

TOWN of HOLLAND ORDINANCES

Town Of Holland Zoning Ordinance

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Article I -Title and Authority

Title

This ordinance shall be known, cited and referred to as:
THE TOWN OF HOLLAND ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

Authority

The Town of Holland pursuant to Section 60.29(41),
60.18(12), 60.74, 61.35, 62.23, and 66.058 of the Wisconsin
Statutes, hereby enacts a zoning ordinance to read as follows:

Article II - Intent, Purpose and Severability

A. Intent

This ordinance is intended to promote the orderly development of the community in accordance with The Official Town Comprehensive Plan or any of the component parts thereof.

B. Purpose

The Zoning Ordinance of the Town of Holland, Brown County, Wisconsin, is adopted for the following Purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

C. Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

If any application of this ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

Article III - Definitions

A. General

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.

The word “shell” is mandatory and not discretionary.

The word “may” is permissive.

The word “lot” shall include the words “piece”, “parcel” and “Plats”, the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

All “measured distances” shall be to the nearest “integral foot. If a fraction is one-half foot or less, the next “integral foot” below shall be taken.

Any words not herein defined shall be constructed as defined in other respective state, county and town codes.

B. Words Defined

Certain words and terms in this ordinance are to be interpreted as defined herein:

1: **ACCESSORY USE OR BUILDING**- a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.

2: **AGRICULTURE** - is the use of land for agricultural purpose, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

3. **AIRPORT** - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

4. **ALLEY** - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.

5. **AUTO WRECKING YARD** - any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open.

6. **BASEMENT** - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

7. **BLOCK**- a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

8. **BOARDING HOUSE** - a building or premises other than a hotel where lodging and meals are furnished for compensation for four (4) or more persons not members of a family.

9. **BUILDING** - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

10. **BUILDING HEIGHT** - the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof; to the deck line of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.

11. **CLINIC, MEDICAL OR DENTAL** - an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

12. **CLUB** an association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

13. **COMMERCIAL FEEDLOTS** - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.

14. **CORNER SIDE** - a yard extending along a side lot line from front yard to rear yard when said side lot line is conterminous with a street right of way line.

15. **CONDITIONAL USE** - uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.

16. **DRIVE IN RESTAURANT** - an establishment which provides no permanent interior seating, but allows window service and carry out counter service for food products to automobile customers.

17. **DWELLING** - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.

18. DWELLING UNIT - one (1) or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

19. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one family.

20. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two (2) families.

21. DWELLING, MULTIPLE-FAMILY - a building used or designed as a residence for three (3) or more families including tenement houses, row houses, apartment houses and apartment hotels.

22. ESTABLISHMENT BUSINESS - a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

23. FAMILY - any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.

24. FARM - any parcel of land which is used for gain in the raising of agriculture products, livestock, poultry and dairy products.

25. FRONTAGE - the length of all the property fronting on one side of the street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street

26. FRONTAGE, ZONING LOT - the length of all the property of such zoning lot fronting on a street, measured between side lot lines.

27. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.

28. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

29. GARAGE, PRIVATE - an accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

30. GARAGE, PUBLIC AND STORAGE - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.

31. HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous or crushed stone.

32 - HOME OCCUPATION - any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling , there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not the general practice of his profession. No accessory building shall be used for such home occupation.

33 - HOTEL - a building in which lodging , with or without meals , is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment

34 - INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

35 - JUNK (SALVAGE) YARD - an open area where waste or scrap material are bought , sold , exchanged , stored , baled , packed , disassembled , or handled , including , but not limited to : scrap iron and other metals , paper , rags , rubber tires , bottles , and automobiles .

36 - LODGING HOUSE - a residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms which accommodate persons who are not members of the keeper's family.

37 - LOT - a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street .

38 - LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.

39 - LOT, ZONING - a single tract of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

40 - LOT , CORNER - a lot located at the intersection of two (2) streets , the interior angle of such intersection not exceeding 135 degrees .

41 - LOT, Depth of - the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

42 - LOT, INTERIOR - a lot other than a corner lot.

43 - LOT LINES AND AREA - the peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

44 - LOT, THROUGH _ interior lot having frontage on two (2) no intersection streets.

45 - LOT, WIDTH OF _ the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

46 - MOBILE HOME - any vehicle or structure which is , or was as originally constructed , designed to be transported by any motor vehicle upon a public highway and designed , equipped , used or intended to be used primarily for human habitation; including any addition, attachment, annexes, foundations and appurtenances thereto.

47 - MOBILE HOME PARK - any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.

48 - MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

49 - MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

50 - NON-CONFORMING USE - any use of land , building , or structure , lawful at the time of the enactment of this ordinance , which dose not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located .

51 - PARKING SPACE - a graded and surfaced area of not less then two hundred square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

52 - PLANNED UNIT DEVELOPMENT - a tract of land which contains or will contain two (2) or more principal buildings , developed under single ownership or control , the development of which is unique and of a substantially different then that of surrounding areas . A planned development allows for flexibility not available under normal zoning district requirements.

53 - PROFESSIONAL OFFICE - the office of a doctor , practitioner , dentist , minister , architect , landscape architect , professional engineer , lawyer , author , musician , or other recognized profession . When established in a residential district , a professional office shell be incidental to the residential occupation ; the office shell not exceed one-half (½) the area of only one (1) floor of the residence and only one (1) resident person is employed .

54 - ROADSIDE STAND - a structure not permanently fixed to the ground that is readily removable in its entirety , covered or uncovered and not wholly enclosed , and used solely for the sale of farm products produced on the premises . No such roadside stand shall be more then 300 square feet in ground area and limited to 10 feet maximum height.

55 - SANITARY LANDFILL - disposal of refuse on land without creating a nuisance or hazard to public health or safety , by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals .

56 - SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.

57 - SIGN - a name , identification , description , display , or illustration which is affixed to , or represented directly or indirectly upon , a building , structure , or piece of land , and which directs attention to an object , product , place , activity , person , institution , organization , or business . However, a "sign" shall not include any display of official court or public office notices nor shall it include the unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the content shall so indicate.

58 - SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

59 - SIGN , BUSINESS - a sign which directs attention to a business or profession conducted , or to a commodity , service or entertainment sold or offered , upon the premises where such sign is located or to which it is affixed.

60 - STOCKFARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

61 - STORY _ that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured , or if it used for business purposes , or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises .

62 - STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property , whether designated as a street , avenue , highway , road ,boulevard ,land ,throughway or however otherwise designated ,but dose not include driveways to buildings .

63 - STUCTURE - anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

64 - STRUCTURAL ALTERATION _ any change , other then incidental repairs which would prolong the life of the supporting members of a building , such as the addition , removal ,or alteration of bearing walls , columns , beams , girders , or foundations .

65 - USE, PRINCIPAL - the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional", or "non-conforming".

66 -YARD - open space on the same lot with building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

67 -YARD FRONT - a yard extending along the full length of the front lot line between the side lot lines.

68 -YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.

69 -YARD, REAR - a yard extending along the full length of the rear lot line between the side lot lines.

ARTICLE IV - GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this ordinance shall include all lands and waters within the Town of Holland.

B. EXISTING ORDINANCE

Restriction or requirements with respect to buildings or land or both which in other ordinances of the Town of Holland or are established by Federal , State and County Laws , and which are greater then those set forth herein shall take precedence over those herein . Otherwise the provisions of this ordinance shall apply.

C. BUILDING AND USES

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.

2. All principal structures shall be located on a lot; and only one principal structure shall be located erected or moved onto a lot.

3. Permitted, Permitted Accessory Uses, and Conditional Uses are not limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation and approval by the Town Plan Commission.

4. Accessory buildings which are not a part of the main building shall not occupy more then 30 percent of the area of the required rear yard, shall not be more then 25 feet high and shall not be nearer then six (6) feet to any lot line, except that where an accessory building has an entrance on an alley, such entrance shall be located not less then 15 feet from the nearest alley line. The above height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of 5 acres. Farm accessory buildings shall not be closer then 75 feet to any lot line. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.

5. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.

6. When a building containing a nonconforming use is damaged by fire , explosion , act of God , or the public enemy to the extent of more then 60 percent of its current local assessed value , it definitely shall not be restored except in conformity with the regulations of the district in which it is located . Total structural repairs or alterations in any nonconforming use shall not during its life exceed 60 percent of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary Ordinance.

8. Where the Town Zoning Administrator has issued a Building Permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Town Zoning Administrator.

9. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plan on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Article XVII.

D. AREA REGULATIONS

1. Lot size shall comply with the required regulations of the established district.

2. No Building Permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. HEIGHT REGULATIONS

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

F. FRONT, SIDE AND REAR YARD REGULATIONS

1. No front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking or driveway. All open storage areas shall be properly landscaped.

2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.

3. Building on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.

4. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

G. FENCES, WALLS and HEDGES

1. A Fence , wall ,hedge or shrubbery may be erected , placed , maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding five (5) feet above the ground level . No fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. In a required rear yard, the height of fences, walls, or hedges shall be limited to eight (8) feet; unless the rear lot line abuts a side lot line on neighboring property in which case the height limitation shall be five (5) feet.

2. No fence, wall, hedge or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet.

3. In any district no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto; within 25 feet of the intersection of any street line or of street lines projected.

H. PARKING STANDARDS

1. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than 10 feet to any street line . No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

2. Each parking space shall be less than 200 square feet exclusive of the space required for ingress and egress. Minimum width of parking space shall be 10 feet.

3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

4. All off-street parking areas for more than 10 vehicles shall be graded and surfaced so as to be dust free and properly drained , and shall have the aisles and space clearly marked .

5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunset when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

6. Where a Building Permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amount required for the issuance of said Building Permit may be provided in lieu of any different amounts required by this ordinance.

7. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least 50 percent of any existing deficiency in parking or loading facilities.

8. None of the off-street parking facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. OFF-STREET LOADING

1. In all districts, loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

ARTICLE V - ESTABLISHMENT OF ZONES

A. ZONE DISTRICT

For the purpose of this ordinance, the Town of Holland, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-1 Residential
A-R Agricultural-Residential
B-1 Community Business
I-1 Limited Industrial

B. ZONING MAP

The location and boundaries of the districts established by this ordinance are set forth on the zoning map entitled "Zoning District Map Town of Holland, Brown County, Wisconsin", dated June 21, 1973, and are incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendment thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

C. ZONE BOUNDARIES

The Following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the center line of highways , streets , alleys , and pavements ; or right-of- way lines of railroads , toll roads , and expressways ; or section , division of section , tract and lot lines ; or such lines extended , unless otherwise indicated .

2. In areas not subdivided into lots and blocks , wherever a district is indicated as a strip adjacent to and paralleling a street or highway , the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway , and the length of frontage shall be in accordance with dimensions shown on the map from section , quarter section , or division lines , or center lines of streets and highways , or railroad right-of way , unless otherwise indicated .

3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Adjustment, after due hearing may extend the regulation for either portion of such lot.

D. EXEMPTED USES

The following uses are exempted by this ordinance and permitted in any zone district : poles , towers, wires , cables , conduits , vaults , laterals , pipes , mains , valves , or any other similar distributing equipment for telephone or other communications ; and electric power , gas , water and sewer lines , provided that the installation shall conform to the Federal Communication and Federal Aviation Agency rules and regulations , and other authorities having jurisdiction . However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Residence District.

ARTICLE VI - R-1 RESIDENTIAL

The following regulations shall apply in R-1 Districts:

A. PERMITTED USES

1. Single-family dwellings
2. Two-family dwellings
3. Public, parochial and private, elementary, junior high and senior high schools
4. Parks, playgrounds, tennis courts and athletic fields
5. Public recreational and community center buildings and grounds
6. Transmission lines, substations, telephone and telegraph lines and public utility installments
7. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses

B. PERMITTED ACCESSORY USES

1. Private garages, carports and driveways
2. Home occupations
3. Tool houses, sheds and other similar buildings used for the storage of common supplies

C. CONDITIONAL USES

1. Multi-family dwellings
2. Mobile home parks
3. Planned unit development
4. Religious institutions in the form of convents, seminaries and monasteries
5. Cemeteries
6. Fire stations, police stations, post offices and other municipal facilities necessary for town operation

D. LOT REQUIREMENTS

1. Area - 10,000 Square feet Minimum
2. Zoning lot Frontage - 85 feet Minimum

E. HEIGHT REGULATIONS

1. All structures -35 feet maximum , except as provided by Article IV , Subsection E , Height Regulations

F. BUILDING SETBACKS

1. Front Yard

- A. Principal Structure - 25 feet minimum from right-of-way
- B. Accessory Building - 25 feet minimum from right-of-way

2. Side Yard

- A. Principal structure - 1 story - 10 feet minimum each side; 2 story -15 feet minimum each side
- B. Accessory Building - 10 feet minimum

3. Rear yard

- A. Principal structure - 25 feet minimum
- B. Accessory Building - 10 feet minimum

4. Corner Side

- A. Principal Structure - 25 feet minimum from right-of-way
- B. Accessory Building - 25 feet minimum from right-of-way

G. BUILDING SIZE

1. Minimum size of a dwelling shall be 750 square feet.

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses

I. PARKING

Parking shall conform to the requirements as set forth in Article XII, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XI, Sign Regulations.

ARTICLE VII - A-R AGRICULTURE-RESIDENTIAL

The following regulations shall apply in A-R Districts:

A. PERMITTED USES

1. Agriculture , dairying , floriculture , forestry , general farming , grazing , greenhouses , hatcheries , horticulture , livestock raising , nurseries ,orchards , paddocks , pasturage , poultry raising , riding academies , and stables , truck farming , game farms , wildlife sanctuaries and game preserves.

2. Agricultural warehouses

3. Commercial feed lots and stock farms

4. Parks, recreational sites and golf courses

5. Single family dwellings

6. Dams, power plants, flowage areas, water reservoirs and farm ponds.

7. Transmission, telephone, and telegraph lines, public utility installations, railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.

B. PERMITTED ACCESSORY USES

1. Roadside stands provides the structure dose not cover more then 300 square feet in ground area and dose not exceed 10 feet in feigft.

2. Additional structures nessary for the continuance of the farming operation.

C. CONDITIONAL USES

1. Stockyards and fur farms.

2. Artificial lakes.

3. Colleges , universities , schools (elementary , junuor high and senior high) , Hospitals , sanitariums , churches and other religious institutions .

4. Airfields, airports and heliports.

5. Cemeteries

6. Quarries, sand and gravel pits.

7. Town sanitary land fills and town solid waste disposal sites.

8. Mobile home parks and dwellings in conjunction with an operating farm in conformance with article VII , Subsection K , Item 1 , to be used solely by resident owner or laborer actively engaged in the farming operation .

9. Power plants and substations.

10. Television stations and radio stations.

11. Television and radio broad crest towers, micro-wave relay towers, and all other testing or industrial towers.

12. At-home businesses offering the sale of goods or services operating in an accessory building in conjunction with an existing residence or farm operation to be owned and operated solely by the resident property owner.

D. LOT REQUIREMENTS

Area - 35 acres minimum

Zoning lot frontage - 200 feet minimum

E. HEIGHT REGULATIONS

Farm Structures - 60 feet maximum *

Residential Dwellings - 35 feet maximum *

* except as provided by Article IV, Subsection E, Height Regulations

F. BUILDING SETBACKS

A. Front Yard

1. Principle Structure - 50 feet minimum from right-of-way

2. Accessory Buildings - 50 feet minimum from right-of-way

B. Side Yard

1. Principle Structure - 25 feet minimum

2. Accessory Buildings - 25 feet minimum

C. Rear Yard

1. Principle Structure - 25 feet minimum

2. Accessory Building - 25 feet minimum

D. Corner Side

1. Principle Structure Structure - 50 feet minimum from right-of-way

2. Accessory Buildings - 50 feet minimum from right-of-way

G. BUILDING SIZE

Minimum size of a residential dwelling shall be 825 square feet.

H. ACCESSORY BUILDINGS

1. Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

2. Accessory buildings for at-home businesses shall not exceed _____ square feet and conform to all other district requirements and those set forth in Article IV, Subsection C, Buildings and Uses.

J. SIGNS

Signs shall be regulated as set forth in Article XI, Sign Regulations.

K. OTHER REQUIREMENTS

1. All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of 40,000 square feet and 100 feet of lot frontage.

2. Other structures or buildings allowed within the A-R District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE VIIIA - E-A EXCLUSIVE AGRICULTURE

The following regulations shall apply in E-A Districts:

A. PERMITTED USE

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.

2. Commercial feed lots and stock farms.

3. Single family dwellings for farm operator, a worker who earns a substantial part of his or her livelihood from farm operations on the parcel, or a parent or child of the farm operator.

4. Farm ponds.

5. Transmission, telephone and telegraph lines, public utility installations, and public highway rights-of-way and improvement projects.

B. PERMITTED ACCESSORY USES

1. Roadside stands provided the structure dose not cover more then 300 square feet in ground area and dose not exceed 10 feet in height.

2. Additional structures necessary for the continuance of the farming operation.

C. CONDITIONAL USE

1. Stockyards and fur farms.

2. Artificial lakes.

3. The following uses, limited to those agricultural-related, religious, utility, institutional or governmental uses which do not conflict with agriculture use and/or are found necessary in light of alternative locations available for such uses:

a. Riding academies and stables, which do not conflict with agricultural use and /or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.

b. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.

c. Parks, recreational sites, and golf courses, if they are public facilities.

d. Dams, power plants, flowage areas, and water reservoirs, for utility uses.

e. Railroads right-of-way and passenger depots, not including switching, storage freight yards, or siding, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.

f. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions, provided they are religious, institutional, or governmental uses which do not conflict with agricultural use.

g. Airfields, airports, heliports, provided they are public uses.

h. Cemeteries, if religious or institutional.

i. Quarries sand and gravel pits, if public facilities or incidental to the farm operation.

j. Town sanitary landfills and town solid waste disposal sites.

k. Power plants, substations, radio and television stations, radio and television broadcast towers, micro-wave relay towers, and all other testing or industrial towers.

4. Mobile homes and dwellings in conjunction with operating farm in conformance with Article VII, Subsection K, Item 1, to be used solely by resident owner or laborer actively engaged in farming operation.

D. Lot requirements

Area - 35 acres minimum

Zoning Lot Frontage - 100 feet minimum

E. Height Regulations

Same as Article VII, Subsection E.

F. Building Setback

Same as Article VII, Subsection F.

G. Building Size

Same as Article VII, Subsection G.

H. Accessory Buildings

Same as Article VII, Subsection H.

J. Signs

Same as Article VII, Subsection J.

K. Other Requirements

Same as Article VII, Subsection K.

