Ordinance No. 21-18

Ordinance To Enact Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

WHEREAS, on March 15, 2016, the Polk County Board of Supervisors enacted Ordinance No. 10-16, entitled as Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance; and

WHEREAS, the amendment affects any lands within the unincorporated areas of Polk County; and

WHEREAS, telecommunication facilities are regulated under Wisconsin Statute Section 66.0404; and

WHEREAS, on February 15, 2018, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e) a petition sought to amend the Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance, through the enactment of the proposed Amended Polk County Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance; and

WHEREAS, the amendment changes the after-the-fact penalty fee from $500 to two times the regular permit fee; and

WHEREAS, on March 7, 2018, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Polk County Environmental Services Committee recommends the Polk County Board of Supervisors enact as and for the county's telecommunication facilities ordinance under Wisconsin Statute Section 66.0404, the attached proposed ordinance entitled "Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance."

NOW, THEREFORE, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance, attached hereto and incorporated herein is enacted.

2. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the ordinance enacted herein.

3. The Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance shall be effective upon passage and publication as provided by law.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	April 17, 2018
Submitted and Recommended by the Polk County Environmental Services Committee: Kim O'Connell, Committee Chair	

Review By Corporation Counsel
Approved as to Form
Recommended

Jeffrey B. Fuge, Corporation Counsel
Interim County Administrator

County Board Action

At its regular business meeting on April 17, 2018 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. 21 -18: Ordinance To Enact Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance, by majority vote of the entire membership of a ~~vote of ___ in favor and ___ against.~~ unanimous voice vote

Dean Johansen Dated: 5/23/18

Dean Johansen, County Board Chairperson

Attest: Sharon Jorgenson Dated: 5-22-18

Sharon Jorgenson, Polk County

Certification of Publication

The above-enacted ordinance, Ordinance No. 21 -18: Ordinance To Enact Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance was published in the Inter-County Leader on the 6 day of June, 2018.

Sharon Jorgenson Dated: 5-22-18

Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

COUNTY OF POLK

I, Sharon E. Jorgenson, Polk County Clerk due hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance No. 21-18: Ordinance to Enact Amended Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance as adopted by the Polk County Board of Supervisors on the 15th day of May, 2018.

Sharon E. Jorgenson 5/20/18

Sharon E. Jorgenson, Polk County Clerk Date

Polk County
TELECOMMUNICATION TOWERS, ANTENNAS, AND RELATED FACILITIES ORDINANCE

Ordinance No. 21-18
Polk County Telecommunication Towers, Antennas, and Related Facilities Ordinance
Enacted: May 15, 2018; Published: May 30, 2018
Effective Date: May 30, 2018

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

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Article I Purpose and Intent

The purpose of the regulations and requirements of this ordinance is to:

A. Accommodate communication, radio, and television needs while protecting the public health, safety and general welfare;
B. Minimize adverse visual impacts of wireless communication service and other transmission facilities through careful site and design standards;
C. Avoid potential damage to adjacent properties from the construction, location and operation of wireless communication service and other transmission facilities through structural standards and setback requirements;
D. Maximize the use of existing and approved towers, buildings or structures to accommodate new wireless communication service and other transmission antennas to minimize the number of towers needed to serve the county and adverse visual impacts; and
E. Minimize hazards to birds.

Article II Definitions

The following definitions apply to the provisions of this ordinance:

"Abandoned Facility" Any transmission facility that is unused for the purpose for which the permit was granted for 18 consecutive months shall be considered abandoned.

"Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

"Collocation" means class 1or class 2 collocation or both.

"Class 1 Collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

"Class 2 Collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

"Department" The Polk County Zoning Department is the permitting authority under this ordinance where required.

"Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

"Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is mobile service facilities.

"Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

"FAA" Federal Aviation Administration.

"Fall zone" means the area over which a mobile support structure is designed to collapse.

"FCC" Federal Communications Commission.

"Guyed Tower" A telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

"Height" The distance measured from ground level to the highest point on a tower or structure, including any antenna.

