



**ROCK COUNTY BOARD OF SUPERVISORS' MEETING
THURSDAY, OCTOBER 27, 2016 – 6:00 P.M.**

**COUNTY BOARD ROOM/COURTROOM H
FOURTH FLOOR/COURTHOUSE EAST**

Agenda

1. CALL TO ORDER
2. INVOCATION & PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES – October 13, 2016
6. PUBLIC HEARING
 - A. Amending Rock County's Purchasing Ordinance (First Reading)
7. CITIZEN PARTICIPATION, COMMUNICATIONS AND ANNOUNCEMENTS
8. NOMINATIONS, APPOINTMENTS AND CONFIRMATION
 - A. Appointments to the Behavioral Health Redesign Steering Committee
 - B. Appointment to the Evidence-Based Decision Making Initiative Ad Hoc Committee
9. RECOGNITION OF COUNTY EMPLOYEES OR OTHERS
 - A. Recognizing Canine Officer Dex and the K-9 Program

NOTE: Item 9.A. will be considered by the County Board Staff Committee on October 25, 2016

10. INTRODUCTION OF NEW RESOLUTIONS OR ORDINANCES BY SUPERVISORS FOR REFERRAL TO APPROPRIATE COMMITTEE
11. REPORTS
 - A. Blackhawk Technical College Update – Dr. Tracy Pierner
12. NEW BUSINESS
 - A. Supplementary Appropriations and Budget Changes - Roll Call
 - B. Contracts – Roll Call
 - 1) Authorizing the Purchase of Vehicles per State of Wisconsin Contract for the Rock County Sheriff's Office
 - 2) Awarding Contact for Installation of Lightning Protection & Surge Suppression Equipment at Health Care Center Complex Buildings
 - 3) Authorizing Purchase of Budgeted Network Servers

ROCK COUNTY BOARD OF SUPERVISORS

OCTOBER 27, 2016

Page 2

12. NEW BUSINESS (Continued)

- 4) Awarding Contract for Investment Advisory Services for Calendar Years 2017-2019 (with Options for 2020-2022)
- 5) Awarding a Contract for Orfordville Garage Interior Lighting Project – Department of Public Works
- 6) Awarding Contract for Waste Collection Services for the Rock County Department of Public Works

NOTE: Items 12.B.5. and 12.B.6. will be considered by the Public Works Committee on October 25, 2016

- C. Repealing and Recreating Rock County Ordinance 4.2 Zoning of Shorelands and County-Owned Lands (Second Reading and Adoption)

13. ADJOURNMENT

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Finance Committee
INITIATED BY



Sherry Oja, Finance Director
DRAFTED BY

Finance Committee
SUBMITTED BY

October 11, 2016
DATE DRAFTED

Amending Rock County's Purchasing Ordinance

1 **WHEREAS**, Rock County has an established Purchasing Ordinance; and,
2
3 **WHEREAS**, certain changes have been suggested by Department Heads and Purchasing Staff;
4
5 **NOW, THEREFORE, BE IT RESOLVED**, by the Rock County Board of Supervisors duly
6 assembled this _____ day of _____, 2016 does hereby amend Chapter 2, Part 2, Subpart 2,
7 of the County's Purchasing Ordinance as follows (deleted language crossed out, added language
8 underscored):
9

**CHAPTER 2, PART 2, SUBPART 2
PURCHASING ORDINANCE**

2.211 Purpose

(1) This ordinance is intended to achieve greater efficiency and economy in the operation of Rock County government and to encourage competition and business in Rock County by centralizing all County purchasing within the Finance Department, except insofar as otherwise specifically authorized by provisions of this ordinance.

(2) This ordinance shall not be construed to grant any rights to any vendor or any person applying to be a vendor of goods or services to Rock County.

(3) This ordinance shall be administered and construed in a manner consistent with all applicable State and Federal laws and, insofar as any State or Federal law is intended to preempt local authority, any provision of this ordinance which is inconsistent with such State or Federal law, that provision of this ordinance shall be null and void to the extent of the inconsistency.

2.212 Authority

This ordinance is created pursuant to the authority granted by, without limitation by reason of enumeration, Sections 59.03(1), 59.51(2), 59.52(6), 59.52(8), 59.52(9) and 59.52(29) of the Wisconsin Statutes.

2.213 Administration

The provisions of this ordinance and any regulations adopted hereunder shall be administered, supervised and enforced by the Finance Director, subject to the authority of the County Administrator and policy review by the Finance Committee. Administrative rules shall be developed which are appropriate to ensure compliance with the terms of this ordinance and on-going administrative, financial and legal review of all contract documents entered into on behalf of Rock County. The Finance Committee may by rule require additional procedures or impose limitations beyond those expressly set forth in this ordinance insofar as the Committee determines that such action will further the intent and purpose of this ordinance.

16-10B-138

46 **2.214 Appropriations**

47

48

49

50

51

52

53

54

55

2.215 Definitions

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

All procurement transactions shall be in accordance with the appropriations made by the County Board for the operation of the respective County departments and agencies. No transaction shall be substantially completed unless adequate funds have been appropriated for the purpose. Items not separately enumerated in the annual County budget, including furniture and equipment, must be approved for purchase, in advance, by the County Administrator or designee upon written justification.

(1) Bidder - shall mean all natural persons, corporations, partnerships, associations, joint ventures, trusts, or any other form of business affiliation whatever, submitting an offer for the provision of goods or services to the County in accord with specifications supplied by the County, or making an offer to purchase an item in accord with a call for bids issued by the County.

(2) Decentralized purchasing authority - shall mean the authority to determine the need for and procure goods and services in accordance with the delegation of such authority by the Finance Committee to a department other than the Purchasing Division of the Finance Department. Such authority may only be exercised in the requisitioning of specified purchases in a designated period of time as described in a written purchase order issued by the Purchasing Division.

(3) Most responsible and responsive bidder - shall mean that Bidder who offers, as appropriate, either lowest cost or highest payment, the best quality to the County, and who possesses the necessary financial responsibility, skill, ability and integrity to perform the obligations required by the transaction. However, in no instance may a bidder who has been convicted of bid rigging or price fixing within three years of submission of the bid involved and which involved a contract with the County, be considered the most responsible and responsive bidder.

(4) Professional Services - shall mean unique or technical functions performed by independent contractors whose primary occupation is the rendering of these services. Such services are characterized by extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience in the field. Examples of professional services include, without limitation by reason of enumeration, medicine and the medical arts, management and systems consultation, research, the performing arts, surveyor and surveyor services, engineering and architectural design services.

(5) Purchase of Goods - shall mean any transaction between the County and any party or parties by which the County is to receive a tangible commodity or property, excepting real property, in exchange for money or other valuable consideration.

(6) Purchase of Services - shall mean any transaction between the County and any party by which the County is to receive useful labor or activity in return for money or other valuable consideration, but does not include labor performed as an employee of Rock County.

(7) County Auction - shall mean an auction conducted on behalf of Rock County which is advertised in advance and open to the general public.

(8) Regulations - shall mean those rules or guidelines issued by the Finance Committee to implement the provisions or administration of this ordinance.

(9) Transactions - shall mean any act or agreement between the County and any other party or parties which alters the legal relationship between them, such as, but not limited to, contracts or agreements for services or goods or any real or personal property, concessions, leases and rentals.

107 **2.216 Finance Director and Finance Committee**

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

The Finance Director, acting under the administrative authority of the County Administrator and the policy oversight of the Finance Committee, shall exercise the following duties and functions relating to this ordinance:

(1) Implement the provisions of this ordinance through the activities of the Purchasing Division of the Finance Department, and by providing administrative assistance, training and support to all County officials and employees in activities governed by this ordinance.

(2) Ensure that sufficient appropriate written regulations are in place to provide guidance to those engaged in activities within the scope of this ordinance, and monitor the administration of prescribed policies and procedures.

(3) Enforce the provisions of the ordinance by suitable measures.

(4) Advise and consult with all concerned departments and committees concerning the conduct of transactions in accordance with this ordinance, upon request, or as deemed necessary by the Finance Director, the County Administrator, or the Finance Committee.

(5) Promote standardization of equipment and supplies within Rock County government.

(6) In conjunction with the Finance Committee, provide suitable safeguards and procedures so that relatively small or routine matters need not be automatically referred to the Board or its committees.

(7) Refer to the County Administrator or County Board any transactions which the Finance Director or Finance Committee views as affecting general County policy.

(8) In conjunction with the Finance Committee, designate decentralized buying authorities, as provided for under sec. 2.218(3)(a) of this ordinance.

140 **2.217 Disposal of Unsuitable or Unusable Goods**

All equipment or supplies which have become unsuitable or unnecessary to their needs shall be disposed of through a County auction, except for items which are to be traded in or applied on any purchases or are determined to be worthless. Exceptions may be made by the Finance Committee for the sale of certain items on the open market at a minimum predetermined price to be approved by the Committee, and for items needed by any county department or municipality. Sales of items to another municipality shall be at a price approved by the Committee. Surplus County property shall not be sold to any County employee, officer or agent, except through a County auction.

In addition, the Finance Committee may authorize the Purchasing Division to dispose of items by alternative means including but not limited to: outside auctions, listings on the Internet, either government or private, by donation to not-for-profit organizations or other means that may become available in the future.

155 **2.218 Procedure (Purchase of Goods and Certain Contracts for Professional Services)**

(1) Procedure and Bids - General

(a) Compliance with sec. 59.52 (29). All public work, as defined under state statutes and including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work exceeds \$25,000, shall be let by contract to the lowest responsible bidder in accordance with sec. 66.0901(2), Wis. Stats, except that the County Board may by a three-fourths vote provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. If the estimated cost of any public work is between \$5,000 and \$25,000, the board shall give a class I notice under ch. 985 before it contracts for the work or shall contract with a person qualified as a bidder under s. 66.0901(2). The requirements under this subsection shall be interpreted and applied as being in addition to any requirements created or arising under this ordinance.

171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231

This subsection does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make, or to the emergency repair or reconstruction of public facilities when the County Board by resolution determines that the public health or welfare of the County is endangered by damage or threatened damage to such facilities.

(b) All invitations for furnishing goods, and non-professional services, where the estimated cost exceeds ~~\$10,000~~ ~~\$25,000~~ shall be bid only after notice by publication, once (class I notice) in the official newspaper of Rock County. Additional newspapers or trade magazines may be used to obtain the best advertising and widest notice at the most reasonable cost. The advertisement shall call for sealed bids to furnish the desired items, or supplies or services, in accordance with specifications prepared or approved by the Purchasing Division, which specifications shall describe completely the items, supplies or services to be furnished, the department for which the same are required, and the quantities desired.

Bids shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the Advertisement for Bid. The reading of all bids shall be open to the public. A Bid bond or certified check in the amount required by the bid specifications may be required to accompany the bid. A performance bond or material/payment bond may also be required of the bidder upon acceptance of the bid.

~~(e) All contracts for purchases not defined as public work in Section 2.218(1)(a), where the estimated costs exceeds \$5,000 but does not exceed \$10,000 shall be made only after attempting to obtain at least three sealed quotations, where possible, in lieu of advertised bids. Sealed quotations shall be received and opened by the Finance Director's designee on the date and at the time and place specified in the quote specifications. All quotations shall be available for viewing by the public.~~

~~(d)(c)~~ All contracts for purchases where the estimated cost is between ~~\$1,000~~ ~~\$5,000~~ and ~~\$5,000~~ ~~\$25,000~~ may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such contracts shall be made only after multiple quotations or proposals have been solicited, where practicable. Quotations obtained in this manner shall be confirmed by the successful quoter.

~~(e)(d)~~ Purchases under ~~\$1,000~~ ~~\$5,000~~ may be made directly by the Purchasing Division from approved dealers or suppliers.

~~(f)(e)~~ The Finance Committee or Purchasing Division may reject any or all bids, proposals or quotations; waive any technicality or error in any bid, proposal or quotation, or part thereof, and to accept the same, or combinations thereof, in whole or in part, whenever such waiver and acceptance is deemed to be in the best interest of Rock County.

~~(g)(f)~~ Contracts for purchases shall be awarded to the lowest, most responsible and responsive bidder or quoter.

(2) Procedure and Bids – Direct Purchases Allowed

(a) If bids, quotations or proposals are not obtainable, or in cases of immediate need for the items or supplies due to an emergency situation, purchases may be made directly from an approved supplier. The County Administrator or Finance Committee may also authorize direct purchases without bids or multiple quotations under circumstances deemed justified and advantageous to Rock County.

(b) The justification and reasons for awards of contracts for purchases made by the procedures authorized above, shall be recorded and kept on file in the Finance Director's office.

232 (3) Special Purchases

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

(3) Special Purchases

(a) Goods and Services. Consistent with all other provisions of this ordinance, departments requiring goods and services may be granted decentralized purchasing authority by the Finance Committee, in consultation with the Finance Director, in accordance with sec. 2.216(8) of this ordinance. Such authority shall be exercised by the requisitioning department only after the issuance of a purchase order by the Purchasing Division covering specified purchase(s) for a designated period of time.

(b) Highway Purchases. The Highway Commissioner is authorized to make purchases directly related to highway construction and maintenance in accordance with sec. 83.015(2)(b), Wis. Stats. Purchases not directly related to highway construction and maintenance shall be made through the Purchasing Division. The Highway Commissioner, at his/her discretion, may utilize the services of the Purchasing Division for any or all highway related purchases. All purchases related to County highway, parks and airport activities not specifically otherwise regulated by state statute or County Board Resolution shall be made through the Purchasing Division.

(c) Purchases from Governmental Units. Materials, supplies, machinery and equipment offered for sale by the federal government or by any municipality may be purchased without bids, at prices to be agreed upon between the Purchasing Division and the respective department or agency for whom the item is to be acquired.

~~(d) December Purchases. With the exception of repair parts, foods, stock office supplies, expendable maintenance/housekeeping supplies, fuel, gas and oil for automobiles, trucks and equipment, and necessary medical supplies, there shall be no purchases made during the month of December in any year, except as approved in advance by the County Administrator or designee.~~

(4) Intergovernmental Cooperative Purchases. The Finance Committee is herein authorized to enter into cooperative purchasing agreements with the State of Wisconsin and other Wisconsin municipalities consistent with sec. 16.73 and 66.0301 or 66.0303, Wis. Stats. for the purpose of administering, sponsoring or conducting purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services.

2.219 Purchase of Services

(1) Purchases of services shall be made by contract or purchase order through the Purchasing Division. The department or agency which requires the services shall prepare relevant specifications or standards and shall forward the same to the Purchasing Division for distribution to at least two prospective, qualified providers of the services desired.

