

TOWN OF ORANGE ORDINANCE NO. 2021-01

(Effective : January 13, 2021)

AN ORDINANCE REGULATING USE OF LAND

The Town Board of the Town of Orange, Juneau County, Wisconsin, do hereby ordain as follows for the purpose of:

- Promoting and preserving the public health, safety and general welfare of its citizens;
- Better monitoring construction in our municipality;
- Encouraging and furthering the orderly development of lands within the municipality;
- Maintaining proper ingress and egress from public highways to private lands and maintain access for emergency vehicles;
- Insuring the property installation of water, sewerage and other improvements within the municipality;
- Complying with Sections 101.65 and 101.651, Wis. Stats. for the issuance of an administrative land use application for new one and two family dwelling and other applicable federal, state and county laws;

SECTION 1. LAND USE PERMITS

1.01 A Land Use Permit is required in the Town of Orange for all structures, buildings, dwellings, mobile homes which exceeds 100 square feet including, but not limited to, decks, gazebos, porches or patios, in-ground swimming pools, outdoor wood furnaces and/or additions thereto, farm waste facilities and/or farm structures whether constructed on-site, prefabricated and erected or moved from another location. A structure is anything erected, the use of which requires a permanent location on the ground, e.g., buildings, stairways, signs, billboards or other advertising medium, detached or projecting decks, porches or roofing, storage sheds and at) accessory buildings, even if movable, shall be construed to be a structure.

1.02 With the exception of 1.03 below, no structure shall be erected on any parcel or lot less than 5 acres in size, exclusive of any public roadway or right of way, and no permit shall be issued for the erection or placement of more than one single family dwelling on any 5 acre parcel or lot. No land dedicated to the public or reserved for roadway purpose shall be included in the computation of lot size.

Pre-existing, non-conforming parcels, meaning parcels less than 5 acres in size which were of record at the Register of Deeds office prior to (date of adoption) are eligible to apply for a Land Use Permit for a structure to be erected on that pre-existing parcel providing, however, that it complies with all the other limitations set forth in this Ordinance.

1.03 Business, farm, commercial, industrial or recreational buildings shall not be erected unless the prior approval of the Town Board is obtained which specifically designates the size of the area upon which such proposed business, farm, commercial, industrial or recreational structure may be erected. A state building plan approval also must be submitted for any commercial building (except factory, office, mercantile or storage garage occupancies of less than 25,000 cubic feet) or for any residential building of three or more living units. In addition, the Town of Orange Board, in determining the size of the area proposed for the erection of a structure shall have wide discretion in determining the size and area necessary to properly provide for the conduct of the proposed use, including loading, unloading, parking and other facilities which shall be required for the proper use of the structure as a business, commercial, industrial or recreational structure.

1.04 Applications for land use permits for the erection and location of condominiums, apartments, or other multi-family units, shall contain the information set forth in Section 1.10. The Town Board may grant the application for any area which, in the opinion of the Board, provides a reasonable area for the use of the structure as a condominium, apartment, or multi-family unit including consideration of necessary services to be provided to the occupants, such as parking areas, access, traffic congestion, and other factors related to the health, safety, and general welfare of the area. In no event shall the area for the erection or placement of any such condominium, apartment, or multi-family unit be less than 5 acres in size.

1.05 No permit shall be issued for the erection or placement of any structure closer than 75 feet from the center of a public road or closer than 15 feet to the boundary of any adjoining properties.

1.06 No permit shall be issued until the applicant has obtained a sanitary permit for the installation of a septic or sewerage disposal system. The system, including tanks set back of 2 foot from lot line and 5 foot for drain fields from the boundary of any adjoining lot.

1.07 No permit shall be issued in the Town of Orange if such structure, in the opinion of the Town Board, will detract from the value of the surrounding properties, or will detract from the general appearance of the area, or for any reason is not suitable for the area in which it is sought to be erected or placed. The Town Board may conduct or authorize any investigation deemed reasonable and proper under this ordinance for the purpose of promoting the objectives of said ordinance.

1.08 No permit for the erection of or placement of a dwelling or residence on any premises shall be granted unless the building shall be of a size not less than 720 square

1.09 No permit shall be issued under this Ordinance if, in the judgment of the Town Board, the proposed location of the building or structure will increase the fire or safety hazard of the area or in any manner would be detrimental to the general area in which it is proposed to be located.