"Lattice Tower" A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

"Mobile service" means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (A) both one-way and two-way radio communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any service for which a license is required in a personal communications service.

"Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

"Mobile service provider" means a person who provides mobile service.

"Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.

"Monopole" A telecommunication tower of a single pole design.

"Non-Conforming" means a pre-existing telecommunication facility that does not meet the requirements of this ordinance.

"Permit" means a permit, other than a building permit, or approval issued by the department which authorizes any of the following activities by an applicant:

1. A class 1 collocation.

2. A class 2 collocation.

3. The construction of a mobile service support structure.

"Pre-existing Transmission Facility" Any transmission facility constructed prior to January 26, 1999.

"Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

"St. Croix River Buffer Zone" The St. Croix River Buffer Zone is the area located outside the St. Croix Riverway District and within two miles of the St. Croix River, measured from the ordinary high water mark.

"Stealth Facility" A mobile service facility or other transmission facility which appropriately models or mimics in size, shape, scale and color something which exists in the immediate landscape, which could legally be placed there or already exists there at the time an application is submitted, (e.g., a silo in farm settings or a tree in forested lands), and which is unrecognizable to a casual observer as a transmission facility.

"Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

"**Support structure**" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

"Tower" Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas including guy towers, monopole towers and lattice Towers.

"Transmission Facility" Any mobile service facility, radio or television tower, or any equipment or accessory structure other than an electric transmission line.

"**Utility pole**" means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

"Wireless Communication" Any wireless telecommunication service as defined in the Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or may be developed.

Article III Special Provisions: Pre-existing or Non-Conforming Transmission Facilities and Exceptions to this Ordinance

A. Any pre-existing or non-conforming transmission facility shall not be required to meet the requirements of this Ordinance, except for the provisions of Article X - Biennial Report.
B. Any pre-existing or non-conforming transmission facility shall comply with all FCC and FAA rules and regulations.
C. Any addition or change to a pre-existing or non-conforming transmission facility shall comply with all applicable requirements of this ordinance.
D. The following are permitted without department approval (no permit required):
   1. Television antennas, satellite dishes, receive-only antennas and free standing antennas 45 feet or less in height; provided however, that the primary use of such equipment is not part of a transmission facility and that such equipment is only ancillary to the primary use of the site where located.
   2. Antennas and associated towers, poles and masts that are owned or operated by federally licensed amateur radio operators, or citizen band radio operators.
   3. Antennas mounted on utility poles where the antenna s 30 feet or less in height above

the highest part of the utility pole.

E. Any owner of a pre-existing transmission facility shall accept all additional Collocation antennas on reasonable terms.
F. Transmission facilities approved by the department with a county land use permit may be modified if the modification is in compliance with the provisions of this ordinance. The department may approve the modification only after the applicant submits a modified land use permit application and the appropriate fee under the current fee schedule as adopted by the Polk County Board.

Article IV General Requirements

A. All transmission facilities shall comply with all FCC and FAA rules and regulations.
B. Design and installation of any transmission facility shall comply with the manufacturer's specifications. Plans shall be approved and certified by a registered professional engineer.
C. Installation of any transmission facility shall comply with all applicable state and local building and electrical codes.
D. For leased sites, written authorization for siting a transmission facility must be obtained from the property owner and indicate the duration of the lease term.
E. Any transmission facility must be adequately insured against personal injury, wrongful death, and property damage claims.
F. Any abandoned facility must be removed and site restored within a reasonable time, but not more than three months after removal is requested by the county. Upon removal, the site shall be restored to its original or an improved condition. Any below grade anchoring elements used to secure the structure, shall be removed to a depth of at least 8 feet below ground level. If removal or restoration is not completed, the county is authorized to complete the removal and site restoration and charge the cost to the performance bond.
G. Proposals to erect a new transmission facility shall be accompanied by any required federal, state or local agency license or application for such license.
H. Only one Tower is permitted on a parcel of land.
I. Transmission Facility Height.
    1. All transmission facilities shall be built to the minimum height required to meet the applicant's needs.
J. Applications for Structures on Publicly-owned Lands.
    1. The applicant must provide documentation to the permitting authority proof of acceptance (either by approved permit or other documentation) by the applicable governing authority that has jurisdiction over the publicly-owned land.
    2. For applications within the St Croix Riverway District, the permitting authority may allow location of a stealth facility on National Park Service-owned lands within the riverway provided that the applicant is able to show by clear and convincing evidence that there is no viable location outside the riverway boundary for locating a stealth facility that can accommodate the applicant's requirements.
K. Adequate parking for maintenance of transmission facilities must be available.

