

**Plan Commission Regular Meeting
Minutes of July 10, 2025**

Jessica Plourde called the regular meeting to order at 6:00 p.m. Present was Jessica Plourde, Laine Belter, Brenda Forrest, Kim Putz, Dan Vanasse, and Dave Wolner. Ryan S. Sicard was absent.

PUBLIC COMMENT

There was no public comment

MINUTES

Motion by Forrest, second by Belter to approve the minutes of the June 5, 2025 meeting. Motion carried unanimously.

NEW BUSINESS

Discussion/Possible Recommendation - Site Plan Review & Replat of Land - parcel #181-1009-10-300. Applicant: Somerset Youth Hockey Association, Inc.

Motion by Vanasse, second by Forrest to approve the Site Plan and Replat of Land as presented. Motion carried unanimously.

ADJOURN

Motion by Forrest, second by Belter to adjourn at 6:10 p.m. Motion carried unanimously.

Jessica Lehman, Village Clerk

ORDINANCE A-705

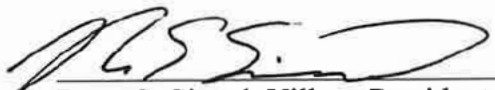
**AN ORDINANCE AMENDING SECTION 14-1-20, CODE OF ORDINANCES,
SOMERSET, WISCONSIN**

**THE VILLAGE BOARD OF THE VILLAGE OF SOMERSET, WISCONSIN, DOES
ORDAIN AND AMEND AS FOLLOWS:**

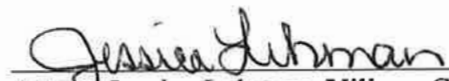
**THAT SECTION 14-1-20(b). of the Village Ordinances is hereby amended as
follows:**

- (b) *Extra-Territorial Plat Approval Jurisdiction.* Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within the extra-territorial jurisdiction of the Village. The Village of Somerset, has elected to approve plats under its extra-territorial plat approval jurisdiction as provided in Chapter 236 and 66.32 of Wisconsin Statutes. The Village of Somerset will charge the applicant a base fee of one hundred dollars (\$100.00) for each review of an extra-territorial plat that comes before the Plan Commission and an additional fee of ten dollars (\$10.00) per lot for plats of five (5) or more lots. *The Village Engineer, Planning Commission Chairperson, and the Public Works Director shall review each Extra-Territorial Plat submissions and, at their discretion, determine whether an Extra-Territorial application has grounds for objection by the Village of Somerset. If the review finds that there may be an objection with an application then the matter will be advanced to the Plan Commission for discussion and recommendation to the Village Board. If the review finds that no objections exists with the application, then the applicant will be notified of said decision in writing and will not require the Plan Commission involvement. No fee will be charged if no Plan Commission involvement. In either event, the Extra-territorial application will require the approval of the Village Board.*

Adopted this 20th day of May 2025



Ryan S. Sicard, Village President



Attest: Jessica Lehman, Village Clerk

Date Adopted: 05/20/2025

PLAN COMMISSION APPLICATION



Home of the Apple River

APPLICANT'S NAME: Sherry Otto

APPLICANT'S ADDRESS: 1958 Hwy 35 Somerset WI 54025

PHONE: [REDACTED] EMAIL: [REDACTED]

Parcel number and legal description of property: 032-1072-70-100
Part of the NE 1/4-SE 1/4 of Section 26, T31N, R19W; Being Lot 1 of Certified Survey Map in Volume 7, Page 1822

- ☐ REZONING – Complete Application to Rezone (Application fee \$250.00)
- ☐ CONDITIONAL USE PERMIT – Complete Conditional Use Permit Application (Application fee \$250.00)
- ☒ REPLAT OF LAND – Attach a survey of parcels to be replated. Refer to Section 14 Article D - Plat Review and approval and Article E –Technical Requirements for Plats and Certified Surveys. (Application fee see sec. 14-1-90) There is a \$200.00 deposit fee.
- ☒ EXTRA TERRITORIAL PLAT REVIEW – Attach a survey of parcels. Refer to Section 14-1-20(b) for application fee - one hundred dollars (\$100.00) for each review of an extra-territorial plat that comes before the Plan Commission and an additional fee of ten dollars (\$10.00) per lot for plats of five (5) or more lots
- ☐ SITE PLAN REVIEW – Complete Application and review site plan check list

Submit to P.O. Box 356, Somerset, WI 54025: with application fees, two (2) copies of the application and any attachments with the Village Clerk, who will present them to the *Village Planning Commission* for public hearing and recommendation to the *Village Board*.

