the principal use of a lot.

Dwelling, One Family. A detached building designed for and occupied exclusively by one family.

Dwelling, Two Family. A detached or semidetached building designed for and occupied exclusively by 2 families.

Dwelling, Multiple. A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.

Exception. The use of property, including the use and location of buildings, the size of

lots and the dimensions of yards, otherwise not allowable under the terms of this ordinance, for which a special permit may be issued under the conditions specified in this ordinance.

Family. One or more persons living together in 1 dwelling unit as a single housekeeping entity; provided that a family may consist of not more than 6 such persons when not related by blood or marriage.

Floor area. The area within the exterior wall lines of a building; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basement or utility rooms, garage, breezeway and unenclosed porches.

Frontage. All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Garage, Private. An accessory building or space for the storage only of automobiles.

Garage, Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

Home Occupation. A gainful occupation, such as dressmaking, laundering, home cooking, handicraft and the like, conducted by members of the family only, within their place of residence.

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

Junk Yard. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall be housed in a completely enclosed building.

Less Restricted. The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. A

loading space is not a parking space for the purposes of this ordinance.

Lodging House. A building other than a hotel where rooms without board or kitchen facilities either in or in connection with such rooms are provided for compensation for persons not member of the resident family.

Lot. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this ordinance and abutting on a public street or officially approved place.

Lot, Corner. A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

Lot, Interior. A lot other than a corner lot.

Lot, Through. An interior lot having frontage on two non-intersecting streets.

Lot Lines. The lines bounding a lot as defined herein.

Lot, Width of. The shortest distance between the side lines of a lot, measured at the rear of the required front yard.

Mobile Home is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used.

Mobile Home Park. A tract or parcel of land on which accommodations are provided for two or more automobile trailers, camp cabins, house cars or mobile homes.

More Restricted. The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this ordinance.

Motel. A building or group of buildings in which lodging, with or without meals is offered to transient guests for compensation, with no kitchen facilities in any individual room or apartment, and with not less than 1 off-street parking space provided for each such room or apartment.

Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.

Parking Lot. A building or premises off the public street containing 1 or more parking

spaces, open to the public free or for a fee, and providing access from a public street or alley to each parking space within such parking lot.

Parking Space. An unobstructed piece of ground or floor space sufficient for the temporary storage of 1 automobile. Each such parking space shall be not less than 9 feet wide and 180 square feet in area exclusive of maneuvering space and access from or to a public street or alley. A loading space is not a parking space for the purposes of this ordinance.

Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

Setback. The depth of the front yard, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of a proposed street on the official map, whichever results in the greater front yard depth.

Sign. Any structure or device, except those placed by the public authorities for public purposes, on which advertising is displayed, or attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Stable. "Stable" shall have the same meaning as "garage," 1 draft animal being considered the equivalent of 1 self-propelled vehicle.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least 2 opposite exterior walls are not more than 4 feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements therefor, which affords the principal means of vehicular access to abutting property.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Street, Side. The street bounding the longer side of a corner lot.

Structural Alterations. Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

Value, Market. That value at which a seller willing to sell, but not forced to sell, would sell to a buyer willing to buy, but not forced to buy.

Variance. A departure from the terms of this ordinance as applied to a specific building or lot, which the board of appeals may permit, contrary to the regulations of this ordinance for the district in which such building or lot is located, when the board finds that a literal application of such regulations will cause a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare.

Vision Clearance. A space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points located on each street line at specified distances from the corner.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of a lot between the nearest wall of the main building and the front lot line or the right-of-way line of a proposed street on the official map, whichever requires the greater front yard depth, excluding only such projections as are permitted hereinafter.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter. In the case of irregular or triangular lots, where none of the lines bounding the rear of the lot are parallel or approximately parallel to the front lot line, the rear lot line for the purposes of this ordinance shall be a line 15 feet long, wholly within the lot, parallel to the front lot line or the main chord thereof, and the maximum distance from the front lot line.

Yard, Side. A yard extending from the front yard to the rear yard, between the side lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter.

SECTION IV. GENERAL PROVISIONS

Except as specifically provided otherwise in this ordinance, the following regulations shall apply to all districts:

A. Buildings and Uses

1. No provision of this ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.

2. No provision of this ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of over ground or underground public utility neighborhood service lines and mechanical appurtenances thereto, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.

3. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

4. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on one lot.

5. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within 6 months from the date of such permit.

6. Nonconforming Uses.

(a) The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.

(b) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefor shall first have been secured from

the board of appeals. See Section IV, A 9.

(c) If the nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.

(d) The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50 per cent of the assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

7. Accessory buildings which are not a part of the main building shall not occupy more than 25 per cent of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than 3 feet to any lot line, except that where a private garage has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley line. The above height and area restrictions shall not apply to accessory buildings on farms of 10 or more acres in area, but such accessory buildings shall not be closer than 100 feet to any side lot line. Where an accessory building is not located entirely within the rear yard, the side yard requirements for the district in which the premises are located shall be applied to such accessory building.

8. The board of appeals, after investigation and public hearing, may authorize the location of any of the following buildings or uses in any district from which they are excluded by this ordinance, provided that the board shall find that the proposed location is necessary in order to serve the public health, safety, convenience and welfare, and provided further that each such building or use shall comply with all other regulations for the district in which it is proposed to be located. To protect the value of neighboring buildings or uses, the board may attach reasonable conditions and safeguards, in line with the general purpose and intent of this ordinance.

(a) Cemeteries.

(b) Fire and police stations.

(c) Hospitals and clinics, but not veterinary hospitals or clinics.

(d) Institutions, public or private, of an educational, philanthropic or charitable nature.

(e) Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

(f) Public dumping grounds.

(g) Public utility buildings, structures and lines, including micro-wave radio relay structures and their appurtenances, for such purposes as are reasonably necessary for the public convenience and welfare.

(h) Railroad siding and structures.

(i) Sewage disposal plants or lift stations.

9. The board of appeals, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.

B. Area regulations

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

2. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by 1 family, subject to the setback, rear yard and side yard regulations for the district in which it is located, provided further when applicable, that it meets the lot area as required by the Wisconsin State Board of Health Administrative Code H 65.

C. Height Regulations

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

2. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the mean level of the adjoining ground is more than 5 feet.

3. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. Ornamental structures, radio and television broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, micro-wave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this ordinance and may be erected in accordance with other local regulations or ordinances; provided that any such structure which is accessory to a building in a residential district shall be located not less than 25 feet from any lot line.

5. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

6. Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 100 feet from the line of the higher average established grade.

7. On through lots which extend from street to street, the height of the main building may be measured from the mean elevation of the finished grade along the end of the building facing either street.

D. Front Side and Rear Yard Regulations

1. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.

2. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.

3. Where 50 per cent or more of a frontage is occupied by buildings having setbacks which are greater or less than the setback required by this ordinance for the district in which such frontage is located, the setback on the remainder of such frontage shall be the average setback of such buildings.

4. Where less than 50 percent of a frontage is occupied by buildings, the following setbacks shall apply:

(a) Where a vacant lot abuts an occupied lot having a setback greater than is required by this ordinance, the setback on the abutting vacant lot shall be the average of the setback required by this ordinance for the district in which such lot is located and

the setback on the occupied lot, or the average of such required setback and the lesser of the setbacks on the occupied lots, if the vacant lot abuts more than one occupied lot in the same frontage.

(b) Where a vacant lot abuts a lot occupied by a building which has a setback less than is required by this ordinance, the setback on the vacant lot shall be the setback required by this ordinance for the district in which such lot is located.

5. No part of any building which has a setback less than is required by this ordinance shall be enlarged or structurally altered within the front yard established by the setback required by this ordinance for the district in which such building is located.

6. Building on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

7. Every part of a required yard shall be open and unoccupied by any structure from the ground upwards, except as follows:

(a) Detached accessory buildings may be located in a required rear yard or in a side yard having excess width, but not in any part of such side yard that is required by this ordinance.

(b) Sills, belt courses, cornices, awnings, canopies, eaves and ornamental architectural features may project into any required yard not more than 30 inches; provided that no such feature shall project over a street line more than 8 inches; provided further that this regulation shall not apply to retractable awnings, which may extend over a street line to not less than 1 foot from the curb line.