1.10 Town of Orange Land Use Permit Application for Land Use Permits shall be made to the Town Clerk on forms furnished by the Town and shall include the following information:

1. The name, address, and telephone number of the applicant, the owner of the site, and the name of the builder, contractor, architect, or engineer who will be responsible for constructing the structure on the site.
2. The legal description of the site on which the structure is to be constructed;
3. A detailed description of the proposed site for the structure, showing the site of the lot of the parcel involved, the exact location of the proposed building or structure on the lot, and the existing and proposed use to be made of the structure upon completion.
4. Type of structure, conversion, enlargement or alteration. E.g. mobile home, pre-built home, addition, new bathroom, deck or porch.
5. A description, for purpose of identification or location of the nearest structure pre-existing on adjacent lands and information with respect to the present use.
6. Existing public highways or streets and other access to the property including location of driveways.
7. The proposed manner of providing a satisfactory, adequate and safe sewerage disposal system.
8. The proposed manner in which an adequate and safe supply of water will be provided.
9. Evidence of the issuance of all required permits, including all permits for the installation of the sewerage system.
10. Such additional information as the Town Board may require to carry out the intent of this Ordinance from time to time.

11. Such additional information as the Town Board may require to carry out the intent of this Ordinance from time to time.

12. Authorization for the Town Board to make regular inspections upon the property to verify with this Ordinance.

1.11 Wisconsin Administrative Land Use Permit. No person shall build, cause to be built or move onto lands in the Town of Orange, any one or two family dwelling without securing a Land Use Permit as described in Section 1.10 above from the Town Clerk, as well as any other permits required by Town or County Ordinance or State law.

1.12 The application(s) for the land use permit(s) when filed, shall be accompanied by the payment of a fee(s) to be determined by resolution. If the application of the Land Use Permit is received after commencement of the construction, each applicable fee will double. State building permits or fees for building code inspections as may be mandated by the State, County or Town are separate, additional charges.

1.13 An application for a Land Use Permit shall be submitted to the Town Clerk along with the appropriate fee established by the Town Board, from time to time, by resolution. The Town Board shall then determine and set the procedure as to whether or not such permits are approved by the Town Clerk or his or her designee, or whether or not approval of the Land Use Permit requires a review by the Town Board.

1.14 A permit shall expire six months from the date of issuance unless extended by the Town Board in which case substantial work shall have been completed.

1.15 Any permit issued as a result of any false or misleading statement made in the application for the permit; or any permit issued in violation of any provision of this Ordinance shall be void.

SECTION 2. SUBDIVISIONS

2.01 Any division of land shall not result in the creation of a parcel or lot of less than 5 acres, exclusive of road right-of-way, with a minimum width of not less than 50 feet of frontage on each, with such minimum width fronting on a public street or highway.

2.02 All final plats submitted for approval shall contain a restriction on the sale of lots

platted which provides that no more than one home site may be erected or permitted on each lot.

2.03 All streets and highways in such plats shall be of a comparable width to other streets and highways in the general area, but in no event less than 66 feet wide with a 24 foot wide travel base. All such roadways shall be constructed at the expense of the applicant of the plat according to the specifications and standards required by the Town Board and in accordance with generally accepted construction standards in effect at the time of application. In the event that it is deemed necessary to install culverts for said road or roads, the applicant shall install all such culverts where needed, and provide easements as may be required for the proper drainage of waters. The Town Board may inquire a bond guaranteeing the construction of such streets and highways by the applicant as required in such amount as the Town Board shall deem reasonable and necessary.

2.04 Prior to the sale of any lot within a subdivision, the owner or developer of the subdivision shall furnish to the Town Board a scale map of the subdivision, clearly showing each proposed roadway and lot, prepared by a surveyor or registered professional engineer, and containing the legal description of the proposed roadways and lots.

2.05 Business, commercial, industrial and recreational buildings shall not be erected on any platted lots unless the prior approval of the Town Board is obtained and which permit shall specifically designate the size of the area upon which such proposed business, commercial, industrial or recreational structure may be erected. The Town Board, in determining the size of the area proposed for the erection of such structure, shall not be bound by the limitations set forth in Section 2.01 above, and shall have wide discretion in determining the size and area necessary to properly provide for the conduct of the business, commercial, or industrial use, including loading, unloading, parking and other facilities which shall be required for the proper use of the structure as a business, commercial, industrial or recreational structure.