ARTICLE VIII - B-1 COMMUNITY BUSINESS DISTRICT

The Following regulations shall apply in B-1 Districts:

A. PERMITTED USES

1. Antique Shops
2. Art Shops
3. Bakery - Retail
4. Banks and Financial Institutions
5. Barber Shops
6. Beauty Shops
7. Bicycle Sales, Rental and Repair Stores
8. Book and Stationery Stores
9. Business and Professional Use
10. Candy and Confectionery Stores
11. Carpet, Rug and Drapery Stores
12. Clinics - Doctor and Dentist Offices
13. Clothing and Dry Goods Stores
14. Recognized Fraternal and Nonprofit Clubs and Lodges
15. Drug Stores and Pharmacies
16. Electrical and Household Appliance Stores, including Radio and Television Sales
17. Florist Shops
18. Food Stores, Grocery Stores, and Meat Markets (retail sales only)
19. Hardware and Paint Stores
20. Jewelry Stores
21. Liquor and Package Goods Store
22. Post Offices

23. Music Stores including instrument sales and repairs
24. Office Supply Stores
25. Office Machine Sales Stores
26. Parking Lots and off street loading areas
27. Laundrettes
28. Pet Shops
29. Printing Offices
30. Restaurants including the servicing of alcoholic beverages
31. Shoe Stores
32. Sporting Goods Store
33. Studios - photography, dance, design, and artist, illustrator
34. Taverns
35. Tailor Shops, Toy Shops, etc.
36. Variety Stores
37. Radio and Television Stations (excluding towers)
38. Dry cleaning Establishments
39. Furniture Stores

B. PERMITTED ACCESSORY USES

1. Uses incidental to and on same zoning lot as a principal use

C. CONDITIONAL USES

1. Agricultural Implement Dealers
2. Animal Hospitals and Veterinary Clinics
3. Automobile Service Stations and Garges
4. Bowling Alleys
5. Building Material and Product Sales

6. Business schools
7. Contractor or construction offices
8. Drive-In establishments
9. Dwelling and rooming units above the ground floor of a business establishment
10. Express offices and delivery stations
11. Commercial Greenhouses
12. Hotels and Motels
13. Model Homes and Garage displays
14. Monument Shops
15. Planned commercial unit development
16. Mobile home and trailer sales and rentals
17. Public utility and service uses
18. Shopping Centers
19. Stadiums, Auditoriums and Arenas
20. Theaters
21. Undertaking establishments and Funeral Parlors
22. Car washes
23. Used motor vehicle sales and services
24. Wholesale establishments

D. LOT REQUIREMENTS

With Public Swer: Area - 15,000 square feet minimum

Zoning Lot Frontage - 85 feet minimum

Without Public Sewer: Area - 40,000 square feet minimum

Zoning Lot Frontage - 100 feet minimum

E. HEIGHT REGULATIONS

All structures -35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations

F. BUILDING SETBACKS

1. Front Yard

A. Principle Structure - 30 feet minimum from right-of-way

B. Accessory Building - 30 feet minimum from right-of-way

2. Side Yard

A. Principle Structure - 10 feet minimum

B. Accessory Building - 10 feet minimum

3. Rear Yard

A. Principle Structure -15 feet minimum

B. Accessory Building -15 feet minimum

4. Coner Side

A. Principle Structure - 30 feet minimum from right-of-way

B. Accessory Building - 30 feet minimum from right-ofway

G. BUILDING SIZE

Dwelling units - Minimum of 725 square feet

H. ACCESSORY BUILDING

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

I. PARKING

Parking shall conform to the requirements as set forth in Article XII, Off Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XI, Sign Regulations.

K. OTHER REQUIREMENTS

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE IX - I-1 LIMITED INDUSTRIAL DISTRICT

A. PERMITTED USES

1. Automotive service stations and garages
2. Automotive body repairs, upholstery, and cleaning establishments
3. Brick and structural clay products manufacturing
4. Building materials sales and storage
5. Commercial bakeries
6. Commercial greenhouses
7. Contractors, architects, engineer offices, shops and yards
8. Cosmetic production
9. Dairy processing plants for cheese and milk
10. Electronic and scientific precision equipment
11. Feed and seed sales
12. Food processing establishments
13. Freight yards, terminals, and transshipment depots (motor trucks)
14. Fuel and ice sales
15. Glass products production and sales
16. Light machinery production and sales
17. Lodges and offices of labor organizations
18. Manufacturing and bottling of non-alcoholic beverages
19. Municipal facilities
20. Parking lots
21. Printing and publishing establishments
22. Public utility and service uses
23. Warehousing, storage, and distribution facilities

B. PERMITTED ACCESSORY USES

1. Uses incidental to and on the same zoning lot as the principal

C. CONDITIONAL USES

1. Air, motor, railroad, and water freight terminals
2. Auto wrecking yards
3. Paper products manufacturing
4. Parks and recreational
5. Petroleum products, storage, processing and sales
6. Planned industrial unit development
7. Plastic manufacturing
8. Sewage treatment plants
9. Stadiums, auditoriums and arenas open or enclosed
10. Woodworking and wood products
11. Other manufacturing, processing or storage uses as determined acceptable by the Town Zoning Administrator and the Town Planning Commission.

D. LOT REQUIRMENTS

1. With Public Sewer: Area - 40,000 square feet minimum
Zoning Lot Frontage -100 feet minimum
2. Without Public Sewer: Area - 40,000 square feet minimum
Zoning Lot Frontage - 100 feet minimum

E. HEIGHT REGULATIONS

Principal Structures - 60 feet maximum , except as provided by Article IV , Subsection E , Height Regulations .

F. BUILDING SETBACKS

1. Front Yard

A. Principal Structure - 25 feet minimum from right-of-way

B. Accessory Building - 25 feet minimum from right-of-way

2. Side Yard

A. Principal Structure - 10 feet minimum

B. Accessory Building - 10 feet minimum

3. Rear Yard

A. Principal Structure - 20 feet minimum

B. Accessory Building - 20 feet minimum

4. Corner Side

A. Principal Structure - 25 feet minimum from right-of-way

B. Accessory Building - 25 feet minimum from right-of-way

G. ACCESSORY BUILDINGS

All accessory buildings hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

H. PARKING

Parking shall conform to requirements as set forth in Article XII, Off-Street Parking Requirements.

I. Signs

Signs shall be regulated as set forth in Article XI, Sign Regulations.

J. Other Requirements

Additional structures and buildings allowed in the I-1 Limited Industrial District shall meet the regulations of this district and the other articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE X - MOBILE HOME PARKS

This article shall regulate the parking, location and maintaining of all mobile homes and mobile home parks within the Town of Holland.

Mobile home parks shall be allowed as Concidental Uses in the R-1 Residential District only.

Mobile home parks shall be prohibited in all other zoning districts within the Town of Holland

No mobile home park space shall be rented or leased for a period of less then 30 days.

A. DEFINITIONS

The following definitions are in addition to Article III to further clarify and explain word usage in conjunction with this article on mobile home parks.

Mobile homes, mobile home parks and accessory use of a building shall apply as defined in Article III, Definitions.

1. Unit - one mobile home.
2. Dependent Unit -a mobile home lacking a bath or shower and toilet facilities.
3. Independent Unit - a mobile home that contains a kitchen, toilet facilities, bath or shower and fully equipped for living purposes.
4. Person - shall be construed to include an individual , partnership , firm , company , corporation , whether tenant , owner , lessee , licensee ,or other agent , heir of assign .
5. Space - a plot of land , whether leased , sold , rented , or transferred , which is intended for the location of one mobile home only .

B. Location Outside of Mobile Home Park

1. No person shall park or occupy a mobile home outside of an approved mobile home park except as provided for in Subsection C of this Article and except as provided by Article VII, Section C, Item B.
2. Emergency or temporary stopping or parking is permitted on any street , alley or highway for not longer then one hour subject to any other and futher prohibition imposed by the traffic and parking regulation or ordinance for that street, alley or highway.

C. Permit for Location Outside of Mobile Home Park

1. Upon a showing of a hardship and /or immediate necessity for use , the Town Zoning Administrator may issue special written permits allowing the location of a mobile home outside of a mobile home park for a period not to exceed 90 days for any one premises in any 12 month period . The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one mobile home shall be granted a permit to locate on any one premise outside a mobile home park. Any violation of this clause shall comply with the penalty as set forth in Article XVII, Administration and Enforcement of this ordinance.

2. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of \$2.00 , and shall state the name and permanent addresses of the occupants of the mobile home , the license number of the mobile home and towing vehicle , place of last stay , intended purpose of stay at requested location , whether any occupant is employed in state ; The exact location of premises , and the owner's and / or occupants sanitary facilities , and the permission of the occupant of the dwelling house for their use ; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner . Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the mobile home and a statement of permission from the owner for their use.

3. All occupied mobile homes not located in a mobile home park shall be subject to the remaining regulations of this ordinance.

D. MOBILE HOME PARK LICENSE

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, rented or controlled by him a mobile home park within the Town of Holland without first securing a license from the Town Board. The license shall expire one year after issuance and must be renewed annually.

2. An annual fee of 100.00 shall be charged for the mobile home license or the renewal thereof.

3. The application for a license or renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant , a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application) , and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises .

4. The applicant shall further comply with mobile home regulations as set forth in the Wisconsin Statutes Chapter 66.058 ,and as amended by Chapters 336 and 495 , Laws of 1969 .

E. MOBILE HOME PARKS PLAN

1. Prior to the issuing of any license or permit for a mobile home park , the developer shall submit 3 copies of the Mobile Home Park Plan to the Town Plan Commission of Holland . The plan shall be approved in writing by the Town Plan Commission prior to the start of construction or development of the Park.

2. Each Mobile Home Park Plan submitted to the Town Plan Commission shall require the following information:

A. Exact area and extent of the proposed park accompanied by a legal description or certified survey map. Plans shall be drawn at a scale of 1" to 200' minimum.

B. All roadways, driveways, and ingress and egress for the park.

C. Complete layout of storm, sanitary and water systems for the park.

D. Plan for electrical distribution and lighting facilities.

E. Method and plan of garbage removal.

F. Plans for providing adequate fire protection for the park.

3. All mobile home parks shall further comply with the sanitation and health regulations as set forth by the State Board of Health in Chapter 77 , Mobile Home Parks .

4. Electrical service to mobile home spaces shall conform to the regulations as set forth in Chapter E 391 of the Wisconsin State Electrical Code.

5. An adequate supply of pure water, furnished through a pipe distribution system with supply faucets shall be furnished for drinking and domestic purposes.

6. All mobile homes shall be independent units.

F. DRIVEWAYS, ROADWAYS, and PARKING

1. All driveways, parking areas and walkways shall be hard surfaces.

2. Within the mobile home parks, a minimum roadway width of 30 feet shall be established.

3. The mobile home park shall have direct access to a state highway, county highway or town road. There shall be sufficient points of ingress and egress to provide proper traffic movement as determined by the Plan Commission.

4. There shall be one hard surfaced off street automobile parking space for each mobile home unit. Minimum dimension of the parking space shall be 10 feet by 20 feet in size.

G. SITE AND YARD REQUIREMENTS

The following regulations shall apply to all mobile home spaced that are sold, rented , leased or transferred in an approved mobile home park .

1. Mobile homes and Mobile Home Parks shall be a Conditional Use in residential District.
2. The minimum size of a mobile home park shall be 20 acres, 5 acers in sewerred area.
3. Space Size:

A. Unsewered Locations:

Each mobile home space - Area - 40,000 square feet minimum

Width - 100 feet minimum

B. Sewered locations:

Each mobile home space - Area - 5,000 square feet minimum

Width - 50 feet minimum

4. A concret or bituminous pad shall be constructed on each mobile home space. The minimum size of this pad shall be 10 feet side by 15 feet in lengh. The minimum thickness of the surfacing shall be four inches. The pad shall enclose all utility connections for the mobile home.

5. Each mobile home space shall provide a front yard setback of 10 feet and a rear yard setback of 20 feet. Side yards shall have a minimum setback of 5 feet each.

6. The yard setback shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a mobile home and / or its accessory buildings except for the following conditions:

A. Structures for utility outlets and garages serving more then one mobile home space may be located within the side or rear yard setback of a common lot lines.

B. The hitch used for pulling the mobile home may protrude into the front yard setback.

H. MONTHLY PARKING FEE AND ASSESSMENT

The Town of Holland shall have the authority to inpose a monthly parking fee on mobile homes within an approved mobile home park or outside of an approved park as provided for in Wisconsin State Statute 66.058 and as amened by Chapter 366 and 495 Laws of 1969 .

The monthly parking fee shall be based on the following regulations:

1. Ther is hereby imposed on each owner or operator of a mobile home park licensed herein a monthly parking permit fee on each occupied mobile home unit which shall have been parked in such mobile home

park at any time during the month. The monthly parking fee shall also apply to mobile home units located outside of an approved mobile home park. The amount of the monthly parking fee shall be determined by the Town Board of Holland and the local Town Assessor in accordance with Wisconsin State Statute, Chapter 66.058 and as amended. No mobile home space shall be rented for a period of less than 30 days.

2. The local assessor shall determine the total fair market value of each occupied mobile home, minus the tax exempt household furnishings, and then equalized to the general level of assessment on other real and personal property in the Town of Holland.

3. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1, assessment of general property.

4. Total annual parking permit fee shall be divided by 12 to determine monthly fee.

5. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.

6. Said monthly parking fee shall be collected by the owner or operator of the mobile home park and paid to the local taxing authority on or before the 10th day of the month following the month for which such parking permit is due.

7. No fee shall be imposed on a mobile home from another state, unless said unit has been placed within the Town of Holland for a 60 day period.

8. The Town of Holland may retain 10% of the monthly parking fee for administration costs.

9. The Town of Holland shall pay to the school district in which parking is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month and the credit allowed under Section 77.63 as the ratio of the most recent property tax for school purposes bears to the Total tax levy for all purposes in the municipality.

I. MANAGEMENT

1. In every mobile home park there shall be located the office of the attendant or person in charge of said park. A Copy of the park license and of this ordinance shall be kept in said office.

2. It is hereby made the duty of the attendant or person in charge, together with the licensee to:

A. Keep a register of all occupants, to be open at all times to inspection by state, federal and local officials, which shall show for all occupants of the mobile home park the following:

1. Names and addresses
2. Number and ages of all children
3. Number of public elementary school children

4. Number of public secondary school children
5. State of legal residence
6. Dates of entrance and departure
7. License numbers of all mobile homes and towing or other vehicles
8. State issuing such license
9. Purpose of stay in park
10. Place of last location and length of stay
11. Place of employment of each occupant

B. Maintain the park in a clean, orderly and sanitary condition at all times.

C. Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to his attention.

D. Report the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.

E. Maintain in convenient places, approved by the Holland Fire Inspector, hand fire extinguishers in the ratio of one for each eight mobile home spaces.

F. Collect the monthly parking permit fee provided for in section H of this Article. A book shall be kept showing the names of persons paying said service charged and the amount paid.

G. Submit with the monthly parking permit fee payment to the Town Treasurer , a monthly report showing the names of persons paying said fees , and the amount paid if less then for a full month . The report to also indicate departure time for current tenants, and arrival time for new tenants including departure time if occurring the same month.

J. PENALTY

Violation of Article X or section thereof shall result in a penalty imposed upon the violator as regulated in Article XVII, Administration and enforcement; Section M, Penalties.

ARTICLE XI - SIGN REGULATIONS

The following regulations shall apply to all signs herein after erected or established within the Town of Holland.

A. GENERAL

1. This section of the ordinance shall apply to all billboards, boards, fences or structures of any kind used for advertisements purposes, or upon which any advertisement is shown, painted or displayed, etc.

2. No sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Town Zoning Administrator except signs in Section B of Article XI, which are exempt from the provisions of this ordinance.

B. SIGNS EXEMPT

All signs prohibited in the Residential and Agriculture- Residential Zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed 32 square feet in area for any one farm. Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer, and products being sold or produced.

2. Real Estate signs which advertise the sale, rental or lease of the premises upon which said signs are temporarily located. In the residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed 12 square feet in the Agriculture-Residential Zone. Corner lots in Residential Zones shall be permitted two (2) signs.

3. Name, occupation, and warning signs not to exceed two (2) square feet located on the premises. Corner Lots shall be permitted two (2) such signs.

4. Bulletin boards or similar devices for churches and religious institutions shall not exceed 32 square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet; Religious signs may be erected off the immediate premises.

5. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.

6. Official signs such as traffic control, parking restrictions, information and notices.

7. Temporary sign or banners when authorized by the Town Plan Commission.

C. R-1 RESIDENTIAL DISTRICTS

In this district, all signs shall be of a non-flashing or non-illuminated type.

1. All signs shall be confined to the immediate property being solely advertised or displayed. Religious signs are exempt.
2. No sign shall project higher than one (1) story or eight (8) feet above the finished ground level, whichever is lower.
3. Non-Residential building use in a residential district shall have no sign larger than 12 square feet in area and displaying only the name and address of the building.
4. No sign shall project beyond the property line into the public way.
5. Signs shall be set back 10 feet from any yard in an interior lot.
6. Signs erected on corner lots shall conform to the required yard setbacks.

D. B-1 COMMUNITY BUSINESS DISTRICT

All signs hereafter established within the Community Business Zone Districts shall conform to the following regulations set forth.

1. All signs advertising or displaying business places shall be constructed on the said business premises only. Business signs constructed off the premises shall be permitted only upon written approval by the Town of Holland Plan Commission.
2. Illuminated and flashing signs shall be permitted only in the Community Business District.
3. Roof signs shall not exceed five (5) feet in height above the peak of the roof. The sign shall further comply with the height and yard requirements of the district. No roof sign shall exceed 100 square feet of area on all sides combined for any one premises.
4. Window signs shall be placed only on the inside of business buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
5. Wall signs placed against the exterior of a building shall not extend more than six (6) inches outside of a building wall surface, shall not exceed 500 square feet in area for any one (1) premises, and shall not exceed 20 feet in height above the average ground level.
6. Ground signs shall not exceed 20 feet in height above the average ground level; shall meet all yard requirements for the district and shall not exceed 200 square feet in area on all sides combined for any one (1) premises.

7. Property signs fastened to, suspended from, or supported by structure on a premises developed for business, shall not exceed 100 square feet in area for all sides combined on any one (1) premises; shall not extend more than 10 feet into any required yard; shall not exceed a height of 20 feet above the average ground level; and shall not be less than 10 feet above any pedestrian way, not less than 15 feet above a driveway.

8. One (1) pedestal - type sign, a ground sign generally supported by one (1) or more metal posts and not exceeding a height of 25 feet, shall be permitted per use in the Community Business District Zone. Such sign shall not exceed a total area of 50 square feet on a side.

9. No sign shall be permitted within 50 feet of any residence.

10. No sign shall be closer than 40 feet to the intersection of the right-of-way lines of any intersection road.

11. No sign shall extend into the public way.

12. Signs located within corner lots shall conform to yard setbacks.

13. No advertising signs or devices shall be altered or reconstructed unless the alteration or reconstruction shall be in compliance with the provisions of this ordinance.

E. I-1 LIMITED INDUSTRIAL DISTRICT

All signs hereafter established within the Limited Industrial Zone District shall conform to the following regulations set forth.

1. All types of flashing signs shall be prohibited in the Industrial Districts.

2. Illuminated signs shall be permitted within the district.

3. Pedestal-type signs shall be permitted with the conditions set forth in Article XI, Section D - Community Business Districts.

4. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in article XI, Section D - Community Business District.

5. Signs shall further comply with the regulations as set forth in the Community Business Zone District.

ARTICLE XII - OFF-STREET PARKING REQUIREMENTS

The following regulations shall apply to all zone districts within the Town of Holland.

A. GENERAL

1. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall conform to the requirements herein.

2. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provisions of the parking spaces under this ordinance shall conform to the requirements as set forth herein.

B. SIZE

1. Each required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles.

2. All angle parking shall conform to the requirements as set forth.

Angle (in Degrees)	Stall Depth *	Width of Aisles *
30	17	12
45	19	15
60	20	18
90	18	28

* IN FEET

3. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

C. PLANS

1. Except for residential uses, the design of parking lots and areas shall be subject to the approval of the Town Plan Commission in accordance with standards herein required.

D. PARKING STANDARDS

1. Single-Family Dwellings - 2 spaces for each dwelling unit.

2. Two-Family Dwellings - 1 ½ spaces for each dwelling unit.

3. Multi-Family Dwellings- 1 ½ spaces for each dwelling unit.

4. Motels - 1 space for each guest room plus 1 stall for each 3 employees.

5. Hotels - 1 space for each 2 guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms or nightclubs facilities in the hotel.