(c) Bay windows, balconies and chimneys may project into any required yard not more than three feet, or into any side yard which does not abut on a street 3 feet, or into any side yard which does not abut on a street 3 feet or 20 percent of the width of such side yard, whichever is the lesser amount; provided that the total length of such projections on any one building wall shall not exceed one-third the length of such building wall.

(d) Fire escapes may project into any required yard not more than 5 feet, or into any side yard which does not abut on a street 5 feet or 20 percent of the width of such side yard, whichever is the lesser amount; provided that this regulation shall not be construed to require or permit a fire escape of less width than the minimum established

by the state building code.

(e) Uncovered steps, stoops and landings may project into any required yard not more than 6 feet, or into any side yard which does not abut on a street 6 feet or 20 percent of the width of such side yard, whichever is the lesser amount; provided that no such steps, stoops or landings shall extend above the main or principal entrance floor, except for a railing or wall not more than 3 feet in height.

(f) Platforms, walks and drives extending not more than six inches above the average ground level at their margins, and retaining walls when the top of any such wall is not more than 6 inches above the average level of the abutting ground on one side, may be located in any required yard.

(g) Fences, hedges and walls other than retaining walls may be located as follows:

(1) Fences having a ratio of solid part to open part greater than 1 to 4, hedges and walls, except retaining walls, more than 6 feet in height shall be considered as buildings or structures, and the appropriate requirements of this ordinance shall be applied accordingly.

(2) Fences, hedges and walls, except retaining walls, shall not exceed 3 ½ feet in height when located in a front yard or in a side yard which abuts on a street.

(3) Fences, hedges and walls, except retaining walls, shall not exceed 2 ½ feet in height when located in a vision clearance triangle.

E. Motor Vehicles and Parking

1. Not more than 2 automobiles, including not more than 1 truck of not more than 5 tons rated capacity, shall be stored or kept in any private garage for each family residing on the premises. See Section IX, B 4 (h).

2. No commercial motor vehicle exceeding 5 tons rated capacity shall be stored in any storage garage.

3. In any Business or Industrial District, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

4. (a) Every dwelling hereafter erected or structurally altered shall provide parking space on the same lot, off the public street and accessible thereto, in the ratio of not less than 1 such parking space for each family which the building is intended to accommodate.

(b) Every building hereafter erected or structurally altered for any industrial use shall provide not less than 1 parking space for each 4 employees on the premises at any one time, plus not less than 1 additional parking space for each vehicle operated in connection with the use of such building.

SECTION V. RESIDENCE DISTRICT

Use. No building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single family and two family dwellings. See Section IX, B 4 (g).
2. Churches, public and parochial schools, public libraries and other public educational and cultural institutions.

Public recreational and community center buildings and grounds, such as parks, playgrounds, golf courses and swimming pools.

Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums. See Section IV, A 8.

3. Telephone buildings, exchanges and lines, unit or neighborhood substations and transformers, provided there is no service garage or storage yard; telephone, telegraph and power transmission poles and lines and necessary appurtenances, including portable public utility equipment housings. This regulation, however, shall not include micro-wave radio relay structures unless and until the location thereof shall first have been approved by the board of appeals. The setback requirements of this ordinance shall not be applied to the necessary and customary construction, reconstruction and maintenance of public utility poles and lines.
4. Truck gardening, provided that there may be one roadside stand, not more than 300 square feet in ground area, on the same premises with each such truck garden; nurseries only for the propagation of plants.

5. Accessory buildings or 1 private garage; or 1 private stable when such stable is located not less than 50 feet from the front lot line.
6. Not over 5 boarders or lodgers not members of the family.
7. Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.
8. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
9. Home occupations, provided that such occupation is incidental to the use of the premises for residential purposes, does not involve any structural alteration of the building or any external construction not customary in dwellings, is not conducted in a detached accessory building, that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes and that no person other than a member of the immediate family living on the premises is employed.
10. Professional offices, when not more than one such office is established in any one dwelling, provided that such office shall be incidental to the residential occupation. Not more than 50 per cent of the floor area of only 1 story of a dwelling unit shall be occupied by such office and not more than 2 persons not members of the family may be employed in such office.
11. Signs as follows:
 - (a) One sign, on the premises, for each professional person or home occupation, not over 1 square foot in area.
 - (b) One announcement sign or bulletin board for each public, religious or educational institution, not over 16 square feet in area.
 - (c) A sign, not over 4 square feet in area, pertaining to the lease, hire or sale of a building or premises, except that there may be 2 such signs for a group of more than 3 contiguous vacant lots.
 - (d) Two signs, not over 4 square feet in area, for each roadside stand.
 - (e) Signs for the protection of persons or property.
 - (f) Signs placed by the public authorities for the guidance or warning of traffic.

