

SHORELAND-WETLANDS

Officially adopted by the Village Board: April 3, 2006

20.01 Statutory Authorization, Finding of Fact, Statement of Purpose, and Title..... 1

20.02 General Provisions 2

20.03 Land Division Review and Sanitary Regulations..... 3

20.04 Dimensions of Building Sites..... 6

20.05 Setbacks from the Water 7

20.06 Removal of Shore Cover 8

20.07 Filling, Grading, Lagooning, Dredging, Ditching, and Excavating 8

20.08 Shoreland-Wetland District 9

20.09 Non-Conforming Uses and Structures 13

20.10 Administrative Provisions 13

20.11 Changes and Amendments..... 17

20.12 Enforcement and Penalties..... 17

20.13 Definitions 17

20.99 Penalty, Severability, and Enforcement..... 19

20.01 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, AND TITLE.

(1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Wis. Stats. §59.69, §59.692, §59.694, and §281.31 and NR 115 Wis. Adm. Code. These rules and laws shall apply until amended and then shall apply as amended.

(2) Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of the Village of Suamico would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby

recognized by the Village of Suamico, Brown County, Wisconsin.

(3) Purpose. For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

(a) Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution through:

1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
2. Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
3. Controlling filling and grading to prevent serious soil erosion problems.

(b) Protect Spawning Grounds, Fish, and Aquatic Life through:

1. Preserving Wetlands and other fish and aquatic habitat.
2. Regulating pollution sources.
3. Controlling shoreline alterations, dredging, and lagooning.

(c) Control Building Sites, Placement of Structures, and Land Uses through:

Village of Suamico

1. Separating conflicting land uses.
2. Prohibiting certain uses detrimental to the shoreland area.
3. Setting minimum lot sizes and widths.
4. Regulating side yards and building setbacks from waterways.

(d) Preserve Shore Cover and Natural Beauty through:

1. Restricting the removal of natural shoreland cover.
2. Preventing shoreline encroachment by structures.
3. Controlling shoreland excavation and other earth moving activities.
4. Regulating the use and placement of boathouses and other structures.

(4) Title. Shoreland Zoning Ordinance for the Village of Suamico, Brown County, Wisconsin.

20.02 GENERAL PROVISIONS.

(1) Areas to be Regulated. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the Village of Suamico which are:

(a) Within one thousand feet (1,000’) of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the Village of Suamico shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication, “Surface Water Resources of Brown County” or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

(b) Within three hundred feet (300’) of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in the Village of Suamico shall be presumed navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate

maps, flood boundary-floodway maps, county soil survey maps, or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

(c) Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high water mark.

(d) Under Wis. Stats. §144.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river;
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
3. Such lands are maintained in nonstructural agricultural use.

(2) Shoreland Zoning Maps. The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the Zoning Administrator for the Village of Suamico.

(a) United States Geological Survey Quadrangle Maps for the Village of Suamico (most recent).

(b) Wetlands on the DNR Surface Water Data Viewer.

(c) Floodplain zoning maps indicated in Chapter 19.

(3) Compliance. The use of any land or water, the size, shape, and placement of lots, the use, size, type, and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots shall be in full compliance with the terms of this

ordinance and other applicable local, state, or federal regulations. (However, see Section 20.09 for standards applicable to non-conforming uses.) Buildings, signs, and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders, and contractors are responsible for compliance with the terms of this ordinance.

(4) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Wis. Stats. §13.48(13), applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. §30.12(4)(a), applies.

(5) Abrogation and Greater Restrictions. The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under Wis. Stats. §59.692, which relate to shorelands. However, where an ordinance adopted under a statute other than Wis. Stats. §59.692 is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions but not otherwise.