(2) Purchases of professional services are exempt from bidding requirements, but are subject to all other purchasing policies and procedures.

(3) Services specifically required under State and/or Federal regulations may be purchased with the approval of the County Committee or Board administering such services, where the demand for services and market conditions do not allow for compliance with bidding and Request for Qualification procedures established under this ordinance.

2.220 Severability

Should any section or provision of this ordinance be declared unconstitutional or invalid or be repealed, the constitutionality or validity of the remainder shall not be affected thereby.

2.221 Effect on Other Ordinances

Provisions of other ordinances of Rock County inconsistent herewith are hereby repealed.

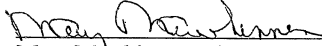
2.222 Time of Effectiveness

This ordinance shall take effect immediately upon passage and publication.


Amending Rock County's Purchasing Ordinance

Respectfully submitted,


FINANCE COMMITTEE


Mary Mawhinney, Chair


Sandra Kraft, Vice Chair


Mary Beaver


Absent
Brent Fox


J. Russell Podzilni

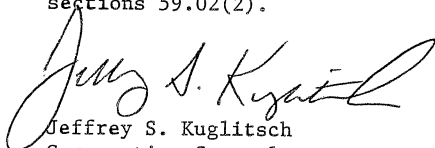
FISCAL NOTE:

Fiscal savings could be realized from lower legal notice costs and less professional service costs related to writing bid specifications.


Sherry Oja
Finance Director

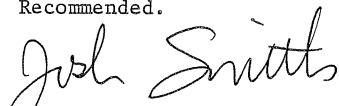
LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes sections 59.02(2).


Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

EXECUTIVE SUMMARY

The Purchasing Ordinance was reviewed by the Finance Director and Purchasing Manager (with input from County Departments) and the following changes to the ordinance are recommended:

Currently, purchases of goods and non-professional services require the following:

- Purchases under \$1,000 may be made directly by the Purchasing Division.
- Contracts costing \$1,000 - \$5,000 can be made after multiple quotations have been solicited, where practicable.
- Contracts costing \$5,000 - \$10,000 require sealed quotations where possible.
- Contracts costing over \$10,000 require an official bid process.

Proposed new limits for the purchase of goods and non-professional services:

- Purchases under \$5,000 may be made directly by the Purchasing Division.
- Contracts costing \$5,000 - \$25,000 could be made after multiple quotations have been solicited, where practicable.
- Contracts costing over \$25,000 would require an official bid process.

Benefits from the proposed changes:

- Many vendors are not set up to provide official sealed bids. These changes will give these vendors a chance to provide quotes for goods and services costing \$25,000 or less.
- The County would save legal notice costs for not needing to bid purchases in the \$10,000 - \$25,000 range.
- The County would also save professional service costs for the writing of bid specs for purchases in the \$10,000 - \$25,000 range.
- The new purchasing limits would follow the limits specified in sec. 59.52 (29), Wis Stats for Public Work related procurement. Thereby, being less confusing for staff and vendors.

Note: These changes do not affect items identified as a Public Work. All public work related procurement is governed by sec. 59.52 (29), Wis. Stat and includes any contract for the construction, repair, remodeling or improvement of any public work or building.

In addition, the current ordinance limits what can be purchased in December (see lines 257-261 in the resolution). This was originally included in the ordinance because many times goods ordered in December would not be received until January (a new budget year). However, over the years the purchasing process has been streamlined with the use of electronic purchase orders and electronic ordering systems. Therefore, this section is no longer necessary.

**APPOINTMENT TO THE BEHAVIORAL HEALTH REDESIGN STEERING
COMMITTEE**

POSITION: Alternate Member of the Behavioral Health Redesign
Steering Committee

AUTHORITY: County Board Resolution 12-3A-608

TERM: Unexpired Term Ending April 30, 2018

PER DIEM: For County Board Supervisors Only
(Per Board Rule IV.J.)

PRESENT MEMBER: Colleen Wisch (to Lindsay Stevens)

CONFIRMATION: Yes, by County Board of Supervisors

APPOINTMENT Laura Binkley (to Lindsay Stevens)
NAMI Rock County
120 N. Crosby Ave., Suite 11
Janesville, WI 53545

EFFECTIVE DATE: October 27, 2016

**APPOINTMENT TO THE EVIDENCE-BASED DECISION MAKING INITIATIVE
AD HOC COMMITTEE**

POSITION: Member of the Evidence-Based Decision Making Initiative
Committee

AUTHORITY: County Board Resolution 15-3A-226

TERM: Upon Cessation of Technical Assistance and Support by NIC
and CEPP

PER DIEM: For County Board Supervisors Only
(Per Board Rule IV.J.)

CONFIRMATION: Yes, by County Board of Supervisors

APPOINTMENT: Jacki Gackstatter
Rock County Clerk of Court

EFFECTIVE DATE: October 27, 2016

RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Sheriff Robert D. Spoden
INITIATED BY



Chief Deputy Barbara J. Tillman
DRAFTED BY

Public Safety & Justice Committee
SUBMITTED BY

October 6, 2016
DATE DRAFTED

RECOGNIZING CANINE OFFICER DEX AND THE K-9 PROGRAM

- 1 **WHEREAS**, Dex began his employment with Rock County in April of 2010, as a Canine Officer in the
- 2 Rock County Sheriff's Office; and,
- 3
- 4 **WHEREAS**, Dex has worked in the Patrol Bureau, SWAT, and the Special Investigation Unit (SIU);
- 5 and,
- 6
- 7 **WHEREAS**, throughout his tenure with the Sheriff's Office, Dex has served in many capacities in the
- 8 Rock County Sheriff's Office Canine Unit, including doing narcotic sniffs at schools and traffic stops,
- 9 assisting in locating suspects and missing persons, as well as assisting other jurisdictions, and doing
- 10 public appearances and demonstrations; and,
- 11
- 12 **WHEREAS**, Dex has received numerous commendations and letters of appreciation; and,
- 13
- 14 **WHEREAS**, Dex will retire from public service in October 2016.
- 15
- 16 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly
- 17 assembled this _____ day of _____, 2016, does hereby recognize Canine Officer Dex for
- 18 his over 6 years of faithful service and recommends that a sincere expression of appreciation be given to
- 19 Canine Officer Dex along with best wishes for the future.
- 20
- 21 **BE IT FURTHER RESOLVED** that the Rock County Board of Supervisors also recognize the K-9
- 22 Program as an important asset to law enforcement.

16-10B-139

Respectfully submitted,

PUBLIC SAFETY & JUSTICE COMMITTEE

COUNTY BOARD STAFF COMMITTEE

Mary Beaver
Mary Beaver, Chair

J. Russell Podzilni, Chair

Henry Brill
Henry Brill

Sandra Kraft, Vice Chair

Terry Fell
Terry Fell

Eva Arnold

Brian Knudson
Brian Knudson

Henry Brill

Phil Owens
Phil Owens

Betty Jo Bussie

Mary Mawhinney

Louis Peer

Alan Sweeney

Terry Thomas

RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS

Sheriff Robert Spoden
INITIATED BY

Capt. Gary L. Groelle
DRAFTED BY



Public Safety and Justice
Committee
SUBMITTED BY

October 11, 2016
DATE DRAFTED

AUTHORIZING PURCHASE OF VEHICLES PER STATE OF WISCONSIN
CONTRACT FOR THE ROCK COUNTY SHERIFF'S OFFICE

- 1 **WHEREAS**, funds are included in the 2016 budget for the purchase of two vehicles to be used by
- 2 the Rock County Sheriff's Office; and,
- 3
- 4 **WHEREAS**, Section 19.08(4) of the Purchasing Ordinance does allow Rock County to purchase
- 5 these vehicles through a cooperative purchasing agreement with the State of Wisconsin under
- 6 Contract #505ENT-M17-2017VEHICS-00; and,
- 7
- 8 **WHEREAS**, Ewald Automotive of Oconomowoc, Wisconsin was awarded the State contract for
- 9 Dodge Chargers; and,
- 10
- 11 **WHEREAS**, The Sheriff's Office and Purchasing staff have reviewed the State of Wisconsin bid
- 12 specifications and recommend purchasing two Dodge Chargers, from Ewald Automotive.
- 13
- 14 **NOW, THEREFORE, BE IT RESOLVED** by the Rock County Board of Supervisors duly
- 15 assembled this _____ day of _____, 2016 that a Purchase Order be issued in the
- 16 amount of \$48,841.00 to Ewald Automotive for two Dodge Chargers

16-10B-140

Respectfully Submitted,

PUBLIC SAFETY & JUSTICE COMMITTEE

FISCAL NOTE:

Mary Beaver
Mary Beaver, Chair

Funding was included in the 2016 budget for these vehicles. Sheriff's vehicles are funded by a combination of tax levy and sales tax revenues.

Henry Brill
Henry Brill, Vice Chair

Sherry Oja
Sherry Oja
Finance Director

Terry Fell
Terry Fell

Brian Knudson
Brian Knudson

Phil Owens
Phil Owens

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. In addition, sec. 59.52(29), Wis. Stats. requires the project to be let to the lowest responsible bidder.

ADMINISTRATIVE NOTE:

Recommended.

Jeffrey S. Kuglitsch
Jeffrey S. Kuglitsch
Corporation Counsel

Josh Smith
Josh Smith
County Administrator

EXECUTIVE SUMMARY

Funds are included in the 2016 budget for the purchase of vehicles to be used by the Rock County Sheriff's Office. Under Section 19.08(4) of the Purchasing Ordinance, Rock County can utilize State of Wisconsin bids to purchase vehicles through cooperative purchasing agreement #505ENT-M17-2017VEHICS-00.

The Sheriff's Office and the Purchasing Staff reviewed the State of Wisconsin bid specifications to verify that they meet the Sheriff's Office's needs. The total cost for the vehicles is:

\$24,420.50 each, for a total of \$48,841.00 for two 2017 Dodge Chargers.

RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS

The General Services Committee
INITIATED BY



Brent Sutherland- Director-
Facilities Management
DRAFTED BY

The General Services Committee
SUBMITTED BY

October 6, 2016
DATE DRAFTED

Awarding Contract for Installation of Lightning Protection & Surge
Suppression Equipment at Health Care Center Complex Buildings

- 1 WHEREAS, the 2016 budget included funds for the installation of lightning protection & surge
- 2 suppression equipment at the Health Care Center Complex Buildings; and,
- 3
- 4 WHEREAS, the buildings are experiencing electronic equipment damage due to power surges and
- 5 lightning strikes; and,
- 6
- 7 WHEREAS, the lightning protection & surge suppression systems were engineered and specifications
- 8 were prepared; and,
- 9
- 10 WHEREAS, bids were solicited from qualified contractors.
- 11
- 12 NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors duly assembled
- 13 this _____ day of _____, 2016, that a contract to install lightning protection &
- 14 surge suppression equipment in the amount of \$163,850, be awarded to Foley Electric Inc. of Beloit, WI.

16-10B-141

Respectfully submitted,

GENERAL SERVICES COMMITTEE

Henry Brill, Chair

Jason Heidenreich, Vice Chair

Bob Yeomans

David Homan

Jeremy Zajac

FISCAL NOTE:

Funds were included in the Facilities Management budget for this project. This project is being funded by sales tax revenues.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. In addition, sec. 59.52(29), Wis. Stats. requires the project to be let to the lowest responsible bidder.

Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator

Executive Summary

Installation of Lightning Protection & Surge Suppression Equipment at the Health Care Center Complex Buildings

The resolution before you authorizes the installation of lightning protection & surge suppression equipment at Rock County Health Care Center, Sherriff's Office, Health Department, Council on Aging, Diversion and Rock Haven.

These buildings have been experiencing electronic equipment damage due to power surges and lightning strikes. The funds were budgeted this year and an electrical engineer designed the systems and developed the specifications.

Bids were solicited from qualified contractors with one contractor responding. The bid from Foley Electric Inc. was reviewed by the Facilities Management Director and the Purchasing Manager for compliance and was found to meet the specifications.

ROCK COUNTY, WISCONSIN
FINANCE DIRECTOR

PURCHASING DIVISION



BID SUMMARY FORM

BID NUMBER 2016-47
BID NAME LIGHTNING PROTECTION & SURGE SUPPRESSION AT THE ROCK COUNTY COMPLEX
BID DUE DATE OCTOBER 5, 2016 – 1:30 P.M.
DEPARTMENT FACILITIES MANAGEMENT

	FOLEY ELECTRIC BELOIT WI
BASE BID	\$ 163,850.00
QUALIFICATIONS RECEIVED	YES
ADDENDA RECEIVED	YES
START DATE	11/21/16
COMPLETION	2/13/17

Invitation to Bid was advertised in the Janesville Gazette and on the Internet. Twelve additional vendors were solicited that did not respond.

PREPARED BY: JODI MILLIS, PURCHASING MANAGER

DEPARTMENT HEAD RECOMMENDATION: Foley Electric

Paul Sutcliff 10-6-16
 SIGNATURE DATE

GOVERNING COMMITTEE APPROVAL:
Henry Brill 5-0 10/18/16
 CHAIR VOTE DATE

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Mickey Crittenden, Director of IT
INITIATED BY



Mickey Crittenden, Director of IT
DRAFTED BY

Finance Committee
SUBMITTED BY

October 11, 2016
DATE DRAFTED

Authorizing Purchase of Budgeted Network Servers

- 1 **WHEREAS**, the improvement and upgrade of the County's network server capacity is an active
- 2 Information Technology strategic initiative and Capital Improvement Program project; and,
- 3
- 4 **WHEREAS**, the replacement of older and under-performing servers is a key component for meeting
- 5 the current and future network server requirements associated with the County systems; and,
- 6
- 7 **WHEREAS**, the 2016 Information Technology Capital Projects budget (07-1444-0000-67131) did
- 8 include funding for the replacement of aging and under-performing general purpose servers; and,
- 9
- 10 **WHEREAS**, the Information Technology Department staff did specify the configuration of 2 Cisco
- 11 UCS replacement network servers, chassis, and associated components; and,
- 12
- 13 **WHEREAS**, the specified Cisco servers will be purchased using the pricing and terms of the State of
- 14 Wisconsin Cisco Contract #50SENT-M16-DATACOMMUN-01.
- 15
- 16 **NOW, THEREFORE, BE IT RESOLVED** by the Rock County Board of Supervisors duly assembled
- 17 this _____ day of _____, 2016 that a Purchase Order for a Cisco enclosure and Cisco
- 18 blade servers be issued to Core BTS, Inc. of Madison, WI in the amount of \$29,899.24.