2.06 Applications for Land Use Permits for the erection and location of condominiums, apartments, or other multi-family units, in a subdivision shall contain the information set forth in section 1.10. The Town Board may grant the application for any area which, in the opinion of the Board, provides a reasonable area for the use of the structure as a condominium, apartment, or multi-family unit including consideration of necessary services to be provided to the occupants, such as parking areas, access, traffic congestion, and other factors related to the health, safety, and general welfare of the area. In no event shall the area for the erection or placement of any such condominium, apartment, or multi-family unit be less than 5 acres in size.

2.07 The provisions of this section shall be subject to and in addition to any State, Federal or County laws or regulations which apply to platting lands. No final plat of lands in the Town of Fountain shall be approved by the Town Board unless it complies with the applicable requirements of Chapter 236, Wisconsin Statutes, as amended from time to time.

SECTION 3. MOBILE HOMES

3.01 "Mobile home" means 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 uncollapsible 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. "Manufactured home" means any of the following: [101.91\(2\)\(am\)](#) 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 as complying with the standards established under [42 USC 5401](#) to [5425](#).

No dwelling more than 10 years old may be moved into the Town of Orange without, as a part of the Land Use Permit process, the Board finding that granting such a permit is necessary to avoid practical difficulty or unnecessary hardship and further finding that moving this dwelling into the Town will not lessen the aesthetics or property value of adjoining landowners.

3.02 In addition to the requirements of this section, no mobile home shall be erected, placed upon, or converted upon any lands within the Town of Orange without a permit being obtained in the manner set forth in this Ordinance for dwellings and other structures.

3.03 A permit issued for the placement of a trailer or mobile home, other than those situated in a lawfully established trailer or mobile home park, shall require the applicant to remove the wheels from said structure and permanently affix said mobile home to the real estate so as to be an integral part thereof as follows:

1. Footings must be at least 12 inches in diameter and be placed no more than 10 feet apart and installed to a depth of at least 4 feet below ground level. Both round or 8 x 16 inch support piers shall be placed upon footings and the mobile home shall be attached thereto at four corners of such mobile home.
2. In lieu of the above described footings, a concrete slab 4 inches thick, the width and length of the mobile home may be used provided anchors are provided at the four corners

3. The appropriate support structures described above shall be in place before the mobile home is moved onto the property.

3.04 All mobile homes in the Town of Orange shall have mobile home skirting attached around the bottom exterior.

3.05 No mobile home will be permitted in the Town of Orange that does not meet anchoring and support requirements outlined above.

3.06 A mobile home that is used for other than dwelling purposes also shall comply with the requirements of this ordinance.

3.07 The provisions of this section shall be subject to and in addition to any State, Federal or County laws or regulations which apply to house trailers, mobile homes or mobile home parks.

SECTION 3. PENALTIES

3.08 Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with the terms of this Ordinance, shall, upon conviction, forfeit not more than \$500.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

3.09 In addition to any other penalties set forth in this ordinance, any structure or building erected, placed upon, moved upon, located or relocated, or enlarged without a permit as required by the provisions of this Ordinance, or not otherwise in conformity with the provisions of this Ordinance, shall be deemed an unlawful structure and shall be promptly removed from the site upon notice from the Town Board. Any such notice shall be in writing by certified mail and shall advise the landowner of the time period for said removal. In the event that the landowner fails to remove the offending structure, the Town Board may remove or cause said structure to be removed.

3.10 The Town Board may bring action to enjoin the erection, placing, moving, or structural alteration of such building, or the establishment or the use thereof of such building or premises, and may cause such building, structure, and use to be enjoined, vacated and removed from the premises.

3.11 The owner of the premises shall be liable to the Town of Orange for all expenses the Town incurs in connection with any action brought under this Ordinance, including actual attorney's fees.

The Town of Orange shall properly post or publish this ordinance as required under Wis. Stat: 60.80

Adopted this 13 day of January, 2021

Signatures of the Town Board.

Chairman

Mary Leach

Supervisor

David J. Leach

Supervisor

[Signature]

Attest:

Town Clerk Lana Jorgensen