I have completed this application to the best of my knowledge and believe the information herein to be true and correct. I submit that the request will not be detrimental to the general public interest and purpose of the Zoning Ordinances of the Village of Somerset.

Sherry A. Otto
Signature of Applicant

June 19, 2025
Date

Authorization: The Village Board, acting under the power given it under Zoning Ordinances of the Village of Somerset do hereby:

_____ **Accept your application**

_____ **Reject your application**

Village President

Date

CERTIFIED SURVEY MAP

LOCATED IN PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 31 NORTH, RANGE 19 WEST, TOWN OF SOMERSET, ST. CROIX COUNTY, WISCONSIN;
BEING LOT 1 OF THE CERTIFIED SURVEY MAP RECORDED IN VOLUME 7, PAGE 1822,
AS DOCUMENT NUMBER 426170.

PID: 032-1072-70-100

*The parcel identification number is shown for reference only, may not be current, and change at
the time of parcel divisions. Contact St. Croix County real property lister for additional information.*

SURVEYOR'S CERTIFICATE

I, Mark D. McClenathan, Professional Wisconsin Land Surveyor, hereby certify that by the direction of the Ashley Otto, I have surveyed, divided and mapped part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 31 North, Range 19 West, Town of Somerset, St. Croix County, Wisconsin; described as follows:

Lot 1 of that Certified Survey Map recorded in Volume 7 of said maps, on Page 1822, as
Document Number 426170 in the Office of the Register of Deeds, St. Croix County, Wisconsin.

Containing 8.960 acres of land, more or less. Subject to all easements, restrictions and covenants of record. I also certify that this Certified Survey Map is a correct representation to scale of the exterior boundary surveyed and described; that field surveying has been completed as of the signed date hereon; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin statutes and the land subdivision ordinance of St. Croix County and the Town of Somerset in surveying and mapping the same.



Mark McClenathan PLS #3285
Auth Consulting & Associates
2920 Enloe St. Hudson, WI 54016
(715) 386-2007
MMcClenathan@authconsulting.com

06/19/2025
Date



CERTIFIED SURVEY MAP

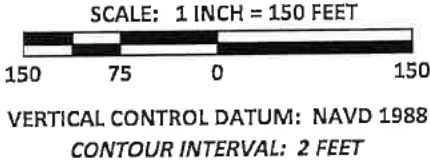
LOCATED IN PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 31 NORTH, RANGE 19 WEST, TOWN OF SOMERSET, ST. CROIX COUNTY, WISCONSIN;
BEING LOT 1 OF THE CERTIFIED SURVEY MAP RECORDED IN VOLUME 7, PAGE 1822,
AS DOCUMENT NUMBER 426170.

LEGEND

- FOUND COUNTY SECTION CORNER MONUMENT, AS NOTED
- FOUND 1-1/4 INCH OUTSIDE DIAMETER IRON PIPE
- SET 1 INCH OUTSIDE DIAMETER BY 18 INCH LONG IRON PIPE, WEIGHING 1.13 LBS. PER LINEAR FOOT
- DRIVEWAY EASEMENT
- DRAINFIELD EASEMENT, SEE WARRANTY DEED DOCUMENT NUMBER 427149
- NORTHERN STATES POWER EASEMENT, DOCUMENT NUMBER 1159311, ALLOWING FOR ELECTRICAL OVERHEAD DISTRIBUTION

- BUILDING SETBACK LINE
FRONT: 50 FEET
SIDE: 10 FEET
REAR: 25 FEET
- 940 INDEX CONTOUR
- INTERMEDIATE 2 - FOOT CONTOUR
- B1 SOIL BORING
- C.B.A. CONTIGUOUS BUILDABLE AREA

(N00°28'16"E) RECORDED DIMENSIONS



NO SLOPES 25% OR GREATER
EXIST ON THIS PROPERTY.