(a) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(b) The following provisions of the Village of Suamico Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

(6) Interpretation. In their interpretation and application, the provisions

of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(7) Severability. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

20.03 LAND DIVISION REVIEW AND SANITARY REGULATIONS.

(1) Land Division Review. The Village shall review, pursuant to Wis. Stats. §236.45, all land divisions in shoreland areas which create three (3) or more parcels or building sites of five (5) acres each or less within a five (5) year period. In such review, the following factors shall be considered:

(a) Hazards to the health, safety, or welfare of future residents.

(b) Proper relationship to adjoining areas.

(c) Public access to navigable waters, as required by law.

(d) Adequate storm drainage facilities.

(e) Conformity to state law and administrative code provisions.

(2) Limited Rezoning to Achieve Reduced Lot Sizes and Setbacks.

(a) *Purpose.* In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in Section 20.13 (2) (n),

if the owner were required to comply with one (1) or more of the requirements for minimum lot sizes, width, and setback, the Board of Appeals may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Development District overlay. The Planned Development District is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Development District at the time of its approval. A condition of all Planned Development Districts is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(b) Requirements for Planned Development Districts. The Board may at its discretion, upon its own motion or upon petition, approve a Planned Development District either by approving first (1st) an overlay district and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:

1. Area. The area proposed for the Planned Residential Unit Development is at least forty (40) acres in size.

2. Pollution Control. The location and nature of the septic systems, which will serve the home sites individually or collectively, will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility, or impair the aesthetic character of navigable waters.

3. Preservation of Ground Cover. The location of home sites and the dedication of part of the land for use by the public or residents of the Planned Development District will preserve the ground cover of the shoreland and scenic beauty of the navigable waters, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town, or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, promisee, or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

4. Density. The number of platted home sites shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by Section 20.04 of this ordinance.

5. Lot Sizes, Widths, Setbacks, and Tree-Cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in current status Ch. H85, Wis. Adm. Code, and shall not be so small as to

cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. Shore cover provisions in Section 20.06 shall apply except that maximum width of a lake frontage opening shall be one hundred feet (100').

(c) *Procedure for Establishing a Planned Development District.* The procedure for establishing limited rezoning in the form of a Planned Development District shall be as follows:

1. **Petition.** A petition setting forth all of the facts required in Section 20.03 (2) (b) shall be submitted to the Clerk with sufficient copies to provide for distribution by the Clerk as required by Section 20.03 (2) (c) 2.

2. **Review and Hearing.** The petition shall be submitted to the Village Zoning Agency established as required by Wis. Stats. §59.97(3)(d), which shall review and forward for a public hearing and action to the Village Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate district office of the Department as described in Section 20.11 (2) of this ordinance. The Village Zoning Agency's report to the Village Board shall reflect the recommendations of any federal, state, or local agency with which the Village Zoning agency consults. If a petition seeks approval of a Planned Development District plat without first (1st) seeking the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the Zoning Ordinance. If, however, a hearing is first (1st) held on the overlay for a Planned Development District, a second (2nd) public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the overlay district as approved.

3. **Findings and Conditions of Approval.**

The Board shall make written findings as to the compliance or non-compliance of the proposed overlay district with each of the applicable requirements set forth in Section 20.03 (2) (b). If the petition is granted in whole or part, the Board shall attach such written conditions to the approval as are required by and consistent with Section 20.03 (2) (b). The conditions of approval shall in all cases establish the specific restrictions applicable regarding minimum lot sizes, width, setbacks, and the location of septic systems and the preservation of ground cover and open space.

4. **Planning Studies.** A landowner or petitioner may at his or her own expense develop the facts required to establish compliance with the provisions of Section 20.03 (2) (b) or may be required to contribute funds to the Village to defray all or part of the cost of such studies being undertaken by the Village or any agency or person with whom the Village contracts for such work.

(3) Sanitary Regulations. The Village shall have no jurisdiction over sanitary regulations for the protection of health and preservation and enhancement of water quality. Brown County shall be the approving authority for all regulations.

(a) Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 112, Wis. Adm. Code.

