

SECTION 34. ADMINISTRATION

34.010. Purpose. To provide the procedures for the administration and enforcement of this ordinance.

34.020 Zoning Administrator. The Zoning Administrator shall have the following duties and powers:

- A. Advise applicants as to the provisions of this ordinance, and assist them in preparing permit applications and appeal forms.
- B. Determine whether or not specific ordinance requirements should be waived and a permit issued in situations where the applicant alleges that he or she is handicapped or disabled and is entitled to “reasonable accommodations” under the Federal Fair Housing Act, 42 U.S.C. ss3601-3631, or the Wisconsin Open Housing Law, s. 106.04, Wisconsin Statutes, or where the owner of a place of public accommodations alleges that certain zoning restrictions must be waived in order to make the public accommodations accessible to the disabled.
- C. Issue permits and certificates of compliance, and inspect properties for compliance with this ordinance.
- D. Keep records of all permits issued, inspections made, work approved and other official actions.
- E. Provide copies of variances, special exceptions and decisions on appeals for map or text interpretations and map or text amendments.
- F. Investigate and take appropriate action for violations of this ordinance, to report same to the Zoning Committee, corporation counsel, and district attorney as may be necessary.
- G. The Zoning Administrator is vested with police powers with respect to the enforcement of this ordinance.

34.030 Zoning Permits.

- A. When Required. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance, shall comply with the provisions of this ordinance and shall not commence prior to the issuance of a zoning permit by the office of the Zoning Administrator.
- B. Application. An application for a zoning permit shall be made to the zoning administrator upon forms provided by the county, and shall include the following information.
 1. Name and address of applicant and property owner.
 2. Legal description of the property and type of proposed use.
 3. A survey of the lot with location of any existing buildings, septic systems, and well. Provide all lot dimensions, location of abutting right-of-way, ordinary high water mark, easements and any other information as may be needed by the Zoning Administrator.
 4. In situations where the applicant is requesting that certain zoning restrictions be waived in order to provide equal housing opportunities, or access to public accommodations, for a handicapped or disabled person, the following shall be provided:
 - a. The nature of the handicap or disability,

- b. An explanation of the need for a waiver of specified zoning restrictions,
 - c. A discussion of alternative solutions that have been considered, if any.
- C. Additions to a permit. Only the provisions for which the permit is issued are approved. Any additional requests shall be reviewed by the zoning office and will require an additional permit.
- D. Expiration of Permit. Zoning permits shall expire twelve (12) months from the date issued. Any work not completed will require an additional permit.
- E. Non-issuance of Permits. No County permit may be issued for any property that has delinquent taxes owed to the Treasurer's Office.
- F. Permits that Authorize "Reasonable Accommodations" for Handicapped Person.
 - 1. The zoning administrator shall issue a zoning permit that waives specified zoning ordinance requirements if the zoning administrator determines that both of the following conditions have been met:
 - a. The accommodation (i.e., the waiver of the zoning restriction) that has been requested, or another less extensive accommodation, is necessary to afford equal housing opportunity, or equal access to public accommodations, for disabled or handicapped persons, and is the minimum accommodation that will give the handicapped or disabled persons adequate relief.
 - b. The accommodation will not unreasonably undermine the basic purposes that the zoning ordinance seeks to achieve.
 - 2. If the zoning administrator issues a zoning permit to a handicapped or disabled person, or the owner of a place of public accommodation, that waives specified zoning requirements, the permit shall state that:
 - a. Issuance of the permit is required by the Federal Fair Housing Act, and the Wisconsin Open Housing Law, or the Americans with Disabilities Act.
 - b. Where appropriate, the zoning administrator shall attach to the permit the condition that the building addition or other structure (such as entrance ramps) that is authorized by the permit must be constructed in such a way that it can be easily removed when the handicapped or disabled person no longer occupies the property. If such a condition is attached to the permit, the property owner is required by ordinance to notify the zoning administrator no later than thirty (30) days after the handicapped or disabled person vacates the property.
 - 3. In cases where the zoning administrator issues a permit to a handicapped or disabled person that is conditioned upon the building addition or other structure being removed when the handicapped or disabled person no longer occupies the property, the permit shall not become effective until the owner of the property signs an affidavit, and records it in the County Register of Deeds Office, that gives notice that the permit is only authorized for the period of Time that the handicapped or disabled person who requires the structure occupies the property.

34.040 Certificates of Compliance.

- A. No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied, until a certificate of compliance is issued by the zoning administrator.
 - 1. The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
 - 2. Application for such certification shall be concurrent with the application for the zoning permit.
 - 3. The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.
- B. The Zoning Administrator may issue a temporary certificate of compliance for part of the building, pursuant to rules and regulations established by the County Board.
- C. Upon written request from the owner, the Zoning Administrator 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 type of use made of the building or premises, and whether or not such use conforms to the provisions of this ordinance.

