

# ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

## CHAPTER 9 ARTICLE 5 - ADDITIONAL TYPES OF USES

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### 9.50 LEGAL PRE-EXISTING STRUCTURES AND USES IN NON-SHORELAND AREA (#25-2004,4-2009)

#### A. Applicability

The lawful use of a structure or premises located in areas subject to this ordinance that existed at the time of the enactment of this ordinance, or any amendment thereto, may be continued although such use does not conform with the provisions of the zoning district in which it is located, subject to the conditions of this section.

#### B. Burden of Proof

The property owner shall have the burden to prove that:

1. The legal pre-existing use or structure was legally established and in existence at the time the applicable provision of this ordinance became effective.
2. The use of the property prior to the effective date of the ordinance provision was so active and actual and was not merely casual and occasional, or incidental to the principal use, such that the property owner has acquired a "vested interest" in the continuance of such a use.

#### C. Legal Pre-Existing Uses

1. A legal pre-existing use of a structure or premises may be expanded or enlarged upon issuance of an administrative review permit. No structural alteration, addition or repair to any building or structure with a legal pre-existing use, over the life of the building or structure shall exceed 100 percent of its building footprint at the time it became legal pre-existing unless it is permanently changed to conform to the requirements of this ordinance and provided that the requirements of Section 9.50 and 9.99 are met.

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2. Discontinuance. If a legal pre-existing use is discontinued for twelve (12) consecutive months, any future use of the structure or property shall conform to this ordinance.
3. Temporary structures. If the legal pre-existing use of a temporary structure is discontinued for any period of time, such legal pre-existing use may not be recommenced.
4. Nuisances. Uses that are nuisances shall not be permitted to continue as legal pre-existing uses.

D. Existing Structures (#29-2001, #25-2004)

1. Purpose. It is the purpose of this ordinance to recognize the interest of the owners of structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback that were lawfully permitted under the previous ordinance or otherwise lawfully existed, and which existed at the time this ordinance took effect on June 26, 2005, that such structures shall be conforming.
2. Structures or portions thereof that were lawfully permitted under a previous ordinance or otherwise lawfully existed and which existed at the time this ordinance took effect on June 26, 2005, may only be altered or reconstructed in compliance with the limitations in this section.
  - a. Existing structures or portions thereof unlawfully constructed or altered shall be accorded no benefit under this section.
  - b. Subject to the requirements of this ordinance, if an owner can establish by permit application that a structure located in the road setback, side yard setback or rear yard setback areas has been destroyed or damaged after the effective date of this ordinance, June 26, 2005, by violent wind, fire, flood, or vandalism, the same may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:
    - (1) Any structure that is destroyed or damaged due to a deliberate act by the owner or by his/her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.
    - (2) Except as provided in §87.30(1d), Wis.Stats., structures that are subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.
    - (3) The owner shall bear the burden of proof as to the size, location or use a destroyed or damaged structure situated less than the minimum distance required under this ordinance involving road right-of-way, public road centerline, side or rear lot line setbacks had within a reasonable time before such destruction or damage by providing photographic records, construction documents, and assessor's/appraiser's records pertaining to the structure.

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- (4) Reconstruction or repairs authorized under this provision shall be permitted only to the extent necessary to repair the specific damage caused by violent wind, vandalism, fire or flood and only that portion of the structure that has been damaged or destroyed may be reconstructed.
3. Accessory structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback are permitted ordinary maintenance and repairs. Such structures should not be structurally altered, improved, replaced or expanded.
4. Principal buildings that encroach over lot lines or road right-of-ways may be continued subject to the following:
  - a. All work shall be in strict compliance with all other requirements of this ordinance.
  - b. Ordinary maintenance, repairs and non-structural improvements shall be permitted provided they do not alter the envelope of such structure, which consists of any existing exterior wall, roof structure, and foundation.
  - c. Structural improvements. The alteration of any structural members of the existing walls, roof, and interior structural members of such structure shall not be permitted.
5. Principal buildings located in the road setback, side yard setback or rear yard setback areas may be continued subject to the following conditions:
  - a. All work shall be in strict compliance with all other requirements of this ordinance. Ordinary maintenance, repairs and structural improvements shall be permitted.
  - b. In the event a proposed expansion is in a road setback area, the property owner shall obtain a written statement from the government entity that has jurisdiction over such road stating that it has no objection.
  - c. A principal building or portion thereof located in a road setback, side yard or rear yard setback area is permitted to be expanded vertically and horizontally, which may result in total replacement, in a direction away from the adjoining lot line or road right-of-way line. Upon reaching the setback line, such expansion may also be lateral to the setback line.

9.51 CONDOMINIUMS (Amended #18-2006)

A. Purpose

This section is created to clarify the application of zoning requirements, density requirements and legal descriptions on parcels of land to be covered by condominium declarations.

B. Compliance with Zoning Provisions Required

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Condominium uses are subject to all the applicable provisions of this ordinance to the same extent as other similar uses not under condominium ownership.

**C. Platting Requirements**

1. Condominiums may be created in Oneida County after approval by the Committee and appropriate town board by recording condominium instruments and plats with the county Register of Deeds pursuant to Ch. 703, Wis. Stats.
2. The plat shall show an owner's certificate.
3. The plat shall show a surveyor's certificate.
  - a. That the plat is a correct representation of the condominium.
  - b. That the identification and location of each structure, area and common area are correctly shown on the plat.
  - c. That the plat shall contain the surveyor's original signature and seal.
4. The plat shall be:
  - a. Drawn on muslin backed paper, or it is reproduced with photographic silver alloy image on double mat polyester film of not less than 4 mil thickness, 14 inches by 22 inches with a binding margin of 1-1/2 inches with waterproof non-fading black image.
  - b. On a legible scale of not more than 500 feet to an inch. The scale used shall be indicated on the plat graphically.
5. The plat shall provide a place for the approval of the appropriate town board chairman and clerk signatures.
6. The plat shall provide a place for the approval of the zoning administrator's signature after approval by the committee.

**D. Minimum Lot Size**

1. Minimum lot size for new construction or expandable condominium: Minimum lot size shall be the same as required pursuant to sections 9.51 and 9.75, and the appendix of this ordinance. Proof of availability of alternate sewage system areas complying with the requirements of Chapter 13, of the Oneida County Private Sewage System Ordinance and Wis. Admin. Code COMM 83 shall be provided and shown on the plat.
2. Minimum lot size for conversion condominium: A lot or tract of land of smaller dimension in area than the minimum required by this ordinance may be permitted to convert to a condominium if the lot is of record in the county Register of Deeds office prior to the effective date of this ordinance. If the condominium is to be expanded, it would have to meet all the requirements of the minimum lot size under section 9.51(D)(1).