NE CORNER SECTION 26
GEARHEAD SPIKE

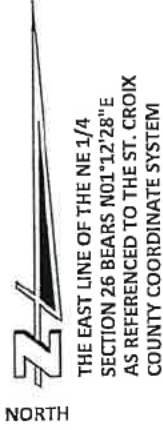
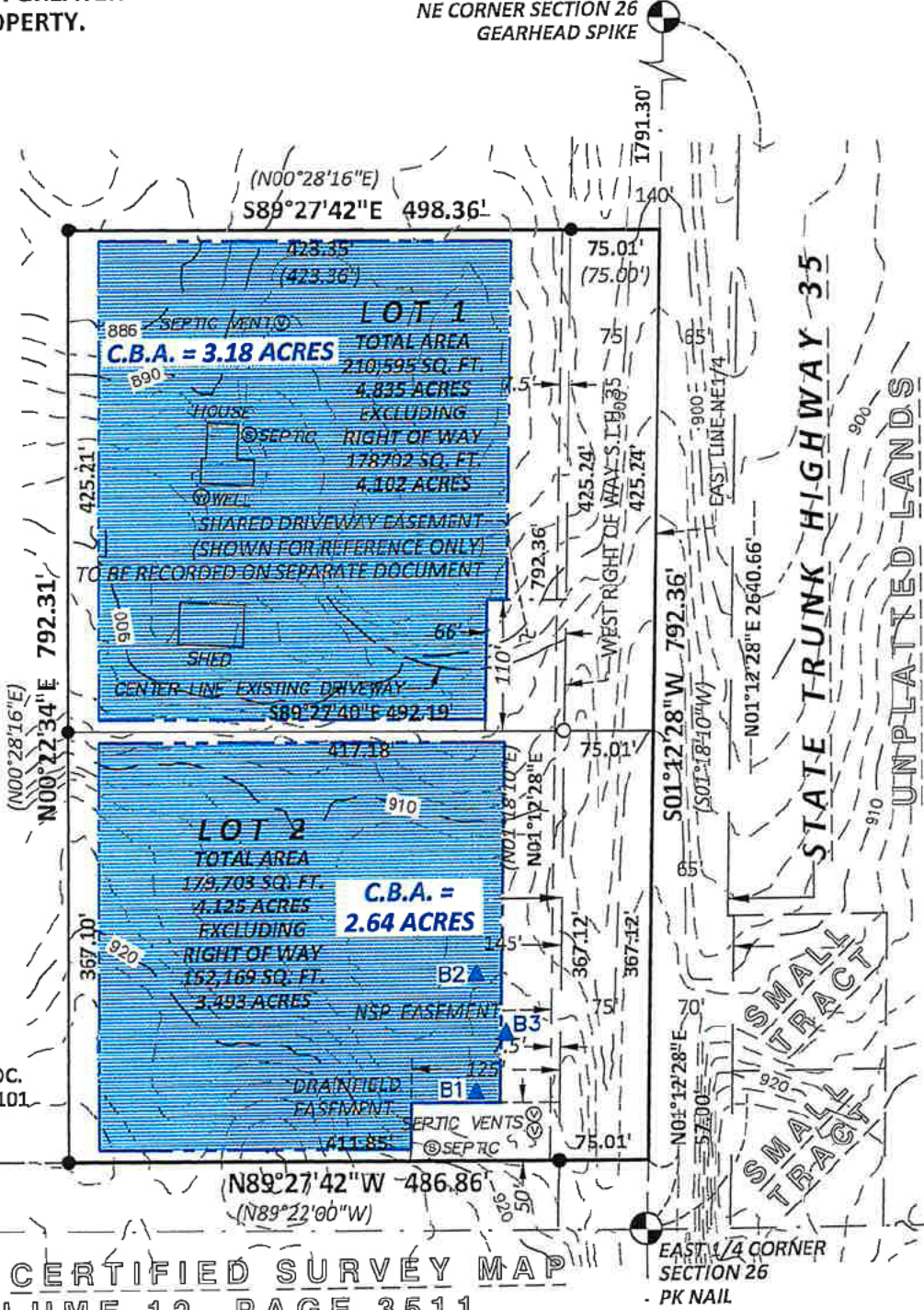
LOT 3, CERTIFIED SURVEY MAP
VOLUME 12, PAGE 3511