Respectfully submitted,

FINANCE COMMITTEE

Mary Mawhinney
Mary Mawhinney, Chair

Sandra Kraft
Sandra Kraft, Vice Chair

Mary Beaver
Mary Beaver

Absent
Brent Fox

J. Russell Podzilni
J. Russell Podzilni

FISCAL NOTE:

Funding was included in the IT budget for the cost of these servers. This purchase is being funded by sales tax revenue.

Sherry Oja
Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. In addition, sec. 59.52(29), Wis. Stats. requires the project to be let to the lowest responsible bidder.

Jeffrey S. Kuglitsch
Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended

Josh Smith
Josh Smith
County Administrator

16-10B-142

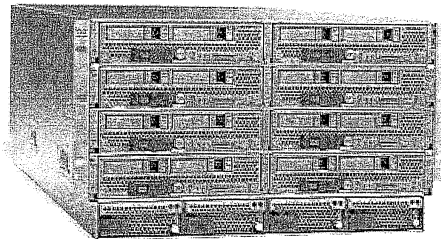
Executive Summary for the Purchase of Network Servers

As one of the budgeted 2016 IT Capital Projects, this purchase will replace aging and under-performing general application servers and add capacity to the County's virtual server farm. The server purchase includes:

- 2 Cisco UCS physical Blade Servers for hosting general business applications and databases within the County's virtual server environment;
- 1 Cisco Blade Server Chassis;
- 2 UCS Director Licenses for Server Management;
- All associated memory and cables;
- Installation and three years' maintenance and support.

The Blade Servers will be located in the data center at the Health Care Center. They will be network-attached and use the County's Storage Area Network for primary disk storage. These servers will have a useful life to the County of 5 – 7 years.

The total cost of the Cisco UCS Blade Servers, chassis, and associated component, as listed above is \$29,899.24, and will be purchased from Core BTS, Inc. of Madison, WI using the pricing and terms of the State of Wisconsin Cisco contract #50SENT-M16-DATACOMMUN-01.



RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Finance Committee
INITIATED BY



Sherry Oja, Finance Director
DRAFTED BY

Finance Committee
SUBMITTED BY

October 11, 2016
DATE DRAFTED

Awarding Contract for Investment Advisory Services for Calendar Years 2017 – 2019 (With Options for 2020 – 2022)

- 1 **WHEREAS**, the Purchasing Division advertised and solicited proposals for investment advisory
 2 services for calendar years 2017 – 2019 (with options for 2020 – 2022); and,
 3
 4 **WHEREAS**, the Chair of the Finance Committee, Treasurer, Finance Director and Assistant
 5 Finance Director independently analyzed the six proposals received; and,
 6
 7 **WHEREAS**, as a result of the evaluations the Finance Committee recommends a contract with
 8 PFM Asset Management for investment advisory services.
 9
 10 **NOW, THEREFORE, BE IT RESOLVED**, by the Rock County Board of Supervisors duly
 11 assembled this _____ day of _____, 2016 that the County Board Chair and County Clerk
 12 be authorized and directed to execute an Investment Advisory Services contract with PFM Asset
 13 Management for calendar years 2017 – 2019 (with options for 2020 – 2022).
 14
 15 **BE IT FURTHER RESOLVED**, that the Finance Committee is delegated the authority to
 16 exercise the options for calendar years 2020 – 2022.

16-10B-143

Respectfully submitted,

FINANCE COMMITTEE

Mary Mawhinney
Mary Mawhinney, Chair

Sandra Kraft
Sandra Kraft, Vice Chair

Mary Beaver
Mary Beaver

Absent
Brent Fox

J. Russell Podzilni
J. Russell Podzilni

**Awarding Contract for Investment Advisory Services for Calendar Years
2017 – 2019 (With Options for 2020 – 2022)**

Page2

FISCAL NOTE:

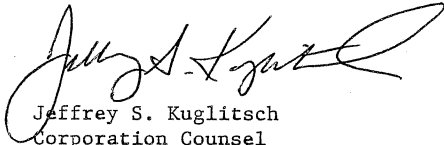
Interest on Investments is credited to the County Treasurer's A/C 15-1540-0000-46300 and is a direct offset to County tax levy. The 2016 Budget includes \$543,000 in revenues from Interest on Investments.



Sherry Oja
Finance Director

LEGAL NOTE:

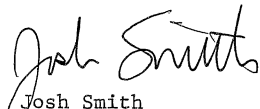
The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. Professional services are not subject to the bidding requirements of § 59.52(29), Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith
County Administrator

EXECUTIVE SUMMARY

The county Purchasing Division issued Request for Proposal 2017-02 for Investment Advisory Services and advertised in the Janesville Gazette and on the county's web site. In addition, the RFP was direct mailed to investment advisory service firms that had expressed an interest in providing services to the county.

We received four (4) responses that met the criteria of the RFP. The Chair of the Finance Committee, Treasurer, Assistant Finance Director and Finance Director independently analyzed the four proposals using a standardized evaluation form. The evaluation form rated each firm's government portfolio management expertise, general investment approach, adequacy of reporting requirements and historical investment performance. As a result of the evaluations the Finance Committee recommends that Rock County contract with PFM Asset Management of Milwaukee, WI for investment advisory services for the period January 1, 2017 through December 31, 2019 with options to renew the contract for up to an additional three year period, 2020-2022.

PROPOSAL SUMMARY FORM

PROJECT NUMBER #2017-02
 PROJECT NAME INVESTMENT ADVISORY SERVICES
 PROPOSAL DUE DATE AUGUST 31, 2016 – 12:00 NOON
 DEPARTMENT FINANCE DIRECTOR

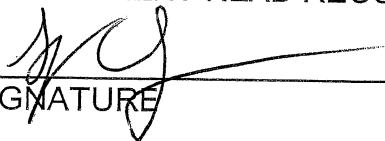
	PFM ASSET MGMT MILWAUKEE WI	DANA INVESTMENTS BROOKFIELD WI	PMA MILWAUKEE WI	INSIGHT INVESTMENTS DENVER CO
RATER 1	83	83	81	70
RATER 2	92	86	90	74
RATER 3	80	90	64	72
RATER 4	90	74	77	70
TOTAL	345	333	312	286

Proposals were evaluated based on the following criteria:

- Experience managing governmental investments portfolios similar to Rock County's investments. Maximum 20 points
 - General Investment Experience. Maximum 10 points
 - Staff Qualifications-Education, position in firm and years of relevant experience. Maximum 15 points
 - Specific Investment Approach. Maximum 20 points
 - Adequacy of reporting requirements. Maximum 10 points
 - Historical performance-Net of fees. Maximum 25 points
- Request for Proposal was advertised in the Janesville Gazette and on the Internet.
 - Two agencies submitted "No Bids".
 - Two agencies submitted Proposals but failed to meet the mandatory elements and therefore cannot be considered.
 - Two additional agencies were solicited that did not respond.

PREPARED BY: JODI MILLIS, PURCHASING MANAGER

DEPARTMENT HEAD RECOMMENDATION: PFM Asset Management


SIGNATURE

10-11-16
DATE

GOVERNING COMMITTEE APPROVAL:

/s/Mary Mawhinney
CHAIR

4-0-1-
VOTE

10/20/16
DATE

RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Public Works Committee
INITIATED BY _____



Ben Coopman, Director of Public Works
DRAFTED BY _____

Public Works Committee
SUBMITTED BY _____

October 14, 2016
DATE DRAFTED _____

AWARDING A CONTRACT FOR ORFORDVILLE GARAGE INTERIOR LIGHTING PROJECT – DEPARTMENT OF PUBLIC WORKS

- 1 **WHEREAS**, the Department of Public Works (DPW) budgeted for installing replacement interior
- 2 lights at the Orfordville Garage; and,
- 3
- 4 **WHEREAS**, the DPW, in conjunction with the county Purchasing Division, solicited bids for the
- 5 interior lighting at the Orfordville Garage; and,
- 6
- 7 **WHEREAS**, DPW staff has reviewed the bids and is recommending award of a contract to the
- 8 lowest responsible bidder.
- 9
- 10 **NOW, THEREFORE, BE IT RESOLVED**, that the Rock County Board of Supervisors convened
- 11 this _____ day of _____, 2016 does award the bid for the Orfordville Garage Interior Lighting
- 12 Project to Pieper Electric of Janesville, WI with a total bid of \$49,495.00.

16-10B-144

Respectfully submitted,

PUBLIC WORKS COMMITTEE

Betty Jo Bussie, Chair

Brent Fox, Vice Chair

Eva M. Arnold

Brenton Driscoll

Rick Richard

FISCAL NOTE:

Funding of \$25,000 was included in the 2016 budget for this project. The additional funds will need to come from savings in other approved projects.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. In addition, sec. 59.52(29), Wis. Stats. requires the project to be let to the lowest responsible bidder.

Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith
County Administrator

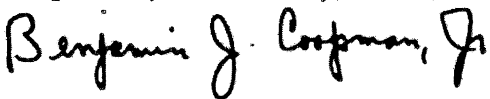
- Executive Summary -

The Department of Public Works (DPW) Garage in Orfordville was built in 1995. The age of the fixtures and the availability of the current light bulbs made their replacement necessary. The replacement lights will provide better quality lighting and be more energy efficient.

The 2016 Budget included funds for the interior lighting project Orfordville Garage. The DPW, in conjunction with the county Purchasing Division, solicited bids for the interior lighting at the Orfordville Garage.

Staff is recommending the award of a contract to lowest responsible bidder, Pieper Electric of Janesville, WI for the total bid in the amount of \$49,495.00.

Respectfully submitted by,



Benjamin J. Coopman, Jr., P.E.
Director of Public Works

ROCK COUNTY, WISCONSIN
FINANCE DIRECTOR

ORIGINAL

PURCHASING DIVISION



BID SUMMARY FORM

BID NUMBER: 2016-52
 BID NAME: ORFORDVILLE GARAGE INTERIOR LIGHTING PROJECT
 BID DUE DATE: OCTOBER 3, 2016
 DEPARTMENT: PUBLIC WORKS

	PIEPER ELECTRIC JANESVILLE WI	AMP ELECTRIC BELOIT WI	VAN BROCKLIN ELECTRIC JANESVILLE WI	FOLEY ELECTRIC BELOIT WI	WESTPHAL ELECTRIC MADISON WI	AMERICAN POWER JANESVILLE WI
BASE BID	\$ 49,495.00	\$ 50,385.00	\$ 52,400.00	\$ 56,900.00	\$ 58,725.00	\$ 79,850.00
QUALIFICATIONS	YES	YES	YES	YES	YES	YES
ADDENDA	YES	NOT LISTED	YES	YES	YES	YES
START DATE	12/1/16	11/28/16	12/1/16	11/14/16	10/31/16	11/28/16
COMPLETION	12/22/16	12/16/16	12/31/16	1/1/17	12/9/16	1/15/17

Invitation to Bid was advertised in the Janesville Gazette and on the Internet. Seven additional vendors were solicited that did not respond.

PREPARED BY: JODI MILLIS, PURCHASING MANAGER

DEPARTMENT HEAD RECOMMENDATION: Award to Pieper Electric - \$ 49,495.00
 SIGNATURE: *Benjamin J. Carstrom, Jr.* DATE: 10-13-16

GOVERNING COMMITTEE APPROVAL: _____ VOTE _____ DATE _____
 CHAIR

RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Public Works Committee
INITIATED BY



Ben Coopman, Public Works Director
DRAFTED BY

Public Works Committee
SUBMITTED BY

October 17, 2016
DATE DRAFTED

Awarding Contract for Waste Collection Services for the Rock County Department of Public Works

1 **WHEREAS**, funds are included in the budget each year to contract with a company for waste
2 collection services for the Rock County Public Works Department - Parks, Airport and Highway
3 Divisions; and,
4
5 **WHEREAS**, the current contract with Advanced Disposal Services, of Fort Atkinson, WI, will
6 expire December 31, 2016; and,
7
8 **WHEREAS**, the Public Works Department prepared the specifications and Rock County
9 Purchasing Division did solicit proposals from various waste collection companies (results
10 attached); and,
11
12 **WHEREAS**, the Rock County Department of Public Works administrative staff did review the
13 proposals and are recommending the lowest qualified bidder.
14
15 **NOW, THEREFORE, BE IT RESOLVED**, by the Rock County Board of Supervisors duly
16 assembled this _____ day of _____, 2016, that a three-year contract be
17 awarded to Advanced Disposal Services of Fort Atkinson for the Airport Division totaling
18 \$2,603.76 and Highway Division totaling \$10,945.47; and Parks Division totaling \$33,141.77
19 based on the terms and conditions set forth in the bid documents and contracts for a total amount
20 of \$46,691.00.

Respectfully submitted,

PUBLIC WORKS COMMITTEE

Betty Jo Bussie, Chair

Brent Fox, Vice Chair

Eva M. Arnold

Brenton Driscoll

Rick Richard

16-10B-145

Awarding Contract for Waste Collection Services for the Rock County Department of Public Works
Page 2

FISCAL NOTE:

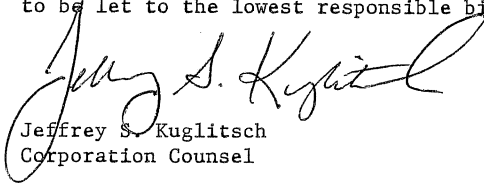
Funds have been recommended in the 2017 budget for the costs of these services. Funds will need to also be included in future budgets.



Sherry Oja
Finance Director

LEGAL NOTE:

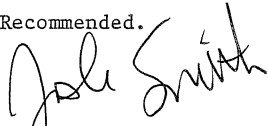
The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. In addition, sec. 59.52(29), Wis. Stats. requires the project to be let to the lowest responsible bidder.



Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith
County Administrator

Executive Summary
 Awarding Contract for Waste Collection Services
 for the Rock County Department of Public Works

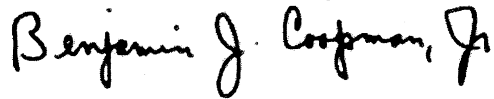
Every three years, the waste collection services contract is rebid. We are recommending awarding contracts to the low bidder, Advance Disposal of Fort Atkinson, WI, for each division.

New Bids	Parks	Highway	Airport
2017	10,722.40	3,541.20	842.40
2018	11,044.05	3,647.43	867.67
2019	11,375.32	3,756.84	893.69
Totals	33,141.77	10,945.47	2,603.76

Three-year total is \$46,691.00

These new bids are within the estimated requested amounts in the 2017 budget.