**E. Final Condominium Plat Requirements**

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The final condominium plat shall show a boundary survey of the condominium, the location of all structures, the size and location of any limited common elements, the area available in square feet, the water frontage width, the size and location of all wetland areas, the roads providing access to the condominium(s) connected to a public road and the size and location of the alternate sewage system area or areas. All units shall be consecutively numbered on the plat. The final condominium plat shall be drafted in compliance with the requirements of Ch. 703, Wis. Stats. Final approval can only be given to that portion of an expandable condominium which is to be recorded initially. As additional units are added to expandable condominiums after the original condominium declaration, a preliminary and final condominium plat for each expansion shall be presented for consideration and approval to the Committee and appropriate town board. If the final condominium plat for the expansion area conforms substantially to the layout shown and approved on the expansion plans submitted with the original expandable condominium plat, it shall be entitled to approval with respect to such layout.

**F. Preliminary Condominium Plats**

A preliminary condominium plat of a new condominium, conversion condominium or expandable condominium may be submitted to the committee and appropriate town board for consideration of approval. Such preliminary plat shall include the following information:

1. The name of the condominium and legal description.
2. The approximate boundary of the parcel to be dedicated as common area for the condominium complex including any expansion areas in case of an expandable condominium.
3. The exact location of all existing buildings and general location of any proposed buildings to be constructed on the property.
4. The area in square feet of the total parcel.
5. The lineal footage of lake, pond, stream or watercourse frontage and the total square footage of all wetland areas.
6. Every unit or proposed unit shall be designated on the preliminary condominium plat by consecutive numbers.
7. Computations shall be shown on the preliminary plat which verify compliance with the parcel size required by this ordinance.
8. Proposed alternate sewage system areas shall be shown. Proof that these proposed areas conform to the requirements of Chapter 13 of the Oneida County Private Sewage System Ordinance, Wis. Admin. Code COMM 83 and Wis. Admin. Code COMM 85 shall be shown upon submission of the final condominium plat for approval.
9. Roads which provide access to the condominium shall be shown.
10. Existing easements which affect the condominium property.
11. Parking shall be provided pursuant to section 9.77 of this ordinance.

**G. Approval of Preliminary Plats**

If a preliminary condominium plat is submitted, it shall be reviewed by the committee and appropriate town board with respect to meeting appropriate ordinances. Within ninety (90) days of the date of receiving the plat by registered mail, certified mail or receipted delivery to the Planning and Zoning office and appropriate town office, the committee and town board shall take action to approve, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by written agreement with the owner or his agent. Failure of the committee or appropriate town board to act within ninety (90) days, or extension thereof, shall constitute an approval of the preliminary condominium plat.

**H. Approval of Final Plats**

If the final condominium plat is submitted with the information as required in section 9.51(D) of this ordinance (including a copy of the condominium declaration) within six (6) months of the approval of the preliminary condominium plat, and it conforms to the layout shown on the plat, and if such satisfies the conditions imposed by the committee it shall be entitled to approval. If the committee and appropriate town board fail to act upon the plat within ninety (90) days of receiving the plat by registered mail, certified mail or receipted delivery to the zoning and town office, and the time has not been extended by written agreement with the owner or his agent, and if no unsatisfied objections have been filed within that period, the final condominium plat shall be deemed approved and upon demand a certificate to that effect shall be made on the face of the plat. A copy of the final plat shall be provided to the town board by the owner.

**I. Amendments**

1. An amendment may be made to any recorded condominium plat pursuant to the procedures set forth in Ch. 703, Wis. Stats., provided that the amended condominium plat is first presented to the committee and appropriate town board for consideration of approval. Such amendment shall not be recorded until the approval of the committee and appropriate town board has been obtained. Within ninety (90) days of the submission of such an amendment, the committee and appropriate town board shall take action to approve, approve conditionally or reject such amendment, and shall state in writing any conditions for approval or reasons for rejection unless the time is extended by a written agreement with the owner or his agent. Failure of the committee and appropriate town board to act upon the plat within ninety (90) days, or extension thereof, shall constitute an approval of the condominium amendment.

J. More Restrictive Town Ordinances

Nothing contained herein shall be construed to prohibit any town from enacting an ordinance that would be more restrictive than the provisions contained herein provided the town ordinance is not in conflict with any provisions hereof or any provision of Ch. 703, Wis. Stats., and that the ordinance is properly drawn up in compliance with sec. 60.61, Wis. Stats.

9.52 MOBILE HOME, MANUFACTURED HOME AND HOUSE TRAILER PARKS  
(Amend. #10-2009,2-2015)

A. Site and Size

Mobile home, manufactured home and house trailer parks shall comply with the following requirements:

1. No permit shall be issued for the establishment of such a park unless the park is located on a minimum of 20 acres of land.
2. Individual lot area:
  - a. An individual lot for a single-wide mobile home or manufactured home shall not be less than 8,000 square feet in area in mobile home and manufactured home parks that do not conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
  - b. An individual lot for a double-wide mobile home or manufactured home shall not be less than 16,000 square feet in area in mobile home and manufactured home parks that do not conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
  - c. An individual lot not less than 8,000 square feet in area shall be required for each mobile home and manufactured home in mobile home and manufactured home parks that conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
  - d. A mobile home, manufactured home or house trailer in excess of 32 feet in width shall be prohibited in mobile home, manufactured home or house trailer parks.
  - e. A mobile home, manufactured home or house trailer in excess of fifteen (15) feet in height shall be prohibited in mobile home, manufactured home or house trailer parks. This provision shall exclude community storm shelters in the height calculations.
  - f. The calculation for the minimum square footage required for the individual lot excludes the area necessary for the location of a primary and replacement septic system.
  - g. The density of house trailers permitted in a house trailer park shall be the same as the number of recreational vehicles permitted in recreational vehicle parks pursuant to sec. 9.53 A(3) of the ordinance.

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3. Subject to the minimum requirements set forth in (2) above, each individual lot shall be at least 60 feet in effective width. Effective width shall mean the average distance between side lot lines measured on a line parallel to the front lot line.