(b) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by a private sewage system ordinance adopted by the county under Wis. Stats. §59.065.

20.04 DIMENSIONS OF BUILDING SITES.

(1) Lots not Served by Public Sanitary Sewer.

(a) *Minimum Area and Width for each Main Building.* The minimum lot area shall be fifty thousand (50,000) square feet and the minimum lot width shall be two hundred feet (200') with at least one hundred feet (100') of frontage at the ordinary high water mark.

(b) *Side Yards.* There shall be a side yard for each main building. The minimum width of one (1) main side yard shall be twenty feet (20'). The minimum combined width of both main side yards shall be forty feet (40'). There shall be a side yard of twenty feet (20') for accessory structures excluding fences.

(2) Lots Served by Public Sanitary Sewer.

(a) *Minimum Area and Width for each Main Building.* The minimum lot area shall be fourteen thousand (14,000) square feet and the minimum lot width shall be one hundred feet (100') with at least sixty-five feet (65') of frontage at the ordinary high water mark.

(b) *Side Yards.* The minimum width of one (1) main side yard shall be ten feet (10'). The minimum combined width of both main side yards shall be twenty feet (20'). There shall be a side yard of ten feet (10') for accessory structures excluding fences.

(3) Substandard Lots.

(a) *Substandard Lots Served by a Public Sanitary Sewer.* A substandard lot served by a public sanitary sewer which is at least seven thousand five hundred (7,500) square feet in area and is at least fifty feet (50') in width at the building setback line and at least fifty feet (50') in width at the ordinary high water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the Zoning

Administrator if it meets all of the following requirements:

1. Such use is permitted in the Zoning District.

2. The lot was on record in the county Register of Deeds office prior to March 19, 1969.

3. The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in Section 20.04 (1) and 20.04 (2) of this ordinance.

4. All other dimensional requirements of this ordinance (including side yard and setback) will be complied with.

(b) *Substandard Lots not Served by Public Sanitary Sewer.* A substandard lot not served by public sanitary sewer, which is at least ten thousand (10,000) square feet in area and at least sixty-five feet (65') in width at the building setback line and at least sixty-five feet (65') in width at the ordinary high water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the Zoning Administrator if it meets all of the requirements of Section 20.04 (3) (a) 1, 2, 3, and 4 of this ordinance.

(c) *Other Substandard Lots.* Except for lots which meet the requirements of Section 20.04 (3) (a) or 20.04 (3) (b), a building permit for the improvement of a lot having lesser dimensions than those stated in Section 20.04 (1) and 20.04 (2) shall be issued only after granting of a variance by the Board of Appeals.

(4) Lots in Cluster Subdivisions. Lots in cluster subdivisions not served by public sanitary sewers may be reduced to the minimum allowed by the county private

sewage system ordinance pursuant to the procedures set forth in Section 20.03 (2) of this ordinance.

20.05 SETBACKS FROM THE WATER.

(1) Lots that Abut on Navigable Waters. All buildings and structures, except piers, boat hoists, boathouses, and open fences which may require a lesser setback shall be set back at least fifty feet (50') from the ordinary high water mark of navigable waters.

(2) Reduced Building Setbacks. A setback of less than that required by Section 20.05 (1) may be permitted by the Zoning Administrator where there is a principal on each side of the applicant's lot, within two hundred feet (200') of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site. No structure shall be permitted closer than thirty-five feet (35') to the ordinary high water mark using setback average unless a variance is obtained from the Board of Appeals pursuant to Section 20.10 (5) of this ordinance. Any other setback reduction may be permitted by the Board of Appeals pursuant to Section 20.10 (5) of this ordinance.

(3) Stairways, Walkways, and Lifts. A stairway, walkway, or lift is permitted in the shoreland setback area only when it is essential to provide pedestrian access to the pier because of steep slopes or rocky, wet, or unstable soils, and when the following conditions are met:

(a) There are no other locations or facilities on the property which allow adequate access to a pier. Only one (1) stairway or one (1) lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is

immediately adjacent to the existing stairway.