Respectfully submitted by,



Benjamin J. Coopman, Jr., P.E.
 Director of Public Works

ROCK COUNTY, WISCONSIN
FINANCE DIRECTOR

 ORIGINAL

PURCHASING DIVISION



BID SUMMARY FORM

PROJECT NUMBER 2017-14
PROJECT NAME WASTE COLLECTION SERVICES
BID DUE DATE OCTOBER 10, 2016 - 1:30 P.M.
DEPARTMENT PUBLIC WORKS - AIRPORT - PARKS

	ADVANCED DISPOSAL FT ATKINSON WI	WASTE MANAGEMENT JANESVILLE WI
2017 PARKS	10,722.40	36,517.78
2017 HIGHWAY	3,541.20	5,755.57
2017 AIRPORT	842.40	1,199.08
TOTAL 2017	\$ 15,106.00	\$ 43,472.43
2018 PARKS	11,044.05	38,343.67
2018 HIGHWAY	3,647.43	6,043.35
2018 AIRPORT	867.67	1,259.03
TOTAL 2018	\$ 15,559.15	\$ 45,646.05
2019 PARKS	11,375.32	40,260.35
2019 HIGHWAY	3,756.84	6,345.52
2019 AIRPORT	893.69	1,321.98
TOTAL 2019	\$ 16,025.85	\$ 47,927.85
TOTAL 3 YEAR CONTRACT	\$ 46,691.00	\$ 137,046.33

Invitation to Bid was advertised in the Janesville Gazette and on the Internet. Two additional vendors were solicited that did not respond. One vendor submitted a No Bid.

PREPARED BY: JODI MILLIS, PURCHASING MANAGER

DEPARTMENT HEAD RECOMMENDATION: Advanced Disposal \$46,691.00

Benjamin J. Koepman Jr.
SIGNATURE

10-14-16
DATE

GOVERNING COMMITTEE APPROVAL:

CHAIR

VOTE

DATE

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

PLANNING & DEVELOPMENT
COMMITTEE
INITIATED BY



JEFFREY S. KUGLITSCH
DRAFTED BY

PLANNING & DEVELOPMENT
COMMITTEE
SUBMITTED BY

SEPTEMBER 21, 2016
DATE DRAFTED

**REPEALING AND RECREATING ROCK COUNTY ORDINANCE 4.2 ZONING OF
SHORELANDS AND COUNTY-OWNED LANDS**

1 The Rock County Board of Supervisors at its regular meeting this ____ day of _____,
2 2016, does ordain as follows:

3
4 I. Ordinance 4.2, Zoning of Shorelands and County-Owned Lands is hereby repealed and
5 recreated to read as follows:

6
7 **Part 2 – Zoning of Shorelands and County-Owned Lands**

8
9 **Subpart 1: Zoning of Shorelands**

10
11 **4.201 Statutory Authorization, Finding of Fact, Statement of Purpose And Title**

12
13 (1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in ss.
14 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31 and to
15 parallel as closely as possible the regulatory provisions of ch. NR 115 Wis. Adm. Code and the
16 statutory language reflected in Act 55, 167 and 391 (2015).

17
18 (2) Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters
19 of Rock County will adversely affect the public health, safety, convenience, and general welfare
20 and impair the tax base. The legislature of Wisconsin has delegated responsibility to the
21 counties to further the maintenance of safe and healthful conditions; prevent and control water
22 pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of
23 structures and land uses; and to preserve shore cover and natural beauty. This responsibility is
24 hereby recognized by the County of Rock, Wisconsin.

25
26 (3) Purpose and Intent. For the purpose of promoting the public health, safety, convenience
27 and welfare, and promote and protect the public trust in navigable waters this ordinance has
28 been established to:

29
30 (A) Further the Maintenance of Safe and Healthful Conditions and Prevent and Control
31 Water Pollution Through:

- 32 1. Limiting structures to those areas where soil and geological conditions will
33 provide a safe foundation.
34 2. Establishing minimum lot sizes to provide adequate area for private on-site
35 waste treatment systems.
36 3. Controlling filling and grading to prevent soil erosion problems.
37 4. Limiting impervious surfaces to control runoff which carries pollutants.

38
39 (B) Protect Spawning Grounds, Fish and Aquatic Life Through:

- 40 1. Preserving wetlands and other fish and aquatic habitat.
41 2. Regulating pollution sources.
42 3. Controlling shoreline alterations, dredging and lagooning.

43
44 (C) Control Building Sites, Placement of Structures and Land Uses Through:

16-10A-126

- 45 1. Prohibiting certain uses detrimental to the shoreland-wetlands.
 46 2. Setting minimum lot sizes and widths.
 47 3. Setting minimum building setbacks from waterways.
 48 4. Setting the maximum height of near shore structures.

49

- 50 (D) Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:
 51 1. Restricting the removal of natural shoreland cover.
 52 2. Preventing shoreline encroachment by structures.
 53 3. Controlling shoreland excavation and other earth moving activities.
 54 4. Regulating the use and placement of boathouses and other structures.

55

- 56 (4) Title. The Rock County Shoreland Zoning Ordinance.

57

58 4.202 General Provisions

59

- 60 (1) Areas to be Regulated. Areas regulated by this ordinance shall include all the lands
 61 (referred to herein as shorelands) in the unincorporated areas of Rock County which are:

62

- 63 (A) Within one thousand (1,000) feet of the ordinary high-water mark of navigable
 64 lakes, ponds or flowages. The Rock River is considered a flowage within Rock
 65 County.

66

- 67 (B) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers
 68 or streams, or to the landward side of the floodplain, whichever distance is greater.

69

- 70 (C) The provisions of this chapter apply to regulation of the use and development of
 71 unincorporated shoreland areas. Unless specifically exempted by law, all cities,
 72 villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are
 73 required to comply with, and obtain all necessary permits under, local shoreland
 74 ordinances. The construction, reconstruction, maintenance or repair of state
 75 highways and bridges carried out under the direction and supervision of the
 76 Wisconsin Department of Transportation is not subject to local shoreland zoning
 77 ordinances if s. 30.2022, Stats., applies. Shoreland zoning requirements in annexed
 78 or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

79

- 80 (D) Determinations of navigability and ordinary high-water mark location shall initially
 81 be made by the Zoning Administrator. When questions arise, the Zoning
 82 Administrator shall contact the appropriate office of the Department for a final
 83 determination of navigability or ordinary high-water mark. The County may work
 84 with surveyors in regard to s. 59.692(1h).

85

- 86 (E) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or
 87 administrative rule promulgated thereunder, this shoreland zoning ordinance does
 88 not apply to:

89

- 90 1. Lands adjacent to farm drainage ditches if:
 91 (a) Such lands are not adjacent to a natural navigable stream or river;
 92 (b) Those parts of such drainage ditches adjacent to such lands were not
 93 navigable streams before ditching; and
 94 2. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater
 95 retention basins that are not hydrologically connected to a natural navigable
 96 water body.

96

- 97 (2) Shoreland-Wetland Maps. The most recent version of the Wisconsin Wetland Inventory
 98 maps (available at <http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>)
 99 are made part of this ordinance along with other maps and images that can be readily
 100 used to help the Zoning Administrator and landowners evaluate the presence or absence and
 101 likely extent of wetlands on the property, as further defined in section 4.203(1)(A) of this
 102 ordinance.

103

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

108 ordinance and other applicable local, state or federal regulations. Buildings and other structures
 109 shall require a permit unless otherwise expressly excluded by a provision of this ordinance.
 110 Property owners, builders and contractors are responsible for compliance with the terms of this
 111 ordinance.

112

113 (4) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all
 114 cities, villages, towns, and counties are required to comply with this ordinance and obtain all
 115 necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats.,
 116 applies. The construction, reconstruction, maintenance and repair of state highways and bridges
 117 carried out under the direction and supervision of the Wisconsin Department of Transportation
 118 are exempt when s. 30.2022 Wis. Stats., applies.

119

120 (5) Abrogation and Greater Restrictions. The provisions of this ordinance supersede all the
 121 provisions of any county zoning ordinance adopted under s. 59.692, Wis. Stats., which relate to
 122 shorelands. In other words if a zoning standard only applies to lands that lie within the
 123 shoreland and applies because the lands are in shoreland, then this ordinance supersedes those
 124 provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis.
 125 Stats., is more restrictive than this ordinance, for example the Floodplain Zoning Ordinance,
 126 that ordinance shall continue in full force and effect to the extent of the greater restrictions, but
 127 not otherwise.

128

129 (A) Pursuant to s. 59.692(2)(a), Wis. Stats., this ordinance shall not require approval or
 130 be subject to disapproval by any town or town board.

131

132 (B) Pursuant to s. 59.692(2)(b), Wis. Stats., if an existing town ordinance relating to
 133 shorelands is more restrictive than this ordinance or any amendments thereto, the
 134 town ordinance continues in all respects to the extent of the greater restrictions but
 135 not otherwise.

136

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

140

141 (D) This ordinance may establish standards to regulate matters that are not regulated in
 142 NR 115, but that further the purposes of shoreland zoning as described in section
 143 4.201(3) of this ordinance.

144

145 (E) Counties may not establish shoreland zoning standards in a shoreland zoning
 146 ordinance that requires any of the following:

147 1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or
 148 mitigation requirement to install or maintain outdoor lighting in shorelands, or
 149 otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is
 150 designed or intended for residential use.

151 2. Requires any inspection or upgrade of a structure before the sale or other transfer
 152 of the structure may be made.

153

154 (F) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to
 155 satisfy the requirements of a shoreland zoning ordinance if:

156 1. The department has issued all required permits or approvals authorizing the
 157 construction or maintenance under ch. 30, 31, 281, or 283.

158

159 A "facility" means any property or equipment of a public utility, as defined in s.
 160 196.01 (5), or a cooperative association organized under ch. 185 for the purpose
 161 of producing or furnishing heat, light, or power to its members only, that is used
 162 for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

163

164 (6) Interpretation. In their interpretation and application, the provisions of this ordinance shall
 165 be held to be minimum requirements and shall be liberally construed in favor of the County of
 166 Rock and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin
 167 Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR
 168 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be
 169 interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption
 170 of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232

(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.

4.203 Shoreland-Wetland District

(1) Designation. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(2) 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, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. Depending on the scope of the proposed activity, a third-party wetland delineation may be required by the Department or the County and all costs shall be assumed by the applicant. Maps do not represent the definitive presence and boundaries of wetlands and cannot serve as a substitute for a delineation of wetland boundaries. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

(3) 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.

(4) Permitted Uses. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and 281.36, Wis. Stats. 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.
 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 silvicultural 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;

- 233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance; and
 5. 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 and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below. These uses may also require a Shoreland Conditional Use Permit under this ordinance.
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 4.203(6)(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 nonresidential 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 500 sq. ft. 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 ch. 29, Wis. Stats., 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 4.203(3)(C)1. (a)-(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 4.203(6)(B).
 5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
- (5) Prohibited Uses. Any use not listed in sections 4.203(3)(A),(B) or (C) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 4.203(6) of this ordinance and s. 59.69(5)(e), Wis. Stats.

- 296 (6) Rezoning of Lands in the Shoreland-Wetland District.
 297
 298 (A) For all proposed text and map amendments to the shoreland-wetland provisions of
 299 this ordinance, the appropriate office with the Department shall be provided with the
 300 following:
 301 1. A copy of every petition for a text or map amendment to the shoreland-wetland
 302 provisions of this ordinance, within 5 days of the filing of such petition with the
 303 county clerk. Such petition shall include a copy of the Wisconsin Wetland
 304 Inventory map adopted as part of this ordinance describing any proposed
 305 rezoning of a shoreland-wetland;
 306 2. Written notice of the public hearing to be held on a proposed amendment at least
 307 10 days prior to such hearing;
 308 3. A copy of the Rock County Planning and Development Agency's findings and
 309 recommendations on each proposed amendment within 10 days after the
 310 submission of those findings and recommendations to the Rock County Board of
 311 Supervisors (County Board); and
 312 4. Written notice of the County Board's decision on the proposed amendment
 313 within 10 days after it is issued.
 314
 315 (B) A wetland, or a portion thereof, in the shoreland-wetland district shall not be
 316 rezoned if the proposed rezoning may result in a significant adverse impact upon any
 317 of the following:
 318 1. Storm and flood water storage capacity;
 319 2. Maintenance of dry season stream flow, the discharge of groundwater to a
 320 wetland, the recharge of groundwater from a wetland to another area, or the flow
 321 of groundwater through a wetland;
 322 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds
 323 that would otherwise drain into navigable waters;
 324 4. Shoreline protection against soil erosion;
 325 5. Fish spawning, breeding, nursery or feeding grounds;
 326 6. Wildlife habitat; or
 327 7. Wetlands both within the boundary of designated areas of special natural
 328 resource interest and those wetlands which are in proximity to or have a direct
 329 hydrologic connection to such designated areas as defined in NR 103.04 which
 330 can be accessed at the following web site: [http://www.legis.state.wi.us/
 331 rsb/code/nr/nr103.pdf](http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf).
 332
 333 (C) If the Department notifies the Rock County Planning And Development Agency that
 334 a proposed text or map amendment to the shoreland-wetland provisions of this
 335 ordinance may have a significant adverse impact upon any of the criteria listed in
 336 section 4.203(6)(B) of this ordinance, that amendment, if approved by the County
 337 Board, shall contain the following provision:
 338
 339 "This amendment shall not take effect until more than 30 days have elapsed after
 340 written notice of the County Board's approval of this amendment is mailed to the
 341 Department of Natural Resources. During that 30-day period the Department of
 342 Natural Resources may notify the County Board that it will adopt a superseding
 343 shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the
 344 Department does so notify the County Board, the effect of this amendment shall
 345 be stayed until the s. 59.692(6) adoption procedure is completed or otherwise
 346 terminated."
 347

348 4.204 Land Division Review and Sanitary Regulations

- 349
 350 (1) Land Division Review.
 351
 352 (A) The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in
 353 shoreland areas which create 3 or more parcels or building sites of 5 acres each or
 354 less within a 5-year period. In such review all of the following factors shall be
 355 considered:
 356 1. Hazards to the health, safety or welfare of future residents.
 357 2. Proper relationship to adjoining areas.
 358 3. Public access to navigable waters, as required by law.