6. Lodging, rooming and Boarding Houses - 1 space for each 2 beds plus 1 stall for each 3 employees.
7. Churches and places of Worship -1 space for every five seats.
8. Hospitals - 1 space for each 2 hospital beds, plus 1 parking space for each 2 employees (other than staff doctors), plus 1 parking space for each doctor assigned to the staff.
9. Medical and Dental Clinics - 3 parking spaces shall be provided for each doctor.
10. Sanitariums, Rest Homes , Convalescent Homes , and Nursing Homes - 1 parking space for each 4 beds, plus 1 parking space for each 2 employees (other than staff doctors), plus 1 parking space for each doctor assigned to the staff.
11. Elementary Schools - 1 parking space for each employee.
12. Junior High Schools - 1 parking space for each employee.
13. Senior High Schools - 1 space for each employee, plus 1 space for each 10 students in the school.
14. Colleges & Universities - 1 space for each employee, plus 1 space for each 6 students.
15. Public Libraries, Art Galleries, Museums - 1 space for each 500 square feet of gross floor space.
16. Fraternities, Sororities & Dormitories - 1 space for each 3 residents, plus 1 space for the manager.
17. Restaurants - parking space equal to 50% capacity in persons, plus 1 space for each 3 employees.
18. Taverns - parking spaces equal in number to 60% of the capacity in persons.
19. Bowling Alleys - 6 parking spaces shall be provided for each alley, plus additional spaces as required by this ordinance for any associated use (bars, restaurants, etc.)
20. Swimming Pools & Skating Rinks - parking spaces equal in number to 30% of the design capacity shall be provided.
21. Amusement Establishments not listed and Amusement Parks - parking spaces shall be provided in adequate number as determined by the Town Zoning Committee, to serve persons employed, as well as the visiting public.
22. Stadiums, Ball Parks and Outdoor Arenas - parking spaces shall be provided at the rate of 30% of the maximum capacity of persons using and /or observing activities at these facilities during a 24 hour period.
23. Golf Courses - 1 parking space shall be provided for each four (4) persons using the course at maximum capacity. (Bars, Restaurants, and related uses shall require additional spaces).
24. Driving Ranges - 2 parking spaces shall be provided for each tee.

25. Private Clubs - 1 parking space shall be provided for each lodging room, plus parking spaces equal in number to 30% of the maximum capacity in persons of such clubs.

26. Recreational Buildings and Community Centers -- Non-Commercial - parking spaces equal in Number to 30% of the capacity in persons shall be provided.

27. Convents, Seminaries, Monasteries, nunneries, Rectories, Parsonages, Parish Houses, and Religious Retreats - 1 parking space shall be provided for each 2 employees, plus additional parking spaces equal in number to 5% of the maximum capacity of professional persons residing on the premises at any one time.

28. Riding Academies & Commercial Stables - 1 parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Zoning Committee, to serve the visiting public.

29. Shopping Centers - 8 parking spaces for each 100 square feet of gross floor area in the center.

30. Warehousing and Wholesaling Establishments - 1 parking space for each 2 employees.

31. Junk Yards, Salvage Yards and Auto Grave Yards - 1 space shall be provided for each 2 employees, plus one space for each 500 square feet of lot area.

32. Animal Hospitals & Kennels - 3 parking spaces shall be provided for each employee.

33. Airports & Commercial Heliports - 1 parking space for each 150 square feet, plus additional employee space shall be provided in the ratio of one space for each 2 employees working the same shift, based on the maximum number of employees working the same shift.

34. Automobile & Truck Service Stations - 1 parking space for each employee, based on the maximum number of employees working the same shift, as well as on additional space shall be furnished for each inside service bay.

35. Automobile Laundries - 1 space for each 2 employees, plus 1 space for manager, and in addition reservoir parking spaces equal to 5 times the capacity of the automobile laundry, for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the greatest number possible of automobiles undergoing some phase of laundering and drying at the same time.

36. Building Material Sales - 1 space shall be provided for each 2 employees, plus additional space equal to 1 space for each 300 square feet of gross floor area in excess of 200 square feet.

37. Cartage & Express Facilities - 1 parking space shall be provided for each vehicle maintained on the premises, plus 1 space for each 2 employees.

38. Contractor or Construction Offices, Shops and Yards - 1 space shall be provided for each employee plus additional customer space shall be furnished at the rate of one additional space for each 5 employees.

39. Food Stores, Grocery Stores, Meat Markets, Bakeries, Delicatessens, Supermarkets, & Department Stores - 1 space shall be provided for each 150 square feet of gross floor area for the first 6,000 square feet, and one additional space shall be furnished for each 200 square feet of gross floor area in excess of 6,000 square feet.

40. Motor Vehicle Sales - 3 parking spaces shall be provided for each employee, plus additional spaces as deemed necessary to store those cars waiting to be serviced.

41. Offices, Business and Professionals - 1 parking space shall be provided for each 300 square feet of gross floor area.

42. Public Utility and Service Uses - 1 parking space for each 300 square feet of gross floor area in excess of 400 square feet or 1 space for each 2 employees, whichever provides the greater amount.

43. Radio, Television Stations, & Studios - 1 space shall be provided for each 2 employees, plus 1 space for each 300 square feet of gross floor area in excess of 6,000 square feet.

44. Post Offices - 1 space shall be provided for each 2 employees, plus 1 space for each 200 square feet of gross floor area in excess of 3,000 square feet.

45. Undertaking Establishments - 1 parking space shall be provided for each 4 seats provided in each chapel or parlor.

ARTICLE XIII - INTERCHANGE ACCESS CONTROL

The regulations as set forth shall apply to present and future highways of freeways, expressways or limited access status. It shall promote the traffic safety, increase traffic efficiency and improve the appearance aesthetically of interchange areas.

A. DEFINITIONS

For the purpose of this article and ordinance, the following words are herein defined.

1. Expressway - Freeway - a highway or roadway having designated control points of access.
2. Interchange Highway - a highway or roadway of state, county or town status and not having controlled points of access.

B. GENERAL

1. All present and future highways having limited access control shall be indicated as lying within an Interchange Access Control Area.
2. Frontage roads shall be required for access to and development of property abutting highways of expressway or freeway status.

C. LIMITATION OF ACCESS

1. There shall be no access points within 500 feet of the most remote end or taper of any existing or proposed entrance or exit ramp or an interchange or controlled access highway.
2. Frontage roads of not less than 66 feet right-of-way shall be provided across the entire width or length of any lot that abuts on a controlled access highway.
3. Frontage road access shall be onto an adjoining state, county, or town roads intersecting the access controlled highway.

D. SETBACKS

1. Minimum setback for buildings and structures along expressways, freeways, or limited access highways shall be 150 feet from the highway right-of-way.
2. Buildings and structures shall be set back at least 80 feet from the point of intersection between the controlled access highway and the state, county, or town road intersecting said highway.
3. Building shall be set back 35 feet from all frontage road rights-of-way except where more stringent requirements are applicable.

ARTICLE XIV - ARTIFICIAL LAKES

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Holland.

A. LOCATION

1. Artificial lakes shall be allowed as Conditional Uses in the Agriculture-Residential Zones.

B. PERMIT

1. The property owner, developer or his assigned agent shall make application for an Excavation Permit to the Town Zoning Committee prior to construction.

2. The Town Zoning Committee shall review and approve the site plan before issuing the Excavation Permit.

C. SITE PLANS

1. A map drawn at a minimum scale of 1 inch = 200 feet showing the proposed lake size and the adjoining property within 500 feet of the site.

2. Layout of proposed residential lots and other buildings if applicable.

3. The type of sanitary facilities to be installed if residential development is to take place.

4. Source of water supply for residential dwellings and water level maintenance in the lake.

5. Surface drainage sources and topography.

6. Proposed Roadways.

D. LAKE SIZE

1. Any artificially constructed lake 2 acres or Larger in area shall adhere to the conditions of this ordinance.

2. The center of the lake shall be excavated deep enough to maintain a water depth of 10 feet.

E. OTHER REQUIREMENTS

1. The constructed lake shall meet the requirements of the Brown County Water Laws Codes.

2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.

3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.

4. The ground water table in the surrounding area and adjacent to the lake shall be protected.
5. State Permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health requirements shall be met insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A Performance Bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Holland.

ARTICLE XV - EARTH EXCAVATION

The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt and other earth products within the Town of Holland.

A. GENERAL

1. All new sand pits, gravel pits and stone quarries shall come under the jurisdiction of this ordinance.
2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site.

B. EXEMPTIONS

The following uses shall be exempt from the provisions of this ordinance:

1. Excavation and removal of less than 100 cubic yards over a period of one year from any single parcel of land.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.

C. PERMIT

1. Application for a permit to excavate or remove earth material shall be made to the Holland Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Holland.
2. The application shall contain the required information as specified in Section D, Article XV, of this ordinance, prior to the issuance of an Excavation Permit.
3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year from date of issuance.
4. Upon expiration of the permit, the Town Planning Commission shall inspect the site before reissuing the permit. If the regulations have been complied with, the permit shall be reissued.

D. SITE PLANS

The following information shall be required on a site plan prior to issuing an Excavation Permit.

1. A map showing the location of the premises and the adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than 1 inch to 200 feet.
2. Contour intervals of the proposed site at intervals of 20 feet when available.

3. Existing and proposed drainage patterns of the site.
4. Propose regarding and revegetation of the site after completion of excavating operation.
5. Proposed truck and machinery access to the site.
6. Types and location of temporary or permanent buildings to be erected on the site.
7. Approximate amount of earth material to be excavated or removed at the site.
8. Approximate number of trucks and other types of machinery to be used at the site.
9. Designated hours of operation.

E. TRUCKS AND MACHINERY

1. No fixed machinery shall be erected or maintained within 200 feet of any property or street line.
2. Trucks access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

F. MATERIAL HANDLING

1. No excavation shall take place within 50 feet of any property line or street line if below the established grade of street.
2. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling.

G. EXCAVATION SITES

1. The excavation of earth materials shall be allowed as Conditional Uses in the Agriculture Zones.

H. OTHER REQUIREMENTS

1. At all stages of operations proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.
3. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal - vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four (4) inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.

4. If the excavation site shall fall within a county Floodplain, Shore land or Conservancy Zone District, the regulation as set forth in the Shore land - Floodplain Protection Ordinance for Brown County shall apply.

5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.

6. Any violation of this Article shall be subject to the regulations of the Penalty Clause in Article XVII, Administration and Enforcement of this Ordinance.

7. A performance Bond of \$1000 per acre shall be required of the excavator.

ARTICLE XVI - NON-CONFORMING USES

The purpose and intent of this article is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue.

A. GENERAL

Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this ordinance subject to the regulations which follow.

1. If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the building, structure, land or other use shall thereafter conform to the provisions of this ordinance.
2. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, act of God, or other calamity to the extent of more than 60 percent of its current local assessed value, it shall not be restored except as to comply with the use provisions of this ordinance.
3. Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.
4. Repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size.
5. No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.
6. No principal building, accessory building, or structure shall be moved from one (1) zone district to another zone district unless so authorized by the Town Plan Commission.

ARTICLE XVII - ADMINISTRATION AND ENFORCEMENT

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

A. GENERAL

1. This ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.

2. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits; variances, appeals, amendments, conditional uses, fees and penalties.

B. ZONING ADMINISTRATOR

The Town of Holland Zoning Administrator shall have the following duties:

1. Issue all building permits and make and maintain records thereof.

2. Issue all certificates of occupancy and make and maintain records thereof.

3. Issue all rezoning certificates and make and maintain records thereof.

4. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.

5. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.

6. Forward to the Town of Holland Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator.

7. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.

8. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.

9. Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.

C. ZONING BOARD of APPEALS

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23.

1. JURISDICTION

The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:

A. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this ordinance.

B. Hear and pass upon the application for variance from the term provided in this ordinance in the manner prescribed by and subject to the standards established herein.

C. Hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.

2. MEETINGS and RULES

A. All members of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the Zoning Board of Appeals may determine.

B. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.

C. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Holland.

D. the Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

E. the Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other Official actions.

F. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.

G. the Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as deemed necessary.

3. DECISIONS

All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance shall be by the concurring vote of four members of the board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

4. BOARD MEMBERSHIP

A. the Zoning Board of Appeals shall consist of five (5) members appointed by the Holland Town Chairman and subject to confirmation by the Holland Town Board.

B. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) for two (2) years; and two (2) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.

C. The members shall be removed by the Town Board for cause upon written charges.

D. Vacancies shall be filled for the unexpired term of members. The Town Chairman Shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Holland.

D. TOWN PLAN COMMISSION

The Town Plan Commission shall be the authorizing planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

1. JURISDICTION

The Holland Town Plan Commission shall carry out the following duties under this ordinance.

A. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses.

B. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this ordinance and report his conclusions and recommendations to the Holland Town Board.

C. Hear and decide matters upon which it is required to pass under this ordinance.

2. MEETINGS

A. All meetings of the Town Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.

B. the Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or fail to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

3. DECISIONS

All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

4. MEMBERSHIP

A. the Town Plan Commission shall consist of seven (7) members as provided by Section 62.23 of the Wisconsin State Statutes.

B. Commission membership shall consist of the Town Chairman, who shall be its presiding officer, one (1) town board member and five (5) citizens.

C. the Town Plan Commission members shall be removable by the Town Board of Holland for cause upon written charges.

D. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Holland.

E. BUILDING PERMIT

1. No building or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this ordinance.

2. Application for said building permit shall be made in writing to the Holland Town Zoning Administrator by the land owner or his authorized agent.

3. Application for a building permit shall be deemed to be an application for an occupancy certificate as well.

4. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Article XVII Section G, Plats.

5. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.

F. OCCUPANCY CERTIFICATES

1. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the building permit was based.

2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than seven (7) days after the Zoning Administrator is notified in writing that the premises or building are ready for occupancy.

3. All occupancy permits shall be issued by the Holland Zoning Administrator.

G. PLATS

1. All applications for building permits for business and industrial uses shall be accompanied by the following:

A. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of 1 inch to 100 feet showing the actual dimension, as certified by a “registered land surveyor” or a “registered professional engineer”, the piece of parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.

B. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this ordinance.

C. Said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

H. VARIANCES

1. Application

An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require.

2. STANDARDS FOR VARIANCES

Variations may be granted by the Board of Appeals only when:

A. Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

B. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

C. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

D. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

E. Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

3. AUTHORIZED VARIANCES

Variances shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

I. APPEALS

1. SCOPE OF APPEALS

A. An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Plan Commission or Zoning Administrator.

B. Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Town Plan Commission or Zoning Administrator a notice of appeal specifying the grounds thereof.

C. the Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

2. FINDINGS ON APPEALS

A. An appeal shall terminate all further proceedings on action unless the Town Plan Commission certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of records or notice from the Town Plan Commission on due cause.

B. the Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of Holland.

C. the Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.

D. The zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that in its opinion, ought to be done- and to that end, shall have all the powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

J. AMENDMENTS

1. AUTHORITY

The Holland Town Board may, from time to time in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Article II of this ordinance.

2. INITIAION

Amendments may be proposed by any governmental body, interested person or organization.

3. APPLICATION

An application for an Amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.

4. HEARING NOTICE

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published and provided in the state law on planning and zoning and applicable to the Town of Holland.

5. FINDINGS AND RECOMMENDATIONS

A. the Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.

B. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Zoning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses or property within the general area of the property in question.
2. Zoning classification of property within the general area of the property in question.
3. Suitability of the property in question to the uses permitted under the existing zoning classification.
4. Trend of development, if any in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.
5. The plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
6. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

6. TOWN BOARD ACTION

A. the Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.

B. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet there from ,or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such or amendments shall not become effective except by the favorable vote the full Town Board membership.

C. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board it shall be deemed to have been denied.

K. CONDITION USES

1. PURPOSE

To Place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. INITIATION

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. APPLICATION

The application for a conditional use shall be filed with the Holland Town Plan Commission on a form so prescribed by the Town of Holland. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. HEARING ON APPLICATION

Upon receipt in proper form of the written recommendation referred to in Section K-3, the Town Board shall hold at least one (1) public hearing on the proposed conditional use.

5. AUTHORIZATION

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and quarantines that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application is received by the Holland Town Board, it shall be deemed to have been denied.

6. STANDARDS

No conditional use shall be recommended by the Town Plan Commission unless said Commission shall find that the conditions comply with Article II, Intent, Purpose and Sever ability.

7. CONDITIONS AND GUARANTEES

Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate, such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section K-6 above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

L. FEES

Any application for an Amendment or Conditional Use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of \$300.00. The fee for variances and appeals shall be \$150.00. All fees shall be paid to the Town Treasure.

M. PENALTIES

Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this ordinance by any person., firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use.

The Zoning Administrator shall report all such violations to the town attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less then \$10.00 nor more then \$200.00 together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail untill payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of Holland from maintaining any appropriate action to prevent or remove a violation of this section.

ARTICLE XVIII - TELECOMMUNICATIONS

1 .Personal Communications Service

A. Conditional Use

No structure shall be built and no antenna shall be erected or placed, and no such structure or antenna shall be used, as a facility for or in conjunction with the transmission and receipt of telecommunications, radio frequencies, television and/or visual images, microwaves, or similar electromagnetic waves, unless the same shall first have been approved as a conditional use under Section 11.26. A conditional use allowed under this section shall be effective for ten (10) years, or for such shorter of time as prescribed by the grant for the antenna use; but may be renewed for periods not to exceed ten (10) years each, upon petition submitted under Section 11.26.

B. Application

This section shall apply to all zoning districts in the Town. This section shall not apply to:

1. Property owned or leased by the Town of Holland if a license or lease authorizing such structure or antenna has been granted by the Town Board.
2. Any tower or antenna which is less than seventy (70) feet in height and:
 - A. that is owned and operated by a federally licensed amateur radio station operator; or
 - B. that is used exclusively for receive only antennas.

C. General Provisions

1. All structures shall comply with all other applicable provisions of the building, electrical and plumbing ordinances of this code; except that the height of antennas may exceed the limitations set forth in a section of the zoning ordinance other than this section 11.27.
2. In the event that less than the whole of a lot or parcel is leased for such structure or antenna, the whole of the lot or parcel shall determine whether or not the location and site of the structure or antenna meets setback and other zoning requirements and restrictions.
3. A structure or antenna may be considered either a principal or accessory use. A different existing use, or an existing structure, on the same lot shall not preclude the installation of a structure or antenna for Personal Communication Service. Any structure which is constructed and any antenna which is installed, in accordance with the provision of this ordinance shall not be deemed to constitute an extension or expansion of a non conforming use.
4. All structures and antennas must meet or exceed applicable current standards and regulations of the Federal Aviation Administration ("FAA"), the Federal Communications Commission (: FCC), the Electronic Industries Association, and any other agency or body of the federal government or of this state;

and in the event of differences in such standards or regulations the most stringent and restrictive shall be applicable. If such standards or regulations are changed, such structures and antennas shall be brought into compliance with such revisions within six (6) months of the effective date of the revisions, and a failure to do so shall be cause for revocation of the conditional use under Sec 11.26 E c.

5. In the event of the revocation of the conditional use granted under this section, the structure or antenna erected pursuant thereto shall be removed from the date of revocation; and in the event that the structure or antenna is not removed within such a period of time, the Town may remove it and charge the Cost of the same to the owner of the property upon which it was located.

6. The petition for a conditional use permit shall include the following, and such other information and documentation requested by the Town Board:

A. Height, size and location and site of the structure and antenna.

B. Screening, fencing and landscaping.

C. Setbacks.

D. Design, general appearance and compatibility with existing neighborhood use and appearance.

E. Proposed driveway and sidewalk, and external ladders and steps.

F. Requirements for sewer, water, electricity and other utilities, and proposed locations for meters and controls.

G. Lighting and safety measures.

H. Specific information about the location (including distance from the proposed site), height and design of each antenna within an area, the perimeter of which is one-quarter mile outside of the boundaries of the own.

7. No on-site signage or other identification shall be permitted for any conditional use granted under this section.

8. No new permit shall be granted for construction of a telecommunications tower unless evidence is first presented by an engineer licensed by this State that:

A. No existing towers or structures meeting petitioner's engineering requirements are located within the geographical area.

B. Existing towers or structures within the geographical area are not of sufficient height to meet petitioner's engineering requirements, or do not have sufficient structure strength for the proposed antenna and related equipment.

C. No electromagnetic interference would be caused by an existing antenna on an existing tower or structure, or would be caused to such antenna, if petitioner's antenna was added to such tower or structure.

9. No telecommunication tower shall be buildt, maintained or operated in a residential district.

10. No antenna or other structure shall be built, maintained or operated on or upon any structure which is non-conforming to the requirements of the zone in which it located.

(Add to definitions)

PERSONAL COMMUNICATIONS SERVICE

A provider or personal wireless service facilities as now defined in section 704 of the Telecommunications Act of 1996, 47 U.S.C 332, and as the same may be amended from time to time.

PERSONAL WIRELESS FACILITIES

Transmitters, antenna structures and other types of installations used to provide personal wireless services.