**B. Yards and Setbacks**

The following minimum setback regulations shall apply:

1. No building, structure, mobile home, manufactured home or house trailer shall be located within 100 feet of the adjacent property lines when the adjacent property is located in Use District #2, Single-Family Residential District, Use District #3, Multi-Family Residential District, Use District #14, Residential and Retail District, or Use District #15, Rural Residential District. For all other use districts, the distance shall be 50 feet.
2. No building, structure, mobile home, manufacture home or house trailer shall be closer than 20 feet to any state, county or township highway or road or arterial street or roadway right-of-way.
3. Mobile homes, manufactured homes and house trailers shall be setback a minimum of 15 feet from the traveled portion of any street or roadway within the park.
4. No part of any mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, shall be located within 20 feet of any other mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, nor within 50 feet of any accessory/service/community building.

**C. Parking**

There shall be at least one off-street parking space available for each lot which shall be located within 100 feet of such lot. However, the total number of parking spaces provided in each park shall be equal to not less than 1.33 times the maximum number of mobile homes, manufactured homes or house trailers that can be located in compliance with this Ordinance.

**D. Landscaping**

Within a 50 foot peripheral setback area along each property line of such a park, designated screen fencing or landscape planting shall be placed so as to be 50% or more opaque between the heights of two feet and eight feet from the average ground elevation when viewed from any point along each property line.

**E. Design and Improvements**

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The design and improvements provided in such proposed parks, including street widths and construction of approach streets or ways, shall conform to the requirements of the Oneida County Subdivision Control Ordinance. However, the street widths and construction requirements in the Oneida County Subdivision Control Ordinance shall be applied only to those streets which would be necessary to service a future conventional residential subdivision on such tract of land and need not be applied to secondary mobile home site access streets or ways unless the Planning and Zoning Committee determines certain requirements are necessary for ingress and egress of public emergency or service vehicles.

**F. Common Space**

Each park shall provide at least three acres of common space, exclusive of the required 50 foot peripheral setback area in which common recreational or service facilities can be located. An additional 200 square feet of common space shall be provided for each mobile home, manufactured home or house trailer in excess of 160 located within such park. Any such common space shall be reasonably compact in area so as to be usable and shall be located on well drained land which is not subject to periodic flooding or lengthy periods of wet conditions.

**G. Driveways, Parking Spaces, Roads, and Streets**

All driveways, parking spaces, roads and streets shall be graveled or paved with concrete or bituminous material.

**H. Placement Requirement**

1. Manufactured homes, mobile homes or house trailers shall be located at its park site in accordance with the manufacturer's installation instructions, if available, otherwise pursuant to accepted industry standards.
2. The space between the structure and the grade or slab shall be covered with materials compatible in design and appearance with the exterior of the structure.

**9.53 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS (Amend. #6-2009)**

**A. Size**

Campground and recreational vehicle parks shall comply with the following requirements:

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1. No permit shall be issued for the establishment of a campground or recreational vehicle park unless such park is situated on a minimum of 20 acres of land.
2. Campgrounds which provide sites for primitive camping, tent camping and camping trailers shall not contain a total number of campsites that exceed eight campsites per acre, excluding any acreage located in a shoreland-wetland or floodplain district. No acre shall contain more than 20 campsites.
3. Recreational vehicle parks which provide sites for a mixture of recreational vehicles, motor homes, camping trailers, tent sites and primitive camping shall not contain a total number of campsites that exceed five camping sites per acre, excluding any acreage located in a shoreland-wetland or floodplain district. No acre shall contain more than 20 campsites.
4. Each individual campsite or recreational vehicle site shall be no less than 25 feet in width and 40 feet in length
5. Where the campground or recreational vehicle park fronts on a lake or other water frontage, the frontage width shall be not less than 500 feet per every 20 acres. The number of campsites and recreational vehicle sites to be allowed on a body of water shall be determined by the conditional use permit procedure set forth in sections 9.41 and 9.42 of this ordinance including but not limited to considering the gross water area, the number of such sites in a campground or recreational vehicle park, the number of permanent and seasonal residents on the body of water and the total amount of frontage owned by such other residents, the amount of frontage for future residential development and water frontage values. All other applicable provisions of this ordinance must also be met.
6. No decks shall be permitted at campsites located in campgrounds or recreational vehicle parks in excess of 200 square feet including steps provided for ingress and egress.
7. No more than one mobile home in excess of 400 square feet shall be permitted in a campground in a temporary or permanent nature.
8. No mobile homes in excess of 400 square feet shall be permitted in a campsite.
9. Subleasing of campsites or recreational vehicles, motor homes and camping trailers located in campgrounds and recreational vehicle parks is strictly prohibited.
10. An earth tone colored storage shed up to 48 sq ft shall be permitted at an individual campsite.
11. Structures commonly associated with a campsite such as fire rings, picnic tables, grills and necessary utility hook-ups shall be permitted at an individual campsite.
12. A three season room up to 400 sq ft with no bedroom or bathroom attached to the recreational vehicle shall be permitted at an individual campsite.

**B. Yards and Setbacks**

The following minimum setback regulations shall apply:

1. No building, structure, camp site or recreational vehicle site shall be located within 200 feet of adjacent property lines when the adjacent property is zoned single or multiple-family residential districts. For all other use districts, the minimum distance shall be 100 feet. No building, structure, campsite or recreational vehicle shall be closer than 75 feet to any state, county or town highway or road or arterial street or roadway right-of-way.
2. Recreational vehicles or tents shall not be located so close to the traveled portion of any streets or roadway within such park as to create a safety hazard.
3. No part of any recreational vehicle or tent, or any addition or appurtenance thereto, shall be placed within 10 feet of any other recreational vehicle or tent, or addition or appurtenance thereto, nor within 50 feet of any accessory/service building or structure.

**C. Height**

No building, structure or recreational vehicle located in a campground and recreational vehicle park shall exceed two stories or 25 feet in height.

**D. Parking**

There shall be at least one off-street parking space available for each individual camp site or recreational vehicle site which shall be located within 100 feet of such site. However, the total number of parking spaces provided in each campground and recreational vehicle park shall be equal to no less than 1-1/3 times the maximum number of sites which can be located in compliance with this ordinance.

**E. Landscaping**

Within a 50 foot peripheral setback area along each property line of such a park, designated screen fencing or landscape planting shall be placed so as to be 50% or more opaque between the heights of two feet and eight feet from the average ground elevation when viewed from any point along each property line.

**F. Design and Improvement**

The design and improvements provided in such proposed parks, including street widths and construction of approach streets or ways, shall conform to

the requirements of the Oneida County subdivision regulations. However, the street widths and construction requirements in the subdivision regulations shall be applied only to those streets which would be necessary to service a future conventional residential subdivision on such tract of land and need not be applied to secondary mobile home site access streets or ways unless the committee determines certain requirements are necessary for ingress and egress of public emergency or service vehicles.