359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420

4. Adequate stormwater drainage facilities.
 5. Conformity to state law and administrative code provisions.
- (B) Land Division review under this section is separate from land divisions review authorized by the Rock County Land Division and Development Ordinance.
- (2) Planned Residential Unit Development (PUD).
- (A) Purpose. The Planned Residential Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged 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 Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
 - (B) Requirements for Planned Residential Unit Development. The Committee may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
 1. Area. The area proposed for the Planned Residential Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
 2. Lots. Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of Section 4.205 shall be a non-riparian lot.
 3. Vegetative buffer zone and preservation of ground cover. The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the vegetative buffer zone and ground cover of the shoreland to enhance scenic beauty of the navigable water, prevent erosion, and provide wildlife habitat. All lands 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 lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total developable area of the subdivision by the minimum lot size required by Section 4.205 of this ordinance.
 5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development the Committee shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 4.207 (2) shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
 6. Consistency with other development ordinances. Planned Residential Unit Development shall be consistent with standards in other development ordinances administered by the County of Rock.

421 (3) Sanitary Regulations. Each county shall adopt sanitary regulations for the protection of
 422 health and the preservation and enhancement of water quality.

423
 424 (A) Where public water supply systems are not available, private well construction shall
 425 be required to conform to ch. NR 812, Wis. Adm. Code.

426
 427 (B) Where a public sewage collection and treatment system is not available, design and
 428 construction of private on-site waste treatment system shall, prior to July 1, 1980, be
 429 required to comply with ch. SPS 383, and after June 30, 1980 be governed by a
 430 private sewage system ordinance adopted by the county under s. 59.70(5), Wis.
 431 Stats.

432

433 **4.205 Minimum Lot Size and Setbacks**

434

435 (1) Purpose. Minimum lot sizes and setbacks in the shoreland area shall be established to
 436 afford protection against danger to health, safety and welfare, preserve natural beauty, reduce
 437 flood hazards and protect against pollution of the adjacent body of water. Shoreland setback
 438 standards are addressed in Section 4.206 of this Ordinance.

439

440 In calculating the minimum area or width of a lot, the beds of navigable waters shall not
 441 be included.

442

443 (2) Sewered Lots

444

445 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be
 446 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

447

448 1. The width shall be calculated by averaging measurements at the following 4
 449 locations:

450 (a) The ordinary high water mark.

451 (b) The building setback line.

452 (c) One other location on the lot within 300 feet of the ordinary highwater mark.

453 (d) The rear lot line

454

455 (B) Setbacks (Applicable to New and Existing Lots)

456

457 1. There shall be a side yard for each principal structure or building. The minimum
 458 width of one side yard shall be 8 feet. The minimum combined width of both
 459 principal side yards shall be 20 feet. There shall be a side yard of 5 feet for
 460 accessory structures excluding fences.

461

462 2. The rear yard setback for all structures shall be 25 feet.

463

464 3. The front yard setback for all structures shall be 25 feet.

465

466 (3) Unsewered Lots

467

468 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be
 469 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100
 470 feet of frontage at the ordinary high-water mark.

471

472 1. The width shall be calculated by averaging measurements at the following 4
 473 locations:

474 (a) The ordinary high water mark.

475 (b) The building setback line.

476 (c) One other location on the lot within 300 feet of the ordinary highwater mark.

477 (d) The rear lot line.

478

479 (B) Setbacks (Applicable to New and Existing Lots)

480

481 1. There shall be a side yard for each principal structure or building. The minimum
 482 width of one side yard shall be 15 feet. The minimum combined width of both

- 483 principal side yards shall be 40 feet. There shall be a side yard of 5 feet for
 484 accessory structures excluding fences
 485 2. The rear yard setback for all structures shall be 25 feet.
 486 3. The front yard setback for all structures shall be 50 feet.

487

488 (4) Substandard Lots

489

490 (A) A legally created lot or parcel that met minimum area and minimum average width
 491 requirements when created, but does not meet current lot size requirements, may be
 492 used as a building site if all of the following apply:

493

494 1. The substandard lot or parcel was never reconfigured or combined with another
 495 lot or parcel by plat, survey, or consolidation by the owner into one property tax
 496 parcel.

497

498 2. The substandard lot or parcel has never been developed with one or more of its
 499 structures placed partly upon an adjacent lot or parcel.

500

501 3. The substandard lot or parcel is developed to comply with all other ordinance
 502 requirements, including setbacks.

503

504 (B) Other Substandard Lots. Except for lots which meet the requirements of sections
 505 4.205(4)(A) a building permit for the improvement of a lot having lesser dimensions
 506 than those stated in sections 4.205(2)(A) and 4.205(3)(A) shall be issued only if a
 variance is granted by the Rock County Board of Adjustment.

507 **4.206 Setbacks.** Permitted setbacks shall be established to conform to health, safety and welfare
 508 requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Additional
 509 setback standards are established in Section 4.205 of this ordinance.

510

511 (1) Shoreland Setback. Unless exempt under section 4.206(1)(A), or reduced under section
 512 4.206(2), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the
 513 nearest part of a building or structure shall be required for all buildings and structures.

514

515 (A) Exempt Structures. All of the following structures are exempt from the shoreland
 516 setback standards in section 4.206(1):

517

518 1. Boathouses located entirely above the ordinary high-water mark and entirely
 519 within the access and viewing corridor that do not contain plumbing and are not
 520 used for human habitation.

521

522 (a) The use of boathouses for human habitation and the construction or placing
 523 of boathouses beyond the ordinary highwater mark of any navigable waters
 shall be prohibited.

524

525 (b) Boathouses shall be designed and constructed solely for the storage of boats
 526 and related equipment and shall not be used for human habitation. The main
 door shall face the water.

527

528 (c) One boathouse is permitted on a lot as an accessory structure.
 529 (d) Boathouses shall be set back a minimum 10 feet from the ordinary highwater
 mark and shall be constructed in conformity with local floodplain zoning
 530 standards.

531

532 (e) Boathouses shall not exceed one story and 500 square feet in floor area.
 533 (f) Boathouses permitted after October 1, 2016 shall have a pitched roof of no
 flatter than 4/12 pitch.

534

535 (g) The roof of an existing boathouse may be used as a deck provided that:
 536 1. The boathouse has a flat roof and was built prior to October 1, 2016
 537 2. The roof has no side walls or screens.
 538 3. The roof may have a railing that meets the Department of Safety and
 Professional Services standards.

539

540 (h) All other ordinance requirements shall be met, including impervious surface
 541 standards.

542

543 2. Open sided and screened structures such as gazebos, decks, patios and screen
 544 houses in the shoreland setback area that satisfy the requirements in s.
 59.692(1v), Stats.

- 545 (a) The part of the structure that is nearest to the water is located at least 35 feet
546 landward from the ordinary-high water mark.
547 (b) The floor area of all the structures in the shoreland setback area (excluding
548 boathouses) will not exceed 200 square feet.
549 (c) The structure that is the subject of the request for special zoning permission
550 has no sides or has open or screened sides.
551 (d) The county must approve a plan that will be implemented by the owner of
552 the property to preserve or establish a vegetative buffer zone that covers at
553 least 70% of the half of the shoreland setback area that is nearest to the
554 water.
555 (e) An enforceable affidavit must be filed with the register of deeds prior to
556 construction acknowledging the limitations on vegetation.
557
558 3. Broadcast signal receivers, including satellite dishes or antennas that are one
559 meter or less in diameter and satellite earth station antennas that are 2 meters or
560 less in diameter.
561
562 4. Utility transmission and distribution lines, poles, towers, water towers, pumping
563 stations, well pumphouse covers, private on-site wastewater treatment systems
564 that comply with ch. SPS 383, and other utility structures that have no feasible
565 alternative location outside of the minimum setback and that employ best
566 management practices to infiltrate or otherwise control storm water runoff from
567 the structure.
568
569 5. Walkways, stairways or rail systems that are necessary to provide pedestrian
570 access to the shoreline and are a maximum of 60-inches in width.
571
572 6. Devices or systems used to treat runoff from impervious surfaces.
573
574 (B) Existing Exempt Structures. Existing exempt structures may be maintained,
575 repaired, replaced, restored, rebuilt and remodeled provided the activity does not
576 expand the footprint and does not go beyond the three-dimensional building
577 envelope of the existing structure. Counties may allow expansion of a structure
578 beyond the existing footprint if the expansion is necessary to comply with applicable
579 state or federal requirements.
580
581 (2) Reduced Principal Structure Setback. A setback less than the 75' required setback from
582 the ordinary high water mark shall be permitted for a proposed principal structure and
583 shall be determined as follows:
584
585 (A) Where there are existing principal structures in both directions, the setback shall
586 equal the average of the distances the two existing principal structures are set back
587 from the ordinary high water mark provided all of the following are met:
588 1. Both of the existing principal structures are located on adjacent lot to the
589 proposed principal structure.
590 2. Both of the existing principal structures are located within 250' of the proposed
591 principal structure and are the closest structure.
592 3. Both of the existing principal structures are located less than 75' from the
593 ordinary high water mark.
594 4. The average setback shall not be reduced to less than 35' from the ordinary high
595 water mark of any navigable water.
596
597 (3) Floodplain Structures. Buildings and structures to be constructed or placed in a
598 floodplain shall be required to comply with any applicable floodplain zoning ordinance.
599

600 4.207 Vegetation

- 601
602 (1) Purpose. To protect natural scenic beauty, fish and wildlife habitat, and water quality, the
603 county shall regulate removal of vegetation in shoreland areas, consistent with sound forestry
604 and soil conservation practices and considering the effect of vegetation removal on water
605 quality, including soil erosion, and the flow of effluents, sediments and nutrients.
606

607 (2) Activities allowed within Vegetative Buffer. To protect water quality, fish and wildlife
 608 habitat and natural scenic beauty, and to promote preservation and restoration of native
 609 vegetation, this ordinance shall designate land that extends from the ordinary high water mark
 610 to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation
 611 in the vegetative buffer zone except as follows.

612

613 (A) The county may allow routine maintenance of vegetation.

614

615 (B) The county may allow removal of trees and shrubs in the vegetative buffer zone to
 616 create access and viewing corridors.

617

618 Per s. 59.692(1f)(b), Stats. the viewing corridor may be at least 35 feet wide for
 619 every 100 feet of shoreline frontage. The viewing corridor may run contiguously for
 620 the entire maximum width of shoreline frontage owned.

621

622 (C) The county may allow removal of trees and shrubs in the vegetative buffer zone on a
 623 parcel with 10 or more acres of forested land consistent with "generally accepted
 624 forestry management practices" as defined in s. NR 1.25 (2) (b), and described in
 625 Department publication "Wisconsin Forest Management Guidelines" (publication
 626 FR-226), provided that vegetation removal be consistent with these practices.

627

628 (D) The county may allow removal of vegetation within the vegetative buffer zone to
 629 manage exotic or invasive species, damaged vegetation, vegetation that must be
 630 removed to control disease, or vegetation creating an imminent safety hazard,
 631 provided that any vegetation removed under the permit be replaced by replanting in
 632 the same area as soon as practicable.

633

634 (E) The county may authorize by permit additional vegetation management activities in
 635 the vegetative buffer zone. The permit issued under this subparagraph shall require
 636 that all management activities comply with detailed plans approved by the county
 637 and designed to control erosion by limiting sedimentation into the waterbody, to
 638 improve the plant community by replanting in the same area, and to maintain and
 639 monitor the newly restored area. The permit also shall require an enforceable
 640 restriction to preserve the newly restored area.

641

642 (3) Cutting More Than 35 Feet Inland. From the inland edge of the 35 foot area to the outer
 643 limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using
 644 accepted forest management and soil conservation practices which protect water quality.

645

646 **4.208 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.** Filling, grading,
 647 lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions
 648 of s. NR 115.04, the requirements of ch. 30, Stats., and other local, state and federal laws where
 649 applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment
 650 of fish and wildlife habitat and natural scenic beauty in compliance with the standards below:

651

652 (1) General Standards. Filling, grading, lagooning, dredging, ditching or excavating which
 653 does not require a permit under section 4.208 may be permitted in the shoreland area provided
 654 that:

655

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

658

659 (B) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland
 660 district meets the requirements of sections 4.203(4)(B) and 4.203(4)(c) of this
 661 ordinance.

662

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

665

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

668

- 669 (E) No filling or grading shall be done from the ordinary high water mark to 35 feet
670 landward unless necessary to establish or re-establish the vegetative buffer or for the
671 construction of a boathouse.
672
- 673 (2) Conditional Use Permit Required. Except as provided in section 4.208(3) conditional use
674 permit is required:
675
- 676 (A) For any filling or grading of any area which is within the Shoreland Zoning District
677 which consists of:
678 1. A single area of more than 1,000 sq. ft. exposed or the cumulative exposed area
679 exceeds 1,000 sq. ft. or
680 2. More than 40 cubic yards of fill is deposited
681
- 682 (B) For any construction or dredging commenced on any existing artificial waterway,
683 canal, ditch, lagoon, pond, lake or similar waterway which is within the jurisdiction
684 of this ordinance or where the purpose is the ultimate connection with a navigable
685 body of water.
686
- 687 (3) Soil Conservation Practices and Agricultural Drainage Maintenance.
688
- 689 (A) Soil conservation practices such as tiled terraces, runoff diversions and grassed
690 waterways used for erosion control shall not require a permit under section 4.208(2)
691 when designed and constructed to Natural Resources Conservation Service technical
692 standards.
693
- 694 (B) The maintenance of existing agricultural drainage systems shall be allowed in
695 conformity with the following construction standards:
696 1. The maintenance dredging of farm drainage ditches is limited to reestablishing
697 the original ditch cross section unless a conditional use permit under section
698 8.22 is obtained.
699 2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50%
700 grade) or flatter.
701 3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
702 4. A 35 foot wide buffer strip of untilled, ungrazed sod cover shall be maintained
703 adjacent to the ditch bank.
704
- 705 (4) Permit Conditions. In granting a permit under section 4.208(2), the County shall attach
706 the following conditions, where appropriate, in addition to other appropriate conditions and
707 provisions resulting in permit review specified in sections 4.214(2) or 4.214(3).
708
- 709 (A) The smallest amount of bare ground shall be exposed for as short a time as feasible.
710
- 711 (B) Temporary ground cover (such as mulch or jute netting) shall be used and
712 permanent vegetative cover shall be established.
713
- 714 (C) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other
715 methods shall be used to prevent erosion.
716
- 717 (D) Lagoons shall be constructed to avoid fish trap conditions.
718
- 719 (E) Fill shall be stabilized according to accepted engineering standards.
720
- 721 (F) Filling shall comply with any local floodplain zoning ordinance and shall not restrict
722 a floodway or destroy the flood storage capacity of a floodplain.
723
- 724 (G) Consideration and care shall be taken to inhibit transfer of invasive species when fill
725 material is relocated to or from a site as part of construction project.
726
- 727 (H) Channels or artificial watercourses shall be constructed with side slopes of two (2)
728 units horizontal distance to one (1) unit vertical or flatter (50% slope or less) which
729 shall be promptly vegetated, unless bulkheads or riprap are provided.
730

731 **4.209 Impervious Surface Standards**

732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794

(1) Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

(2) Calculation of Impervious Surface. Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel and multiplied by 100. Impervious surfaces described in 4.209(6) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(3) Impervious Surface Standard. Except as otherwise allowed in sections (4)-(6) below, the County shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 of the ordinary high-water mark

(4) Maximum Impervious Surface. More than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark shall be permitted with a mitigation plan that meets the standards found in section 4.213.