Article V Prohibitions

A. No advertising message or sign shall be affixed to any transmission facility.
B. No transmission facility shall be artificially illuminated unless required by FCC or FAA

regulations.

C. No part of any transmission facility shall extend across or over any right-of-way, public street, highway, sidewalk, or property line.

D. A temporary mobile transmission facility site is not permitted except in the case of equipment failure, equipment testing, equipment replacement, or emergency, and provided that prior authorization is obtained from the department. Use of a temporary site for testing purposes shall be limited to 24 hours, and the use of a temporary site for equipment failure, equipment replacement, or emergency shall be limited to 30 days, unless extended for good cause in writing by the department.

Article VI District Requirements

A. A county land use permit may be issued by the department. The department shall not issue such a county land use permit prior to ten working days after mailing notice of the application to the town in which the transmission facility is proposed to be located. All transmission facilities shall be regulated in accordance with the regulations applicable to the zoning district (as defined in the Chapter 10 Polk County Comprehensive Land Use Ordinance) in which the facility is located. All requirements of the zoning district other than the standards provided in this ordinance must be met. The following are the use standards for the various districts:

1. Residential, Residential-Agricultural 5, Agricultural 10 &20, Farmland Preservation, Commercial, Small Business Commercial, Industrial, Mining Districts, Shoreland, Floodplain, Natural Resources, and any area not zoned by a County Zoning Ordinance.
   a. The following are permitted with a county land use permit from the Department issued under this Ordinance:
      (1) New construction of a mobile service or telecommunications facility.
      (2) Substantial modification to an existing mobile service facility or structural support.
      (3) Class 1 Collocation on an existing mobile support structure.
      (4) Class 2 Collocation on an existing mobile support structure.

2. St. Croix River Buffer Zone and St. Croix Riverway Districts. No transmission facility except a stealth facility is allowed in these districts. Except:
   a. With a land use permit issued by the department under the provisions of this ordinance, an antenna attached to an existing tower or structure and not extending more than 20 feet above the highest point of the tower or structure.
   b. A stealth facility, with a county land use permit issued by the department, provided all the provisions of this ordinance and Wisconsin Administrative Code Chapter NR 118 are met.

Article VII Performance Standards

A. Except as provided in this ordinance, any transmission facility must meet the dimensional standards applicable to the parcel within the zoning district in which it is located. Where the transmission facility is the principal use on a parcel, the parcel shall meet the minimum lot size requirements of the zoning district in which the parcel is located. On a parcel of land

that already has a principal use, the transmission facility shall be considered an accessory use and a smaller area of land may be leased for it, provided that all requirements of this ordinance are met.

B. Setbacks
   1. Generally, any tower shall be set back from the nearest property line a distance equal to the height of the tower. This setback may be reduced if the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the tower to the property line.

C. Screening and Landscaping. The Transmission Facility shall be located on the site so as to have the least visual impact. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all Tower accessory structures, equipment and improvements at ground level from adjacent properties year around. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.

D. Security Fencing and Lighting.
   1. Any Transmission Facility shall be reasonably protected against unauthorized access. The bottom of the Tower from ground level to 12 feet above ground shall be designed to prevent unauthorized climbing and shall be enclosed with a minimum of a 6 feet high chain link fence with a locked gate. Guyed anchors of guyed towers shall be similarly protected.
   2. Security lighting for on-ground structures and equipment is permitted, as long as it is down-shielded to keep light within the boundaries of the site.

E. Color and Materials. Any Transmission Facility shall use building materials, colors, textures, screening, and landscaping that blend the Transmission Facility with the surrounding natural features and built environment to the greatest extent possible.