**G. Common Space**

Each park shall provide at least three acres of common space, exclusive of the required 50 foot peripheral setback area in which common recreational or service facilities can be located. An additional 200 square feet of common space shall be provided for each campground or recreational vehicle in excess of 160 located within such park. Any such common space shall be reasonably compact in area so as to be usable and shall be located on well-drained land which is not subject to periodic flooding or lengthy periods of wet conditions.

**H. Exception, Special Event Campground**

A campground designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use of camping units at a special event, as those terms are defined in Wis. Admin. Code HFS 178, the operator of which special event campground has applied for and obtained a permit under HFS 178 and who has provided the County Clerk with a copy of the application and permit, shall not be required to meet the requirements of this section during the period of the special event, subject to the condition that the remaining provisions of Chapter 9, Oneida County Zoning and Shoreland Protection Ordinance, and section 12.04 of the General Code of Oneida County, Wisconsin are otherwise met.

**9.54 MOBILE TOWER SITING (Amend #25-2005,03-2007,11-2008,2-2013,3-2015)**

**A. Purpose and Intent**

**1. Purpose.**

The purpose of this ordinance is to regulate by a permit:

- a. The siting and construction of any new mobile service support structure and facilities.
- b. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- c. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

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It is the intent of Oneida County to regulate mobile service support structures and facilities as permitted by §66.0404, Wis. Stats.

2. Authority

The Oneida County Board has the specific authority under §§59.69 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

3. Adoption of Ordinance

This ordinance, adopted by Oneida County, provides for the regulation by permit:

- a. The siting and construction of any new mobile service support structure and facilities.
- b. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- c. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

[Since §66.0404 terms this as a “zoning ordinance” and references the statutory zoning authorities that envision prior Planning and Development Committee review and require a public hearing prior to adopting a new zoning ordinance, the county should also adhere those requirements.]

B. Definitions

All definitions contained in §66.0404(1), Wis. Stats, are hereby incorporated by reference.

C. Exempt from Permitting

The following shall be exempt from the requirement to obtain a permit unless otherwise noted.

1. The use of all receive-only television antenna and satellite dishes.
2. Amateur radio and/or receive-only antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities and Class I Collocation

1. Application Process

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- a. A permit is required for the siting and construction of any new mobile service support structure and facilities.
- b. A permit is required for a class I collocation.
2. A written permit application must be completed by any applicant and submitted to the Oneida County Planning and Zoning Department. The application must contain the following information:
  - a. The name and business address of, and the contact individual for, the applicant.
  - b. The location of the proposed or affected support structure.
  - c. The location of the proposed mobile service facility.
  - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the county upon request to any applicant.
4. If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If the county does not believe that the application is complete, the county shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90 day period:

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- a. Notify the town involved and all neighboring property owners within one-thousand (1000) feet.
- b. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
- c. Make a final decision whether to approve or disapprove the application.
- d. Notify the applicant, in writing, of its final decision.
- e. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2(f).
7. If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.
8. The fee for the permit is \$1,500 per §66.0404(4)(d).
9. Limitations. Permits for siting and construction of any new mobile service support structure and facilities and permits for class 1 collocations shall only be granted provided the following conditions exist:
  - a. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
  - b. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
  - c. The applicant and/or agent have copies of Findings of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
  - d. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
  - e. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).
  - f. For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
  - g. The applicant and/or agent have proof of liability coverage.

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- h. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.
- i. The facility or collocation is designed to promote site sharing, such that space is reasonably available to co-locators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and
- j. utilities, are shared by site users whenever possible.

**E. Class 2 Collocation**

**1. Application Process**

- a. A county permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the county but still requires the issuance of the county permit.
- b. A written permit application must be completed by any applicant and submitted to the Oneida County Planning and Zoning Department. The application must contain the following information:
  - (1) The name and business address of, and the contact individual for, the applicant.
  - (2) The location of the proposed or affected support structure.
  - (3) The location of the proposed mobile service facility.
- c. A permit application will be provided by the county upon request to any applicant.
- d. A class 2 collocation is subject to the same requirements for the issuance of a permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a permit shall be \$500.
- e. If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If any of the required information is not in the application, the county shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- f. Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
  - (1) Make a final decision whether to approve or disapprove the application.
  - (2) Notify the applicant, in writing, of its final decision.

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- (3) If the application is approved, issue the applicant the relevant permit.
  - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
2. The fee for the permit is \$500.

**F. Information Report**

The purpose of the report under this subsection is to provide the county with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the county, or that own or operate telecommunications facilities within the county, to assist the county in enforcement of this subsection, and to assist the county in monitoring compliance with local, state and federal laws.

1. Information Report. All telecommunications tower owners of any new telecommunications tower shall submit to the Planning and Zoning Department a Telecommunications Facility Information Report (the "Report") within 45 days:

- a. Following permit approval.
- b. Following receipt of a written request from the Oneida County Planning and Zoning Department.
- c. Following any change in occupancy of the tower.

The report shall include the tower owner name(s), address(es), phone number(s), contact person(s), and proof of bond as security for removal. The tower owner shall supply the tower height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the county form provided and designated for such use, and shall become evidence of compliance.

**G. Removal/Security for Removal**

1. It is the express policy of Oneida County and this ordinance that telecommunications towers be removed once they are no longer in use and not a functional part of providing telecommunications service and that it is the telecommunications provider's responsibility to remove such telecommunications tower and restore the site to its original condition or a condition approved by the Oneida County Planning and Zoning Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to five (5) feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have 180 days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the

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Oneida County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

2. Security for Removal. The owner of any telecommunications tower shall provide to Oneida County, prior to the issuance of a permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the telecommunications tower will be removed when no longer in operation. Oneida County will be named as obligee in the bond and must approve the bonding company. The county may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the county's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the county may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the county.

H. Structural, Design and Environmental Standards

1. Mobile Service Support Structure, Antenna and Facilities Requirements. All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:
  - a. Mobile service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the county to be otherwise.
  - b. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
  - c. Equipment compounds shall be constructed of non-reflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
  - d. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Oneida County Subdivision Ordinance, Oneida County Sanitation Ordinance, Electronic Industries Association (EIA), American

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- National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture.
- e. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the county.
2. **Site Development.** A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential co-locators.
  3. **Vegetation protection and facility screening.**
    - a. Except exempt facilities as defined in subsection (c), all mobile service facilities shall be installed in a manner to as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
    - b. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.
  4. **Fire prevention.** All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
  5. **Noise and Traffic.** All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c):
    - a. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair, and
    - b. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.
  6. **Separation Requirements.** Mobile service support structures shall be separated by a minimum of 2640 feet, except that:
    - a. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Oneida County Planning and Development Committee.