(b) Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally-sensitive areas.

(c) Vegetation, which stabilizes slopes or screens structural development from view, shall not be removed.

(d) Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.

(e) Canopies, roofs, and sides are prohibited. Open railings may be provided where required for safety.

(f) A maximum width of four feet (4') (outside dimension) is allowed for stairways, walkways, and lifts.

(g) Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet. Attached benches, seats, tables, etc., are prohibited.

(h) Stairways, walkways, and lifts shall be supported on piles or footings. Any filling, grading, or excavation that is proposed must meet the requirements of Section 20.07 of the ordinance.

(4) Boathouses.

(a) Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation.

(b) Boathouses shall not be placed waterward beyond the ordinary high water mark.

(c) One (1) boathouse is permitted on a lot as an accessory structure.

(d) Boathouses shall not be constructed where the existing slope is more than twenty percent (20%).

(e) Boathouses shall be set back a minimum of five feet (5') from the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards.

(f) Boathouses shall not exceed one (1) story and five hundred (500) square feet in floor area.

20.06 REMOVAL OF SHORE COVER.

(1) **Purpose.** The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion, and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased, or dying trees or shrubbery at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

(2) **Shoreline Cutting.** Tree and shrubbery cutting in an area parallel to the ordinary high water mark and extending thirty-five feet (35') inland from all points along the ordinary high water mark, shall be limited in accordance with the following provisions:

(a) No more than thirty feet (30') in any one hundred feet (100'), as measured along the ordinary high water mark, may be clear cut to the depth of the thirty-five foot (35') area.

(b) Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

(3) **Paths.** Any path, road, or passage within the thirty-five foot (35') area shall be constructed and surfaced so as to effectively control erosion.

(4) **Cutting Plan.** As an alternative to Section 20.06 (2), a special cutting plan allowing greater cutting may be permitted by the Board of Appeals by issuance of a special exception permit pursuant to Section 20.10 (4). An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing

vegetation, proposed cutting, and proposed replanting. The Board may grant such a permit only if it finds that such special cutting plans:

(a) Will not cause undue erosion or destruction of scenic beauty; and

(b) Will provide substantial visual screening from the water of dwellings, accessory structures, and parking areas. Where the plan calls for replacement plantings, the Board may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

(5) **Cutting More than Thirty-Five Feet (35') Inland.** From the inland edge of the thirty-five foot (35') area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

20.07 FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING.

(1) **General Standards.** Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit under Section 20.07 (2) may be permitted in the shoreland area provided that:

(a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.

(b) Filling, grading, lagooning, dredging, ditching, or excavating in a shoreland-wetland district meets the requirements of Section 20.08 (3) (b) and 20.08 (3) (c) of this ordinance.

(c) All applicable federal, state, and local authority is obtained in addition to a permit under this ordinance.

(d) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or a bulkhead.

(2) Permit Required. Except as provided in Section 20.07 (3), a special exception permit is required:

(a) For any filling or grading of any area which is within three hundred feet (300') of landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:

1. Any filling or grading on slopes of more than twenty percent (20%).

2. Filling or grading of more than one thousand (1,000) square feet on slopes of twelve percent (12%) to twenty percent (20%).

3. Filling or grading of more than two thousand (2,000) square feet on slopes less than twelve percent (12%).

(b) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred feet (300') landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

(3) Soil Conservation Practices and Agricultural Drainage Maintenance.

(a) Soil conservation practices such as tiled terraces, runoff diversions, and grassed waterways used for erosion control shall not require a permit under Section 20.07 (2) when designed and constructed to Soil Conservation Service technical standards.

(b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:

1. The maintenance dredging of farm drainage ditches is limited to re-establishing the original ditch cross section unless a special exception permit under Section 20.07 (2) (b) is obtained.