(5) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 4.209(3) or the maximum impervious surface standard in section 4.209(4), the property owner may do any of the following:

- (A) maintain and repair the existing impervious surfaces;
- (B) replace existing impervious surfaces with similar surfaces within the existing building envelope;
- (C) relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements of this ordinance.

(6) Treated Impervious Surfaces. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 4.209(2) :

- (A) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (B) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (C) To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include 1) calculations showing how much runoff is coming from the impervious surface area; 2) documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and 3) an implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

(7) This section of the ordinance shall not be construed to supersede other provisions in this ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must

795 comply with other provisions including the shoreland setback standards in sections 4.206(1) or
 796 4.206(2) and the nonconforming structure provisions of sections 4.11(1) through 4.211(8).

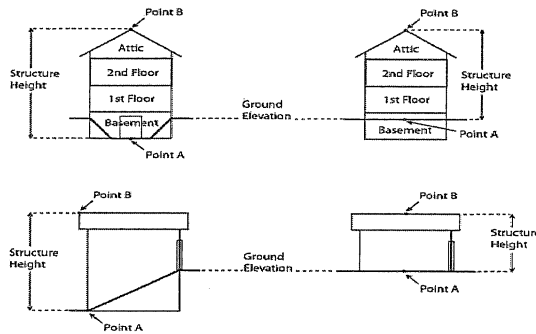
797

798 **4.210 Heights.** To protect and preserve wildlife habitat and natural scenic beauty, on or after
 799 February 1, 2010, no construction that results in a structure taller than 35 feet shall be permitted within
 800 the Shoreland Zoning District.

801

802 Structure height is the measurement of the vertical line segment starting at the lowest point of any
 803 exposed wall and it's intersect with the ground (Point A Below) to a line horizontal to the highest point
 804 of a structure (Point B Below) unless specified under other sections of this code. This includes
 805 partially exposed basements.

806



807

808

809

810 **4.211 Nonconforming Uses and Structures.**

811

812 (1) Purpose. To protect water quality, fish and wildlife habitat, and natural scenic beauty,
 813 some control is needed over the modification and reconstruction of these structures.

814

815 (2) Discontinued Nonconforming Use. If a nonconforming use is discontinued for a period of
 816 12 months, any future use of the building, structure or property shall conform to this ordinance.

817

818 (3) Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures.
 819 An existing structure that was lawfully placed when constructed but that does not comply with
 820 the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or
 821 remodeled if the activity does not expand the footprint of the nonconforming structure. Further,
 822 an existing structure that was lawfully placed when constructed but that does not comply with
 823 the required shoreland setback may be vertically expanded unless the vertical expansion would
 824 extend more than 35 feet above grade level. Counties may allow expansion of a structure
 825 beyond the existing footprint if the expansion is necessary to comply with applicable state or
 826 federal requirements.

827

828 Pursuant to s. 59.692(1k)(a)1.b. and d. Stats., the County may not require any approval or
 829 impose any fee or mitigation requirement for the activities specified in section 4.211(3) if the
 830 activity does not expand the footprint of the nonconforming structure or extend the height more
 831 than 35 feet above grade level.

832

833 (4) Lateral Expansion of Nonconforming Principal Structure Within the Setback. An existing
 834 principal structure that was lawfully placed when constructed but that does not comply with the
 835 required building setback per sections 4.205 and 4.206(1) may be expanded laterally, provided
 836 that all of the following requirements are met:

837

838 (A) The use of the structure has not been discontinued for a period of 12 months or
 839 more if a nonconforming use.

840

841 (B) The existing principal structure is at least 35 feet from the ordinary high-water
 842 mark.

843

844 (C) Lateral expansions are limited to a maximum of 200 square feet over the life of the
 845 structure. No portion of the expansion may be any closer to the ordinary high-water
 846 mark than the closest point of the existing principal structure.

847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908

(D) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4.213.

(E) All other provisions of the shoreland ordinance shall be met.

(5) Expansion of a Nonconforming Principal Structure Beyond Setback. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per sections 4.205 and 4.206(1) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under the impervious surface standards of this ordinance.

(6) Relocation of Nonconforming Principal Structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be relocated on the property provided all of the following requirements are met:

(A) The use of the structure has not been discontinued for a period of 12 months or more.

(B) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(C) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(D) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirements.

(E) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4.213 including enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

(F) All other provisions of the shoreland ordinance shall be met.

(7) Wet Boathouses. The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Stats.

4.212 Maintenance, repair, replacement or vertical expansion of a structures that were authorized by a variance.

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

4.213 Mitigation.

- 909 (1) Application for Mitigation Permit Requirements. When the county issues a permit
 910 requiring mitigation under sections 4.206(1)(A)2, 4.209(2), 4.211(5) and 4.211(7), the property
 911 owner must submit a complete permit application that is reviewed and approved by the county.
 912 The application shall include the following:
 913
- 914 (A) A mitigation plan shall be submitted on forms provided by the Zoning Administrator
 915 for review and approval. The mitigation measures shall be proportional in scope to
 916 the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and
 917 natural scenic beauty. The site plan shall be designed and implemented to restore
 918 natural functions lost through development and human activities. Plan review will
 919 be based on current guidance from sources such as the Wisconsin Department of
 920 Natural Resources, the USDA-Natural Resources Conservation Service, University
 921 of Wisconsin-Extension or other appropriate sources. The plan shall be signed by
 922 the property owner and filed with the Zoning Administrator prior to issuance of the
 923 zoning permit. The plan shall include, at a minimum:
 924
- 925 1. Name and Address of property owner
 - 926 2. Property address and legal description
 - 927 3. Extent of the shoreland buffer
 - 928 4. Scale (e.g. 1 inch = 10 feet)
 - 929 5. Existing and planned topography
 - 930 6. Ordinary high water mark (OHWM) location
 - 931 7. Location of all structures on the property including those planned as part of
 932 mitigation
 - 933 8. Viewing and access corridor
 - 934 9. Boundary of the shoreland buffer zone
 - 935 10. Existing trees, shrubs, and native ground cover
 - 936 11. Areas to be planted with trees, shrubs, and groundcovers
 - 937 12. Implementation schedule (see detail below)
 - 938 13. A plant species list and potential substitutions if availability is an issue (see
 939 restoration standards and specifications below)
 - 940 14. Erosion control practices (to be installed prior to and during buffer
 941 establishment)
 - 942 15. Water diversions and channelized flow areas
 - 943 16. Buffer Maintenance (watering, weeding, replanting, etc)
 - 944
- 945 (B) Implementation schedule. The approved mitigation plan must be started within one
 946 year from the issue date of applicable permit. All plantings and any other required
 947 activities in the mitigation plan must be completed within two years of the permit
 948 issue date.
 949
- 950 (C) The mitigation measures shall be maintained in perpetuity, unless the property
 951 owner receives approval of a new, approved mitigation plan meeting the same point
 952 requirements. The maintenance obligations shall be evidenced by an instrument,
 953 provided by the Agency, recorded in the office of the Register of Deeds prior to
 954 issuance of the permit.
 955
- 956 (D) Certification of Completion. Within two years of issuance of the related zoning
 957 permit, the property owner shall complete the mitigation practices and shall certify
 958 in writing to the Zoning Administrator that the required mitigation has been
 959 completed. As part of the certification, the property owner shall submit photos
 960 documenting the mitigation measures.
 961
- 962 (E) Subsequent Development. Subsequent zoning permit applications in compliance
 963 with all new development standards of this ordinance shall not require additional
 964 mitigation provided the mitigation measures are maintained.
 965
- 966 (2) Determination of Level or Required Mitigation. A plan to mitigate for the adverse effects
 967 of construction on a waterfront property is required under other sections of this Ordinance and
 968 will be based on a point system. The number of mitigation points necessary for a zoning permit
 969 depends on the type, size and location of the construction activity. Similarly, the various
 970 mitigation practices have been assigned point values to be accumulated to an amount equal or
 971 greater than the point value of the adverse construction activity. The Zoning Administrator

972 shall determine the number of points necessary and the landowner shall choose mitigation
 973 options in consideration the impact of the project based on the following:

- 974
 975 (A) Points are required for developing property under the following conditions and shall
 976 be cumulative when more than one condition applies:
 977 1. Installation of impervious surfaces on greater than 15% (but less than 30%) of
 978 the portion of the lot within 300' of the ordinary high water mark (section
 979 4.209(4) – 2 points.
 980 2. Lateral expansion of a non conforming principal structure (section 4.211(4)) ---
 981 2 points.
 982 3. Relocation of a non conforming principal structure (section 4.211(6) – 6 points.
 983 4. Building or excavating on slopes greater than or equal to 20 % - 1 additional
 984 point
 985
- 986 (B) Approved Mitigation Practices. Property owners may choose among the following
 987 mitigation practices to achieve the number mitigation points chosen. Practices shall
 988 be chosen in consideration of the project impact on the purposes and intent of this
 989 ordinance.
 990 1. The associated privately owned wastewater treatment system must be evaluated
 991 and upgraded as appropriate in compliance with SPS 383, Wis. Administrative
 992 Code. Replacement of failing septic system due to setbacks or sizing - 2 points.
 993 Replacement of failing septic system due to surface water or groundwater
 994 impacts - 3 points
 995 2. Native vegetation and water quality protection functions of the shore buffer area
 996 must be restored to the extent practicable following the standards in Section
 997 4.213(3). Points may be obtained for maintaining existing buffer zones or for
 998 creating and maintaining new buffer zones as set forth below.
 999 When a shoreland buffer restoration is required as part of the mitigation plan, the
 1000 buffer type shall be either woodland, prairie, wetland or a combination if the site
 1001 characteristics permit. The woodland and prairie buffers shall comply with the
 1002 standards set forth in Sec. 4.213(3). Wetland buffers will also be permitted
 1003 where deemed appropriate by the Zoning Administrator.
 1004 a. Primary Active Buffer Zone: Shore buffer zone within thirty-five feet (35')
 1005 of the OHWM, including trees, shrubbery, underbrush and other natural
 1006 vegetation, and subject to the standards in Sec. 4.213(3) - 3 points.
 1007 b. Secondary Active Buffer Zone: An additional fifteen feet (15') of buffer
 1008 zone depth inland from the OHWM beyond the thirty-five feet (35') of buffer
 1009 zone already established, providing a total of fifty feet (50') of buffer zone
 1010 depth, subject to Sec. 4.213(3) - 2 points.
 1011 c. Increasing buffer depths - ½ point for each rounded 5 ft increment beyond
 1012 the secondary active buffer zone.
 1013 d. Passive Buffer Zone: Shoreland vegetation buffer area within thirty-five feet
 1014 (35') of the OHWM, including un-mowed, grass or other under story
 1015 vegetation, but without the tree and shrub layers required to meet the three-
 1016 point mitigation standard - 1 point.
 1017 e. Side lot Buffer Zone: A ten foot (10') wide side lot buffer zone including
 1018 trees, shrubbery, underbrush and other natural vegetation extending along a
 1019 side lot line for a depth of at least one hundred feet (100') from the OHWM.
 1020 One point. The side lot buffer area is subject to the same standards and
 1021 conditions as the active buffer zone. Points for side lot line buffers may be
 1022 additive, for a maximum of two (2) points, if buffer areas exist and are
 1023 maintained along both side lot lines.
 1024 3. Nonconforming structures removed from the shore setback area. Points may be
 1025 obtained for the removal of structures as set forth below.
 1026 a. Removal of a principal structure located within seventy-five feet (75') of the
 1027 OHWM to a site that meets the OHWM set back requirements for new
 1028 development on that water body - 3 points.
 1029 b. Removal of all non-principal, accessory structures located within thirty-five
 1030 feet (35') of the OHWM, with the result that all such structures, including
 1031 boathouses, are set back at least thirty-five feet (35') from the ordinary high
 1032 water mark - 2 points.
 1033 c. Removal of all non-principal, accessory structures located between thirty-
 1034 five feet (35') and seventy-five feet (75') from the ordinary high water mark,

- 1035 with the result that all such structures, including boathouses, are set back at
 1036 least seventy-five feet (75') from the ordinary high water mark - 1 point.
 1037 d. No non-principal, accessory structures are located less than seventy-five feet
 1038 (75') from the ordinary high water mark. This point is not added to points
 1039 awarded for removal of structures from para. ii and iii above - 1 point.
 1040 e. Removal of non-structural impervious surfaces - ½ point for each rounded
 1041 500 sq.ft. of pavement or hardpacked gravel.
 1042 4. Exterior building materials shall blend with the natural ground cover in the
 1043 vicinity of the construction - 1 point
 1044 5. Having percentages of the parcel in a natural state. 25-49% - 1 point. 50-74% - 2
 1045 points. >74% - 3 points
 1046 6. Other Practices. At the discretion of the Zoning Administrator, up to three (3)
 1047 additional mitigation points may be approved for restoration or protection
 1048 activities that are likely to provide significant benefits to meet the objectives of
 1049 this ordinance. Examples may include construction of a storm water detention
 1050 basin or implementation of other storm water management plan activities,
 1051 replacement of seawalls with bio-engineered structures, installation of rain
 1052 barrels, compaction mitigation or removal of artificial sand beaches.