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- b. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.

I. Penalty Provisions

- 1. Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
  - a. The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Planning and Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Planning and Zoning Department does not occur within said ninety (90) days, the Oneida County Planning and Zoning Director may order removal utilizing the established bond as provided under subsection (G) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
  - b. The recipient of a permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Oneida County Planning and Zoning Department within 45 days of the date when the mobile service facility is no longer in operation.
- 2. Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the penalty provisions set forth in 9.82, Enforcement and Penalties of the Oneida County Zoning and Shoreland Protection Ordinance and upon conviction, may pay a forfeiture of not less than \$25.00 nor more than \$250.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Planning and Zoning Department may seek injunctive relief from a court of record to enjoin further violations.

J. Severability

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1. If any provision of this ordinance or its application to any person or circumstance is held invalid according to §66.0404, Wis. Stats., the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**9.55 ADULT ORIENTED BUSINESS ORDINANCE (#29-2005, 2-2009)**

**A. Purpose and Intent**

1. Purpose and Intent. It is the purpose of this ordinance to regulate the location of sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

**B. Definitions**

1. ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."
2. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, streaming videos, DVDs, Blu-ray or other visual representations which are distinguished or characterized by their emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."

This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

3. ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - a. persons who appear in a state of nudity or semi-nude; or
  - b. live performances which are distinguished or characterized by their emphasis on the exposure of "specified anatomical areas" or "specified sexual activities"; or
  - c. films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas." This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.
  
4. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas." This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.
  
5. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by their emphasis on the exposure of "specified anatomical areas" or "specified sexual activities."

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6. **DISTINGUISHED or CHARACTERIZED BY** means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or display of “specified sexual activities” or “specified anatomical areas”.
7. **EMPLOYEE** means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
8. **ESCORT** means a person who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. **ESCORT AGENCY** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. **ESTABLISHMENT** means and includes any of the following:
  - a. the opening or commencement of any sexually oriented business as a new business;
  - b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - c. the additions of any sexually oriented business to any other existing sexually oriented business; or
  - d. the relocation of any sexually oriented business.
11. **NUDITY or a STATE OF NUDITY** means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.
12. **PERMITTEE** means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
13. **PERSON** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

14. **REGULARLY FEATURES** or **REGULARLY SHOWS** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.
15. **SEMI-NUDE** or in a **SEMI-NUDE CONDITION** means the showing of the human male or female genitals, pubic area, vulva, or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.
16. **SEXUALLY ORIENTED BUSINESS** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or escort agency.
17. **SPECIFIED ANATOMICAL AREAS** means:
- a. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - b. less than completely and opaquely covered human genitals, pubic region, vulva, anus or the nipple and areola of the human female breast.
18. **SPECIFIED SEXUAL ACTIVITIES** means any of the following:
- a. the fondling or other erotic touching of another person's human genitals, pubic region, buttocks, anus, or female breasts;
  - b. sex acts, normal or perverted, including but not limited to intercourse, oral copulation, masturbation, or sodomy; or
  - c. excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
19. **TRANSFER OF OWNERSHIP OR CONTROL** of a sexually oriented business permit means and includes any of the following:
- a. the sale, lease, or sublease of the sexually oriented business;
  - b. the transfer of securities which constitute a controlling interest in the sexually oriented business, whether by sale, exchange, or similar means; or
  - c. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**C. Classification**

Sexually oriented businesses are classified as follows:

1. adult arcades;
2. adult bookstores, adult novelty stores, or adult video stores;

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3. adult cabarets;
4. adult motion picture theaters;
5. adult theaters;
6. escort agencies;

**D. Permit Required – Sexually Oriented Business Permit Required (SOBP)**

1. A permit, under this ordinance section, shall be required for the establishment of a sexually oriented business and it shall be a violation of this ordinance section for any person to operate a sexually oriented business without a valid sexually oriented business permit issued by the County under this ordinance section and each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
2. a. Applicability. Any sexually oriented business as defined in section 9.55 of this ordinance lawfully operating before February 26, 2006 shall be deemed a legal pre-existing use, is not subject to the requirements of section 9.55, and may be continued although such use does not conform with the provisions of section 9.55, subject to the conditions of this subsection. Nothing in this subsection shall be construed as allowing the establishment of a new sexually oriented business on the premises or within the structure of a legal pre-existing use.
- b. Burden of Proof. The property owner shall have the burden to prove that:
  - (1) The legal pre-existing use or structure was legally established and in existence at the time the applicable provision of this ordinance became effective.
  - (2) The use of the property prior to the effective date of the ordinance provision was so active and actual and was not merely casual and occasional, or incidental to the principal use, such that the property owner has acquired a “vested interest” in the continuance of such a use.
- c. Legal Pre-Existing Uses and Structures. No structural alteration to, addition to, or repair of any building or structure with a legal pre-existing sexually oriented business use over the life of the building or structure, shall exceed 100 percent of its current building footprint at the time it became a legal pre-existing use unless it is permanently changed to conform to the requirements of this ordinance.
- d. Permitting. An application with respect to the structural alteration of, addition to, or repair of a building or structure with a legal pre-existing sexually-oriented business use must be made on a form provided by the Planning and Zoning Department. Within 30 days after receipt of such a completed permit application, the Planning and Zoning Department or administrator shall approve or deny the issuance of a permit to an applicant. The county shall approve the issuance of a

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permit to an applicant unless it is determined by a preponderance of the evidence that the proposed structural alteration of, addition to, or repair of the building or structure would be non-compliant with any applicable laws and ordinances other than section 9.55 of this ordinance. If any such application is denied, the Planning and Zoning Director shall, within 5 days of the denial, issue to the applicant written notification as to why the permit was denied. Judicial review of such a denial shall be available via section 9.55(K) of this ordinance.