PERSONAL WIRELESS SERVICE

A commercial or for-profit provider of personal wireless services, including but not limited to personal communications service, cellular radiotelephone service, and paging, which are available to all or a substantial portion of the public to access or receive calls from the public switched telephone network. It includes services which are not licensed by the Federal Communications Commission, and common carrier wireless exchange access services. It dose not include the providing video programming signals from the direct broadcrast satellites, multichannel multiple distribution (wireless cable) providers and television broadcast stations.

Adopted April 7, 1997

ARTICLE XIX - HAZARDOUS WASTE

1. An ordinance prohibiting the spreading of whey, waste products, or other materials hazardous or harmful to land, water or health in the Town of Holland, Brown County, Wisconsin.

The Town Board of the Town of Holland does ordain as follows:

Section 1: No person shall, from the date of this ordinance, dump or spread on any public property or private property within the Town of Holland any whey, waste products, or any other materials which are, or which could become with the passage of time, harmful to the health and welfare of the inhabitants of the Town of Holland.

Section 2: No Person shall be permitted any use of property, substances or things within the Town of Holland which emits or cause any foul, offensive, noisome, noxious or disagreeable orders, gases, effluvia or stenches which are extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of person within the Town.

A. This shall also include the land spreading of contaminated petroleum materials.

Section 3: Any person in violation of this ordinance shall be fined \$1000.00 for initial violation and \$300.00 per day for each day the violation continues until abated.

Section 4: This ordinance shall become effective upon its passage and publication according to law.

Adopted July 7, 1997

ARTICLE XX - MUNICIPAL COURT

AN ORDINANCE TO CREATE SECTION 7306 OF THE MUNICIPAL CODE OF THE TOWN OF HOLLAND TO CREAT A JOINT MUNICIPAL COURT; PER 66.0301 OF THE WISCONSIN STATUTES.

THE TOWN BOARD OF THE TOWN OF HOLLAND, DO ORDAIN AS FOLLOWS:

SECTION 1:

1: Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Brown County Joint Municipal Court" said court to become operative on August 1, 2006. Operations of the Brown County Joint Municipal Court shall be governed by an agreement entered into by the Member Municipalities.

2: Municipal Judge

Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.

Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in 757.01(1), Wis. Stats., and a bond. The Judge shall not act until the oath and bond have been filed as required by 10.01(4)(C) Wis. Stats., and the requirement of 755.03(2) have been complied with.

Salary: The salary of the Municipal Judge shall be fixed by the Town Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by 755.03, Wis. Stats., and filed pursuant to 19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to 66.0301 Wis. Stats.

3: Elections (Amended June 2, 2008)

Term: The Municipal Judge shall be elected at large in the spring election in odd -numbered years for a term of four (4) years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stats. 8.10 and selection at a primary election if such is held as provided in 8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

4: Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after August 1, 2006 as provided in Article VII, 14 of the Wisconsin Constitution, 755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to this agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of 938.17 (2) (cm), Wis. Stats.

5: Municipal Court

Hours: The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

Employees: The Judge shall, in writing, appoint such clerks and deputy clerks that are authorized and funded by the Town Boards of the municipalities that are parties to the agreement.

6: Collection of Forfeitures and costs

The Municipal judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and cost shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

7: Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under 800.12 Wis. Stats. And may impose a forfeiture therefore not to exceed Fifty dollars (50.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

8: Abolition

The Municipal Court hereby established shall not be abolished while the 755.01 (4) agreement is in effect.

Section 2:

All ordinances or part of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

Section 3:

This ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

ARTICLE XXI - RECREATIONAL VEHICLES

1: Purpose

The purpose of this Ordinance is to limit the use of recreational vehicles

2: Definition of Recreational Vehicles

A: Four Wheelers

B: Snowmobiles

A. Four Wheelers

1: Motorized four-wheel vehicles will not be allowed on the portion of the Fox River Trail, which lies in the Town of Holland.

2: Motorized four-wheel vehicles will be allowed on town roads if they have either a DNR license or a farm permit.

B. Snowmobiles

1: Snowmobiles will be permitted on the Fox River Trail when conditions permit.

Adopted May 3, 2004

ARTICLE XXII - Large and Small Wind Energy Facility

Repealed and recreated as Article XXIII on April 5, 2010.

ARTICLE XXIII - WIND ENERGY CONVERSION SYSTEM (WECS) ORDINANCE

(1) No WECS greater than 110 feet in height shall be constructed, operated, or maintained in the Town of Holland without a license issued by the Town of Holland Town Board. Each application for a license to erect a WECS greater than 110 feet in height shall be reviewed on a case-by-case basis by the Town Plan Commission and the Town Board before issuing a license. The license fee for each WECS greater than 110 feet in height shall be calculated at the rate of \$2,500.00 per wind turbine proposed in each WECS.

(2) No WECS of 110 feet or less in height, and less than 100 kilowatts shall be constructed, operated, or maintained in the Town of Holland without a conditional use permit issued by the Town of Holland Plan commission. Each application for a license to erect a WECS of 110 feet or less in height and less than 100 kilowatts, shall be reviewed on a case-by-case basis by the Town Plan Commission and the Town Board before issuing a conditional use permit. The conditional use permit fee for each WECS of 110 feet or less in height and less than 100 kilowatts shall be calculated at the rate of \$100.00 per wind turbine proposed in each WECS.

(3) The Town of Holland has established standards for purposes of licensing and issuance of conditional use permits applicable to a WECS. These standards are to be used as guidelines for determining whether or not each proposed WECS satisfies reasonable conditions or restrictions, to the extent allowed by the state law, taking into account the health, safety, and general welfare of the public, prior to issuing such licenses or permits. Each applicant shall present arguments and information why the Standards, Guidelines and Rules should or should not apply for the purposes of health, safety, or general welfare of the Town and the immediate locality where the WECS is proposed to be erected.

(4) This ordinance repeals and replaces Article XXII Ordinance #2-2008 of the Town of Holland, Brown County, Wisconsin, Zoning Ordinance relating to regulations of large and small wind energy facilities.

(5) This ordinance shall take effect upon passage and posting or publication as provided by law.

This ordinance was passed and adopted by the Town of Holland on this 5 day of April, 2010.

TOWN OF HOLLAND

**WIND ENERGY LICENSING
STANDARDS, GUIDELINES AND
RULES**

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TOWN OF HOLLAND
WIND ENERGY LICENSING STANDARDS, GUIDELINES AND RULES

RECITALS

WHEREAS, the Town of Holland adopted a temporary stay concerning the construction of wind energy systems to give the Town time to research and develop an appropriate ordinance.

WHEREAS, the Town of Holland appointed a Wind Turbine Study Committee to study wind energy conversion systems (hereinafter “wind turbines” or “wind energy conversion systems” or “WECS”) and make written recommendations to the Plan Commission on Standards, Guidelines and Rules to adopt.

WHEREAS, the committee held meetings to review and research health and safety effects of wind turbines.

WHEREAS, the committee prepared a Recommendation Report and proposed Standards, Guidelines and Rules (hereinafter “Standards, Guidelines and Rules”) that was presented to the Plan Commission.

WHEREAS, the Wind Turbine Study Committee requested the Town legal counsel conduct a preliminary review of the draft and provide comments to the Town Board and Plan Commission. Legal counsel provided such comments to the Plan Commission and Town Board.

WHEREAS, the Plan Commission and Town Board held public meetings concerning the Standards, Guidelines and Rules for Wind Energy Systems (WES).

WHEREAS, reputable studies and research projects have been conducted regarding wind turbines.

WHEREAS, the Plan Commission, Town Board and the Wind Turbine Study Committee researched and reviewed many documents, reports, studies, and testimonials related to the siting of wind turbines which were determined by the Town Board to be reasonably accurate, reliable and relevant to the health and safety effects of wind turbines.

WHEREAS, the Wisconsin Legislature has enacted 2009 Wisconsin Act 40 which created a Wind Siting Council to advise the Public Service Commission of standards to promulgate rules that specify the restrictions a political subdivision may impose on the installation of a WES, but no standards have been set to date by the Commission.

NOW THEREFORE, based on the information concerning the health and safety effects of large wind turbines on the community presented in the public hearings and in the reports and documents reviewed and referenced herein, and the lack of rules promulgated by the Public Service Commission, and based upon the recommendation of the Town Plan Commission, the Town Board finds and adopts as follows:

I. PURPOSES AND INTENT

The purposes and intent of these Standards, Guidelines and Rules are to protect the public health and safety of the residents and property owners of the Town of Holland who may be affected by the development and operation of a WECS. Such purposes and intent shall be accomplished by regulating noise, protecting emergency communications, regulating shadow flicker, ensuring adequate fire protection, establishing adequate setbacks, to provide reasonable protection from any health effects, protecting water quality, preventing soil erosion, regulating visual obstructions, preventing conflicts between incompatible land uses, ensuring proper installation of a WECS, and ensuring safe and complete decommissioning of a WECS.

II. FINDINGS

(a) General Findings:

1. Wind energy is a potential renewable and non-polluting energy resource of the Town of Holland, and its conversion to electricity may reduce dependence on non-renewable, conventional energy sources and decrease the pollution that results there from. However, wind energy facilities should be sited in a way that protects the health and safety needs of the Town of Holland residents residing near the wind turbines, as well as the general public.

2. The regulation of the siting and installation of wind turbines is necessary to protect the health and safety of the residents of the Town of Holland and the general public. Adverse health and safety issues are likely to arise if appropriate setbacks are not adhered to in the siting and installation of wind turbines.

3. It is appropriate to consider as relevant recommended standards for wind turbines from international organizations that have more experience with the use, siting and installation of wind turbines than the United States.

4. Wind turbine accidents have occurred involving ice throws, blade disintegration, fire and tower failure. According to the Caithness Wind Farm Information Forum, Scotland, from 1999 through June 2008 there were over 500 accidents around the world, including North America, involving ice throws, blade disintegration, fire, and tower failure from large wind turbines.

5. If improperly sited, wind energy systems produce electro-magnetic radiation that can interfere with broadcast communications and signals.

6. Heavy equipment used for the construction of wind turbines can damage local roads.

(b) Findings Regarding Wind Turbine Noise Impacts:

The Town of Holland concludes that a) the sound pressure level (“SPL”) of 50 dBA set forth in the State of Wisconsin 2007 Draft Model Wind Ordinance does not adequately protect town residents from the adverse health effects associated with large wind turbine noise; and b) a maximum outside audible SPL of 35 dBA or 5 dBA over ambient, whichever is lower, in the Town of Holland is necessary to protect residents from the adverse health effects associated with large wind turbine noise, based on the following findings:

1. Large wind turbines are significant sources of noise, which, if improperly sited, can negatively impact the health of residents, particularly in areas of low ambient noise levels.

2. Large wind turbines emit two types of noise: 1) Aerodynamic noise from the blades passing through the air, which can generate broadband noise, tonal noise and low frequency noise; and 2) Mechanical noise from the interaction of the turbine components. A dBA scale is commonly used to measure audible wind turbine noise. Low frequency noise from large wind turbines is not adequately measured with a DBA weighting. For a better assessment of the health effects from low frequency noise, the World Health Organization (“WHO”) suggests using a dBC weighting. (See Rogers 1/2006; Alberts 11/20/2005; WHO 1999)

3. Noise is an annoyance that can negatively impact health, producing negative effects such as sleep disturbance and deprivation, stress, anxiety and fatigue. WHO defined annoyance as a feeling of displeasure associated with any agent or condition believed by an individual to adversely affect him or her. According to WHO, health should be regarded as a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity. Under this definition, noise has a significant impact on the quality of life and noise is an adverse health

effect. (See WHO 1999, Ch. 3.7; Dr. Harry 2/2000; Pederson and Waye 2/27/08)

4. Large wind turbines create a noise annoyance that can hinder physical and mental feeling and can cause adverse health effects associated with sleep disturbance and deprivation, psychological distress, stress, anxiety, depression, headaches, fatigue, tinnitus and hypertension. Wind turbine noise can affect each person differently. Some people are unaffected by wind turbine noise, while others may develop adverse health effects from the same noise. At low frequencies, wind turbine noise may not be heard but rather is felt as a vibration. Medical research reported complaints from people who felt the noise from large wind turbines, similar to symptoms that can be associated with vibroacoustic disease. (See Pederson et al 3/1/2007, 8/2003, 1/11/2008 and 6/3/2008; Pederson 2007; Mariana Alves-Pereira and Nuno Castelo Branco 9/20/2007; WHO 1999; Kamperman & James; reports by Dr. Pierpont, Dr. Harry and Dr. Leventhal)

5. The risk for adverse health effects resulting from noise annoyance such as headaches, stress, anxiety, fatigue, depression, pain and stiffness, and decreased cognitive ability associated with sleep deprivation from wind turbine noise increases with increasing A-weighted sound pressure levels. According to wind turbine noise studies, few respondents were disturbed in their sleep by wind turbine noise at SPL less than 35 dBA; however, at SPL greater than 35 dBA respondents were increasingly disturbed in their sleep by wind turbine noise. (See Pedersen et al 6/3/2008 and 8/2003)

6. Wind turbine noise greater than 5 dB over ambient increases the risk for adverse health effects because a change of 5 dB is clearly noticeable. (See Kamperman and James)

7. Studies show that prolonged exposure to wind turbine noise resulted in adverse health effects at SPLs below those from other sources of community noise, such as road traffic noise. Sound generated by a wind turbine has particular characteristics and creates a different type of noise having different health impacts than compared to urban, industrial or commercial use. (See Pedersen et al 6/3/2008 and 8/2003; Soysal 2007)

8. Living in a rural environment, in comparison with a suburban area, increases the risk of residents being impacted by noise from nearby large wind turbines because of the low ambient SPL and rural environments. (See Pedersen and Waye, 3/1/2007, p. 485)

9. The International Standards Organizations recommended community noise limits for rural areas be set at a SPL of 35 dBA during the day, 30 dBA during the evening and 25 dBA at night. (See Table 9: ISO 1996-1971 recommendations for community noise limits as cited by Acoustic Ecology Institute and Daniel Alberts of Lawrence Technological University)

10. Eye-witnesses living near newly-constructed large wind turbines in the Town of Byron, Fond du Lac County, Wisconsin testified at the joint legislative hearing held in Madison, Wisconsin that they currently experience adverse health effects from the wind turbine noise such as sleep deprivation and disturbance, headaches, nausea and dizziness. The SPL from the wind turbines in the Town of Byron is greater than 45 dBA at their residences and can be heard inside of their houses and outside in their yards.

11. Two Town of Union, Rock County, WI Plan Commissioners visited the newly constructed wind turbines in the Town of Byron, Fond du Lac County, WI in June 2008 and confirmed that the wind turbines were a significant source of noise. Commissioner Doug Zweizig went to Gerry Meyer's home that was approximately 1500 feet from the wind turbines and noted that the turbines sounded like a jet airplane when describing the quality and intensity of the sound. Commissioner Dave Pestor spoke with residents, farmers and a sheriff's deputy in the area who all stated that the turbines were noisy. Mr. Pestor also visited Gerry Meyer's home and took sound measurements from the wind turbines. The sound measured between 57 to 67 dBA on June 6-7, 2008. Mr. Pestor took sound measurements from several wind turbines in the area. The lowest sound measurement was 48 dBA and the highest

was 69 dBA. Wind committee members, Jim and Cathy Bembinster visited the Montfort, WI wind turbines in August 2007 and measured the sound levels to be between 48 to 53 dBA and 62 to 73 dBC. They also found two pieces of broken blades, with the tip of the blade being as big as the hood of a truck. The Bembinsters visited Montfort again in November and measured the sound above 50 dBA and 65 dBC.

However, experiences vary. Town of Union Plan Commissioner Kim Gruebling visited wind turbine sites in Byron Township, Lincoln Township and Montfort and found that overall people were satisfied with the turbines. Two issues that Mr. Gruebling noted were 1) tensions between land owners profiting from the wind turbines and those land owners who did not, and 2) the poor conditions of roads following the installation of the turbines. Town of Union Plan Commissioner Doug Lee visited wind farms in Iowa. Mr. Lee estimates that approximately 60% of the people he spoke with had positive opinions of the wind turbines and approximately 40% of the people he spoke with had negative opinions of the wind turbines. Commissioner Eric Larsen, Town of Union, went to a wind farm south of Rockford, IL. No one was available to talk to so he walked around the area. It was a nice day and windy. Mr. Larsen noticed that the windows in the home surrounding the site were all closed and no one was outside. He stated the noise was similar to a plane going overhead. He stood under a tower and did not feel any unease.

12. Town of Forest, being located adjacent to two WECSs has first-hand experience with the health and safety issues engendered by improper siting of wind turbines. Town of Forest residents, including members of the Wind Energy Ordinance Research Committee, have experienced and witnessed shadow flicker, excessive noise and fluid leakage. Several committee members visited an “open house” at the WE Energy Center at Johnsburg, Wisconsin and encountered a distinct lack of concern from WE for stated problems and concerns.

13. In order to reduce the risk of negative health impacts from large wind turbine noise, acoustical engineers George Kamperman and Richard James recommend a) audible sound based on pre-existing background sound levels plus a 5dB allowance for wind turbine noise or b) SPL not to exceed 35 dBA within 100 feet of any occupied structure, whichever is lower; and c) a dBC limit not to exceed 20dB above ambient background levels. These sound levels are in line with numerous published guidelines such as the sound limits proposed by the United Kingdom Business Enterprise Regulatory Reform Department, which suggest for quiet, rural areas and low noise environments, the outside levels of the L A90, 10 min. of wind fan noise should be limited to an absolute level of 35-40 dBA. (See Kamperman & James; United Kingdom Business Enterprise & Regulatory Reform Department document “Onshore Wind: Noise” 7/17/2008)

14. Two members of the Holland Wind Turbine Study Committee visited a farm in Fond Du Lac County, WI south of Oakfield located amongst the wind turbines. The farmland owner and his wife reported the noise was audible and problematic both outside and within their home from the three turbines that surround them on neighboring properties. They said they felt the vibration from the turbines through the bedroom walls. He also reported that his dairy cows used to lay in the pasture along the fence line that now has a turbine in close proximity. The cows now stay close to the barn which is the farthest from the turbine. Wild turkey and white tail deer that previously inhabited the 40 acre wooded parcel his family had hunted for years are no longer there. The farmland owner has developed health issues since the turbines were erected that has affected his farming and recreational routines. He also described the affect it has had on his community. Neighbors and lifelong friends are no longer talking.

(c) Findings Regarding Setback Distances from Wind Turbines:

The Town of Holland concludes that a) the setbacks set forth in the State of Wisconsin 2007 Draft Model Wind Ordinance are not based on empirical evidence relating to health effects and do not adequately protect town residents from the impacts of large wind turbines; and b) a setback of 2,640 feet (1/2 mile) from large wind turbines to the nearest residence or occupied structure is necessary to protect the health and safety of Town of Holland residents, based on the following findings:

1. Minimum setbacks from occupied structures are necessary to mitigate noise impacts not predicted with sound models. Pre-construction sound models fail to accurately predict wind turbine noise impacts due to factors such as atmospheric conditions, temperature inversions, wind layers, geography and low frequency noise which travels further with less loss of intensity than higher frequency noise. In addition, at night when air stabilizes, wind turbine noise can travel further than expected and can be 5-15 db(A) louder than predicted. (See Kamperman & James; Acoustic Ecology Special Report: Wind Energy Noise Impacts 2008)

2. A dBC requirement is need to minimize adverse health effects from low frequency noise. A dBC requirement will likely result in setbacks between large wind turbines and nearby dwellings of 1 km (.62 miles) or greater for 1.5 to 3 MW wind turbines if wind turbines are located in rural areas where L90A background levels are 30 dBA or lower. (See Kamperman & James; WHO 1999; Bajdek Noise-Con 2007; Pedersen and Waye 1/11/2008)

3. Noise diminishes with distance. According to a sound propagation formula in the Wind Turbine Acoustic Noise White Paper by the University of Massachusetts Renewable Energy Research Lab, a SPL of 35 dBA is reached at approximately ½ mile from a wind turbine based on a sound power at 102 dBA at hub height as applied to a 1.5-3 MW wind turbine. Therefore, at a distance of less than a ½ mile, a wind turbine will create a SPL that exceeds safe levels. (See Rogers pg. 18 Figure 11; Burton 2001) While this model of sound propagation is descriptive of the noise generated by the machinery at the hub, the noise produced by the turbine blades is not accounted for in this model and has been found to travel further, which is verified by existing wind turbines. Therefore, this ordinance requires siting based on not only on set-backs, but also on sound studies.