2. Ditch banks shall be constructed at a slope of two (2) horizontal to one (1)

vertical (fifty percent (50%) grade) or flatter.

3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.

4. A ten foot (10') wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

(4) Permit Conditions. In granting a special exception permit under Section 20.07 (2), the Board of Appeals shall attach the following conditions, where appropriate, in addition to those provisions specified in Section 20.10(5).

(a) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(d) Lagoons shall be constructed to avoid fish trap conditions.

(e) Fill shall be stabilized according to accepted engineering standards.

(f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

20.08 SHORELAND-WETLAND DISTRICT.

(1) Designation. This district shall include all shorelands within the jurisdiction of this ordinance which are wetlands of five (5) acres or more (excluding point symbols) and which are shown on the Wisconsin

Wetland Inventory maps that are adopted and made a part of this ordinance. A portion of a wetland which is less than five (5) acres in size shall be included in the shoreland-wetland district where the wetland as a whole is five (5) acres or larger, but extends across the corporate limits of a municipality, across the county boundary, or across the shoreland limits, so that the wetland is not regulated in its entirety by the Village.

(a) *Locating Shoreland-Wetland Boundaries.* Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the department to determine if the shoreland-wetland district boundary as mapped is in error. If department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the applicable to the correct zoning district. The Zoning Administrator shall initiate a map amendment to correct the discrepancy.

(2) **Purpose.** This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(3) **Permitted Uses.** The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stats. Ch. 30 and 31 and the provisions of other applicable local, state, and federal laws:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Section 20.08 (3) (b) or 20.08 (3) (c).

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The pasturing of livestock;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

(b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silviculture activities if not corrected;
2. The cultivation of cranberries including flooding, dike, and dam construction or ditching necessary for the growing and harvesting of cranberries;
3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

5. The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction or maintenance.

6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

(c) Uses which require the issuance of a zoning permit under Section 20.10 (2) and which may include limited filing, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

a. The road cannot as a practical matter be located outside the wetland;

b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 20.08 (5) (b);

c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction or maintenance of non-residential buildings, provided that:

a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;

b. The building cannot, as a practical matter, be located outside the wetland;

c. Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and

d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. Ch. 29, where applicable;

b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 20.08 (3) (c) 1 a, b, c, and d and;

c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water, and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:

a. The transmission and distribution facilities and railroad lines cannot, as a

practical matter, be located outside the wetland;

b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 20.08 (5) (b).

(4) Prohibited Uses. Any use not listed in Section 20.08, (3) (a), 20.08 (3) (b), or 20.08 (3) (c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 20.08 (5) of this ordinance and Wis. Stats. §59.97(5)(e).

(5) Rezoning of Lands in the Shoreland-Wetland District.

(a) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate regional office of the department shall be provided with the following:

1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within five (5) days of the filing of such petition with the Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;

2. Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing;

3. A copy of the Village zoning agency's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the Board; and

4. Written notice of the Board's decision on the proposed amendment within ten (10) days after it is issued.

(b) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;

2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;

4. Shoreline protection against soil erosion;

5. Fish spawning, breeding, nursery or feeding grounds;

6. Wildlife habitat; or

7. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(c) If the department notifies the Village zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 20.08 (5) (b) of this ordinance, that amendment, if approved by the Board, shall contain the following provision:

“This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the Board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the Board that it will adopt a superseding shoreland ordinance for the Village under Wis. Stats. §59.971 (6). If the department does so notify the Board, the effect of this amendment shall be stayed until the Wis. Stats §59.971 (6.6) adoption procedure is completed or otherwise terminated.”

20.09 NON-CONFORMING USES AND STRUCTURES.

(1) The lawful use of a building, structure, or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

(a) If a non-conforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this ordinance.

(b) The maintenance and repair of non-conforming boathouses that extend water ward beyond the ordinary high water mark of any navigable waters shall comply with the requirements of Wis. Stats. §30.121.