Provided that no advertising sign of any other character shall be permitted and provided

further that all permitted signs, except signs placed by the public authorities or required to be located otherwise by law shall be located on the premises to which they relate, and at least 5 feet from the inside sidewalk line, and that no such sign shall be illuminated except by order of the public authorities.

Height, Yards and Area

The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed either 35 feet nor 2 ½ stories in height. See Section IV, C 2, 3, 4, 5, 6, 7.

Side Yard. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. For buildings not over 1 ½ stories high, the sum of the widths of the required side yards shall be not less than 15 feet and no single side yard shall be less than 6 feet in width.

For buildings from 2 to 2 1/2 stories in height, the sum of the widths of the required side yards shall be not less than 20 feet and no single side yard shall be less than 8 feet in width.

Provided, however, that on a lot having a width of less than 66 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than the equivalent of 2 ¾ inches per foot of lot width for a building not over 1 ½ stories in height and 3 ¾ inches per foot of lot width for a building from 2 to 2 ½ stories in height; provided further that the width of any single side yard shall be not less than 40 per cent of the total required side yard width, but in no case less than 4 feet. A side yard shall be provided on the street side of a corner lot as required under "Setback" below. See Section IV, A 5, B 2; D 1, 2, 6, 7.

Setback. Unless otherwise provided, there shall be a setback of not less than 15 feet, except along Shore Drive, Main Street (State Trunk Highway 35), and North Street (State Trunk Highway 95), where the setback shall be not less than 25 feet; provided that the regulations of Section IV, D 3 and 4, relating to setbacks in partially occupied frontage, shall not be applied to the frontage along the above-named streets (Shore Drive, Main and North Streets), so as to reduce the setback of any building thereafter erected, moved or structurally altered to less than 25 feet; provided further that on any corner lot less than 75 feet wide and of record at the time of the passage of this ordinance, the setback on the side street shall be the setback required less 1 foot for each foot by which the width of the said corner lot is less than 75 feet, but in no case shall the buildable width of such corner lot be reduced to less than 24 feet; provided further that no accessory building shall project beyond the setback line of the lot. See Section

III, "Yard, Front" and Section IV, A 5; B 1; D 1, 2, 3, 4.

Rear Yard. There shall be a rear yard having a depth of not less than 30 feet. See Section IV, A 5; B 1; D 1, 2, 3, 4.

Minimum Dwelling Size. No building hereafter erected, or moved for residential purposes, except permitted mobile homes, shall have a floor area of less than 600 feet per family. See Section III, "Floor Area."

Lot Area Per Family. Every building hereafter erected, moved or structurally altered for single or two family dwelling purposes shall provide a lot area of not less than 7,200 square feet per family and no such lot shall be less than 66 feet in width; provided that no corner lot hereafter laid out or divided shall be less than 80 feet in width. See Section III, "Lot, Width of," and Section IV, A 5; B 1, 2; D 1.

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of 2 ½ feet and 10 feet above the elevation of the street pavement at the intersection of the centerlines, or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to the trunks of trees, posts not over 6 inches square or in diameter, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

Auto Parking. See Section IV, E 4.

SECTION VI. AGRICULTURAL DISTRICT

Use. No building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Residence District.
2. General farming, except farms operated for the disposal of garbage, rubbish offal or sewage.
3. Hospitals and clinics. See Section IV, A 8 (c).
4. Dams, power plants, and flowage areas.

5. Roadside stands for the sale of farm products.
6. Signs not over 8 square feet in area advertising the sale or lease of farm property or the sale of farm products produced on the premises, provided that no advertising sign of any other character shall be permitted in the Agricultural District.
7. Tourist camp or trailer camps, when such camps provide not less than 1000 square feet of lot area for each cabin or trailer, and when such camp is clearly bounded by a fence or hedge and is located not less than 10 feet from the boundary of any Residence District; provided further that no person or party other than the owner shall occupy such tourist camp or trailer camp for more than 90 days in any one year.
8. Telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; radio and television stations and transmission towers and microwave radio relay towers.
9. Mobile home parks, when the location of each such park shall have been approved in writing by the board of appeals, after public hearing. In approving such a location, the board shall view the proposed site or sites and shall consider such evidence as may be presented at the hearing, bearing upon the general purpose and intent of this ordinance to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas.