Wind Turbine Sound Propagation at the example of 102 dBA sound power at hub

<i>Distance in Feet</i>	<i>dBA reduction -6 per doubling of distance</i>
1	102 dBA
2	96 dBA
4	90 dBA
8	84 dBA
16	78 dBA
32	72 dBA
64	66 dBA
128	60 dBA
256	54 dBA
512	48 dBA
1024	42 dBA
2048	36 dBA
4096	30 dBA
8192	24 dBA
16384	18 dBA
32768	12 dBA
65536	6 dBA
131072	0 dBA

4. The closer people live to wind turbines the more likely they will experience noise annoyance or develop adverse health effects from wind turbine noise. Further, the degree of difficulties resulting from the sound of wind turbines seems clearly related to the distance from the turbines, though the literature has studied a variety of turbine sizes in a variety of locations. A setback of 2640 feet from dwellings would eliminate most noise complaints. Research conducted by Christopher Bajdek showed that at approximately 0.8 km (1/2 mile) from wind

turbines, 44% of the population would be considered highly annoyed from wind turbine noise. At a distance of approximately 1.62 km (1 mile) from wind turbines, the percent of highly annoyed people is expected to drop to 4%. George Kamperman and Richard James reviewed several studies to determine the impact of wind turbine noise on nearby residents. Their review showed that some residents living as far as 2 miles complained of sleep disturbance from wind turbine noise and many residents living 1000 feet from wind turbines experienced major sleep disruption and other health problems from nighttime wind turbine noise. G.P. Van den Berg studied a wind farm in northwestern Germany and discovered that residents living 500 m (1640 feet) from the wind turbines reacted strongly to turbine noise and residents up to 1900 m (1.18 miles) distance expressed annoyance. A survey conducted by Pedersen and Wayne revealed that less than 10% of the respondents experienced sleep disturbance at distances of 1,984 feet to 3,325 feet and found that the sound from wind was of greater concern in rural environments because of the lower ambient noise. (Bajdek, Noise-Con 2007; Van den Berg 2004; Pedersen & Wayne 2/27/08; Kamperman & James)

5. Eye-witnesses from the Town of Byron, Fond du Lac County, who testified at the public hearing held by the joint legislative committee in Madison, WI live 1,100 feet to $\frac{3}{4}$ mile from large wind turbines and they currently experience adverse health effects from wind turbine noise such as insomnia, headaches, nausea, and dizziness. (See Gerry Meyer's daily log)

6. Documents reviewed recommend wind turbines should be located between $\frac{1}{2}$ mile to over 1 mile from dwellings. To avoid adverse noise impacts, the Western Australia Planning Commission Bulletin recommends that wind energy systems include sufficient buffers or setbacks to dwellings of 1 km (.62 mile). The National Wind Collaborating Committee stated that an appropriate setback distance may be up to $\frac{1}{2}$ mile. The National Research Council stated noise produced by wind turbines generally is not a major concern for humans beyond $\frac{1}{2}$ mile or so because various measures to reduce noise have been implemented in the design of modern turbines. The Wisconsin towns of Union, Woodville, Clay Banks, Magnolia, Wilton and Ridgeville among many others have adopted large wind turbine ordinances with setbacks of $\frac{1}{2}$ mile from dwellings. Noise heard at distances exceeding 1 mile from neighboring townships prompted the Town of Forest in Fond Du Lac County to set their setback at 1 mile. The French National Academy of Medicine and UK Noise Association suggest a 1.5 km (approximately 1 mile) distance between large wind turbines and dwellings. Dr. Amanda Harry, Dr. Nina Pierpont, and Frey and Hadden recommend a setback greater than 1 mile. (See UK Noise Association 6/2006; French National academy of Medicine 3/14/2006; reports by Dr. Harry, Dr. Pierpont, Frey and Hadden; NWCC 1998, NRC report 5/2007)

7. Adverse health effects from wind turbine noise can be exacerbated by the rotating blades and shadows from the wind turbines. As wind turbine blades rotate in sunny conditions, they cast strobe-like shadows on the windows of nearby homes and buildings causing shadow flicker that cannot be avoided by occupants. Shadow flicker can cause some people to become dizzy, nauseated or lose their balance when they see the movement of the shadow. Shadow flicker from wind turbines at greater than 3 Hz poses a potential of inducing photosensitive seizures. Therefore, wind turbines should be sited such that shadows from wind turbine blades do not fall upon the windows of nearby dwellings or within 100 feet of dwellings for any considerable period. The Wind Energy Handbook recommends a setback of 10 rotor diameters to avoid shadow flicker on occupied structures, however, shadow flicker has been witnessed at distances well over one mile. (See Acoustic Ecology Institute special report 2008; Burton 2001; UK Noise Association 6/2006, Graham Harding 2008 and Dr. Nina Pierpont 3/2/2006 and 8/11/2006)

8. If placed too close to a road, the movement of the wind turbine blades and resulting shadow flicker can distract drivers and lead to accidents. (See NRC May 2007 report, pg. 263)

9. Wind turbines have been known to throw ice and debris from the turbine blades. According to Professor Terry Matilsky from the Department of Physics and Astronomy at Rutgers University, ice throws from large wind

turbines can reach up to a distance of 1750 feet and blade throws can reach 2500 feet.

III. DEFINITIONS

The following terms have the meanings indicated:

- (a) Aerodynamic Sound: Means a noise that is caused by the flow of air over and past the blades of a WES.
- (b) Ambient Sound: Ambient noise encompasses all sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent noise events, such as, from aircraft flying over, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient also includes insect and other nearby sounds from birds and animals or people. The near-by and transient events are all part of the background sound. If present, a different time or location should be selected for determining the L90 background sound levels.
- (c) Ampere: The basic unit measuring the quantity of electricity.
- (d) Anemometer: Means a device for measuring the speed and direction of the wind.
- (e) Applicant: Means the person, firm, corporation, company, limited liability corporation or other entity which applies for approval under the ordinance, as well as the applicant's successor(s), assign(s) and/or transferee(s) as to any approved WECS or testing facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or testing facility shall be with the owner of the WECS or testing facility, and jointly and severally with the owner and operator or lessee of the WECS or testing facility. Also known as owner or operator.
- (f) A-Weighted Sound Level (dBA): A measure of over-all sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. It is used to describe sound in a manner representative of the human ear's response. It reduces the effects of the low with respect to the frequencies centered around 1000 Hz. The resultant sound level is said to be A-weighted and the units are dBA. Sound level meters have an A-weighting network for measuring A-weighted sound levels (dBA) meeting the characteristics and weighting specified in ANSI Specifications for Integrating Averaging Sound Level Meters, S1.43-1997 for Type 1 instruments and be capable of accurate readings. (corrections for internal noise and microphone response permitted) at 20 dBA or lower.
- (g) Background Sound (L90) refers to the sounds that would normally be present at least 90% of the time. Background sounds are those heard during lulls in the ambient sound environment. That is, when transient sounds from flora, fauna, and wind are not present. Background sound levels vary during different times of the day and night. Because a WECS operates 24/7, the background sound levels of interest are those during the quieter periods which are often the evening and night. Sounds from near-by birds and animals or people must be excluded from the background sound test data.

Background sound level (dBA and dBC (as L90)) is the sound level present for at least 90% of the time during a period of observation that is representative of the quiet time for the soundscape under evaluation and with duration of ten (10) continuous minutes. Several contiguous ten (10) minute tests may be performed in one hour to determine the statistical stability of the sound environment. Longer term tests, such as 24 hours or multiple days are not appropriate since the purpose is to define the quiet time background sound level. It is defined by the L90A and L90C descriptors. It may be considered to be the quietest one (1) minute during a ten (10) minute test. L90A results are valid only when L10A results are no more than 10 dBA above L90A for the same time period. L10C less L90C should not exceed 15 dBC to be valid.

Measurement periods such as at dusk when bird and insect activity is high or the early morning hours when the ‘dawn chorus’ is present are not acceptable measurement times. Further, background L90 sound levels documenting the pre-construction baseline conditions should be determined when the ten minute average wind speed is 2 meters per second (4.5 mph) or less at the ground level/microphone location.

(h) Blade Glint: Means the intermittent reflection of the sun off the surface of the blades of a single or multiple WECS.

(i) Blade Passage Frequency (BPF): Means the frequency at which the blades of a turbine pass a particular point during each revolution (e.g. lowest point or highest point in rotation) in terms of events per second. A three bladed turbine rotating at 28 rpm would have a BPF of 1.4 Hz [E.g. ((3 blades times 28 rpm)/60 seconds per minute = 1.4 Hz BPF)]

(j) Board: Means the Town Board for the Town of Holland, Brown County, Wisconsin.

(k) Broadband Noise: Means the “swishing” or “whooshing” sound emitted as a function of a WECS(s) operation.

(l) C-Weighted Sound Level (dBC): Similar in concept to the A-Weighted Sound Level (dBA) but C-weighting does not de-emphasize the frequencies below 1k Hz as A-weighting does. It is used for measurements that must include the contribution of low frequencies in a single number representing the entire frequency spectrum. Sound level meters have a C-weighting network for measuring C-weighted sound levels (dBC) meeting the characteristics and weighting specified in ANSI S1.43-1997 Specifications for Integrating Averaging Sound Level Meters for Type 1 instruments.

(m) Decibel (dB): A dimensionless unit which denotes the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level (Lp) in decibels is equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 MicroPascals.

(n) Distance attenuation: Means the reduction of a sound or attenuation by distance. The effect of distance attenuation depends on the type of sound sources. Most sounds or noises we encounter in daily life are from sources which can be characterized as either point or line sources. If a sound source produces spherical spreading of sound in all directions, it is a point source. For a point source, the noise level decreases by 6 dB per doubling of distance from the source. If the sound source produces cylindrical spreading of sound such as a stream of motor vehicles on a busy road at a distance, it may be considered as a line source. For a line source, the noise level decreases by 3 dB per doubling of distance from the source.

(o) Employee: Means any and all Persons, including but not limited to “operators” who work in or at, or render any services directly related to operation of Wind Energy Conversion Systems.

(p) FAA: Means Federal Aviation Administration.

(q) Frequency: Means the number of oscillations or cycles per unit of time. Acoustical frequency is usually expressed in units of Hertz (Hz) where one Hz is equal to one cycle per second.

(r) Good Utility Practice: Means any of the practices, methods and acts with respect to the safe operation of a WECS engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of wind turbines during

the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision is made, could be expected to accomplish the desired results at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

(s) Health: Means a state of complete physical and mental well being, not merely the absence of disease or infirmity. This definition was adapted from the World Health Organization definition of health in “Guidelines for Community Noise”, pages 19 and 20.

(t) Height: Means the total distance measured from the grade of the property as existed prior to the construction of the wind energy system, facility, tower, or related facility at the base to its highest point.

(u) Hertz (Hz): Frequency of sound expressed by cycles per second.

(v) High Voltage Electrical Termination: Means connecting of conductors to a device or system where the voltage exceeds 600 volts.

(w) HUB Height: Means the distance to the center of the wind turbine hub as measured from ground level.

(x) Impulsive Sound refers to short-term acoustical impulses typically lasting less than one second each. It may be the only sound emitted from a noise source or it may be a component of a more complex sound. For evaluation of wind turbines, impulsive sound includes swishing or thumping sounds.

(y) INCE: Means Institute of Noise Control Engineers. The Institute of Noise Control Engineering of the USA (“INCE/USA”) is a non-profit professional organization incorporated in Washington, DC. A primary purpose of the INCE/USA is to promote engineering solutions to environmental, product, machinery, industrial and other noise problems. INCE/USA is a Member of the Society of the International Institute of Noise Control Engineering, an international consortium of organizations with interest in acoustics and noise control.

(z) Infra-Sound: Means sound with energy in the frequency range of 20 Hz and below is considered to be infrasound and is normally considered to not be audible unless in relatively high amplitude. The most significant exterior noise-induced dwelling vibration occurs in the frequency range between 5 Hz and 50 Hz. Moreover, even levels below the threshold of audibility can still cause measurable resonances inside dwelling interiors. Conditions that support or magnify resonance may also exist in human body cavities and organs under certain conditions, although no specific test for infrasound is provided in this document, its presence will be accounted for in the comparison of dBA and dBC sound levels for the complaint test provided later in this document. See low-frequency sound (LFN) for more information.

(aa) Inoperable: A WECU shall be determined inoperable if it has not generated power within the preceding two calendar quarters equal to at least 60% of the expected production.

(bb) Livestock Facility: Means a confinement area designed specifically for raising, controlling, feeding, and providing care for livestock. This may include but is not limited to: dairy barns, pastures, feedlots, free stall barns, calf hutches, horse barns, veal barns, feed storage areas, brooder and laying barns, farrowing and finishing barns, place for veterinary care.

(cc) Low Frequency Sound (LFN) refers to sounds with energy in the lower frequency range of 20 to 200 Hz. LFN is deemed to be excessive when the difference between a C-weighted sound pressure level and an A-weighted sound pressure level is greater than 20 decibels at any measurement point outside or inside a noise sensitive

receptor site, residence, or other occupied structure. E.G. C-A>20 dB.

(dd) Measurement Point (MP): Means location where sound and/or vibration measurements are taken such that no significant obstruction blocks sound and vibration from the site. The Measurement Point should be located so as to not be near large objects such as buildings and in the line-of-sight to the nearest turbines. Proximity to large buildings or other structures should be twice the largest dimension of the structure, if possible.

(ee) Measurement of Wind Speed: For measurements conducted to establish the background sound pressure levels (dBA, dBC, L90 10 min, and etc.) the wind speed at the microphone's Measurement Point shall average 2 m/s (4.5 mph) or less for valid background measurements. For valid measurements conducted to establish the post-construction sound level the wind speed at the microphone's Measurement Point shall not exceed 4 m/s (9 mph) average and the wind speed at the WECS blade height shall not be at or above the nominal rated wind speed. For purposes of enforcement, the wind speed and direction at the WECS blade height shall be selected to reproduce the conditions leading to the enforcement action while also restricting wind speeds at the microphone to 4 m/s (9 mph).

(ff) Mechanical Noise: Means sound produced as a byproduct of the operation of the mechanical components of a WECS(s) such as the gearbox, generator and transformers.

(gg) Meteorological Tower: Means a tower used for the measurement of wind speed and direction, also known as a MET tower or wind test tower.

(hh) NFPA: Means the National Fire Protection Association.

(ii) Noise: Means any unwanted sound. Not all noise needs to be excessively loud to represent an annoyance or interference.

(jj) Non-Participating Parcel: Means a parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

(kk) Occupied Structure: Means a building in which people live, work or frequent.

(ll) Operator: Means the person who is designated on the license application to be the person in charge of daily operation of the premises and who is to be the Wind Energy Conversion System contact person for the Town.

(mm) Participating Parcel: Means a parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and applicant allowing the construction of all or part of a WECS closer to a Participating Parcel property line or structure on the Participating Parcel than would be permitted under the Ordinance in the absence of such an agreement. To qualify as a Participating Parcel, the agreement between the owner and the applicant must be approved by the Town Board under the Ordinance.

(nn) Person: Means an individual, proprietorship, corporation, association, limited liability entity, or other legal entity.

(oo) Project Boundary: Means the boundaries of the WECS as shown on the site plan submitted to and approved by the Town in accordance with the Ordinance.

(pp) Project Parcel or Project Parcels: Means the parcel or parcels of real estate on which all or any part of a WECS will be constructed.

(qq) Property Line: Means the recognized and mapped property parcel boundary line.

(rr) Pure Tone: A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch. Pure tones can be part of a more complex sound wave that has other characteristics.

(ss) Qualified Independent Acoustical Consultant: Qualifications for persons conducting baseline and other measurements and reviews related to the application for a WECS or for enforcement actions against an operating WECS include, at a minimum, demonstration of competence in the specialty of community noise testing and Full Membership in the Institute of Noise Control Engineers (INCE). Certifications such as Professional Engineer (P.E.) do not test for competence in acoustical principles and measurement and are thus not, without further qualification, appropriate for work under this Ordinance. The Independent Qualified Acoustical Consultant can have no direct or indirect financial or other relationship to an Application.

(tt) Related Equipment: Means transformers, tower, electrical conductors, termination points, switches, fences, substations, and any other related equipment necessary to operate a WECS.

(uu) Residences & Other Buildings: Means all private residences and businesses located 2640 feet (1/2 mile), measured from the foundation of an existing residence or business to the outermost edge of the closest of the circular path of the wind turbine rotor blade of a WECS, further providing for a non-participating land owner who has applied for a building permit on or before a full and complete application is submitted to the Town Board per Section V of the ordinance's Standards, Guidelines and Rules.

(vv) Sensitive Environmental Area: Means an identified habitat for threatened or endangered species, or another designated environmentally significant area as identified by Town, county, state or federal officials.

(ww) Sensitive Receptor: Means places or structures intended for human habitation or occupied structures, whether inhabited or not, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, camp grounds and other state or federal licensed businesses. These areas are more likely to be sensitive to the exposure of the noise, vibration, shadow or flicker, etc. generated by a WECS or WESF. These areas include, but are not limited to: schools, daycare centers, elder care facilities, hospitals, places of seated assemblage, and other businesses and residences. Any parcel of land having a valid building or sanitary permit on file on the date of the issue of the Wind Energy Conversion system permit, as well as vacant land zoned residential, shall be treated the same as any existing sensitive receptor.

(xx) Shadow Flicker: Means the effect when the blades of an operating wind energy conversion unit pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

(yy) Small Wind Energy System: 110 feet total height, and less than 100 kilowatts.

(zz) Sound: A fluctuation of air pressure which is propagated as a wave through air.

(aaa) Sound Power: The total sound energy radiated by a source per unit time. The unit of measurement is the watt. Abbreviated as Lw. This information is determined for the WECS manufacturer under laboratory conditions specified by IEC 61400-11 and provided to the local developer for use in computer model construction. It cannot be assumed that these values represent the highest sound output for any operating condition. They reflect the operating conditions required to meet the IEC 61400-11 requirements. The lowest frequency is 50 Hz for acoustic power (Lw) requirement in IEC 61400-11. The ordinance's Standards, Guidelines and Rules requires wind turbine

certified acoustic power (L_w) levels at rated load for the total frequency range from 6.3 Hz to 10k Hz in one-third octave frequency bands tabulated to the nearest 0.1 dB. The frequency range of 6.3 Hz to 10k Hz shall be used throughout this Ordinance for all sound levels modeling, measuring and reporting.

(bbb) Sound Pressure: The instantaneous difference between the actual pressure produced by a sound wave and the average or barometric pressure at a given point in space.

(ccc) Sound Pressure Level (SPL): 20 times the logarithm, to the base 10, of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-newtons per square meter. In equation form, sound pressure level in units of decibels is expressed as $SPL (dB) = 20 \log p/pr$.

(ddd) Spectrum: The description of a sound wave's resolution into its components of frequency and amplitude. The WECS manufacturer is required to supply a one-third octave band frequency spectrum of the wind turbine sound emission at 90% of rated power. The published sound spectrum is often presented as A-weighted values. This information is used to project the wind systems sound levels at all locations of interest. Confirmation of the projected sound spectrum can be determined with a small portable one-third octave and frequency (spectrum) analyzer. The frequency range of interest for wind turbine noise is approximately 10 Hz to 10k Hz.

(eee) Statistical Noise Levels: Sounds that vary in level over time, such as road traffic noise and most community noise, are commonly described in terms of the statistical exceedance levels LAN, where LAN is the A-weighted sound pressure level exceeded for N% of a given measurement period. For example, L10 is the noise level exceeded for 10% of the time. Of particular relevance, are: LA10 and LC10 the noise level exceeded for 10% of the ten (10) minute interval. This is commonly referred to as the average maximum noise level. LA90 and LC90 is the noise level exceeded for 90% of the ten (10) minute sample period. The L90 noise level is described as the average minimum background sound level (in the absence of the source under consideration), or simply the background level. Leq is the frequency-weighted equivalent noise level (basically the average noise level). It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.