3. An application for a permit must be made on a form provided by the county.
4. All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information as to enable the county to determine whether the applicant meets the qualifications established in this ordinance.
5. A person who wishes to operate a sexually oriented business must sign the application for a permit as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business or who have power to control or direct its operations must sign the application for a permit as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under the following section and each applicant shall be considered a permittee if a permit is granted.
6. The completed application for a sexually oriented business permit shall contain the following information and shall be accompanied by the following documents:
  - a. If the applicant is:
    - (1) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age or older;
    - (2) a corporation, the corporation shall state its complete name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
    - (3) a partnership, joint venture, limited liability entity, or other type of business organization where two (2) or more persons have a financial interest, the entity shall state its complete name, the type of entity, and the names of persons having a financial interest in the entity.
  - b. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state 1) the fictitious name of the sexually oriented business and 2) submit the required registration documents.
  - c. The single classification of permit for which the applicant is filing.

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- d. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- e. The applicant's mailing address or registered agent's mailing address.
- f. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- g. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified; the property lines of any established religious institution/synagogue or school within 500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- h. If an applicant wishes to operate a sexually oriented business, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which are distinguished or characterized by their emphasis on the depiction of specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in section N.

**E. Issuance of Permit**

- 1. A permit granted pursuant to this section shall be subject to bi-annual renewal upon the written application of the applicant, using the standard adult business permit application provided by the Planning and Zoning Department and a finding by the county that the applicant has not committed any act during the existence of the previous permit, which would be grounds to deny the initial permit application as set forth in subsection (2) below. Sexually oriented business owners shall be required to seek a renewal permit every two years after the date of issuance of their sexually oriented business permit, and two years after each renewal permit is granted. A completed renewal application must be submitted to the Planning & Zoning Department no later than forty-five (45) days prior to the expiration of the permit in question. The renewal of the permit shall be subject to the payment of the fee as set forth in section F, and follow the timeline set forth in subsection (2) below.
- 2. Within 30 days after receipt of a completed sexually oriented business application or renewal application, the Planning and Zoning Department

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shall approve or deny the issuance of a permit to an applicant. The county shall approve the issuance of a permit to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- a. An applicant is under eighteen (18) years of age.
  - b. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
  - c. The premises to be used for the sexually oriented business have not been found by the health department, fire department, Planning and Zoning Department or appropriate building official as being non-compliant with applicable laws and ordinances.
  - d. The permit fee required by this ordinance has not been paid.
  - e. An applicant of the proposed establishment is otherwise in violation of, or is not in compliance with any of the provisions of this ordinance.
3. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the permit is issued pursuant to section C. All permits shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
  4. The health department, fire department, Planning and Zoning Department or appropriate building official shall complete their certification that the premises is in compliance or not in compliance with applicable laws and ordinances within twenty (20) days of receipt of the completed application by the county. If such certification is not completed within 20 days, the premise shall be deemed to be in compliance for the purposes of issuing the permit.
  5. A sexually oriented business permit shall issue for only one classification as found in section C.
  6. If any application is denied, the Planning and Zoning administrator shall, within 30 days of the county's receipt of the completed application, issue to the applicant written notification as to why the permit was denied.

**F. Fees**

1. Every application for a new sexually oriented business permit shall be accompanied by a \$250.00 non-refundable fee.
2. In addition to the application and investigation fee required above, every sexually oriented business that is granted a renewal permit shall pay to the county a bi-annual non-refundable permit renewal fee of \$75.00 within thirty (30) days of permit issuance.
3. All permit applications and fees shall be submitted to the Planning and Zoning Department of Oneida County.

**G. Inspection**

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1. An applicant or permittee shall permit representatives of the Police Department, Health Department, Town Fire Department, Zoning Department, or other county departments or agencies to inspect those portions of the premises of a sexually oriented business that patrons or customers are permitted to occupy for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates a sexually oriented business or his agent or employee commits a violation of this ordinance if he refuses to permit such lawful inspection of the premises at any time it is open for business. Each day that such violation continues will be considered a separate and distinct violation subject to civil forfeiture.

H. Expiration of Permit

1. Each permit shall expire every two years from the date of issuance and may be renewed only by making application as provided in section D. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
2. When the county denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the county finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

I. Suspension

1. The county shall suspend a permit for a period not to exceed thirty (30) days if it determines that a permittee or an employee of a permittee has:
  - a. violated or is not in compliance with any section of this ordinance; or
  - b. refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.
  - c. If any permit is suspended the Planning & Zoning administrator shall within 15 days, issue to the permit holder written notification of why the permit was suspended.
2. If the Planning and Zoning Department determines that facts exist warranting the suspension of a permit under this Ordinance, the department shall notify the permittee, in writing and by personal delivery or certified mail, of the department's intent to suspend the permit, including the grounds for such a suspension. Within five (5) business days of receipt of such notice, the permittee may provide to the department, in writing, a response that shall include a statement of reasons why the permit should not be suspended.

If the permittee provides no such written response to the department

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within the time specified above, the department shall notify the permittee in writing and by personal delivery or certified mail, that the permit has been suspended and the reasons for said suspension. Such notice shall include a statement advising the permittee of the right to challenge the suspension in a court of competent jurisdiction pursuant to section K of this ordinance. If the permittee provides a timely written response, the department shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Planning and Zoning Committee a hearing to consider the suspension of the permit and notify the permittee in writing of the date and time of the hearing before the committee.

A hearing pursuant to that described above shall be conducted within fourteen (14) days of the department's receipt of a permittee's written response to a notice of intent to suspend. At said hearing, the department shall present such evidence and witnesses as it believes warrant a suspension of the permit. At said hearing, the permittee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented by the department. At said hearing, the Planning and Zoning Committee shall determine if sufficient grounds exist to warrant the suspension of the permit. If the committee determines that such grounds exist and determines to suspend the permit, the committee shall provide notice to the permittee, in writing and by personal delivery or by certified mail, of the fact of the suspension and the grounds for the suspension. Such notice shall include a statement advising the permittee of the right to challenge the suspension in a court of competent jurisdiction pursuant to section K of the ordinance.

All notifications to the permittee described herein shall be directed to the most current business address of the permittee on file with the department.

**J. Revocation**

1. The county shall revoke a permit if a cause of suspension in section I occurs and the permit has been suspended within the preceding twelve (12) months.
2. The county shall also revoke a permit if it determines that:
  - a. a permittee gave false or misleading information in the material submitted during the application process or omits material facts;
  - b. a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;
  - c. a permittee has knowingly allowed prostitution on the premises;
  - d. a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

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- e. a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the permitted premises; or
  - f. a permittee is delinquent in payment to the town, county, or state for any fees past due required under this ordinance.
  - g. the permittee has become ineligible to obtain a permit.
3. When the county revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective. If, subsequent to revocation, the county finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

If the Planning and Zoning Department determines that facts exist warranting the revocation of a permit under this ordinance, the department shall notify the permittee, in writing and by personal delivery or certified mail, of the department's intent to revoke the permit, including the grounds for such a revocation. Within five (5) business days of receipt of such notice, the permittee may provide to the department, in writing, a response that shall include a statement of reasons why the permit should not be revoked.