(c) If the non-conforming use of a temporary structure is discontinued, such non-conforming use may not be recommenced.

(d) Uses which are nuisances shall not be permitted to continue as non-conforming uses.

20.10 ADMINISTRATIVE PROVISIONS.

(1) **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) Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

(c) Keep records of all permits issued, inspections made, work approved, and other official actions.

(d) Provide copies of variances, special exceptions, and decisions on appeals for

map or text interpretations and map or text amendments within ten (10) days after they are granted or denied to the appropriate district office of the department.

(e) Investigate and report violations of this ordinance to the appropriate Village Zoning Committee and the district attorney or corporation counsel.

(2) Zoning Permits.

(a) *When Required.* Except where another section of this ordinance specifically exempts certain types of development from this requirement (as in Sections 20.08 (3) (a) and 20.08 (3) (b)), a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 20.13 (2) (e), or any change in the use of an existing building or structure, is initiated.

(b) *Application.* An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A sketch of the dimensions of the lot and location of buildings relative to the lot lines, center line of abutting highways, and the ordinary high water mark of any abutting watercourses and water level on a date specified.

4. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.

(c) *Expiration of Permit.* Zoning permits shall expire twelve (12) months from date issued if no substantial work has commenced.

(3) 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 certificate shall be concurrent with the application for a 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 to all the provisions of this ordinance.

(b) The Zoning Administrator may issue a temporary certificate of compliance for part of a building pursuant to rules and regulations established by the 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.

(4) Relaxation of Standards for Persons with Disabilities. The Zoning Department may issue a building permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum

necessary to provide reasonable use of the facility.

(5) Special Exception Permits.

(a) *Application for a Special Exception Permit.* Any use listed as a special exception in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a special exception permit has been granted by the Board of Appeals.

(b) *Standards Applicable to all Special Exceptions.* In passing upon a special exception permit, the Board of Appeals shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution including sedimentation.
3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
4. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
5. The location of the site with respect to existing or future access roads.
6. The need of the proposed use for a shoreland location.
7. Its compatibility with uses on adjacent land.
8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
9. Location factors under which:
 - a. Domestic uses shall be generally preferred;
 - b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

(c) *Conditions Attached to Special Exceptions.* Upon consideration of the factors listed above, the Board of Appeals shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

1. A plan of the area showing surface contours, soil types, ordinary high water marks, ground water conditions, subsurface geology, and vegetative cover.
2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.
3. Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.
4. Specifications for areas of proposed filling, grading, lagooning, or dredging.
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

(d) *Notice, Public Hearing, and Decision.* Before passing upon an application for a special exception permit, the Board of Appeals shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Board, shall be given as a Class 2 notice under Wis. Stats. Ch. 985. Such notice shall be provided to the

appropriate district office of the department at least ten (10) days prior to the hearing. The Board shall state in writing the grounds for granting or refusing a special exception permit.

(e) *Recording.* When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use, and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate district office of the Department within ten (10) days after it is granted or denied.

(f) *Revocation.* Where the conditions of a special exception permit are violated, the special exception permit shall be revoked by the Board of Appeals.

(6) Variances. The Board of Appeals may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:

1. Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
2. The hardship is due to special conditions unique to the property; and
3. Such variance is not contrary to the public interest.

(a) *No Use Variance.* A variance shall not grant or increase any use of property which is prohibited in the zoning district.

(b) *Notice, Hearing, and Decision.* Before passing on an application for a variance, the Board of Appeals shall hold a public hearing. Notice of such hearing specifying the time, place, and matters of concern shall be given a Class 2 notice under Wis. Stats. Ch. 985. Such notice shall be provided to the appropriate regional office of the department at least ten (10) days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a variance and shall provide a copy

of such decision to the appropriate department regional office within ten (10) days of the decision.

(7) Board of Appeals. The President of the Board shall appoint a Board of Appeals consisting of five (5) members under Wis. Stats. §59.99. The Board shall adopt such rules for the conduct of the business of the Board of Appeals as required by Wis. Stats. §59.9(3).