Article VIII Permit Requirements for New Construction or Substantial Modification of Mobile Service Facilities and Support Structures

The construction or installation of any mobile service facility requires a county land use permit under this ordinance. The permit will specify the use or uses allowed. If the department deems the application incomplete, the department shall notify the applicant in writing within ten (10) days of receiving the application. The written notification shall specify in detail the required information that was incomplete. Within ninety (90) days from the date of submittal of the application, the department shall consider and decide upon the issuance of the land use permit. Action by the department may be postponed past the 90-day limit by written agreement between the department and the applicant, or upon determination by the department that additional information is required. The applicant shall conduct an informational presentation to the town board in the town in which the new mobile service facility is to be located.

A. Application Submittal Information
   1. A completed county land use permit application and appropriate fee under the current fee schedule as adopted by the Polk County Board.
   2. Applications. In addition to the application requirements of Chapter 10 of the Polk County Zoning Ordinance, all applications for county land use permits for new mobile service facilities shall include the following information:
      a. A report from a registered professional engineer and other professionals which:

(1) describes the transmission facility's height and design, including a cross section and elevation;
(2) certifies the transmission facility's compliance with structural and electrical standards;
(3) describes the transmission facility's capacity, including the potential number and type of antennas that it can accommodate;
(4) describes the lighting to be placed on the transmission facility if required by the FCC or FAA;
(5) certifies that the transmission facility will not cause destructive interference with previously established public safety communications systems; and
(6) describes how the requirements of Articles IV, VI, VII, and VIII of this ordinance will be met by the proposed transmission facility.

b. Each application shall include a facility plan containing the following information:
(1) Written description of the type of consumer services each applicant will provide to its customers (radio, television, cellular, PCS, SMR, ESMR, paging or other anticipated Wireless Communication services).
(2) A list of all of the applicant's existing sites, existing sites to be upgraded or replaced, and proposed sites within the county.
(3) Map of the county that shows the applicant's existing and proposed geographic service areas.

c. Landowner acknowledgement. Written acknowledgement by the landowner and lessee of a leased site that they will abide by all applicable terms and conditions of the county land use permit, including the restoration and reclamation requirements of Article IV F. of this ordinance, and a copy of the lease.

d. A performance bond in a form acceptable to the department in an amount of $20,000 to provide for removal of the transmission facility and restoration of the site for the life of the facility.

e. Additional information and analysis: The department may, at their discretion, require a visual analysis of the proposed transmission facility, including photo simulations of the view of the vicinity of the transmission facility before and after the proposed transmission facility is built. The simulation may include a photo montage, field mock-up, view-shed analysis, or other techniques to provide the department with evidence that the proposed facility meets the requirements of this ordinance.

3. Collocation/Sharing of Facilities. No new Tower shall be permitted unless the applicant demonstrates to the department that no existing Tower or structure can accommodate the applicant's proposed Antenna. 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. Examples of supporting evidence are:

a. No Tower or structure is located within the geographic area/search ring that meets the applicant's engineering requirements.

b. No existing Tower or structure is of sufficient Height to meet the applicant's engineering requirements.

c. No existing Tower or structure can be modified at reasonable cost to support applicant's proposed Antenna.
d. Electromagnetic interference would interfere with an existing or proposed system.
e. The fees, cost, or contractual provisions required by the applicant to share an existing Tower or structure or to adapt an existing Tower or structure for sharing are substantially more expensive than new construction considering factors such as, without limitation, depreciation, technical obsolescence, maintenance and land acquisition.
f. The applicant establishes other facts that render co-location unsuitable.

Article IX Permit Requirements for Collocation on Existing Support Structures

Collocation on any existing transmission facility requires a county land use permit under this ordinance. If the department deems the application incomplete, the department shall notify the applicant in writing within five (5) days of receiving the application. The written notification shall specify in detail the required information that was incomplete. Within forty-five (45) days from the date of submittal of the application, the department shall consider and decide upon the question of issuance of the land use permit. Action by the department may be postponed past the 45-day limit by written agreement between the department and the applicant, or upon determination by the department that additional information is required.