If the permittee provides no such written response to the department within the time specified above, the department shall notify the permittee, in writing and by personal delivery or certified mail, that the permit has been revoked and the reasons for said revocation. Such notice shall include a statement advising the permittee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section K of this ordinance. If the permittee provides a timely written response, the department shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Planning and Zoning Committee a hearing to consider the revocation of the permit and notify the permittee in writing of the date and time of the hearing before the committee.

A hearing pursuant to that described above shall be conducted within fourteen (14) days of the department's receipt of a permittee's written response to a notice of intent to revoke. At said hearing, the department shall present such evidence and witnesses as it believes warrants a revocation of the permit. At said hearing, the permittee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented by the department. At said hearing, the Planning and Zoning Committee shall determine if sufficient grounds exist to warrant the revocation of the permit. If the committee determines that such grounds

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exist and determines to revoke the permit, the committee shall provide notice to the permittee, in writing and by personal delivery or by certified mail, of the fact of the revocation and the grounds for the revocation. Such notice shall include a statement advising the permittee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section K of this ordinance.

All notifications to the permittee described herein shall be directed to the most current business address of the permittee on file with the department.

**K. Judicial Review**

After denial of an application, or denial of a renewal of an application, or suspension or revocation of any permit, the applicant or permittee may seek prompt judicial review by statutory or common law writ of certiorari of such administrative action in any court of competent jurisdiction. The Oneida County Board of Adjustment is not competent to review the denial, suspension, or revocation of sexually oriented business permits. The administrative action shall be promptly reviewed by the court.

**L. Transfer of Permit**

A permittee shall not transfer ownership or control of his/her permit to operate a sexually oriented business under this ordinance section to another, nor shall a permittee operate a sexually oriented business under the authority of a permit issued with this ordinance section at any place other than the address designated on the permit.

**M. Location of Sexually Oriented Businesses**

1. A person commits a violation of this ordinance if that person operates or causes to be operated a sexually oriented business in any zoning district other than District 10 General Use, as defined and described in the Oneida County Zoning and Shorelands Protection Ordinance. A sexually oriented business shall be considered a permitted use in District 10 – General Use Zoning District. Each day that the operation continues is considered a separate and distinct violation subject to civil forfeiture.
2. A person commits a violation of this ordinance if the person operates or causes to be operated a sexually oriented business within 500 feet of:
  - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary

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schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

- c. A boundary of a single family residential district, multi-family residential district, rural residential district or residential retail district as defined in the Oneida County Zoning & Shoreland Protection Ordinance.

Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.

3. A person commits a violation of this ordinance if that person causes or permits the establishment or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business. Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
4. A person commits a violation of this ordinance if that person causes or permits the establishment of more than one sexually oriented business in the same building, structure, or portion thereof. Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
5. For the purpose of subsection 2 of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 2. Presence of a county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
6. For purposes of subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
7. Any sexually oriented business lawfully operating on February 26, 2006, that is in violation of subsection 1 through 6 of this section shall be deemed a legal pre-existing use. The legal pre-existing use will be permitted to continue so long as the establishment of a new sexually oriented business does not occur on the premises or within the structure as defined in section B(10) hereof and as provisions of section D(2) are satisfied.
8. A sexually oriented business lawfully operating with a permit issued under this ordinance section is not in violation of this ordinance by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a use listed in subsection 2 and 3 of this section within 500 feet of the sexually oriented business. This provision applies only to

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the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or been revoked.

**N. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms**

1. A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
  - a. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The county may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
  - b. The application shall be sworn to be true and correct by the applicant.
  - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the county.
  - d. It is the duty of the permittee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
  - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the

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manager's station.

- f. It shall be the duty of the permittee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
  - g. No viewing room may be occupied by more than one person at any time.
  - h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
  - i. It shall be the duty of the permittee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
  - j. No permittee shall allow openings of any kind to exist between viewing rooms or booths.
  - k. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
  - l. The permittee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
  - m. The permittee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  - n. The permittee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.
2. A person having a duty under subsection (a) through (n) of subsection (1) above commits a violation of this ordinance if he knowingly fails to fulfill that duty. Each day that the violation continues is to be considered a separate and distinct violation subject to civil forfeiture.

**O. Additional Regulations for Escort Agencies**

1. An escort agency shall not employ any person under the age of 18 years.
2. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

**P. Prohibition Against Children In A Sexually Oriented Business**

A person commits a violation of this ordinance if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented

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business. Each admission is to be considered a separate and distinct violation subject to civil forfeiture.

**Q. Hours of Operation**

No sexually oriented business, may remain open at any time between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and two o'clock (2:00) A.M. and noon (12:00) P.M. on Sundays.

**R. Responsibilities of the Permittee**

1. Any act or omission of an employee constituting the violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee for the purposes of determining whether the permittee's license shall be revoked, suspended or renewed.

**S. Exceptions**

The provisions of this ordinance do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with the establishments referenced in this section.

**T. Injunction**

A person who operates or causes to be operated a sexually oriented business without a valid permit or otherwise in violation of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$25.00 to \$250.00 for each violation. Each day a sexually oriented business so operates is a separate offense or violation.

**U. Severability**

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

V. Conflicting Ordinances Repealed

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

W. Effective Date

This ordinance shall be enforced from and after February 26, 2006.

9.56 DOMESTICATED CHICKENS/DUCKS (#1-2011,5-2014)

A. Purpose and Intent

It is the purpose of this ordinance to provide standards for the keeping of domesticated chickens/ducks. It is intended to enable residents to keep a small number of chickens/ducks on a non-commercial basis.

B. Definitions

1. Chicken – The common fowl (*Gallus gallus*) especially when young; also - its flesh used as food.
2. Pen – shall mean a wire enclosure connected to a coop for the purpose of allowing chickens/ducks to leave the coop while remaining in an enclosed, predator-safe environment.
3. Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.
4. Coop – shall mean a structure for the sheltering of chickens/ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setbacks from property lines.

C. Number and Type of Chickens/Ducks Allowed

1. The maximum number of chickens and/or ducks allowed is eight (8) per lot.
2. Only female chickens are allowed, no roosters. Male or female ducks are allowed. There is no restriction on chicken or duck species.