1053
 1054 Factors to be considered in making the determination of number of points and
 1055 approval of alternative mitigation practices include, but are not limited to:

- 1056 a. Cost of implementation;
 1057 b. Runoff diversion and/or retention;
 1058 c. Lot configuration;
 1059 d. Parcel size;
 1060 e. Location of impervious areas;
 1061 f. Sensitivity and level of development of the water body; and
 1062 g. Significance toward meeting ordinance objectives.
 1063

1064 (3) Restoration Standards and Specifications. All shoreland restoration projects shall be
 1065 designed based on the following standards and specifications:
 1066

- 1067 (A) Natural Recovery. Shoreland buffer areas that are suited for natural recovery will be
 1068 allowed only after Zoning Administrator approval.
 1069
 1070 (B) Accelerated recovery. Areas not suited to natural recovery will require plantings to
 1071 establish native vegetation. Areas such as lawns or eroded sites with no seed source
 1072 will require plantings following site preparation including turf removal. Planted
 1073 buffers must meet the required plant densities based on square footage of buffer area
 1074 and the type of buffer (Table 1).
 1075
 1076 (C) Planting credits will be allowed for the viewing corridor, areas of existing native
 1077 vegetation, and areas suited for natural recovery.
 1078
 1079 (D) Viewing Corridor. Sod, mulch, or other approved non-erodeable natural material is
 1080 allowed in the view corridor to the minimum extent necessary for access and
 1081 recreation as stipulated below:
 1082 1. Wherever feasible, grass species used shall be no-mow/low-grow grasses which
 1083 do not require cutting.
 1084 2. One path with a maximum width of 4 feet as allowed by this ordinance.
 1085 (E) Vegetation used in any restoration shall be native to the state of Wisconsin and shall
 1086 be installed at densities that are adequate to reestablish the water quality, habitat and
 1087 natural beauty protection functions of a shoreline buffer area.
 1088
 1089 (F) Planting densities are based on the total area of the required buffer. Area credits
 1090 calculated are subtracted from the total required density on an equal square footage
 1091 of coverage basis. Trees must be at least 2 years old and greater than 1 foot tall to
 1092 qualify as a credit or planting.
 1093
 1094 (G) Pre-existing structures. For lots with legal pre-existing structures, restoration is not
 1095 required within 15 feet of the principal structure.
 1096

1097 (H) Once the shoreline buffer has been reestablished, vegetation removal and land
 1098 disturbing activities are generally prohibited as outlined in the recorded maintenance
 1099 agreement.
 1100
 1101

<i>Woodland Buffer</i>			<i>Prairie Buffer</i>		
Layer	Minimum number of species	Density per 100 square feet	Minimum number of species	Density per 100 square feet	Area Credits
Tree Canopy	3	1	2	0.2	Existing tree canopy
Shrub Understory	4	1.5	2	0.5	Existing shrub understory
Groundcover Plant Plugs	3	70	5	70	Existing well vegetated native ground cover
Groundcover seeding	3	Varies	5	Varies	Existing well vegetated native ground cover

1102 **Table 1**

1103

1104

1105 **4.214 Administrative Provisions.**

1106

1107 (1) Zoning Administrator. The Zoning Administrator shall have the following duties and
 1108 powers:

1109

1110 (A) System of permits for new construction, development, reconstruction, structural
 1111 alteration or moving of buildings and structures. A copy of applications shall be
 1112 required to be filed in the office of the County Zoning Administrator, unless
 1113 prohibited by s. 59.692(1k), Stats.

1114

1115 (B) Regular inspection of permitted work in progress to insure conformity of the
 1116 finished structures with the terms of the ordinance.

1117

1118 (C) A variance procedure which authorizes the board of adjustment to grant such
 1119 variance from the terms of the ordinance as will not be contrary to the public interest
 1120 where, owing to special conditions and the adoption of the shoreland zoning
 1121 ordinance, a literal enforcement of the provisions of the ordinance will result in
 1122 unnecessary hardship.

1123

1124 (D) A conditional use procedure.

1125

1126 (E) The county shall keep a complete record of all proceedings before the Board of
 1127 Adjustment, and Planning and Development Agency.

1128

1129 (F) Written notice to the appropriate office of the Department at least 10 days prior to
 1130 any hearing on a proposed variance, special exception or conditional use permit,
 1131 appeal for a map or text interpretation, map or text amendment, and copies of all
 1132 proposed land divisions submitted to the county for review under section 4.204.
 1133 Upon request of the Department a county shall provide to the appropriate office a
 1134 copy of any permit issued under section 4.214.

1135

1136 (G) Submission to the appropriate office of the Department, within 10 days after grant or
 1137 denial, copies of any permit related to a nonconforming structure, any decision on a
 1138 variance, special exception or conditional use permit, or appeal for a map or text
 1139 interpretation, and any decision to amend a map or text of an ordinance.

- 1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
- (H) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
 - (I) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.
 - (J) The prosecution of violations of the shoreland ordinance.
- (2) Permits
- (A) When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator before any new development.
 - (B) Application. An application for a permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, 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 scaled drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways, the ordinary high water mark and floodplain of any abutting waterways.
 4. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 5. Plans for appropriate mitigation when required.
 6. Payment of the appropriate fee established by the Rock County Board of Supervisors.
 7. Additional information required by the Zoning Administrator.
 - (C) Expiration of Permit. Zoning permits shall expire 12 months from date issued.
 - (D) Certificates of Compliance of Mitigation. For permitted projects that require mitigation under this ordinance, no land or building shall be occupied or used 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, and associated mitigation practices conform to the provisions of this ordinance and the approved permit.
 2. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit and mitigation plan, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.
 3. The Zoning Administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the County Board.
- (3) Conditional Use Permits.
- (A) Application for a Conditional Use Permit. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Committee. To secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a zoning permit, 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 plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
 4. A scaled drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line

- 1203 of abutting highways, the ordinary high-water mark and floodplain of any
 1204 abutting waterways.
- 1205 5. Location and description of any existing private water supply or sewage system
 1206 or notification of plans for any such installation.
- 1207 6. Plans for appropriate mitigation when required.
- 1208 7. Specifications for areas of proposed filling, grading, lagooning or dredging.
- 1209 8. Rationale for why the proposed conditional use meets all of the conditional use
 1210 permit criteria listed in the ordinance
- 1211 9. Other pertinent information necessary to determine if the proposed use meets the
 1212 requirements of this ordinance as required by the Zoning Administrator.
- 1213
- 1214 (B) Notice, Public Hearing and Decision. Before deciding whether to grant or deny an
 1215 application for a conditional use permit, the Committee shall hold a public hearing.
 1216 Notice of such public hearing, specifying the time, place and matters to come before
 1217 the Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats and via
 1218 mail to surrounding landowners (those within 1000 feet in areas not served by
 1219 sanitary sewer and those landowners within 500 feet in areas served by sanitary
 1220 sewer). Such notice shall be provided to the appropriate office of the Department at
 1221 least 10 days prior to the hearing. The Committee shall state in writing the grounds
 1222 for granting or denying a conditional use permit.
- 1223
- 1224 (C) Standards Applicable to All Conditional Uses. In deciding a conditional use permit
 1225 application, the Committee shall evaluate the effect of the proposed use upon:
- 1226 1. The maintenance of safe and healthful conditions.
- 1227 2. The prevention and control of water pollution including sedimentation.
- 1228 3. Compliance with local floodplain zoning ordinances and opportunity for damage
 1229 to adjacent properties due to altered surface water drainage.
- 1230 4. The erosion potential of the site based upon degree and direction of slope, soil
 1231 type and vegetative cover.
- 1232 5. The location of the site with respect to existing or future access roads.
- 1233 6. The need of the proposed use in a shoreland location.
- 1234 7. Its compatibility with uses on adjacent land.
- 1235 8. The amount of liquid and solid wastes to be generated and the adequacy of the
 1236 proposed disposal systems.
- 1237 9. Location factors under which:
- 1238 a. Domestic uses shall be generally preferred;
- 1239 b. Uses not inherently a source of pollution within an area shall be preferred
 1240 over uses that are or may be a pollution source;
- 1241 c. Use locations within an area tending to minimize the possibility of pollution
 1242 shall be preferred over use locations tending to increase that possibility.
- 1243
- 1244 (D) Conditions Attached to Conditional Use Permits.
- 1245
- 1246 1. Such conditions may include specifications for, without limitation because of
 1247 specific enumeration: type of shore cover; specific sewage disposal and water
 1248 supply facilities; landscaping and planting screens; period of operation;
 1249 operational control; sureties; deed restrictions; location of piers, docks, parking
 1250 and signs; and type of construction. Upon consideration of the factors listed
 1251 above, the Committee shall attach such conditions, in addition to those required
 1252 elsewhere in this ordinance, as are necessary to further the purposes of this
 1253 ordinance. Violations of any of these conditions shall be deemed a violation of
 1254 this ordinance.
- 1255
- 1256 2. In granting a conditional use permit, the Committee may not impose conditions
 1257 which are more restrictive than any of the specific standards in the ordinance.
 1258 Where the ordinance is silent as to the extent of restriction, the Committee may
 1259 impose any reasonable permit conditions to affect the purpose of this ordinance.
 1260 Minimum conditions of approval are found in section 4.208.
- 1261
- 1262 (E) Recording. When a conditional use permit is approved, an appropriate record shall
 1263 be made of the land use and structures permitted. Such permit shall be applicable
 1264 solely to the structures, use and property so described. A copy of any decision on a

1265 conditional use permit shall be provided to the appropriate office of the Department
 1266 within 10 days after it is granted or denied.

1267
 1268 (F) Revocation. Where the conditions of a conditional use permit are violated, the
 1269 permit may be revoked.

1270
 1271 (4) Variances. The Board of Adjustment may grant upon appeal a variance from the
 1272 standards of this ordinance where an applicant convincingly demonstrates that:

1273
 1274 (A) Power to Grant.
 1275
 1276 1. literal enforcement of the provisions of the ordinance will result in unnecessary
 1277 hardship on the applicant;
 1278 2. the hardship is due to special conditions unique to the property; and
 1279 3. is not contrary to the public interest.

1280
 1281 (B) Notice, Hearing and Decision. Before deciding on an application for a variance, the
 1282 Board of Adjustment shall hold a public hearing. Notice of such hearing specifying
 1283 the time, place and matters of concern, shall be given a Class 2 notice under ch. 985,
 1284 Wis. Stats and via mail to surrounding landowners (those within 1000 feet in areas
 1285 not served by sanitary sewer and those landowners within 500 feet in areas served by
 1286 sanitary sewer). Such notice shall be provided to the appropriate office of the
 1287 Department at least 10 days prior to the hearing. The Board shall state in writing the
 1288 reasons for granting or refusing a variance and shall provide a copy of such decision
 1289 to the appropriate Department office within 10 days of the decision.

1290
 1291 (5) Board of Adjustment.

1292
 1293 (A) The Rock County Board of Adjustment created by the Rock County Board of
 1294 Supervisors in accordance with s. 59.694, Wis. Stats., as provided in Chapter 4 Part
 1295 12 of the Rock County Code, shall serve as the board of adjustment provided for in
 1296 this ordinance and all provisions of Part 12 consistent with the terms of this
 1297 ordinance shall apply to the Board of Adjustment and its proceedings under this
 1298 ordinance.

1299
 1300 (B) Powers and Duties
 1301
 1302 1. The board of adjustment shall adopt such additional rules as it deems necessary
 1303 and may exercise all of the powers conferred on such boards by s. 59.694, Wis.
 1304 Stats. The County Board has adopted such rules for the conduct of the business
 1305 of the board of adjustment as required by s. 59.694(3), Wis. Stats known as the
 1306 "Rock County Board of Adjustment Rules and Procedures."
 1307 2. It shall hear and decide appeals where it is alleged there is error in any order,
 1308 requirements, decision or determination made by an administrative official in the
 1309 enforcement or administration of this ordinance.
 1310 3. It may grant a variance from the standards of this ordinance pursuant to section
 1311 4.214(4).
 1312 4. In granting a variance, the board may impose any reasonable permit conditions
 1313 to effect the purpose of this ordinance.

1314
 1315 (C) Appeals to the Board. Appeals to the board of adjustment may be made by any
 1316 person aggrieved or by an officer, department, board or bureau of the county
 1317 affected by any decision of the Zoning Administrator or other administrative officer.
 1318 Such appeal shall be made within 30 days, as provided by the rules of the board, by
 1319 filing with the officer whose decision is in question, and with the board of
 1320 adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning
 1321 Administrator or other officer whose decision is in question shall promptly transmit
 1322 to the board all the papers constituting the record concerning the matter appealed.

1323
 1324 (D) Hearing Appeals and Applications for Variances.
 1325
 1326 1. The board of adjustment shall fix a reasonable time for a hearing on the appeal
 1327 or application. The board shall give public notice thereof by publishing a Class

- 1328 2 notice under ch. 985, Wis. Stats, specifying the date, time and place of the
 1329 hearing and the matters to come before the board. Notice shall be mailed to the
 1330 parties in interest. Written notice shall be given to the appropriate office of the
 1331 Department at least 10 days prior to hearings on proposed shoreland variances
 1332 and appeals for map or text interpretations.
- 1333 2. A decision regarding the appeal or application shall be made as soon as
 1334 practical. Copies of all decisions on shoreland variances and appeals for map or
 1335 text interpretations shall be submitted to the appropriate office of the
 1336 Department within 10 days after they are granted or denied.
- 1337 3. The final disposition of an appeal or application to the board of adjustment shall
 1338 be in the form of a written resolution or order signed by the chairman and
 1339 secretary of the board. Such resolution shall state the specific facts which are
 1340 the basis of the board's determination and shall either affirm, reverse, vary or
 1341 modify the order, requirement, decision or determination appealed, in whole or
 1342 in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the
 1343 application.
- 1344 4. At the public hearing, any party may appear in person or by agent or by attorney.
 1345
- 1346 (6) Fees. The County Board may, by resolution, adopt fees for the following:
 1347
- 1348 (A) Zoning permits.
 1349 (B) Certificates of compliance.
 1350 (C) Planned Unit Development reviews.
 1351 (D) Public hearings.
 1352 (E) Legal notice publications.
 1353 (F) Conditional use permits.
 1354 (G) Variances.
 1355 (H) Administrative appeals.
 1356 (I) Other duties as determined by the County Board.
 1357

1358 **4.215 Changes and Amendments.** The County Board may from time to time, alter, supplement or
 1359 change the regulations contained in this ordinance in accordance with the requirements of
 1360 s. 59.69(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.
 1361

- 1362 (1) Amendments to this ordinance may be made on petition of any interested party as
 1363 provided in s. 59.69(5), Wis. Stats.
 1364
- 1365 (2) Shoreland Wetland Map Amendments
 1366
- 1367 (A) Every petition for a shoreland-wetland map amendment shall be referred to the Rock
 1368 County Planning and Development Agency. A copy of each petition shall be
 1369 provided to the appropriate office of the Department within 5 days of the filing of
 1370 the petition with the Planning and Development Agency. Written notice of the
 1371 public hearing to be held on a proposed amendment shall be provided to the
 1372 appropriate office of the Department at least 10 days prior to the hearing.
 1373
- 1374 (B) A copy of the County Board's decision on each proposed amendment shall be
 1375 forwarded to the appropriate office of the Department within 10 days after the
 1376 decision is issued.
 1377

1378 **4.216 Enforcement and Penalties**
 1379

- 1380 (1) Forfeitures. Any person, firm or corporation who fails to comply with, or violates, the
 1381 provisions of this Ordinance shall, upon conviction thereof, forfeit those amounts as established
 1382 by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day a
 1383 violation exists or continues shall constitute a separate offense and is considered a public
 1384 nuisance.
 1385
- 1386 (2) Enforcement. It shall be unlawful to construct or use any structure, land, or water in
 1387 violation of any of the provisions of this Ordinance. In case of any violation, the Zoning
 1388 Administrator, the County Planning and Development Committee, or any neighboring property
 1389 owner may institute appropriate action or proceeding to enjoin a violation of this Ordinance or
 1390 cause a structure or use to be vacated or removed.