In addition, such mobile home parks shall meet the following requirements:

- (a) There shall be one parking space for each trailer in such park, and such parking space shall be graveled or paved with concrete or bituminous material.
- (b) There shall be additional parking spaces for automotive vehicles within such park, surfaced as required above, equal to not less than 1 ¼ parking spaces for each trailer space.
- (c) Each trailer parking space shall be not less than 10 feet wide nor of less length than the length of the trailer to be parked therein plus 5 feet; each automobile parking space shall be not less than 9 feet wide and 180 square feet in area, exclusive of maneuvering and access space.
- (d) There shall be a system of driveways, surfaced as required by (a) above, providing access from each and every trailer or highway; provided that there shall not be more than two entrances from or exits to such street or highway from any one such park.

(e) Each trailer space shall be separated from all other trailer spaces, automobile parking spaces or service buildings or structures within such park by open spaces, permanently planted to grass, flowers, shrubs or trees, which shall be not less than 15 feet wide, except that there need be no more than a 5-foot setback from an access driveway; provided, however, that such 5-foot setback from an access driveway; provided, however, that such 5-foot setback shall apply to the longest trailer to be accommodated within such park.

(f) Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall be not less than 25 feet wide. Within such yard there shall be established, within 6 months after the issue of the permit for the location of such park, the following plantings:

- (1) A temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, such as Lombardy Poplar, and
- (2) A permanent evergreen planting, such as white or Norway pine, the individual trees to be of such number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

(g) It shall be a condition of the granting of a permit for the establishment of any such mobile home park, and a continuing condition for the operation of the same, that:

- (1) All parking spaces, walks and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas.
- (2) That the planting screen required by subparagraph (f) be established and maintained.
- (3) That sanitary facilities at least equal to the requirements of the State Board of Health be established and maintained.

(h) The provisions of Section 66.058 of the Wisconsin Statutes of 1959, and all amendments thereto, are here made a part of this portion of the ordinance to the extent applicable, and shall be considered a part thereof the same as though here printed and set forth in full. See Section IX, B 3 (h).

Height and Area

The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

For buildings hereafter erected or structurally altered for human habitation the height of buildings, setbacks, the minimum dimensions of yards, the lot area per family and minimum dwelling size shall be the same as is required for Section V, Residence District, of this ordinance; and provided that when applicable where the regulations of Chapter H 65 of the State Board of Health Administrative Code require a larger lot area than any of the above, such regulations shall govern.

Setback. There shall be a setback of not less than 25 feet. See Section III, "Yard, Front" and Section IV, A 5; B 1; D 1, 2, 3, 4.

Vision Clearance. See Section V, Residence District, "Vision Clearance."

Auto Parking. See Section IV, E 4.

SECTION VII. COMMERCIAL DISTRICT

Use. No building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Residence District.
2. Any of the following specified uses:
 - (1) Animal hospital, pet shop.
 - (2) Art shop, antique shop, gift shop.
 - (3) Automobile sales and service establishments, public garage, parking lot.
 - (4) Bakery (retail).
 - (5) Bank, financial institution.
 - (6) Barber shop, beauty parlor.
 - (7) Book and stationery store, news stand.
 - (8) Bowling alley, pool and billiard room.
 - (9) Bus depot.
 - (10) Business and professional offices, public utility offices.
 - (11) Candy store, confectionery store.
 - (12) Clinic.
 - (13) Clothing store, department store, dress shop, hosiery shop, millinery shop, shoe store, shoe repair shop.
 - (14) Drug store, ice cream shop, pharmacy, soda fountain, soft drink stand.
 - (15) Florist shop.