D. Coop and Pen Construction

The chickens/ducks shall be provided with a covered coop and attached pen. Chickens/ducks shall not be allowed out of the coop or pen.

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E. Location

1. Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.
2. Chicken/duck coops and pens shall not be located closer than seventy-five (75) feet from the ordinary high water mark (OHWM) of any lake, river or stream.
3. Chicken coops and pens, pursuant to this section are allowed in District #2 - Single Family Residential, District #4 – Residential and Farming, District #10 – General Use, District #14 – Residential and Retail and District #15 – Rural Residential.
4. Minimum lot size is one acre.

F. Other Provisions

Poultry are still allowed in District #4 - Residential and Farming, District #10 - General Use, District #14 - Residential and Retail, and District #15 - Rural Residential pursuant to the requirements in those sections.

9.57 MORATORIUM ON LIVESTOCK FACILITIES LICENSING (2-2020,2-2021,9-2021)  
Removed from ordinance as moratorium expired March 1, 2022)

9.58 TOURIST ROOMING HOUSE (4-2019, 8-2020,7-2022)

A. Purpose

The purpose of this ordinance is to ensure the quality of tourist rooming houses operating within the county is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators, and resident agents offering these properties for tourists, for collection of taxes, to protect the character and stability of all areas within the county; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

B. Exemptions

The following operations are exempt from complying with the requirements of this article:

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. A hotel, motel, or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP),

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pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.625, Wis. Stats., directly or through its agent.

3. Bed and breakfast establishments.

C. Definitions

1. The following definitions and conditions apply unless specifically modified:
  - a. **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship authorized to conduct business in this state.
  - b. **Department:** Oneida County Planning and Zoning Department.
  - c. **Dwelling:** A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.
  - d. **Dwelling Unit:** A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as a living quarters for one family.
  - e. **Owner:** The owner of a short-term rental.
  - f. **Permit:** Administrative Review Permit issued under Article 3, Section 9.36 - Procedure for Administrative Review Permits.
  - g. **Person:** Shall include a corporation firm, partnership, association, organization, and any other group acting as a unit as well as individuals including a personal representative appointed according to law. Whenever the word person is used in any section of this article prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.
  - h. **Resident Agent:** An owner meeting the qualifications for a resident agent as set forth in section 9.58(G) or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
  - i. **State:** State of Wisconsin Department of Agriculture, Trade and Consumer Protection, or its designee.
  - j. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.
  - k. **Tourist Rooming House (TRH):** Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to

tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

**D. Tourist Rooming House Requirements**

1. No person may operate a tourist rooming house without an Administrative Review Permit (ARP).
2. Every tourist rooming house shall be operated by a resident agent.
3. A tourist rooming house shall meet the following minimum requirements:
  - a. Tourist rooming house rentals of six (6) consecutive days or less are prohibited in the following zoning districts:
    - (1) District #1B Forestry
    - (2) District #1C Forestry
    - (3) District #02 Single Family
    - (4) District #08 Manufacturing/Industrial
    - (5) District #15 Rural Residential
  - b. Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.
  - c. Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.
  - d. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77(E).
  - e. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
  - f. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
  - g. Compliance with all state, county, and town regulations.
  - h. Signage. Signage shall not exceed twelve square feet. No other signage is permitted on site or any adjoining lake or water body. A sign permit is required pursuant to Article 7, Section 9.78(A)(2).
  - i. Advertising the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.
  - j. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evident by a contract with a licensed garbage

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hauler or, if not contracted, by name of a private party responsible for weekly trash removal.

- k. Each tourist rooming house shall comply with all other provisions of Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.
- l. No outdoor activity shall occur between the hours of 10:00 p.m. – 7:00 a.m.
- m. The maximum occupancy allowed on a property being rented as a tourist rooming house shall not exceed the allowed maximum occupancy of the tourist rooming house.
- n. The total combined number of vehicles and trailers allowed on site shall not exceed the allowed number of bedrooms in the tourist rooming house, plus one.

**E. Tourist Rooming House Administrative Review Process**

- 1. All applications for a Tourist Rooming House Administrative Review Permit and Renewal shall be filed with the zoning director on forms provided. Applications must be filed by the owner of the tourist rooming house or by the resident agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 9.58(D).
- 2. An application for a Tourist Rooming House Administrative Review Permit shall include the following and shall not be considered complete until all of the following are submitted:
  - a. Floor plan and requested maximum occupancy.
  - b. Site plan including available onsite parking.
  - c. POWTS information.
  - d. Designation of the resident agent.
  - e. Certification from the owner and resident agent that the property meets the requirements of section 9.58(D).
  - f. The application fee.
- 3. Permits shall be valid for a period of one year from January 1 to December 31. If a permit is granted after November 1 of a permit year, that permit will extend to December 31 of the following year.
- 4. Renewal applications shall be filed by November 1. The purpose of annual renewal is to review compliance with the conditions of permit approval, resident agent eligibility and contact information of the owner and resident agent.

**F. Application Review Procedure**

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A Tourist Rooming House Administrative Review Permit shall follow the procedure for administrative review permits as specified in Article 3, Section 9.36 - Procedure for Administrative Review Permits.

**G. Resident Agent**

1. A resident agent and/or his/her designee is required for all tourist rooming houses.
2. Resident agent shall meet the following requirements:
  - a. Be an adult person residing in or within a twenty-five (25) mile radius of the location of the tourist rooming house or a corporate entity with offices located within a twenty-five (25) mile radius of the tourist rooming house that is the subject of the application.
  - b. Be authorized by the owner to act as the agent for the owner for: (i) the receipt of service of notice of violation of this article's provisions; (ii) service of process pursuant to this article; and (iii) to allow the county to enter the property permitted under this article for inspection and enforcement.

**H. Nontransferable**

Any permit issued under this article is nontransferable. The holder of any permit or license shall notify the zoning director in writing of any transfer of the legal control of any property covered by the permit.

**I. Fees**

The application fee, and renewal fees, as periodically designated by the county board, shall be paid when the applications are filed.

**J. Enforcement and Penalties**

1. Enforcement and penalties as specified by Article 8, Section 9.82 of the Oneida County Zoning and Shoreland Protection Ordinance.
2. If the Administrative Review Permit is revoked, the owner may apply for a new license after a twelve (12) month revocation period.

**K. Conditions on Permit**

The department shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of Section 9.58(D) with regard to the matters set forth in this article.

9.59 [Reserved for future use]