PREPARED FOR:
SHERRY OTTO
1958 HWY 35
SOMERSET, WI 54025

SURVEYOR:
MARK D. McCLENATHAN
AUTH CONSULTING & ASSOC.
2920 ENLOE STREET SUITE 101
HUDSON, WI 54016

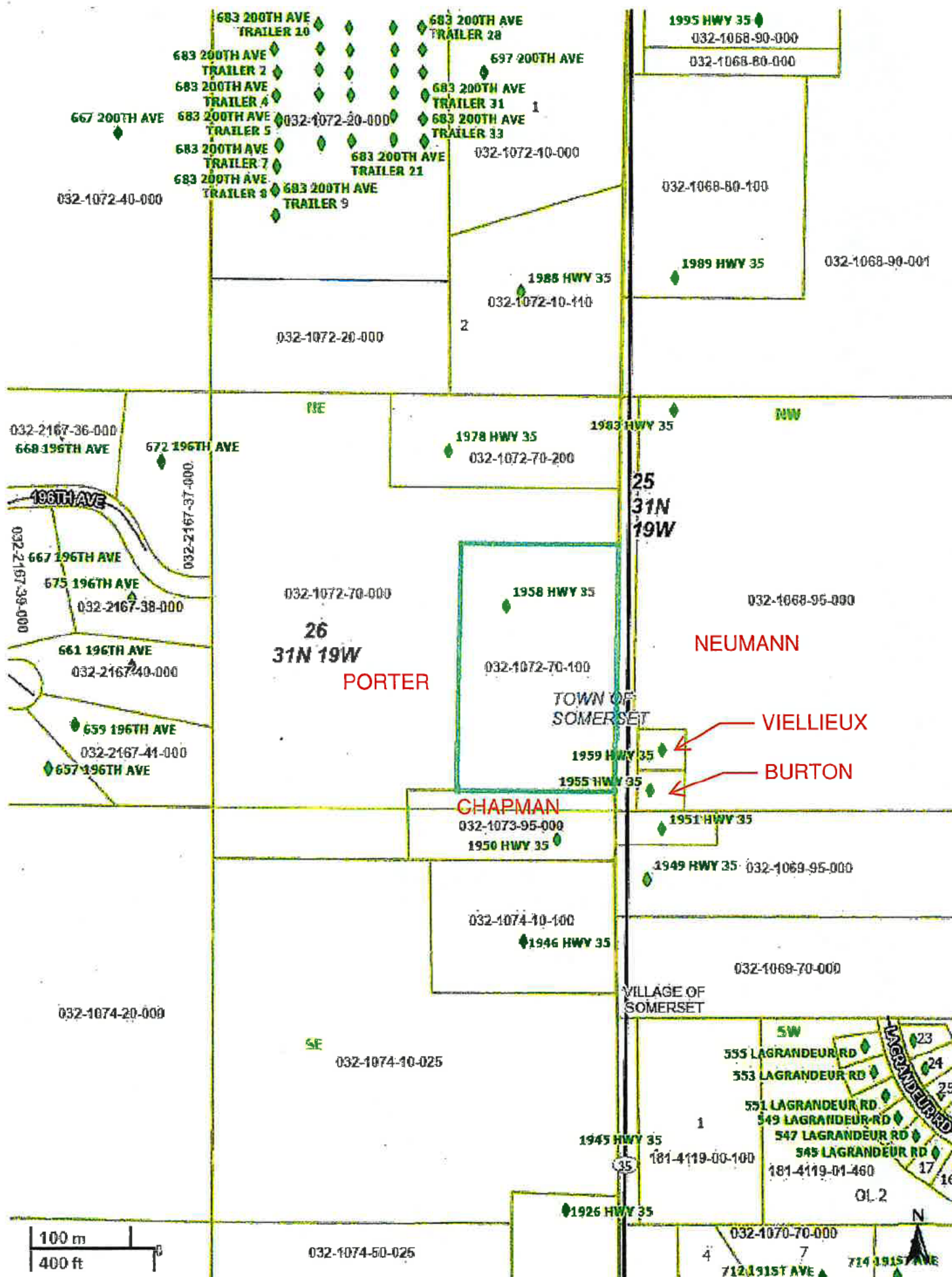
LOT 2, CERTIFIED SURVEY MAP
VOLUME 12, PAGE 3511

CONTOURS, SLOPES, C.B.A.