(a) Powers and Duties.

1. The Board of Appeals shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such Boards by Wis. Stats. §59.99.

2. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.

3. It shall hear and decide applications for special exception permits pursuant to Section 20.10 (4).

4. It may grant a variance from the dimensional standards of this ordinance pursuant to Section 20.10 (5).

5. In granting a special exception permit or variance, the Board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Board may impose any reasonable permit conditions to affect the purpose of this ordinance.

(b) Appeals to the Board. Appeals to the Board of Appeals may be made by any person aggrieved or by an officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the

reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

(c) Hearing Appeals and Applications for Variances and Special Exception Permits.

1. The Board of Appeals shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Wis. Stats. Ch. 985, specifying the date, time, and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate regional office of the department at least ten (10) days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.

2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretation shall be submitted to the appropriate regional office of the department within ten (10) days after they are granted or denied.

3. The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the President and Secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

4. At the public hearing, any party may appear in person or by agent or by attorney.

(8) Fees.

(a) *General.* The Board may, by resolution, adopt fees for the following:

1. Land use permits.
2. Building permits.
3. Certificates of Compliance.
4. Planned Development Districts reviews.
5. Public hearings.
6. Legal notice publications.
7. Special exception permits.

20.11 CHANGES AND AMENDMENTS.

The Village 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 Wis. Stats. §59.97(5)(e), Ch. NR 115, Wis. Adm. Code, and Section 20.08 (5) of this ordinance where applicable.

(1) Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stats. §59.97(5)(e).

(2) Every petition for a text or map amendment filed with the Clerk shall be referred to the Village zoning agency. A copy of each petition shall be mailed to the appropriate regional office of the department within five (5) days of the filing of the petition with the Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate regional office of the department at least ten (10) days prior to the hearing.

(3) A copy of the Village Board's decision on each proposed amendment shall be forwarded to the appropriate regional office of the department within ten (10) days after the decision is issued.

20.12 ENFORCEMENT AND

PENALTIES. Any development, any building or structure constructed, moved, or structurally altered, or any use established after the effective date of this ordinance, by any person, firm, association, corporation

(including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the Village zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. §59.97(11).

20.13 DEFINITIONS.

(1) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

(2) The following terms used in this ordinance mean:

(a) *Accessory Structure or Use.* A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

(b) *Boathouse.* Any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.

(c) *Village Zoning Agency.* That committee or commission created or

designated by the Village Board under Wis. Stats. §59.97(2)(a) to act in all matters pertaining to Village planning and zoning.

(d) *Department.* The Department of Natural Resources.

(e) *Development.* Any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.

(f) *Drainage System.* One (1) or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(g) *Floodplain.* The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.

(h) *Navigable Waters.* Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. §144.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. §59.971 and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river;

2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

3. Such lands are maintained in nonstructural agricultural use.

(i) *Ordinary High Water Mark.* The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(j) *Regional Flood.* A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every one hundred (100) years.

(k) *Shorelands.* Lands within the following distances from the ordinary high water mark of navigable waters: one thousand feet (1,000') from a lake, pond, or flowage; and three hundred feet (300') from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(l) *Shoreland-Wetland District.* The zoning district created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this ordinance.

(m) *Special Exception (Conditional Use).* A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the Planning and Zoning Committee or Board.

(n) *Unnecessary Hardship.* That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density

unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Board or its designee, and/or Police Department.

(o) *Variance.* An authorization granted by the Board of Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(p) *Wetlands.* Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

20.99 PENALTY, SEVERABILITY, AND ENFORCEMENT.

(1) **Penalty.** Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) **Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) **Enforcement.** Enforcement of this chapter shall be the responsibility of the

Village of Suamico

Chapter 20

*Ordinance 2014-12 Amending Chapter 20, Shoreland-Wetlands
Adopted 7-21-14*