34.050 Fees. (General). The County Board has established fees in a separate fee table designated as “Town of Menominee/Menominee County Permit Fee Schedule” to account for all permit fees related to zoning, land use, and building permitting. This fee schedule may be amended by the County Zoning Committee as required. See the Zoning Office for the current fee schedule.

34.060 Changes and Amendments.

- A. The County Board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of s. 59.69(5)(e), Wis. Stats. and ch. NR115, Wis. Adm. Code.
- B. Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.69(5)(e), Stats.
- C. Every petition for a text or map amendment filed with the county clerk shall be referred to the Zoning Committee. The Zoning Committee shall review the petition and make a recommendation to the County Board.

34.070 Enforcement and Penalties.

- A. Investigation of Compliance, Notice of Violation.
 - 1. The zoning office is responsible for conducting the necessary inspection and investigation to ensure compliance with this ordinance; and through field notes, photographs and other means, document the presence of violation.
 - 2. If, upon initial investigation, the zoning office becomes aware of a condition it concludes to be unlawful under the terms of this ordinance, it shall immediately notify responsible parties and those liable. Such a notice shall include orders

that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint about the condition will be transmitted to the county legal department for prosecution if remedial action is not commenced within three (3) days and completed within ten (10) days. Responsible parties and those potentially liable, shall include but are not limited to owners, tenants and contractors.

3. Allowed uses not requiring permits are subject to compliance and enforcement procedures.

B. Prosecution, Injunctions, and Penalties in Court Proceedings.

1. It shall be the duty of the county legal department to expeditiously prosecute all violations of this ordinance reported by the zoning office.
2. Subject to the discretion of the county legal office, violation of this ordinance shall constitute a forfeiture according to Section 34.070 (C), and shall be imposed upon conviction and adjudication.
3. Each day a violation exists or continues shall be considered a separate offense.
4. As a substitute for, or in addition to forfeiture action, the county legal department may seek injunction orders and restraining orders.
5. Nothing in this section shall be deemed to prevent private legal actions.

C. Forfeitures. Failure to comply with the following sections and subsections shall result in the accompanying forfeitures:

1. Section 20. Highway Access and Setbacks – not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00),
2. Section 23. Floodplain Overlay District.
 - a. 23.080(C), Floodfringe District; Standards for Development in Floodfringe Areas – not less than one hundred fifty dollars (\$150.00), nor more than five hundred dollars (\$500.00),
 - b. 23.090(C), Floodway District; Standards for Development in Floodway Areas – not less than one hundred fifty dollars (\$150.00), nor more than five hundred dollars (\$500.00),
 - c. 23.090(D), Floodway District; Prohibited Uses – not less than two hundred dollars (\$200.00), nor more than three hundred fifty dollars (\$350.00),
 - d. 23.100, Floodproofing – not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00).
3. Section 27. Home Occupations – not less than fifty dollars (\$50.00), nor more than one hundred fifty dollars (\$150.00).
4. Section 28. Nonconforming Uses, Structures and Lots – not less than one hundred fifty dollars (\$150.00), nor more than three hundred dollars (\$300.00).
5. Section 29. On-site Parking and Loading – not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00).
6. Section 30. Sign Regulation – not less than twenty five dollars (\$25.00), nor more than fifty dollars (\$50.00).
7. Section 31. Sand, Gravel and Soil Extraction penalties shall be in accordance with section 31.060 (Sand, Gravel and Soil Extraction; Penalties).
8. Section 33. Modifications, Exceptions, and Special Requirements.

- a. 33.030 Yard Regulations - not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00),
 - b. 33.050 Height Regulations - not less than fifty (\$50.00), nor more than one hundred (\$100.00),
 - c. 33.060 Fences - not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00),
 - d. 33.080 private Recreational Facilities - not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00),
 - e. 33.090 Travel Trailers, Recreational Vehicles, and Buses used for Habitation - not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00),
 - f. 33.100 Exceptions for Accessory Structures - not less than one hundred (\$100.00), nor more than two hundred dollars (\$200.00),
 - g. 33.110 Accessory Structures in the Absence of a Principal Use - not less than one hundred dollars (\$100.00), nor more than two hundred (\$200.00),
 - h. 33.150 Truck Bodies, Mobile Homes, Busses, and Semi-Trailers as Accessory Structures - not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00),
 - I. 33.160 Screening for the C-1, C-2, UID-1, and I-2 Districts - not less than fifty dollars (\$50.00), nor more than One hundred dollars (\$100.00),
 - j. 33.070 Solid Waste and Recycling Facilities - not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00),
 - k. 33.180 Works of Art - not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00),
 - l. 33.190 Satellite Signal Receiving Equipment (Satellite Dishes) - not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00).
 - m. 33.200 Pets and Livestock - not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00).
 - n. 33.210 Adult-Oriented Establishments - not less than five hundred dollars (\$500.00), nor more than two thousand dollars (\$2,000.00).
9. District Requirements (i.e. setback from lot lines) not specifically mentioned above - not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00).
10. Any additional sections and subsections not specifically mentioned above - not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00).