STATE TRUNK HIGHWAY 35
UNPLATTED LANDS
SMALL TRACT
SMALL TRACT







Community Development

Government Center
1101 Carmichael Road | Hudson WI 54016
Telephone: 715-386-4680 | Fax: 715-245-4250
www.sccwi.gov

7-30-2025

Mark McClenathan
Auth Consulting & Associates
2920 Enloe St Suite 101
Hudson, WI 54016

RE: CSM 2025-0007 Sherry Otto Certified Survey Map – Town of Somerset
TRT Action Letter– Minor Land Division (2 lots)

Dear Mr. McClenathan,

On July 29, 2025, the Technical Review Team *conditionally approved* this CSM with the following conditions:

1. EPAJ Approval with Village of Somerset.
2. Town of Somerset approval.
3. St. Croix County Surveyor's office approval.
4. St. Croix County Register of Deeds Comments.
5. Shared Driveway Easement to be recorded on Separate Document.
6. The existing POWTS Permit # 96029 has a last known maintenance of 6-10-2014. Please submit document of current septic maintenance.

Please note:

The certified survey map shall be recorded within 6 months after the last approval and 24 months from the first (preliminary) approval.

Thank you,

Stephanie Haumschild
Land Use & Conservation Planning Tech I

EC: mmcclenathan@authconsulting.com Surveyor
ohsherry@somtel.net Owner
townclerk@tn.somerset.wi.gov Town
jlehman@villageofsomerset.us Village

Kelly Becker
kelly.becker@sccwi.gov
(715) 386-4676

TITLE 7, CHAPTER 4. TRANSIENT MERCHANTS

Sec. 7-4-1. Registration required for direct sales.

It shall be unlawful for any transient merchant to engage in direct sales within the Village of Somerset without being registered for that purpose as provided herein.

Sec. 7-4-2. Definitions.

In this Chapter:

- (a) *Transient Merchant* means any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.
- (b) *Permanent Merchant* means any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business in the Village; or
 - (2) Has continuously resided in the Village and now does business from his residence.
- (c) *Merchandise* shall include personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.
- (d) *Charitable Organization* shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) *Clerk* shall mean the Village of Somerset Clerk-Treasurer or Deputy Clerk.
- (f) *Person* shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

Sec. 7-4-3. Exemptions from registration.

The following shall be exempt from all provisions of this Chapter:

- (a) *Regular Delivery Routes.* Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) *Wholesalers.* Any person selling merchandise at wholesale to dealers in such merchandise;

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- (c) *Agricultural Products.* Any person selling Wisconsin agricultural products which the person has grown;
 - (d) *Deliveries by Permanent Merchants.* Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
 - (e) *Requested Home Visits.* Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
 - (f) *Prior Sales Transactions.* Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
 - (g) *Services Not Offering Merchandise.* Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
 - (h) *Auctions; Sales Authorized by Statute.* Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
 - (i) *Charitable Organizations; Limited Exemptions.* Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Village Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
 - (j) *Alleged Transient Merchants.* Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Village Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) year prior to the date complaint was made.
 - (k) *Persons Licensed by Examining Boards.* Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
 - (l) *Village Authorized Events.* This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board.
 - (m) *Resident Minors.* Minors under eighteen (18) years of age who are residents of the Village.

Sec. 7-4-4. Application; information required; identification; fee; bond.

- (a) *Registration Information.* Applicants for registration must complete and return to the Village Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
 - (6) Proposed method of delivery of merchandise, if applicable;

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- (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
 - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.
- (b) *Identification and Certification.* Applicants shall present to the Village Clerk-Treasurer for examination:
- (1) A driver's license or some other proof of identity as may be reasonably required;
 - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) *Registration Fee.*
- (1) At the time of filing applications, a total fee of Thirteen Dollars (\$13.00) shall be paid to the Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form. The primary applicant shall pay a Ten Dollar (\$10.00) registration fee plus a Three Dollar (\$3.00) CIB investigation fee; each assistant under the application shall also be required to pay the Three Dollar (\$3.00) CIB fee.
 - (2) The applicant shall sign a statement appointing the Village Clerk-Treasurer his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon payment of said fees and the signing of said statement, the Village Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in Sec. 7-4-5(b) below.
- (d) *License; Fees.* Except as provided by Section 7-4-3, no person shall conduct any activity as a transient merchant without a license. Every applicant for a license shall pay a license fee. The fee for an annual license shall be Twenty Dollars (\$20.00) which shall be paid to the Village Clerk-Treasurer. Such license shall be for a calendar year and shall expire on December 31 following its issuance, provided however, that the fee shall be one-half (½) of the amount stipulated for a calendar year if it is issued on or after July 1 of any year.
- (e) *Bond.* Every applicant who is not a resident of St. Croix County or who represents a firm whose principal place of business is located outside of the State shall file with the Clerk-Treasurer a surety bond in the amount of Five Hundred Dollars (\$500.00), conditioned that the applicant will comply with all provisions of the ordinances of the Village and the State laws regulating peddlers, canvassers, solicitors and transient merchants, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.
- (f) *Solicitors.* Solicitors of funds or donations for charitable or other organizations shall comply with all disclosure and registration requirements above, but shall be exempt from the Ten Dollar (\$10.00) registration fee; such applicants, however, shall each pay the Three Dollar (\$3.00) CIB fee.