- (16) Food and dairy products establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat and fish market.
- (17) Furniture store, office equipment store, upholsterer's shop.
- (18) Hardware store, home appliance store, print store, plumbing, heating and electrical supplies, sporting goods store.
- (19) Hotel, motel.
- (20) Jewelry store, watch repair shop.
- (21) Laundry or cleaning and dyeing establishment.
- (22) Microwave radio relay structures.
- (23) Music store, radio and television store.
- (24) Optical store.
- (25) Photographer and photographer's supplies.
- (26) Police and fire station, post office, municipal garage, except public shops and storage yards.
- (27) Printing shop.
- (28) Restaurant, barbeque stand, cafe, cafeteria, caterer, lunch room, tavern.
- (29) Tailor shop, clothes pressing shop.
- (30) Telephone and telegraph office.
- (31) Temporary structures, including signs, billboards and other outdoor advertising structures.
- (32) Theatre and places of amusement, except drive-in theaters.
- (33) Tobacco store.
- (34) Undertaking establishment.
- (35) Variety store, notion shop.
- (36) Any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
- (37) Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

Height and Area

The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall exceed neither 45 feet nor 3 stories in height. See Section IV, C 2, 3.

Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the Residence District shall apply; otherwise a said yard, if provided, shall not be less than 6 feet in width.

Setback. No setback shall be required; provided that for buildings or parts of buildings hereafter erected or structurally altered for residential use, the setback regulations for the Residence District shall apply.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 3 feet. See Section IV, A 5; B 1; D 1, 2, 5, 6, 7.

Lot Area Per Family. Every building or part of a building hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than 4,000 square feet per family. See Section IV, B 1, 2; D 1.

SECTION VIII. INDUSTRIAL DISTRICT

Use. Unless otherwise provided in this ordinance, buildings or land may be used for any purpose except the following:

1. Residential, educational or institutional uses.
2. Uses in conflict with any laws of the State of Wisconsin or any ordinances of the City of Fountain City governing nuisances.
3. Any of the following uses unless the location of such use has been approved in writing by the board of appeals after investigation and public hearing. In approving or disapproving proposed locations for uses under this paragraph, the board shall give due consideration to the character and suitability for development of the neighborhood in which any such use is proposed to be located, and shall also base its decision on such evidence as may be presented to the board regarding those attributes of the proposed use, such as increased traffic on the public streets, heavy vehicular traffic and the emission of noise, smoke, dust or dirt, odorous or noxious gases and the like, that would be detrimental to such character and such suitability for development:
 - (a) Acid, ammonia, bleach, chlorine or soap manufacture.
 - (b) Ammunition manufacture; explosives or fireworks manufacture or storage.
 - (c) Asphalt, coal and coal tar or coke manufacture.
 - (d) Automobile wrecking yard; junk yard.
 - (e) Bones, distillation of.
 - (f) Cement, lime, gypsum or plaster of Paris manufacture.
 - (g) Fat rendering.
 - (h) Fertilizer manufacture.
 - (i) Forge plant.
 - (j) Garbage rubbish, offal or dead animal reduction or dumping.
 - (k) Gelatin, glue or size manufacture.
 - (l) Inflammable gases or liquids refining or manufacture of; overground tank farms.
 - (m) Slaughterhouse, stockyard.
 - (n) Smelting.

Height and Area

The height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Building hereafter erected or structurally altered shall exceed neither 60 feet nor 5 stories in heights. See Section IV, C 3, 6, 7.

Side Yard. There shall be a side yard on each side of a building, and no such side yard shall be less than 8 feet in width; provided that, where a boundary of the Industrial District abuts a side or rear lot line of any lot in a Residence District, and there is no intervening street, any industrial use, including any accessory uses, shall be set back from such residential lot line not less than 25 feet. See Section IV, D 1, 2.

Setback. There shall be a setback of not less than 15 feet, but this regulation shall not apply to any building erected or under construction on the effective date of this ordinance. See Sections III, "Yard, Front," and IV, A 5; B 1; D 3, 4, 5.

Rear Yard. There shall be a rear yard having a minimum depth of 20 feet for a building 2 stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased 3 feet. Loading platforms may be established in such rear yard where it abuts on a railroad. See Section IV, A 6; B 1; D 1, 2, 3, 4, 5, 6, 7.

Vision Clearance. There shall be a vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow between a height of 2 ½ feet and 10 feet above the elevation of the street pavement at the intersection of the centerlines; or the elevation of the top of the curbs at their intersection if there be a curb. This regulation shall not apply to the trunks of trees, fence posts not over 6 inches square, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

Auto Parking. See Section IV, E 4 (c).