(fff) Stray Voltage (Ground Current): Means neutral-to-earth voltage measured from the electrical system neutral and/or any structure bonded to this neutral to earth that adversely affects humans or animals.

(ggg) Structures: Means residences, livestock facilities, communication towers, commercial businesses, and all sensitive receptors.

(hhh) Tonal Sound (sometimes referred to as Pure Tone): A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch. Tonal sound can be simple or complex.

(iii) Total Height: Means the distance between the ground at normal grade and the highest point of the installed WECS (being the tip of the blade when the blade is in the full vertical position).

(jjj) Wind Energy Conversion System (WECS): Means all WECUs, related transformers, electrical conductors substations, and connection points to transmission or distribution lines.

(kkk) Wind Energy Conversion System Facility or Facility: Means all of the land and equipment used by the wind energy conversion system and its support facilities including the wind turbine, tower, access roads, control facilities, meteorological towers, maintenance and all power collection and transmission systems.

(lll) Wind Energy Conversion Unit (WECU): Means a wind driven machine with an output rating greater than 100 kilowatts (kW) and with a total height of greater than 110 feet that converts wind energy into electrical power

for the primary purpose of sale, resale, or off-site use. The WECU includes the tower, turbine, footings, and all equipment associated with individual units including the land beneath encompassing the equivalent area of the circumference of the rotors. Also known as a Wind Turbine.

(mmm) Wind Energy Systems (WES): Means equipment that converts and then transfers energy from the wind into usable forms of energy on a large, industrial scale for commercial or utility purposes.

(nnn) Wind Energy Conversion System Facility or Facility or WESF: Means all of the land and equipment used by the Wind Energy System and its support facilities including the wind turbine, tower, access roads, control facilities, meteorological towers, maintenance and all power collection and transmission systems.

(ooo) Wind Energy Systems Facility License or WESF License: Means a license to construct and operate a Wind Energy System issued by the Town of Holland in accordance with the Ordinance.

(ppp) Windmill: Means a wind-driven machine that does not produce electricity.

(qqq) Wind Test Tower: Means the tower on which meteorological equipment is located to measure wind speed, direction, strength, etc., for the purpose of evaluating a potential for WECS siting.

(rrr) Wind Turbine or Turbine (WTi): Means a mechanical device which captures the kinetic energy of the wind and converts it into electricity. The primary components of a wind turbine are the blade assembly, electrical generator and tower.

(sss) WDNR: Means the Wisconsin Department of Natural Resources.

IV. LICENSE OR PERMIT REQUIRED

A. (1) No WECS greater than 110 feet in height shall be constructed, operated, or maintained in the Town of Holland without a license issued by the Town of Holland Town Board. Each application for a license to erect a WECS greater than 110 feet in height shall be reviewed on a case-by-case basis by the Town and the Town Board before issuing a license. The license fee for each WECS greater than 110 feet in height shall be calculated at the rate of \$2,500.00 per wind turbine proposed in each WECS.

(2) No WECS of 110 feet in height or less, and less than 100 kilowatts shall be constructed, operated, or maintained in the Town of Holland without a conditional use permit issued by the Town of Holland Plan Commission. Each application for a license to erect a WECS of 110 feet in height or less and less than 100 kilowatts, shall be reviewed on a case-by-case basis by the Town Plan Commission and the Town Board before issuing a conditional use permit. The conditional use permit fee for each WECS of 110 feet in height or less or less and less than 100 kilowatts shall be calculated at the rate of \$100.00 per wind turbine proposed in each WECS.

B. Effect of Other Licenses. The fact that an applicant possesses any other valid license or permit required by law does not exempt the applicant from the requirement from obtaining a WECS license under the ordinance.

C. Non-Assignment. A license issued under the ordinance may not be assigned or transferred to any other Person than the Licensee, without the express prior written consent of the Town. Such consent shall not be unreasonably withheld within 1 year after issuance of a license, provided the Licensee and the Person who the license is proposed to be assigned or transferred to shall both submit affidavits to the Town demonstrating the following:

1. The new person who will hold the license wholly owns the new entity.
2. The new entity is properly formed and authorized to do business in the state of Wisconsin.
3. The written assignment requires the new entity to assume all of the Licensee's rights, duties and obligations under the License including but not limited to the letter of credit requirements and the certificate of insurance requirements.

V. LICENSE APPLICATION PROCEDURE FOR WECS

A. Application. Any person desiring to secure a WECS license or WECS conditional use permit from the Town shall file a complete application, together with two additional copies, with the Town Clerk. The application shall be on a form approved by the Town Board and shall be provided to the applicant by the Town Clerk.

B. Required Information. The following information shall be required of each Applicant for a large WECS and shall be provided with the application. The Person(s) filing the application shall sign it under oath of affirmation as witnessed by a Notary Public:

1. Name, address, and phone number of Applicant(s).
2. If the Applicant is a corporation, partnership, limited liability company, limited liability partnership, or other entity recognized by law, the application shall include: the name of the business entity; the date of incorporation, registration of organization; the state in which the entity was incorporated, registered or organized; the name and address and home phone numbers of the registered agent(s) where applicable; the names and addresses of all officers and directors; operating or managing partners or general partners, managing members or managers, whichever is applicable for the particular form of business entity.
3. Name and address of any other current or past WECS developed or operated by the Applicant, whether in the State of Wisconsin or any other state or nation.
4. Name, address and phone number of the individual(s) responsible for the day-to-day operation of the proposed WECS, who will be deemed the Operator for purposes of this section, and who will be the contact Person for the Town.
5. Evidence that the applicant is the owner of the underlying real estate and other property necessary for the WECS project or that the Applicant has the written permission of the owner(s) of such real estate and other property to make such an Application.
6. A signed statement by the underlying landowner(s) acknowledging that the landowner(s) will be financially responsible if the owner/operator fails to reclaim the site as required, and that any removal and reclamation costs incurred by the Town shall become a lien on the real estate and other property and may be collected from the landowner(s) in the same manner as property taxes.
7. A statement that the Applicant is familiar with, and in compliance with, the provisions of the ordinance, including the responsibility to reimburse all reasonable costs and professional fees associated with the processing, examination and analysis of the application for a license and such further expenses associated with monitoring the WECS and enforcing the terms of the license.
8. Proof of continuous liability in the minimum amount of five million dollars (5,000,000.00) per occurrence shall be submitted to the Town of Holland indicating coverage for potential damages or injury to landowners, occupants,

Town property and Town roads, and other third parties. The Town shall be named as an additional insured on the policy.

C. Additional Information. Each Application for a large WECS shall be accompanied by:

1. Detailed Site Plan. A site plan which meets all the requirements of this Section and applicable provisions of the County Zoning Code pertaining to Land Use Permits, as well as any additional site specific requirements of the Town in accordance with the technical requirements in the ordinance's Standards, Guidelines and Rules. Each application shall be accompanied by a site plan showing the location of the proposed WECS Tower Site(s), including:

- a. Total acreage occupied by the facility.
- b. A detailed map of the area showing parcel boundaries and individual Wind Turbine locations and their distances to existing structures;
- c. Existing structures and proposed facilities;
- d. Location of existing and proposed transmission lines, substations, driveways, access and maintenance roads, etc. All proposed electric transmission and distribution lines shall be shown and shall be placed underground;
- e. Location of meteorological or wind testing towers; and the location of wells, abandoned and active, within a half mile radius of the project boundary.

2. Specific Information. The applicant shall provide specific information on WECS including:

- a. The type, size, total installed height, rotor material, rated power output, performance history, safety history, and noise characteristics of each type of WECU, tower and electrical transmission equipment. Identify the length of service of the proposed components.
- b. A structural safety certificate shall be provided by a professional engineer stating that the structure is of new construction and not refurbished or rebuilt and has been designed to operate in cold weather conditions and is safe.
- c. Photographs or detailed drawings of each wind turbine model including the tower and foundation. Provide design and specifications for all proposed structures and foundations. (Foundation at and around the tower base shall be designed so that no surface water or runoff can access subsurface aquifer at any time during construction, operation or decommissioning.)
- d. Detailed computer and photographic simulation(s) overlaid on the existing environment showing the proposed WECS project area fully developed with all proposed wind energy conversion units and related facilities. The format shall be subject to the approval of the Town.

3. Timeline. The applicant shall provide a proposed timeline showing all aspects of construction with a starting and final completion date.

4. Affected Property Owners. The applicant shall submit the name and address of property owners within WECS setback areas. Considering that development rights of adjacent property owners may be forfeited due to these setbacks as per this ordinance, a written agreement for non-development within the specified setback must be obtained and recorded on the affected properties' deeds. Copies of the agreements must be submitted with the application.

5. Impermissible Interference Notification. The applicant shall deliver by certified mail or by hand a notice to the owner of any property, which the applicant proposes to be restricted by the permit. The applicant shall submit to the Town of Holland a copy of a signed receipt for every notice delivered in addition to the following information:

- a. The name and address of the applicant, and the address of the land upon which the WECU is or will be located.
- b. That the applicant has filed an application.
- c. That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation.
- d. That any person may request a hearing within 30 days after receipt of the notice, and the address and procedure for filing the request.

6. Wind Access Agreements. Evidence (a signed statement from the applicant and countersigned by the landowner) that the applicant has negotiated with adjacent landowners and has obtained written agreements with all landowners whose wind rights may be affected by the WECU or who could otherwise potentially interfere with the applicant's wind access.

7. Easements, Leases & Property Rights. The applicant shall submit copies of signed letters of intent to grant easements, long-term leases or other property rights from all involved landowners and any governmental units responsible for right-of-ways for access, construction, electric transmission and distribution lines, etc.

8. Notifications. The applicant shall notify the following agencies, via certified mail upon submitting an Application to the Town. Copies and proof of delivery shall be provided to the town:

- a. Federal Aviation Administration;
- b. Wisconsin Bureau of Aeronautics;
- c. County Emergency Services Agencies;
- d. Local Fire Departments;
- e. County Planning & Zoning and Land Records Departments;
- f. County Highway Department;
- g. County Sheriff's Department;
- h. Local School districts;
- i. Local Utilities and Electric Cooperatives;
- j. Public Service Commission of Wisconsin;
- k. Wisconsin Department of Natural Resources; and
- l. U.S. Department of Defense facilities located within 50 miles of the proposed WECS.
- m. National Weather Service

9. Wind Study. A study documenting minimum, maximum, and average wind speeds and prevailing wind directions over the course of one year. Anemometers shall be calibrated regularly to ensure a measurement of error of 1% or less. All anemometers shall be placed at the expected hub height of the proposed wind turbines. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The Town shall retain the services of an independent, recognized expert to review the results of the wind resources study prior to acting on the application. Said study shall indicate the long-term commercial economic viability of the proposed WECS project.

10. Critical Communications. The applicant shall provide a critical communication study prepared by a registered professional engineer showing that the proposed WECS will not interfere with emergency (fire, police/sheriff,

ambulance) radio two-way communications (base stations, mobile, and hand held radios, including digital), paging television, telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, internet or radio reception communications to and from neighboring areas. The applicant shall provide a signed affidavit stating that the applicant shall be responsible for the full cost of any removal of WECS facilities and any other remediation necessary to correct any problems including relocation or removal of WECS facilities and any and all related electric transmission lines, transformer, and other components related thereto. The applicant shall maintain equivalent communications throughout the life of the WECS even as future technologies may change.

11. Sound Modeling, Sound Standards and Sound-related Enforcement Procedures.

a. *Applicant's Pre-licensing Sound Studies and Modeling.* An application for a WECS license shall include a sound prediction model that includes the information and meets the requirements in chapter V, and in the Appendix to this ordinance:

Information regarding the make and model of the turbines, sound Power levels (L_w) for each one-third octave band from 6.3 Hz up through 10,000 Hz, and a projection showing the expected dBA and dBC sound levels computed using the one-third octave band sound power levels (L_w) with appropriate corrections for modeling and measurement accuracy tolerances and directional patterns of the WT_i for all areas within and to one (1) mile from the project boundary for the wind speed, direction and operating mode that would result in the worst case WT_i sound emissions.

The prediction model shall assume that the winds at hub height are sufficient for the highest sound emission operating mode even though the enforcement test will be with ground level winds of 10 mph or less. This is to accommodate enforcement under weather conditions where there is significant difference in the wind speed between ground and hub heights. This condition often occurs during summer evenings when wind shear is affected by the reduction in solar heating of the earth's surface between sunset and sunrise.

The projection may be by means of computer model but shall show history of accuracy and include a description of all assumptions made in the model's construction and algorithms. If the model does not consider the effects of wind direction, geography of the terrain, and/or the effects of reinforcement from coherent sounds or tones from the turbines these should be identified and other means used to adjust the model's output to account for these factors. These results may be displayed as a contour map of the predicted levels, but should also include a table showing the predicted levels at noise-sensitive receptor sites and residences within the model's boundaries. The predicted values must include dBA and dBC values but shall also include un-weighted octave band sound pressure levels from 8 Hz to 10k Hz in data tables.

The Town will refer the applicant's information and sound studies to an engineer designated by the Town (if qualified in acoustics) or a Qualified Independent Acoustical Consultant for review and a determination whether the proposed WECS will, based on pre-licensing studies and sound modeling, comply with the sound limits set forth in the Ordinance.

b. *Independent Pre-licensing Sound Modeling.* In any case in which a WECS is located within one mile of a sensitive receptor the Town shall, and in other cases the Town may, require the preparation of an independent preconstruction noise study for each proposed Wind Turbine location conducted by a Qualified Independent Acoustical Consultant, in accordance with the procedures provided in this section and in the Appendix showing background dBA and dBC sound levels (L₉₀ (10 min)) over one or more valid ten (10) minute continuous measurement periods. The preconstruction baseline studies shall be conducted by an Independent Qualified Acoustical Consultant selected by the Town. The Qualified Independent Acoustical Consultant shall be selected and retained by the Town. The applicant shall be responsible for paying the Independent Qualified Acoustical

Consultant's fees and all costs associated with conducting the study. The applicant shall provide financial security and reimburse the Town for the cost of the study in accordance with chapter XIII of the ordinance's Standards, Guidelines and Rules.

c. Sound Study and Measurement Requirements.

1. All instruments must meet ANSI or IEC type 1 Precision integrating sound level meter performance specifications.
2. Procedures must meet ANSI S12.9 Part 3 including the addendum in the Appendix to this document. Where there are differences between the procedures and definitions of this document and ANSI standards, the procedures and definitions of this document shall be applied. Where a standard's requirements may conflict with other standards the most stringent requirement shall apply.
3. Measurements for background sound levels shall be made when ground level winds are 2 m/s (4.5 mph) or less with wind speeds at the hub at or above nominal operating requirements and for other tests when ground level winds are 4 m/s (9 mph). Weather in the night often results in low ground level wind speed and nominal operating wind speeds at wind turbine hub heights.
4. IEC 61400-11 procedures are not suitable for enforcement of these requirements except for the presence of tones.

d. Post-construction Sound Measurements.

Within twelve months after the date when the project is fully operational, and within four weeks of the anniversary date of the pre-construction background noise measurements, the Licensee shall repeat the existing sound environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WECUs running and with all WECUs off. At the discretion of the Town, the preconstruction background sound level (L90A) can be substituted for the "all WECS off" tests if a random sampling of 10% of the pre-construction study sites shows that background L90A and C conditions have not changed more than +/- 5 dB (dBA and dBC) measured under the preconstruction nighttime meteorological conditions. The post-construction measurements shall be reported to the Town (and available for public review) using the same format as used for the preconstruction sound studies. Post-construction noise studies shall be conducted by a firm chosen by the Town. Costs of these studies shall be reimbursed by the Licensee. The security required by chapter V shall include these costs. The Licensee's consultant may observe the Town's consultant. The WECS Licensee shall provide all technical information and wind system data required by the Independent Qualified Acoustical Consultant before, during and/or after any acoustical studies required by this document and for local area acoustical measurements.

12. Shadow Flicker and Blade Glint Assessment and Requirements. Shadow Flicker occurs when the blades of a Wind Turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment. An application for a WECS license shall include a detailed shadow flicker and blade glint assessment model and plan containing the following information and meeting the following requirements.

- a. The model shall be prepared by a registered professional regularly engaged in this type of work with not less than three years experience.
- b. The model study area will examine areas where shadow flicker will occur within a one mile radius of the Project Parcels.

c. The model will be calculated using the following minimum inputs:

1. Turbine locations (proposed and existing)
2. Shadow flicker receptor locations
3. Existing topography (elevation contours and vegetation)
4. Rotor diameter and hub height
5. Joint wind speed and direction distribution (wind rose table)
6. Hours of sunshine (long term monthly references)

d. All existing occupied structures, structures permitted for construction and roadways shall be identified within the model as receptors. Each individual receptor that is a residential parcel shall be defined by the perimeter of the building plus an additional 100 foot boundary around the building. Schools, churches, and other public building receptors shall be defined by the entire outdoor area routinely utilized in their operation.

e. The model may be prepared by use of current aerial photography and topographical maps. A site visit by the preparer is required to identify receptors and verify the existing conditions.

f. The model shall calculate the locations and durations of shadow flicker caused by the proposed WECS within the study area. The model shall clearly indicate the duration of shadow flicker at each receptor and across the entire study area showing the total number of hours per year anticipated.

g. Problem zones where shadow flicker will interfere with existing and future receptors and which is not allowable under this section shall be identified, and measures to mitigate problems shall be described, including but not limited to siting changes, operational procedures, grading or landscaping.

h. Blade glint, defined as the intermittent reflection of the sun off the surface of the blades of a Wind Turbine, is prohibited. The applicant shall submit a paint sample that demonstrates the color, texture and gloss of the proposed surface coating. The applicant shall also submit a certification by the manufacturer stating that the proposed surface coating will not create a reflective surface conducive to blade glint.

13. Ice Throw Calculations. A report from a Wisconsin professional engineer that calculates the maximum distance that ice from the turbine blades could be thrown. The basis of the calculation and all assumptions must be disclosed. The report shall be prepared by a qualified person on behalf of the applicant, and shall be reviewed and approved by an independent consultant selected by the Town Board, at the applicant's expense, prior to review and approval of the Application.

14. Blade Throw Calculations. A report from a Wisconsin professional engineer that calculated the maximum distance pieces of the turbine blades could be thrown. The report shall be prepared by a qualified person on behalf of the applicant, and shall be reviewed and approved by an independent consultant selected by the Town Board, at the Applicant's expense, prior to review and approval of the Application.

15. Ground Water. An environmental study specifically indicating the impact the project will have on the groundwater beneath and in the vicinity of the proposed Wind Turbine sites. If a Wind Turbine foundation is proposed in a bedrock area, a baseline of all wells and certified public drinking sources in a half-mile radius shall be established and provided to the Town as part of the application. The study shall be prepared by a qualified person on behalf of the applicant, and shall be reviewed and approved by an independent consultant selected by the Town board, at the Applicant's expense, prior to review and approval of the Application.

16. Road Use and Risk Assessment Plan and Road Impact Requirements.

a. An application for a WECS License shall include a road use and risk assessment plan containing the following information and meeting the following requirements:

1. A description and map of all public roads in the Town to be used in connection with the construction of the WECS, including a description of how and when such roads will be used in connection with the construction of the WECS.

2. A description of the type and length of vehicles and type, weight and length of loads to be conveyed on all public roads in the Town.

3. A complete assessment of the proposed use of roads in the Town in connection with the construction of the WECS, including the adequacy of turning radii; the ability of the roads to sustain loads without damage; the need to remove (permanently or temporarily) signs, trees, utilities, or anything else; any reasonably foreseeable damage to roads or other property; any reasonably foreseeable costs the Town may incur in connection with the use of roads in the Town, including but not limited to costs relating to traffic control, public safety, or damage to roads or property. The pre-construction inventory of road conditions shall be performed by a Wisconsin certified professional engineer.

4. A traffic control and safety plan relating to the use of roads in the Town in connection with the construction of the WECS.