Sec. 7-4-5. Investigation of applicant.

- (a) Upon receipt of each application, the Police Department shall make and complete an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The Village Clerk-Treasurer shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

Sec. 7-4-6. Appeal of denial.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Wis. Stats.

Sec. 7-4-7. Regulations.

- (a) *Prohibited Practices.*
 - (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
 - (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
 - (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
 - (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
 - (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) *Disclosure Requirements.*
 - (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.

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- (2) if any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
 - (3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 7-4-8. Revocation; notice and hearing.

- (a) Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

Sec. 7-4-9. Special event vending permit required; fee; restrictions, rules and procedures.

- (a) *Permit Required.* There shall be a Five Dollar (\$5.00) per day charge for a special event vending permit. The Village Board will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.
- (b) *Exclusive Vending Rights During Special Events.*
 - (1) During a special event the Village Board may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Village Board for the special event.
 - (2) To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Village Board may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Village Board shall take precedence.
 - (3) For each such specific day during which certain or all vending permits have been declared to be not valid, the Village Board may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Village Board at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Village Board as to any specific day

during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.

- (4) No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.

ARTICLE L. ADMINISTRATION

Sec. 13-1-170. General provisions.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administration" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-171. Position of zoning administration established.

- (a) The Zoning Administration is hereby designated as the primary administrative officer for the provisions of this Chapter, and shall be referred to as the Zoning . The Zoning Administration shall be appointed by resolution of the Village Board. The duty of the Zoning Administration shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Zoning Administration shall further:
- (1) Issue all zoning certificates, and make and maintain records; which records shall be maintained in the Village hall. DUTIES OF VILLAGE CLERK AND BUILDING INSPECTOR
 - (2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter. DUTIES OF BUILDING INSPECTOR AND ZONING ADMINISTRATION
 - (3) Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore. DUTIES OF VILLAGE CLERK
 - (4) Provide and maintain a public information function relative to all matters arising out of this Chapter. DUTIES OF VILLAGE CLERK
 - (5) Receive, file and forward to the Village Clerk-Treasurer all applications for amendments to this Chapter.
 - (6) Receive, file and forward to the Plan Commission all applications for conditional uses. DUTIES OF VILLAGE CLERK
 - (7) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Village Board. DUTIES OF VILLAGE CLERK
 - (8) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make recommendations to the Plan Commission not less than once a year. DUTIES OF THE ZONING ADMINISTRATION

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-172. Roles of planning commission, village board, and zoning board of appeals in administration of chapter.

- (a) *Plan Commission.* The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, one of its functions is to make recommendations to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and always being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- (b) *Village Board.* The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments in zoning districts, the zoning map and supplementary flood-land zoning map; and to amend the text of this Chapter. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this subchapter and other provisions therefore elsewhere in this Chapter.
- (c) *Zoning Board of Appeals.* A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-173. Permit requirement; with exception of R1 and R2 application; decision by zoning administration.

- (a) *Zoning Certificate Required.* No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been examined by the office of the Zoning Administration and has affixed to it a certificate of the office of the Zoning Administration indicating that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this Chapter.
- (b) *Application.* Applications for a zoning permit shall be made to the Zoning Administration and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administration: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.

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- (4) Additional information as may be required by the Zoning Administration or Plan Commission (if involved).
 - (c) *Action.*
 - (1) A zoning permit shall be granted or denied in writing by the Zoning Administration within sixty (60) days of application. Applicant shall post such permit in a conspicuous place at the site.
 - (2) The permit shall expire within six (6) months unless substantial work has commenced or within twenty-four (24) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
 - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.
- (Ord. No. A-692, 2-13-2024)

Sec. 13-1-174. Required approval of site plan; with exception of R1 and R2 application; evaluation by village.