SECTION IX. BOARD OF APPEALS

A. 1. The board of appeals is hereby established. The board of appeals shall consist of 5 members appointed by the mayor, subject to confirmation by the common council, for 3 years, except that of those first appointed, 1 shall serve for 1 year, 2 for 2 years, and 2 for 3 years, The members shall serve without compensation and shall be removable by the mayor for cause

upon written charges and after public hearing. The mayor shall designate one of the members chairman. The mayor shall appoint an alternate member for a term of 3 years, who shall act with full power only when a member of the board of appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

The board of appeals may employ a secretary and other employees.

2. The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board of appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

3. The board of appeals 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, all of which shall be immediately filed in the office of the board of appeals and shall be a public record.

B. Powers of the Board of Appeals

1. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

2. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or

direct the issue of a permit.

3. To hear and decide exceptions to the terms of this ordinance, as follows (See Section II, "Exception"):

(a) To grant a permit for the change of a nonconforming use to another nonconforming use of the same classification. See Section IV, A 9.

(b) To grant permits for certain specified uses, under certain circumstances, in districts from which such uses are otherwise excluded by this ordinance. See Section IV, A 8.

(c) To approve the location of specified uses in the Industrial District, as provided in Section VIII of this ordinance.

(d) To grant a permit for a temporary building for commerce or industry in a Residence District which is incidental to the residential development, such permit to be issued for a period of not more than 1 year.

(e) To grant a permit for the extension of a district boundary for a distance of not more than 35 feet only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this ordinance.

(f) To permit in the Residence District, in appropriate cases and subject to appropriate conditions and safeguards, the alteration or conversion into a multi-family dwelling of a building which was in use as a residence on the effective date of this ordinance, and which has prior to such conversion, a floor area in excess of 2000 square feet, provided, however, as follows:

- (1) The enclosed usable area of the building shall not be increased nor shall the height of the building be increased.
- (2) Living quarters shall not be provided except in those portions of the building devoted to or designed for living quarters at the time of the adoption of this ordinance.
- (3) The open spaces surrounding the building shall be at least equivalent to those required by this ordinance for a new building.

(g) To permit a private garage to house more than 2 but not more than 4 automobiles per family resident on the premises, as an accessory building to a dwelling, provided that the requirements of Section IV, A 7 are met, and provided further that in the case of a dwelling for more than 2 families, such garage may be located on another

lot. Each family may house 1 truck of not more than 5 tons rated capacity in such garage.

(h) The board of appeals shall have authority to act on any application for the location of a mobile home outside a licensed mobile home park for such period of time as it shall fix and determine in accordance with the facts and circumstances in each case, all upon the condition, however, that all of the sanitary requirements of the State Board of Health are met and maintained and that all of the requirements of Sec. 66.058 of the Wisconsin Statutes of 1959, and all amendments thereto, are complied with. See Section VI 9.

4. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

5. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board of appeals.

SECTION X. CHANGES AND AMENDMENTS

The common council may from time to time on its own motion or on petition, amend, supplement, or change the district boundaries or the regulations herein or subsequently established upon giving at least 10 days' notice, by publication in the official paper at least 3 times in the preceding 30 days, of the proposed amendment, supplement or change and of hearing thereon, and opportunity to any person interested to be heard.

In case of protest against such change duly signed and acknowledge by the owners of 20 percent or more of the areas of land included in such proposed amendment, supplement or change, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of three-fourths of the members of the common council.

SECTION XI. ENFORCEMENT

1. It shall be the duty of the building inspector, with the aid of the police department, to enforce the provisions of this ordinance.

2. No building shall hereafter be erected, moved or structurally altered until a land use permit therefore shall have been applied for and issued.

3. All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building or buildings, the lines within which the building or buildings shall be erected, altered or moved, the existing or intended use of each building or part of a building, the number of families the main building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance, together with such land use permit fee in the amount as shall be established and fixed by the common council.

4. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

5. Except as otherwise provided in this ordinance, the building inspector shall issue or refuse to issue a land use permit within 10 days after receipt of an application therefore. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

Certificate of Compliance

1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the building inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a land use permit and shall be issued within 10 days after the completion of the work specified in such land use permit application, but only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

2. Under such rules and regulations as may be established by the common council, the building inspector may issue a temporary certificate of compliance for part of a building.