5. Any additional information the Town may request relating to the use of roads in the Town in connection with the WECS.

6. Applicant shall abide by all Town, county and state laws and ordinances that may affect travel and/or ingress or egress to the WECS facilities.

b. The Town will evaluate the road use and risk assessment plan with assistance from such consultants it deems appropriate. The Town may document the condition of all roads to be used in connection with the construction of the WECS in such a manner as it deems appropriate. The Town may require changes to the road use and risk assessment plan it deems appropriate to protect public safety, to protect Town roads, and to address anticipated costs to the Town associated with applicant's use of roads in the Town.

c. The Town may require the applicant to enter into an agreement relating to the use of roads in the Town. The Town may require the applicant to provide a deposit, joint escrow account, or surety bond in an amount the Town determines appropriate to secure any obligations under the agreement, including but not limited to any obligation relating to alterations or improvements to roads needed in connection with applicant's use of roads in the Town, and the reimbursement of the Town for any costs the road use and risk assessment indicates the Town may incur in connection with applicant's use of the roads in the Town.

17. Soils Report. A geotechnical report that shall at a minimum include the following:

a. Soils engineering and engineering geologic characteristics of the site based on on-site sampling and testing;

b. Slope stability analysis;

c. Grading criteria for ground preparation, cuts and fills, soil compaction; and

d. Certification from a registered geotechnical engineer that the soils can support a WECS.

18. Site Preparation & Erosion Control. The applicant shall submit the following:

a. A site preparation plan that has been approved by the County Land Conservation Department. The plan shall show planned storage and retention of topsoil, and all types of subsoil for later site restoration.

b. A construction site erosion plan and storm water runoff control plan that has been approved by the County Land Conservation Department. The plan shall comply with all state statutes and county ordinances. The plan shall be prepared so as to minimize the potential adverse impacts on sinkholes, wetlands, streams and the banks and vegetation along those streams and wetlands, and to minimize erosion or sedimentation.

19. Hazardous Waste. A plan shall be submitted showing compliance with all laws applicable to the generation, storage, clean up, transportation and disposal of hazardous wastes generated during any phase of the proposed WECS life.

20. Fire Prevention and Emergency Response Plan and Requirements. An application for a WESF License shall include a fire prevention and emergency response plan containing the information and meeting the requirements in this section. This plan shall identify potential fire, rescue, and hazardous materials scenarios over the life of the WECS. The plan shall describe the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders. The plan shall designate the specific agencies that would respond to potential fire or other emergencies, shall describe all emergency response training and equipment needed to respond to a fire or other emergency, shall include an assessment of the training and equipment available to the designated agencies, and shall provide for any special training or emergency response equipment that the designated agencies need to use in responding to a potential fire or other emergency at applicant's cost. The applicant shall submit a plan to outline preventative measures and to train and fund fire and rescue personnel to ensure readiness and appropriate response.

21. Stray Voltage Assessment and Requirements.

a. An application for a WECS License shall include reports of stray voltage analyses in accordance with this section. The applicant shall conduct and include a report of a preconstruction stray voltage test on all livestock facilities and occupied structures located within a one-mile radius of the Project Parcels. The tests shall be performed by a Wisconsin certified stray voltage investigator approved by the Town. The tests shall be performed according to PSCW Phase II Stray voltage Testing Protocol. A report of the tests shall be provided with the WECS License application and shall be provided to the owners of all property included in the study area. Applicant shall seek written permission from property owners prior to conducting testing on such owners' property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

b. Following construction of the WECS, the applicant shall conduct a post-construction stray voltage test on all livestock facilities located within a one-mile radius of the Project Parcels. The tests shall be performed by a Wisconsin certified stray voltage investigator approved by the Town. The tests shall be performed according to PSCW Phase II Stray Voltage Testing Protocol. A report of the tests shall be provided to the Town and to the owners of all property included in the study area. Applicant shall seek written permission from property owners prior to conducting testing on private property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

22. Lighting Plan. The applicant shall provide a plan showing lighting on and around all WECUs and related facilities. Lighting on WECUs shall be lit to FAA minimal standards only using red rather than white lights, if possible. Lighting shall be shielded from ground view to FAA maximum standards.

23. Avian and Bat Impact Study Plan. The applicant shall submit a plan for monitoring the avian and bat impact of the WECS to the Town for its review and approval. Such plan shall document and follow accepted scientific study procedures. In addition, the applicant shall submit a quarterly report to the Town which identifies the number of bird and bat fatalities found within 500 feet of all WECS facilities.

24. Abandonment, Removal and Site Restoration Plan. The applicant shall submit an abandonment, removal and site restoration plan, along with a cost estimate for removal and site restoration, to the Town with the application. The plan shall identify the specific properties it applies to and shall indicate the timeline and process to be used for removal of all materials above and below ground; road repair costs, if any; and all re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the WECS. The plan shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features at the site. The plan shall reflect any standards set forth in this ordinance and shall include a certified estimate of the total cost (by element) of implementing the removal and site restoration plan.

25. Application Fees & Security. The following fees and financial security guarantees shall be paid to the Town by the applicant:

a. Application, Legal and Consultant Fees. The applicant shall pay an application fee of \$1,000 to the Town upon filing an application under the ordinance. In addition, within (14) days of filing an application the applicant shall deposit in a joint escrow account with the Town the sum of \$25,000, as partial payment for the appropriate Town expenses in hiring consultants and experts, as these authorities shall, at their discretion, deem desirable. At any time the balance of this fund shall fall below \$15,000, the applicant shall submit an additional \$15,000 so that the Town's full and actual expenses of examining and verifying the data presented by the applicant shall be paid in full by the applicant. If at any time the balance of this fund shall fall below \$15,000 for a period of 30 days, the application shall be considered to have been withdrawn. The balance of the escrow account, after all the Town's expenses have been paid, shall be returned to the owner/operator after the decommissioning process is complete.

b. Town Road Repair. An amount to be determined by the Town Board, to be used as security for Town road maintenance and repair, shall be deposited in a joint escrow account with the Town within (14) days of approval of a license under the ordinance. When determining the amount of such required security, the Town may require an annual escalator or increase based on current construction costs and/or the Federal Consumer Price Index. This security shall be kept in full force and effect during the entire time a WECS is in existence and shall be used to maintain roads during the construction, maintenance and decommissioning of the WECS facility. Such security shall be irrevocable or non-cancelable (except by written consent by both the Town Board and the owner of the WECS) for the life of the approved license. Failure to comply will subject the applicant to revocation of the license.

c. Site Reclamation. Advance payment for WECS site reclamation and restoration shall be placed in a joint escrow account or surety bond, the amount to be determined by the Town Board. Said amount shall be sufficient to fully remove the WECS and all components thereof. Such financial security shall be kept in full force and effect during the entire time while a WECS facility exists or is in place. This financial security shall be irrevocable and non-cancelable until such time as the Town Board certifies that reclamation and restoration are complete and release the obligation.

d. Decommissioning. An appropriate continuous renewal bond amount shall be established in an amount determined by the Town Board before construction starts for each Wind Turbine in a sum for the reasonable cost of decommissioning should the Owner/Operator fail to comply with the Ordinance requirements or if a Wind Turbine is inoperable for a period of six (6) consecutive months. The amount of the bond may be raised if at any time during the existence of the license it is determined by the Town Board the sum is insufficient for the cost of decommissioning. The owner will be given reasonable notice of any resolution to change before the change in bond is made.

VI. LICENSING PERMIT PROCEDURE

A. Notice & Procedure.

1. Upon receipt of an application for approval, the Town of Holland shall determine whether it is complete and, no later than 45 days after the application is filed, shall notify the applicant about the determination. As soon as possible after receiving the application for approval the Town of Holland shall publish a class 1 notice, under ch. 985, stating that an application for approval has been filed with the Town. If the Town of Holland determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that the Town has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application for approval. If the Town of Holland fails to determine whether an application for approval is complete within 45 days after the application is filed, the application shall be considered to be complete. A public hearing upon the application shall be held prior to the deliberation meeting. Within 90 days of determining the application is complete, the Town Board shall approve or disapprove the application unless extended under Paragraph 3 below. The deliberation meeting shall be noticed to the applicant and the public at least five (5) days prior to the deliberation meeting. The Town Board may have the assistance of legal counsel at the public hearing and the deliberation meeting.

2. On the same day that an applicant makes an application for approval under this section for a wind energy system, the applicant shall mail or deliver written notice of the application to the owners of land adjoining the site of the wind energy system. A list of these landowners and proof of written notice to each shall be provided to the Town Board.

3. The 45-day and 90-day deadlines may be extended in writing for up to 90 days. The Town Board may grant:

(a) An extension of up to 45 days if the Town Board needs additional information to determine whether to approve or deny the application for approval.

(b) An extension of up to 90 days if the applicant makes a material modification to the application for approval.

(c) An extension of up to 90 days for other good cause specified in writing by the Town Board.

B. Decision on Application. The Town Board shall approve an application and grant a WECS license if it determines that the requirements of the ordinance have been and shall be met by the applicant, and granting the license will not adversely affect public health and safety. The Town Board may include conditions in the license which go beyond the minimum regulations set forth herein, if the conditions are reasonably necessary to protect public health and safety; do not significantly increase the cost of the system or significantly decrease its efficiency; or allow for an alternative system of comparable cost and efficiency. In addition, the Town will review the application to ensure it conforms to the rules promulgated under 196.378(4g)(2) Wis. Stats. by the Public Service Commission despite the fact that this ordinance may be more restrictive than the rules of the Commission. In addition to other provisions and standards set forth in the ordinance, the Town Board may consider the following factors when establishing such conditions:

1. The proposed ingress and egress;
2. The proximity to transmission lines to link the system to the electric power grid;
3. The number of wind turbines and their proposed locations;

4. The nature of land use on adjacent and nearby properties;
5. The surrounding topography;
6. The proximity to residential structures, residential zoning districts, and areas identified for future residential use or a commercial development as shown on a map that is adopted as part of a comprehensive plan;
7. Design characteristics that may reduce or eliminate visual obtrusiveness and the distraction of motorists on nearby roads;
8. Possible adverse effects on migratory birds, raptors, and other animals and plants;
9. Possible adverse effects of stray voltage, interference with broadcast signals, weather forecasting facilities, shadow and flicker effects, and noise;
10. Impacts on the orderly development, property values, and aesthetic conditions of the Town as they may also relate to public health and safety and other factors under Wis. Stat. 66.0401;
11. Effects on public roads;
12. Recommendations from the town boards of adjacent towns, which may be affected by a WECS;
13. Any other factors which are relevant to the proposed WECS.

C. Request for Waiver of Standards by Applicant. If requested by an applicant, the Town Board may waive or reduce the burden on the applicant of one or more of the standards and requirements of the ordinance, if it concludes that the purpose of the ordinance will be met, that any requested waiver(s) by an applicant are justified based on credible evidence or information submitted to the Town Board by the applicant with the application, and that the requested waiver(s) will not adversely affect public health and safety. The installation and continued operation of a WECS is otherwise contingent on compliance with all standards of the ordinance and all conditions established by the Town Board relative to the approval or conditional approval of an application and licensing permit.

D. Recording & Notice of Decision. The Town Board shall make a record of its decision making on an application for approval, including a recording of any public hearing and copies [of relevant documents]. The Town Board shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record. This information shall be recorded in the Town Board's minutes. The Town Board and Town clerk shall issue a license to the applicant or inform the applicant that the application for a licensing permit has been denied within thirty (30) days of the Town Board's final action on the completed application. At the same time, the Town clerk shall publicly post a notice of the final decision of the Town Board at the Town hall.

VII. DEVELOPMENT & PERFORMANCE STANDARDS FOR LICENSING

A. Development & Performance Standards. All WECSs and testing structures shall comply with the Development & Performance Standards set forth in this section. It is recognized that the standards herein are neither exclusive, nor exhaustive. In instances where a health or safety concern is identified with regard to any application for a WECS, additional or more restrictive conditions may be included in the license to address such concerns. The town reserves the right to impose additional standards as circumstances warrant. Such additional and more restrictive standards may include, but are not limited to: a) longer setbacks from nearby property lines, roads, electric transmission and distribution lines, residences, businesses and other inhabited structures; b) more

restrictive noise limitations, and c) more restrictive limitations to protect surface water and groundwater.

B. Design. Each Wind Turbine shall consist of a tower, generator(s), nacelle and blades. Each WECU site shall have access roads, underground transmission cabling to connect the generators to a local utility's electric distribution lines, and underground communication lines. The application shall disclose the nature, type, make and model of the proposed Wind Turbines. Detailed product literature, specifications, and safety guidance for maintenance of the turbines shall accompany the application. Each wind turbine shall also comply with the following design requirements:

1. Wind Turbines shall be painted a non-reflective, non-obtrusive color.
2. Each WECS site, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the WECS to the natural setting and the existing environment.
3. Wind Turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority; strobe or other intermittent lights are prohibited.
4. Wind Turbines shall not be used for displaying any advertising.
5. Wind turbines shall not display any name or logo.
6. Electrical controls and control wiring and power-lines must be wireless or not above ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
7. The clearance between the ground and the Wind Turbine blades shall be not less than 75 feet.
8. Wind Turbine height shall not exceed 400' above grade.

C. Aircraft protection. The wind turbine generator towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the outside of the tower other than as required by the FAA or other applicable authority, or as otherwise agreed in connection with the issuance of the license. Notwithstanding the foregoing, this restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The tower shall be connected to an uninterruptible back-up power source to ensure continuous compliance with FAA regulations. To the extent consistent with FAA regulations, shrouding for the lights shall direct reflection of light up. Aircraft safety and protection, as defined by Aviation experts operating in or near the township, shall also be accomplished by establishing sufficient setbacks between all Wind Turbines and adjoining properties in order to allow for safe crop-dusting of agricultural fields, forestry applications and safe emergency medical aircraft landings on all adjoining properties.

D. Blasting. Licensee shall not undertake any blasting in connection with the construction of the WECS unless Applicant shall have notified the Town and submitted a blasting plan consistent with applicable laws and regulations. The plan must be submitted by the Licensee, reviewed and approved by the Town board, before any blasting may take place. The plan shall, at a minimum, provide that:

1. Blasts must comply with the State ground vibration limitations.
2. Fly-rock traveling in the air or along the ground must remain in the controlled blasting area site owned or controlled by the applicant.

3. All blasting must be performed by or under the direct supervision of a State-licensed blaster.

4. A blasting log for each blast will be kept on-site at the WECS office for not less than 5 years, and copies of the required blasting log will be promptly submitted to the Town upon its request.

5. A resident call list must be established for the purpose of notifying neighbors at homes in the vicinity of the WECS of eminent blasting activity. This call list must be maintained and utilized on a "request basis only" for all residents in the vicinity of the WECS who asked to be notified prior to any blast.

6. The storage of explosives will be in accordance with Wisconsin law.

E. Communications Interference. WECSs shall be sited and operated so that they do not interfere with emergency (fire, police/sheriff, ambulance) radio two way communications (base stations, mobile, and hand held radios, including digital) and/or paging, television, telephone (including cellular and digital), microwave, satellite (dish), navigational, internet or radio reception to neighboring areas. The applicant and/or operator to the facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems; including relocation or removal of the facility caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto. The applicant shall maintain equivalent communications throughout the life of the WECS even as future technologies may change.

1. The owner/operator of the WECS shall respond within five business days to any request for communications interference investigation by property owner within the project boundary and a three-mile radius beyond the project boundary. Testing will commence within ten working days of the request. The owner/ operator is responsible for mitigating within ten working days from the determination of interference cause attributed to the operation of the WECS.

2. The owner/operator of the WECS shall respond within one business day to any request for communications interference investigation by any emergency agency (fire, police/sheriff, ambulance). Testing will commence within two working days of the request. The owner/operator is responsible for mitigating within two business days from the determination of interference cause attributed to the operation of the WECS.

F. Electromagnetic Interference. WECSs shall be sited and operated so that they do not interfere with telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, or radio reception to neighboring areas. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems, including relocation or removal of the facility, caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto. The owner/operator of the WECS shall respond within five business days to any request for a communications interference investigation by a property owner within the project boundary and a three-mile radius beyond the project boundary. Testing shall commence within ten working days of the request. Owner/operator is responsible for mitigating within ten working days from determination of interference cause attributed to the operation of the WECS.

G. Karst Features and Groundwater Protection.

1. The Town of Holland recognizes how susceptible the Town's water supply is due to karst features located in the Town. At the request of the Town, the owner/operator of the WECS may be required to run water tests on wells where the wind turbine will be located, both prior and after construction of the turbine.

2. If a Wind Turbine foundation is proposed in a bedrock area, a baseline of all wells and certified public

drinking sources in a half-mile radius shall be established and permanent remedies and the cost thereof shall be the responsibility of the developer if contamination occurs.

3. Licensee shall construct and operate the Facility so as not to cause groundwater contamination in violation of applicable law. Nothing contained in the license is intended to authorize or permit any degradation of the quantity or quality of the groundwater in connection with the WECS.

4. No excavations deeper than nine (9) feet below the surface of the soil shall be allowed in the construction of a Wind Energy Facility or Wind Turbine unless the applicant submits evidence of increased cost or design necessity based on actual foundation designs. Any change in foundation design shall maintain the water quality standards of this ordinance.

5. Wells shall not be drilled within the boundaries of a WECS site.

6. The applicant shall complete a plan for managing surface water runoff to prevent pollution of groundwater through sinkholes, wetlands and infiltration through the soil and underlying bedrock within a 1,000-foot radius of each Wind Turbine site and along all access roads and driveways leading to Wind Turbine sites. The plan shall provide for surface water management so that the water flows away from the Wind Turbine sites and known sinkholes rather than toward them.

7. The owner of the WECS will be financially responsible for any costs associated with the testing of wells. The Town Board will determine how large the test area needs to be based on factors such as where bedrock is located. The owner/operator of the WECS will be financially responsible for any contamination to wells, which tested acceptable prior to construction but are not acceptable after construction. The Town Board will determine the time period when the testing will take place.

H. Sound Limits. No license shall be issued unless the pre-licensing information and sound modeling shows that the proposed WECS will comply with the following sound limits and requirements.

1. Audible Sound Limit.

a. No WTI or WECS shall be located so as to cause an exceedance of the preconstruction/operation background sound levels by more than 5 dBA. The background sound levels shall be the L90A sound descriptor measured during a preconstruction noise study during the quietest time of night (10 pm until 4 am). All data sampling shall be one or more contiguous ten (10) minute measurements. L90A results are valid when L10A results are no more than 10dBA above L90A for the same period and L10C less L90C is no more than 15 dBC. Noise sensitive sites are to be selected based on wind development's predicted worst-case sound emissions (in LeqA and LeqC) which are to be provided by applicant.

b. Test sites are to be located along the property line(s) of the receiving nonparticipating parcels.

c. A 5 dB penalty is applied for tones as defined in IEC 61400-11.

2. Low Frequency Sound Limit. The LeqC and L90C sound levels from the wind turbine at the receiving property shall not exceed the lower of either:

a. LeqC-L90A greater than 20 dB outside any occupied structure, or

b. A maximum not-to-exceed sound level of 50 dBC (L90C) from the wind turbines without contribution from other ambient sounds for properties located one mile or more away from state highways or other major roads or 55

dBC (L90C) for properties closer than one mile from a state highway or other major road.

These limits shall be assessed using the same nighttime and wind-weather conditions required in Ch. 7 H 1.a. Turbine operating sound emissions shall represent worst case sound emissions for stable nighttime conditions with low winds at ground level and winds sufficient for full operating capacity at the hub.

c .General Standard. Not to exceed 35 dBA (Leq 10 min) within 100 feet of any occupied structure.

I. Fire Protection .The applicant shall prepare a plan in consultation with the fire department having jurisdiction over the area prior to construction. The plan shall address all activities at the WECS and site from the start of construction through the end of power generation and the final removal and restoration of the site, and shall result in a response plan to address all identified potential fire, rescue, and hazardous materials scenarios.