- (a) *Site Plan Approval.* All applications for building permits for any construction, reconstruction, expansion or conversion in an R-3, C-1, C-2, and I-1 District, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- (b) *Application.* The applicant for a zoning or building permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) *Administration.* The Zoning Administration shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Plan Commission and/or Village Engineer to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within sixty (60) days of its receipt of the application, the Zoning Administration shall issue or refuse a zoning permit.
- (d) *Requirements.* In acting on any site plan, the Plan Commission may impose conditions upon the issuance of site plan approval as it deems necessary to address the following issues:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.

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- (e) *Effect on Municipal Services.* Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-175. Required certificate of compliance; with exception of R1 and R2 application; issuance for existing uses.

- (a) *Requirement.* No vacant land shall hereafter be occupied, used, or developed; and no building shall hereafter be located, moved, reconstructed, or structurally altered; and no nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administration. Such certificate shall show that the structure or premises or use is in conformance with the provisions of this Chapter. Such certificate shall be applied for at the time a party occupies any land or structure or there is a renewal or change in a nonconforming use.
- (b) *Application for Certificate of Compliance shall be made in the same manner as for a zoning permit.*
- (c) *Existing Uses.* Upon written request from the owner, the Zoning Administration shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

(Ord. No. A-692, 2-13-2024)

Sec. 13-1-176. Enforcement.

- (a) *Violations.* It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Plan Commission, the Zoning Administration or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) *Remedial Action.* Whenever an order of the Zoning Administration has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administration or the Village Attorney may institute appropriate legal action or proceedings.
- (c) *Penalties.* Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administration issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

(Ord. No. A-692, 2-13-2024)

Secs. 13-1-177—13-1-179. Reserved.

TITLE 15, CHAPTER 4. MINIMUM PROPERTY MAINTENANCE STANDARDS

Sec. 15-4-1. Minimum standards for property maintenance; violation a nuisance.

- (a) *Policy.* There exist in the Village of Somerset, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village.
- (b) *Purpose.* The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Section does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.

Sec. 15-4-2. Definitions.

For purposes of this Chapter, the following definitions shall be applicable:

- (a) *Abandoned Dwelling.* A dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
- (b) *Accessory Structure.* A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (c) *Blighted Area.* Any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant morality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) *Building.* Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) *Deterioration.* The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) *Dilapidated.* Describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

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- (g) *Dwelling*. Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.
 - (h) *Nuisance*. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Village of Somerset Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
 - (2) In any other way render the public insecure in life or in the use of property;
 - (i) *Occupant*. Any person living, sleeping or having actual possession of a building.
 - (j) *Owner*. Any person who, along or jointly or severally with others:
 - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
 - (k) *Person*. Any natural individual, firm, trust, partnership, association or corporation.
 - (l) *Premises*. A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
 - (m) *Refuse*. All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
 - (n) *Rubbish*. Nonputrescible solid wastes (excluding ashes) consisting or either:
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
 - (2) Noncombustible wastes such as tin cans, glass or crockery.

Sec. 15-4-3. Blighted appearance, nuisance prohibited.

No owner or occupant shall, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties.

Sec. 15-4-4. Minimum standards for dwellings and accessory structures.

- (a) *Minimum Standards*. No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following Subsections.
- (b) *Foundations, Exterior Walls and Roofs*. No person shall be an owner or occupant of any premises which does not comply with the following requirement:
 - (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers.

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- (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.
 - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
 - (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- (c) *Grading and Drainage of Lots.* Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (d) *Accessory Structures.* All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, sidewalks, driveways, carports, walls, fences and miscellaneous sheds.
- (e) *Abandoned Dwellings.* The owner of any abandoned dwelling shall:
- (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with Subsection (b); and
 - (4) Maintain the yard and accessory structures such that they comply with Subsections (c) and (d).
- (f) *Nuisances.* The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

Sec. 15-4-5. Violation; notice; appeal.

- (a) Upon determination by the Building Inspector of a violation of this Chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
- (c) The person so notified shall have the right to appeal the decision of the Building Inspector to the Village Board within thirty (30) days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Building Inspector shall file an action in the name of the Village in Municipal Court in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

Sec. 15-4-6. Abatement of nuisance not prohibited by chapter provisions.

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Village of Somerset or its officials in accordance with the laws of the State of Wisconsin or Village ordinances.

Sec. 15-4-7. Nuisance abatement costs.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.