1391

1392

1393

1394

1395

1396

1397

1398

1399

1400

1401

1402

1403

1404

1405

1406

1407

1408

1409

1410

1411

1412

1413

1414

1415

1416

1417

1418

1419

1420

1421

1422

1423

1424

1425

1426

1427

1428

1429

1430

1431

1432

1433

1434

1435

1436 **4.217 Definitions**

1437

1438

1439

1440

1441

1442

1443

1444

1445

1446

1447

1448

1449

1450

1451

1452

- (A) The Planning & Development Agency Director or Zoning Administrator or their designee, are authorized to issue an ordinance citation, pursuant to Chapter 21 of the County Code of Ordinances to any person, firm, association or corporation for engaging in activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.
- (B) The Planning & Development Agency shall notify the landowner/permit holder by certified mail of any non-complying activity or structure. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- (C) Upon receipt of written notification from the Planning & Development Agency under paragraph (2) the landowner/permit holder shall comply with the remedial actions described in the notice.
- (D) If a landowner/permit holder does not comply with the provisions of a notice of non-compliance, the Planning & Development Agency may issue a citation(s) and/or revoke the permit.
- (E) If non-compliance with this ordinance is determined by the Planning & Development Agency as likely to result in damage to adjacent property, public facilities, or waters of the state, the Planning & Development Agency may post a stop-work order at the time of notification.
- (F) If the landowner/permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order, the Planning & Development Agency may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.
- (G) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the Planning and Development Agency, Board of Adjustment, or by a court with jurisdiction.

(3) **Civil Enforcement**

Appropriate actions and proceeding may be taken by Law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, premises or use. These remedies shall be in addition to the Penalties described above.

(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:

ACCESS AND VIEWING CORRIDOR means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY STRUCTURE means a subordinate structure 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.

1453 BOATHOUSE means a permanent structure used for the storage of watercraft and
1454 associated materials and includes all structures which are totally enclosed, have roofs or
1455 walls or any combination of these structural parts.
1456

1457 BUILDING ENVELOPE means the three dimensional space within which a structure is
1458 built.
1459

1460 COUNTY ZONING AGENCY means that committee or commission created or
1461 designated by the County Board under s. 59.69(2)(a), Wis. Stats, to act in all matters
1462 pertaining to county planning and zoning. In Rock County, it is referred to as the Rock
1463 County P&D Agency.
1464

1465 CONDITIONAL USE means a use which is permitted by this ordinance provided that
1466 certain conditions specified in the ordinance are met and that a permit is granted by the
1467 Planning and Development Committee.
1468

1469 DEPARTMENT means the Department of Natural Resources.
1470

1471 DEVELOPMENT means any artificial change to improved or unimproved real estate,
1472 including but not limited to, the construction of buildings, structures or accessory
1473 structures; the construction of additions or substantial improvements to buildings,
1474 structures or accessory structures; the placement of buildings or structures; mining,
1475 dredging, filling, grading, paving, excavation, or drilling operations; and the storage,
1476 deposition or extraction of materials.
1477

1478 EXISTING DEVELOPMENT PATTERN means that principal structures exist within 250
1479 feet of a proposed principal structure in both directions along the shoreline.
1480

1481 FLOODPLAIN means the land which has been or may be hereafter covered by flood
1482 water during the regional flood. The floodplain includes the floodway and the flood
1483 fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
1484

1485 FOOTPRINT means the land area covered by a structure at ground level measured on a
1486 horizontal plane. The footprint of a residence or building includes the horizontal plane
1487 bounded by the furthest exterior wall and eave if present, projected to natural grade. For
1488 structures without walls (decks, stairways, patios, carports) – a single horizontal plane
1489 bounded by the furthest portion of the structure projected to natural grade. Note: For the
1490 purposes of replacing or reconstructing a nonconforming building with walls, the footprint
1491 shall not be expanded by enclosing the area that is located within the horizontal plane
1492 from the exterior wall to the eaves projected to natural grade. This constitutes a lateral
1493 expansion under NR 115 and would need to follow NR 115.05 (1)(g)5 and provision of
1494 this Ordinance.
1495

1496 GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES means forestry
1497 management practices that promote sound management of a forest. Generally accepted
1498 forestry management practices include those practices contained in the most recent
1499 version of the department publication known as Wisconsin Forest Management
1500 Guidelines and identified as PUB FR-226.
1501

1502 IMPERVIOUS SURFACE means an area that releases as runoff all or a majority of the
1503 precipitation that falls on it. "Impervious surface" excludes frozen soil but includes and is
1504 not limited by enumeration to rooftops, sidewalks, driveways, parking lots, and streets
1505 unless specifically designed, constructed, and maintained to be pervious. Roadways as
1506 defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis.
1507 Adm. Code, are not considered impervious surfaces.
1508

1509 MAINTENANCE AND REPAIR includes such activities as interior remodeling, painting,
1510 decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring,
1511 siding, roof and other nonstructural components; and the repair of cracks in foundations,
1512 sidewalks, walkways and the application of waterproof coatings to foundations.
1513

1514 MITIGATION means balancing measures that are designed, implemented and function to
1515 restore natural functions and values that are otherwise lost through development and
1516 human activities.
1517

1518 NAVIGABLE WATERS means Lake Superior, Lake Michigan, all natural inland lakes
1519 within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the
1520 territorial limits of this state, including the Wisconsin portion of boundary waters, which
1521 are navigable under the laws of this state. Under s. 281.31(2)(m), Wis. Stats,
1522 notwithstanding any other provision of law or administrative rule promulgated thereunder,
1523 shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm.
1524 Code, do not apply to lands adjacent to:
1525

1526 (1) Farm drainage ditches where such lands are not adjacent to a natural navigable
1527 stream or river and such lands were not navigable streams before ditching; and,
1528 (2) Artificially constructed drainage ditches, ponds or storm water retention basin that
1529 are not hydrologically connected to a natural navigable water body.
1530

1531 ORDINARY HIGH-WATER MARK means the point on the bank or shore up to which
1532 the presence and action of surface water is so continuous as to leave a distinctive mark
1533 such as by erosion, destruction or prevention of terrestrial vegetation, predominance of
1534 aquatic vegetation, or other easily recognized characteristics.
1535

1536 REGIONAL FLOOD means a flood determined to be representative of large floods
1537 known to have generally occurred in Wisconsin and which may be expected to occur on a
1538 particular stream because of like physical characteristics, once in every 100 years.
1539

1540 REPLACEMENT CONSTRUCTION in which the principal building or portion thereof is
1541 torn down and replaced by a new structure or building or portion thereof.
1542

1543 ROUTINE MAINTENANCE OF VEGETATION means normally accepted horticultural
1544 practices that do not result in the loss of any layer of existing vegetation and do not
1545 require earth disturbance.
1546

1547 SHORELAND means lands within the following distances from the ordinary highwater
1548 mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a
1549 river or stream or to the landward side of the floodplain, whichever distance is greater.
1550

1551 SHORELAND SETBACK also known as the "Shoreland setback area" in s.
1552 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary
1553 high-water mark in which the construction or placement of buildings or structures has
1554 been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.
1555 In this ordinance, the shoreland setback is seventy-five feet.
1556

1557 SHORELAND-WETLAND DISTRICT means the zoning district, created as a part of this
1558 shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on
1559 the wetland maps which have been adopted and made a part of this ordinance.
1560

1561 STRUCTURAL ALTERATIONS means any changes in the supporting members of a
1562 structure such as foundations, bearing walls, columns, beams or girders, footing and piles
1563 or any substantial change in the roof structure, or in the exterior walls.
1564

1565 STRUCTURE means a principal structure or any accessory structure including a garage,
1566 shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.
1567

1568 STRUCTURE, PRINCIPAL means the main structure on a lot, intended for primary use
1569 as permitted by the regulations of the district in which it is located. A lot on which more
1570 than one principal use is located may have more than one principal structure.
1571

1572 STRUCTURE, TEMPORARY A structure which is built of such materials and in such a
1573 way that it would commonly be expected to have a relatively short useful life, or is built
1574 for a purpose that would commonly be expected to be relatively short-term.
1575

1576 UNNECESSARY HARDSHIP means that circumstance where special conditions, which
 1577 were not self-created, affect a particular property and make strict conformity with
 1578 restrictions governing area, setbacks, frontage, height or density unnecessarily
 1579 burdensome or unreasonable in light of the purposes of this ordinance.

1580

1581 VARIANCE means an authorization granted by the board of adjustment to construct, alter
 1582 or use a building or structure in a manner that deviates from the dimensional standards of
 1583 this ordinance.

1584

1585 WETLANDS means those areas where water is at, near or above the land surface long
 1586 enough to be capable of supporting aquatic or hydrophytic vegetation and which have
 1587 soils indicative of wet conditions.

1588

1589 **Subpart 2: Zoning of County-Owned Lands**

1590

1591 **4.217 Statutory Provisions and Statement of County Policy**

1592

1593 (1) Subsection 59.69(9) of the Wisconsin Statutes provides as follows: with regard to the
 1594 Zoning of County-Owned Lands.:

1595

1596 (A) The County Board may by ordinance zone and rezone lands owned by the County
 1597 without necessity of securing the approval of the town boards of the towns wherein
 1598 such lands are situated and without following the procedure outlined in sec. 59.69(5),
 1599 Wis. Stats., provided that the County Board shall give written notice to the town board
 1600 of the town wherein such lands are situated of its intent to so rezone and shall hold a
 1601 public hearing on the proposed rezoning ordinance and give notice of such hearing by
 1602 posting in 5 public places in the town.

1603

1604 (B) This subsection shall not apply to land that is subject to a town zoning ordinance
 1605 which is purchased by the county for use as a solid or hazardous waste disposal
 1606 facility or hazardous waste storage or treatment facility, as these terms are defined
 1607 under sec. 289.01, Wis. Stats.

1608

1609 (2) If current land uses and Town designated zoning do not correspond on County-owned
 1610 lands the Planning and Development Committee will seek to zone the property within the
 1611 context of Town Zoning Authority.

1612

1613 **4.218 Town Zoning in Shoreland Zoning**

1614

1615 (1) The County Board adopts and incorporates by reference, as if set forth in full, the town
 1616 zoning ordinances for each of the 20 respective towns in Rock County, by text and by map as
 1617 may be amended from time to time.

1618

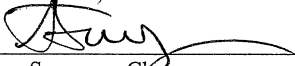
1619 (2) The County Board authorizes the creation of an Intergovernmental Agreement with each
 1620 town in Rock County, pursuant to Wis. Stat. §§ 59.692(4) and 66.0301 for the purpose of
 1621 delegating the administration and enforcement of town zoning, as it relates to shoreland areas,
 1622 back to each respective town in Rock County.

1623

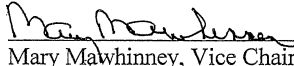
1624 (3) This subsection shall be repealed effective December 31, 2016, along with each
 1625 Intergovernmental Agreement, unless earlier repealed or extended upon the agreement of the
 1626 parties.

Respectfully submitted:

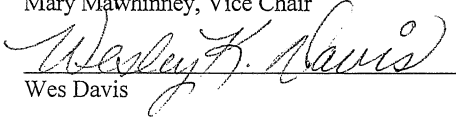
PLANNING & DEVELOPMENT COMMITTEE



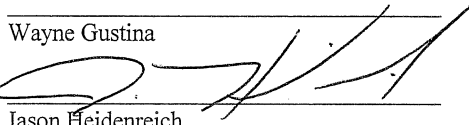
Alan Sweeney, Chair



Mary Mawhinney, Vice Chair



Wes Davis

Wayne Gustina


Jason Heidenreich

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes section 59.02(2).



Jeffrey S. Kuglitsch
Corporation Counsel

FISCAL NOTE:

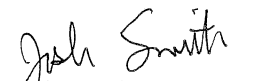
No fiscal impact.



Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith
County Administrator

Executive Summary

REPEALING AND RECREATING ROCK COUNTY ORDINANCE 4.2 ZONING OF SHORELANDS AND COUNTY-OWNED LANDS

The Wisconsin Legislature has recently made changes to the laws implementing Shoreland Zoning in Wisconsin through Wisconsin Acts 55, 167 and 391 (2015). These revisions to State Law require counties to adopt and implement the amendments in the respective local ordinance. Notable revisions pertain to (but are not limited too) the inability of counties to regulate matters more restrictively than the matter is regulated under the state minimum standards, the regulation of nonconforming structures and structures authorized by a variance, shoreland setback averaging, impervious surface limit standards and definitions.

Wisconsin counties are required to adopt and enforce Shoreland Zoning regulations 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 reserve shore cover and natural beauty.” Rock County has enforced a shoreland zoning ordinance in the unincorporated areas of the county, with amendments, since the 1970s.

Planning and Development Agency staff have drafted the necessary revisions based on State Law and the model ordinance created by the DNR. Due to the number of changes proposed, repealing and recreating the ordinance is the most efficient way to complete this process. An underline/strike out version of the draft ordinance (showing all of the revisions) is available for review at the Planning office and on the department’s website. The draft ordinance has been reviewed and approved by the DNR, assuring the ordinance meets the current standards.

A Public Hearing was held Thursday, October 13, 2016 at the regular meeting of the Rock County Planning and Development Committee. Legal Notices were posted and interested parties were invited to attend and/or submit comments prior to the meeting.