A. Application Submittal Information
   1. A completed county land use permit application and appropriate fee under the current fee schedule as adopted by the Polk County Board.
   2. A copy of the construction plans approved and certified by a registered professional engineer.
   3. A structural analysis approved and certified by a registered professional engineer.

Article X Biennial Report

Owners, providers or permittees shall submit each even numbered year on or before January 31, a transmission facility information report, on a county form provided by the county. The report shall detail the use, maintenance and condition of the transmission facility since the previous report, availability of the transmission facility for added co-location and other information reasonably deemed necessary by the department. Failure to submit the report by July 1 of each even-numbered year shall result in the county taking enforcement action under Article XIII.

Article XI Safety Inspection

If the County has reason to believe that a transmission facility is a safety risk, it may require the permit holder to perform an inspection by a registered engineer and provide a copy of the inspection results to the department within sixty days. The county shall provide the owner with information forming the basis for belief that the transmission facility is a safety risk before requiring inspection.

Article XII Appeal Procedures

A. Appeals to the Board of Adjustment - Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within a feasible time, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The Zoning Administrator or other officer from when the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appeal was made.
B. Powers and Duties- The Board of Adjustment shall have the following powers and duties:
   1. The Board of Adjustment shall adopt additional rules as it deems necessary and may exercise all the powers conferred on such boards by section 59.694 Wisconsin Statutes.
   2. It may authorize upon application, in specific cases, a variance from the terms of this ordinance as shall not be contrary to public interest, where owning to special conditions, and a literal enforcement of the ordinance will result in unnecessary hardship.
   3. In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of granting or increasing any use of the property, which is prohibited by this ordinance.
C. Hearing Appeals- The following procedures shall be taken in hearing any appeals:
   1. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time, place of the hearing, the matters to come before the board, and the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
   2. The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or persecution or grant the application.
   3. At the public hearing, any party may appear in person, by agent, or by attorney.
   4. All decisions may be reviewed by a court of competent jurisdiction.
D. Appeals to the circuit court- Appeals to the circuit court of the county may be taken by any person aggrieved by the final decision of the department or Board of Adjustment.

Article XIII Enforcement and Penalties

A. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this Ordinance contrary to the provisions of this Ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. As authorized by Wisconsin Statute, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred ($200.00) dollars nor more than one-thousand ($1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a

public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).

B. There shall be a penalty fee of two (2) times the regular permit fee in those cases where building is commenced without first obtaining a land use permit, providing the structure is in conformance with the provisions of this Ordinance. In cases where the project cannot be permitted without a variance, the penalty fee shall be applied towards the variance application fee.

C. The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the building permit is taking place.

Article XIV Severability

A. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the remaining portions of this Ordinance. The Polk County Board of Supervisors declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid.
B. To the extent that any of the provisions of this ordinance is interpreted to be invalid or inconsistent with statute 66.0404, said ordinance provision shall lack application and the applicable state standard is hereby incorporated by reference as expressly provided herein so as to allow for lawful issuance of any permit as provided by this ordinance and to allow for the enforcement by ordinance of the state standard.

Article XV Fee Schedules

Upon recommendation of the Committee, the Polk County Board of Supervisors shall, from time to time, establish and review fees that are applicable to this Ordinance. No application shall be considered filed with the County unless and until said application is accompanied by the appropriate application fee.

Article XVI County Zoning Ordinances

A. Any reference in this Ordinance to a Polk County Zoning Ordinance includes the Chapter 10 Polk County Zoning Ordinance, Floodplain Zoning Ordinance, Lower St Croix Scenic Riverway Ordinance, Shoreland Protection Zoning Ordinance, and Subdivision Ordinance, as each existed at the time this Ordinance went into effect and any amendments made subsequently to any of these Polk County Ordinances. Each said Ordinance is applicable and incorporated to the extent referenced herein.
B. In the instance that a petition for an ordinance amendment is filed by a member of the county board or by the agency designated by the board to consider county zoning matters, the petitioner shall be exempt from the fee required to propose such amendment.