3. Upon written request from the owner, the building inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance,

certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

SECTION XII. VIOLATIONS AND PENALTIES

Any building or structure, hereafter erected, moved or structurally altered, or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the city attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit not less than \$10 nor more than \$500 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 of Buffalo County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

SECTION XIII. ANNEXATION

All territory hereafter annexed to the City of Fountain City shall retain its zoning classification under the county or town zoning ordinance in effect on the date of such annexation, and the zoning district boundaries and regulations so established shall remain in full force and effect until superseded by other district boundaries and regulations for such annexed territory adopted by the common council.

SECTION XIV. VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XV. CONFLICTING PROVISIONS REPEALED

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION XVI. WHEN EFFECTIVE

This Ordinance shall be in force from and after its passage, approval, publication and recording according to law.

AMENDMENT TO ZONING ORDINANCE

CITY OF FOUNTAIN CITY WISCONSIN

ARTICLE I. Purpose

The purpose of this amendment is to do the following:

1. Restructure Section XII. VIOLATIONS AND PENALTIES
2. Provide for enforcement of the Zoning Ordinance by citation

ARTICLE II. Restructure Section XII.

Any building or structure, hereafter erected, moved or structurally altered, or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the city attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall also be required, upon conviction, to forfeit the sum of Fifty (\$50.00) Dollars for the first offense and the sum of One Hundred (\$100.00) Dollars for the second and each subsequent 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 of Buffalo County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense. After a person, firm or corporation receives a citation, (s)he or it shall have twenty-four (24) hours to correct whatever caused the original issuance of the citation or be liable for additional citations for each successive twenty-four (24) hour period that the problem goes uncorrected.

ARTICLE III. Enforcement by Citation

SECTION XVII. ENFORCEMENT BY CITATION is hereby added to the Zoning Ordinance.

Section 1. Authorization and adoption of enforcement by citation. The City Council hereby adopts and authorizes the use of a citation to be issued for violations of this ordinance.

Section 2. Form of citation. The form of citation shall provide for the following:

- (a) The name and address of the alleged violator.
- (b) The factual allegations describing the alleged violation.
- (c) The time and place of offense.

- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court. The court of record shall be the Buffalo County Court, Civil Branch, Courthouse, Alma, Wisconsin.
- (g) A statement which in essence informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to the Buffalo County Clerk of Court, Courthouse, 407 South Second, Alma WI 54610, within fifteen (15) days of the date of the citation.
 - (2) That, if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.
 - (3) That, if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail assessment imposed by s. 302.46 (1) not to exceed the amount of deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - (4) That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. 302.46(1).
- (h) A direction that, if the alleged violator elects to make a deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subd. (g) above and shall send the signed statement with the cash deposit.
- (i) Such other information as may be deemed necessary.

SECTION 3. Who may issue citations. The building inspector and law enforcement officers of the City of Fountain City, Wisconsin, are authorized to issue citations for all violations of this ordinance.

SECTION 4. Additional costs and penalties. In addition to the basic penalties in the various ordinances listed above, the violator shall pay a penalty assessment imposed by Wis. Stats. Sec. 165.87, a jail assessment by Wis. Stats. Sec. 302.46 (1) and all court costs and assessments.

SECTION 5. Where penalties and costs paid. All penalties and costs imposed as a result of a violation of any provision of the ordinances listed above and all deposits shall be paid to the Buffalo County Clerk of Court, Courthouse, 407 South Second, Alma, WI 54610.

SECTION 6. Receipts for cash deposits. All persons who make cash deposits to cover

payment for penalties and costs imposed for violations of the ordinances listed above shall be given a receipt therefore.

This amendment to the Zoning Ordinance, City of Fountain City, Wisconsin shall be in force and effect upon its passage, approval, publication and recording according to law.

Dated this 7th day of March, 1995.

Carl Brommerich – Mayor

Jane LaDuke – City Clerk-Treasurer

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This amendment was unanimously passed and adopted at a regular meeting of the Common Council of the City of Fountain City, Wisconsin, on March 7, 1995.

Published on February 16, 23 and March 2, 1995.