1. The owner/operator shall assure that the WECS and site comply with the following control and prevention measures and incurs associated costs of the following.

a. Fire proof or fire resistant building materials and buffers or fire retardant landscaping.

b. Incorporation of a self contained fire protection system to address nacelle fires and approved by NFPA or comparable underwriter.

c. Maintain firebreak areas cleared of vegetation and maintained as a fire/fuel break as long as the WECU is in operation. Firebreaks shall be 30 feet in width around the periphery of the proposed WECU site, 10 feet in width around all transformers, and 30 feet in width around all buildings.

d. Any WECS Fire fighting and rescue services training programs and costs associated with equipment, for local fire protection and rescue personnel.

e. Any additional fire fighting or rescue personnel, services, materials, and/or vehicles as may be required to address any call related to the WECS or site that is beyond the capabilities of local fire fighting and/or rescue services.

f. The owner/operator shall be responsible for compliance with all laws applicable to the generation, storage, clean up, transportation and disposal of hazardous wastes generated during any phase of the project's life.

J. Public Roads. Licensee shall, prior to the initiation of construction and use of haul roads, consult with the Town Board, County Highway Commissioner, the Wisconsin State Police and the County Sheriff's Office for load paths and restrictions on their respective roads or bridges. At Licensee's expense:

1. Licensee shall provide the Town Board, a preconstruction evaluation and identification of road surface materials stating the type and amount of surface cover, PASER ratings, and photographic or video documentation of predetermined designated traffic route, performed by a Wisconsin certified professional engineer mutually agreed upon by applicant and municipality.

2. Licensee shall contract with qualified contractors, approved by the town, to repair any damage to the haul roads due to transportation of equipment and Facility components ('Road Repair Obligations').

3. In the event a hazardous road condition exists that is not immediately corrected by Licensee, the Town board may order emergency road repairs be performed by qualified contractors. Licensee shall promptly reimburse the Town for reasonable emergency road repair costs.

4. Licensee shall assure funding of the Road Repair Obligations by a joint escrow account or surety bond of an amount to be determined by the Town Board prior to initiation of any construction.

5. Weather permitting, the final Road Repair Obligations shall be completed to the reasonable satisfaction of the Town Board as soon as weather conditions permit or within six (6) months after completion of construction of the Facility.

K. Shadow Flicker or Blade Glint. WECS shall be designed such that shadow flicker or blade glint will not fall on or in any existing occupied structure or sensitive receptor. Shadow flicker or blade glint expected to fall on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:

1. The flicker or glint will not exceed 10 hours per year.
2. The flicker or glint will fall more than 100 feet from an existing residence.
3. The traffic volumes are less than 500 vehicles per day on the roadway.
4. The flicker or glint shall not fall onto an intersection.

5. If shadow flicker or blade glint exceeds any of the conditions listed in this section, the source WECU shall be shut down until the flicker or glint problem has been remedied.

L. Setbacks. Setbacks shall be measured from the outermost edge of the closest of the circular path of the wind turbine rotor blade. The Town board may increase the following minimum setbacks on a case-by-case basis, in order to protect public health and safety. Minimum setbacks shall be:

1. Property Line: 1.5 times its total height.
2. Public Roads and Highways: 1.5 times its total height.
3. Occupied Structures & Other Sensitive Receptors: 2640 feet (1/2 mile).
4. Wetlands and water bodies: 1320 feet from all sinkholes, wetlands, and navigable water ways.

5. Spacing and Density: Minimum setback distances between turbines shall be two (2) times the total height of each WECU.

M. Signage and Fencing. Licensee shall provide reasonable signage at the Facility, identifying the Premises as being part of the Facility and providing appropriate safety notices and warnings against trespassing. The no trespassing signs shall be posted around the entire premises at an appropriate distance for posting but no less than 2 conspicuous places for every 40 acre parcel within the Facility. Signs should be sized at a minimum to meet the provisions of Wis. Stat. 943.013(2).

1. No wind turbine, tower, building, or other structure associated with a wind energy system may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, tower, building, or other structure associated with a wind energy system so as to be visible from any public road.

2. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

N. Electrical Standards. All wiring between Wind turbines and the Wind Energy Facility substation shall be underground. All neutral grounding connectors from commercial Wind Turbines shall be insulated from the earth and shall be sized to accommodate at least twice the peak load of the highest phase conductor, to absolutely prevent transient ground currents, in order to comply with the National Electric Safety Code and the IEEE Standard 519-1992, approved by the American National Standards Institute, as follows:

1. Grounding of both the electrical transmission lines and the supply lines to the internal electrical systems of the turbines themselves, shall comply with Rule 92D, Current in Ground Conductors: “Ground connector shall be so arranged that under normal circumstances, there will be no objectionable flow of current over the grounding conductor.”

2. Rule 215B: [It is not permissible] “to use the earth as a part of a supply circuit.”

3. Under no circumstances shall any wind Turbine be connected directly to the grid; connection must be made through a substation or transformer properly grounded and filtered to keep harmonic distortion within recommended limits.

4. Bare, concentric neutrals are specifically prohibited in buried lines between turbines and in underground transmission lines to substations.

5. Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

O. Stray Voltage. The Licensee shall respond within (3) three calendar days to any request for a stray voltage investigation by any property owner within the project boundary or a one-mile radius beyond the project boundary. The tests shall be performed by mutually acceptable Wisconsin certified stray voltage investigator. The tests shall be performed according to PSCW Phase II Stray voltage Testing Protocol. Testing shall commence within (10) ten working days of the request. If testing cannot be initiated within (10) ten days, The Wind Turbine(s) in question shall be shut down until the testing can be started. The investigation shall be provided to the property owner at no cost up to a maximum of two investigations within a 12-month period. At no time shall the operation of a WECS increase the measured cow contact voltage (Vcc) or primary neutral to remote voltage (Vpn) on a livestock facility and an occupied structure within the project boundary and a one-mile radius beyond the project boundary, above the maximum pre-construction levels. The owner/operator agrees to abide by all rules, procedures, standards, and reporting established by the PSCW for stray voltage and related electrical phenomena. Owner/operator is responsible for mitigating within five working days from determination any net increase in cow contact voltages (Vee) or primary neutral to remote voltages (Vpn) attributed to the operation of the WECS. If corrections cannot be initiated within (3) three calendar days, the Wind Turbine(s) in question shall be shut down until the voltages in question are mitigated. A copy of the test results shall be sent to the property owner, PSCW Rural Electric Power Services staff, and the Town board within (30) days of test completion.

P. Emergency Shutdown. The Licensee shall be required to immediately cease operations for the duration of any emergency. Emergency shall mean a proven condition or situation caused by the Facility or by other conditions that present an imminent physical threat of danger to life or significant threat to property. A WECS that is found to present an imminent physical threat of danger to life or significant threat of damage to property shall be immediately shut down and repaired or otherwise made safe and certified so by a Wisconsin professional engineer prior to resumption of operation. The Town shall have the right to access all WECUs to verify conditions and/or repair progress with reasonable notice to the WECS owner/operator. Within 24 hours of an occurrence of a tower collapse, turbine failure, property damage or contamination, fires, thrown blade or hub, collector or feeder line failure, injured WECS worker or private person, the owner/operator shall notify the Town of the occurrence and

proposed remedial action.

Q. Decommissioning and Site Restoration Plan and Requirements. An application for a WECS License shall include a decommissioning and site restoration plan containing the information and meeting the requirements in this section.

1. The plan shall provide for the removal from the Project Parcels, and lawful disposal or disposition of all Wind Turbines and other structures, hazardous materials, electrical facilities, and all foundations. To protect the environment, removal shall be done by mechanical means. Blasting is not an approved means for removal. The plan shall provide for the removal of all access roads that the owner of the Project Parcels wants removed. The plan shall provide for the restoration of the Project Parcels to farmland of similar condition to that which existed before construction of the WECS.

2. The plan shall provide for the decommissioning of the site upon the expiration or revocation of the WECS License, or upon the abandonment of the WECS. The WECS and WECU shall be deemed abandoned if its operation is ceased for 6 consecutive months.

3. The plan shall include provisions for financial security to secure completion of decommission and site restoration, in form and amount satisfactory to the Town. Cash on deposit with the Town, or cash held in escrow pursuant to an agreement acceptable to the Town, shall be acceptable security. The amount of the financial security shall be equal to the estimated cost of completing the decommissioning and site restoration in accordance with the approved plan, as approved by the Town.

4. The plan shall include written authorization from the WECS Licensee and all owners of all Project Parcels for the Town to access the Project Parcels and implement the decommissioning and site restoration plan, in the event the WECS Licensee fails to implement the plan. The written authorization shall be in a form approved by the Town.

R. Reporting Procedure/Requirements. Licensee shall report to the Town as follows:

1. Quarterly Power Production Reports: The Licensee shall submit a quarterly power production report to the Town which shall cover the preceding calendar quarter and include actual net power production in kilowatt-hours for each commercial wind energy facility in the Town. This will be accomplished by providing a consumption meter and an output meter.

2. Annual Monitoring Reports. The Licensee shall submit an annual monitoring report to the Town, containing data on the operations and environmental impacts of the WECS site. Such reports shall describe all safety inspections of the WECS.

3. Extraordinary Events. Within 24 hours of any extraordinary event, Licensee shall notify the Town. "Extraordinary events" shall include but not be limited to tower collapse, catastrophic turbine failure, fires, leakage of hazardous materials, unauthorized entry to the tower base, thrown blade or hub, any injury to a Facility worker or other person that requires emergency medical treatment, or other event that impacts the public health and safety of the Town.

VIII. COMPLAINTS AND MODIFICATION, SUSPENSION OR REVOCATION OF LICENSE

A. Complaints and Modification, Revocation or Suspension. The Town board shall retain continuing jurisdiction to modify, suspend or revoke all WECS Licenses in accordance with this section. Such authority shall be in addition to the Town's authority to prosecute violations and take other enforcement action.

1. In this section, "violation" means a violation of the Ordinance, or a violation of a WECS License issued under the Ordinance, or a violation of a WECS License Agreement entered into under the Ordinance.

2. Any resident of the Town or Town official may file a written complaint with the Town clerk alleging that a WECS Licensee has committed or is committing a violation. Such complaints shall be forwarded to the Town Board.

3. The Town Board shall preliminarily review the complaint. In connection with its preliminary review, the Town Board may require the Town building inspector, engineer, attorney or other person or persons to conduct such investigations and make such reports as the Town Board may direct. The Town Board may request information from the holder of a WECS License, the complainant, and any other person or entity to assist with its preliminary review.

4. Following its preliminary review, the Town Board may:

a. Dismiss the complaint;

b. Refer the complaint to the Town attorney for prosecution; or

c. Conduct a hearing to determine whether the alleged violation(s) have occurred, and what remedial action should be taken. Prior to such hearing, notice of the hearing shall be given to the holder of the WECS License and the complainant, and in accordance with the Open Meeting Law. The holder of the WECS License and the complainant, and any other person, may appear at the hearing and may offer testimony and other relevant evidence, and may be represented by an attorney. If the Town Board concludes that Violations have occurred, the Town Board may:

(1) Impose conditions on the WECS License to the extent reasonably necessary to discontinue the violation(s) or avoid any recurrence thereof; or

(2) Suspend the WECS License until such time as the WECS License holder presents a plan, satisfactory to the Town Board that will discontinue the violation(s) or prevent any recurrence thereof, and on such further conditions as the Town Board deems appropriate to discontinue and prevent further violations; or

(3) Revoke the WECS License and direct decommissioning of the WECS if the Town Board concludes that no reasonable modification can be made to the WECS to discontinue or prevent violations; or

(4) Refer the matter to the Town attorney for prosecution, subject to Town Board approval; or

(5) Take no action, if the Town board concludes that no further action is needed to discontinue or prevent violations, and that prosecution is unwarranted.

5. Following any such hearing, the Town Board's written decision shall be furnished to the WECS License holder and to the complainant.

IX. PROCEDURES FOR REVOCATON OF LICENSE

A. Revocation of License. An unsafe WECS and WECU and an inoperable WECS and WECU is hereby declared an unsafe public nuisance, which shall be subject to abatement by repair, rehabilitation, demolition, or removal by the Town Board. An inoperable WECS and WECU shall not be considered a public nuisance provided the owner can demonstrate that modernization, rebuilding or repairs are in progress or planned and will be completed within

a reasonable time as approved by the Town Board, provided periodic reports on the status of the repairs are provided to the Town Board as requested of the licensee.

1. Each of the following occurrences shall constitute a violation of the terms and conditions of this License (a “Violation”) and any such Violation shall be grounds for revocation of this License (whatever the reason for such an event of default and whether it shall be voluntary or involuntary or be effected by operation of law or pursuant to any judgment, order or regulation) after the expiration of the notice and cure period and revocation hearing as set forth below:

a. The Licensee abandons the wind turbine generators located on the premises for a period of six months or more.

b. The Licensee fails to observe or perform any material condition or provision of this License for a period of 30 days after it has received written notice of such failure from the Town; provided, however, that a Violation shall not occur if Licensee commenced performance of such obligation within such 30 day period and is diligently proceeding to complete such performance.

c. There is a material failure by Licensee to comply with any statute, regulation, rule, or license administered by any federal, state or county department, agency, or commission directly related to the operation of the wind turbine generator, and if Licensee fails to cure the material failure to comply for a period of 30 days after the date Licensee receives written notice of such failure from the town of the federal, state or local governmental body or agency with jurisdiction, provided, however, that a Violation shall not occur if Licensee commences performance of such obligation within such 30 day period and is diligently proceeding to complete such performance.

2. Each Wind Turbine and all related improvements shall be removed in accordance with the Decommissioning and Site Restoration Plan submitted by the applicant and approved by the Town through the licensing process.

3. The owner of a WECS and the underlying property owners shall be jointly liable for the removal of all equipment associated with the Wind Energy Facility at the end of the license period, the useful life of the facility, or when the facility is abandoned or otherwise out of operation for more than six months, at their expense. Upon removal of a Wind Energy Conversion System Facility, the owner of the facility and the underlying property owners shall be jointly liable for restoration of the site to its original condition at their expense. To protect the environment, removal shall be done by mechanical means. Blasting is not an approved means for removal. The restoration shall include removal of all materials above and below ground; public road repair, if any; and all re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the WECS facilities. All hazardous materials shall be removed from the site and disposed of in accordance with state and federal laws. Should the owner of a WECS fail to remove equipment and restore the site, the underlying property owners shall be held responsible for said removal and restoration.

B. Hearing. The Town shall not revoke any License without first providing the Licensee a hearing and the right to respond, including the right to present evidence regarding any defenses or extenuating circumstances regarding the alleged violations or public or private nuisance.

X. LICENSE EXPIRATION

Expiration. Unless the Town board authorizes a different term based upon analysis of the useful life of the WECS, every license issued pursuant to this ordinance shall terminate upon the expiration of twenty-five years from the date of issuance if construction is commenced within one year of issuance. If construction is not commenced within one year of issuance, the license shall expire one year after the date of issuance and the applicant will be

required to reapply if it still intends to develop a WECS project.

XI. INSURANCE AND INDEMNIFICATION

A. Insurance. All Licensees shall maintain the following insurance coverage commencing upon construction of the facility:

1. The owner/operator shall, at its expense, maintain a broad form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Applicant's occupation and use of the Property under the Lease, in an amount not less than five million dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The Town shall be named as an additional insured on the policy.

2. Worker's compensation coverage in an amount required by Wisconsin law. Applicant shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employers' liability insurance.

3. Certificates of insurance evidencing compliance with these requirements shall be provided to the Town. The insurer will provide notice to the Town in the event there is a lapse in coverage exceeding thirty (30) days. All policies other than worker's compensation shall be written on an occurrence and not on a claim-made basis.

B. Defense of Land Use Decision and Indemnity. In addition to the indemnification described below, Licensee shall reimburse the Town its reasonable attorneys' fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the ordinance or any portion thereof, or the issuance of a License by the Town pursuant to the ordinance.

1. If the Town seeks reimbursement, it shall notify Licensee in writing promptly upon discovering any claim entitling it to a land use defense reimbursement, but in no event later than 120 days after receiving written notice of any action, lawsuit, proceeding, investigation or other claim against it which may give rise to a claim for a land use defense reimbursement.

2. Licensee shall not be obligated to reimburse the Town with respect to any such liability, action or claim if the Town fails to notify Licensee thereof in accordance with the provisions of this section in sufficient time including, without limitation, any responsive motion or answer to a complaint, petition, notice, or other legal, equitable action or claim, but only insofar as such knowing failure to notify Licensee has actually resulted in prejudice or damage to Licensee.

3. With respect to any third party action, lawsuit, proceeding, investigation or other claim which is subject to reimbursement under this section, Licensee shall be entitled to assume and control (with counsel of its choice) the defense of such action, lawsuit, proceeding, investigation or other claim at Licensee's expense, provided, however, that the Town shall be entitled to participate in the defense of such claim and to employ counsel of its choice for such purpose (the fees and expenses of such separate counsel to be borne by the Town) and to assert against any third party any and all cross claims and counterclaims the Town may have, subject to Licensee's consent, which consent shall not be unreasonably withheld. If Licensee elects to assume the defense of any such claim, it may settle such claim in its sole discretion so long as either (1) such settlement provides an unconditional release of the Town, or (2) Licensee shall obtain the prior written consent of the Town (which consent shall not be unreasonably withheld). If Licensee elects to assume the defense of any claim, the Town shall fully cooperate with Licensee and its counsel in such defense.

4. Licensee shall defend, indemnify and hold harmless the Town and its officials, employees and agents from

and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorneys' fees (such liabilities together known as "Liability") arising out of Licensee's selection, construction, operation and removal of the Wind turbines and affiliated equipment including, without limitation, Liability for property or personal injury (including death), whether said Liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the Town's other indemnification rights available under law.

XII. STANDARDS

A. Construction Standards. All WECS shall be constructed in compliance with Good Utility Practice for Wind Turbines. In the event after inspection by a qualified expert in Good Utility Practice, the Town concludes that any of the Wind Turbines were not constructed in compliance with Good Utility Practice or constitutes a danger to persons or property, then upon notice being provided, Licensee shall have 90 days to bring the non-compliant Wind turbine(s) into compliance with such standards. If 90 days is insufficient time to cure the non-compliance, Licensee shall present a plan to the Town describing the reason for the delay and the time frame for the cure to be put in place. Failure to bring such non-compliant Wind Turbine(s) into compliance or failure to provide a plan for compliance within 90 days shall constitute grounds for the Town Board to order immediate removal of said Wind Turbine(s) at Licensee's expense.

B. Performance Standards. All WECS shall be operated and maintained consistent with Good Utility Practice for comparable facilities.

C. State and Federal Standards. Construction of WECS and Wind Turbines shall meet or exceed current standards and regulations, if any, of any other agency of the state or federal government with the authority to regulate wind powered generators. If such standards and regulations are changed and retroactive application is required for the change, then Licensee shall bring the Wind Turbine(s) into compliance with such applicable revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is permitted by the controlling state or federal agency or approved by the Town. A Determination of No Hazard for each Wind Turbine must be obtained from the FAA for each Wind Turbine as a condition precedent to the receipt of a license under the ordinance.

D. Wind Turbine Safety Standards. Licensee shall comply with the following safety standards:

1. All wiring between the Wind turbines and substations shall be installed at least four (4) feet underground.
2. The outside of Wind Turbines shall not be climbable.
3. All access doors to the towers and electrical equipment shall be locked.
4. Appropriate warning signage shall be placed on each tower, all electrical equipment, and all entrances.

E. Repair & Replacement. Licensee shall be authorized to repair and replace the wind turbine generator and associated equipment consistent with Good Utility Practice during the Term of the License as needed to keep the Facility in good repair and operating condition. However, no such repair or replacement shall entitle Licensee to any extension of the Term of this License, even if it extends the useful life of the Facility. If Licensee desires to extend the term of the License in the future, Licensee shall be required to apply for such extension or amendment of the License in accordance with the terms of the ordinance.

XIII. FEES AND EXPENSES

A. Tax Hold Harmless. In the event that the shared revenue payments to the Town are eliminated by the Legislature, Licensee shall be required to pay the Town an amount not less than \$1,667 per megawatt per year for Wind Turbines actually installed and operating within the Town. Such payments shall be on an annual basis and payable on the 180th day after notice from the Town of Licensee's obligation to pay under this paragraph. Licensee's obligation to make such payments shall cease if the State adopts or implements a new mechanism to replace the shared revenue payments, to the extent that the new payment mechanism produces revenue not less than the revenue payable under the predecessor program. The shared revenue payments referenced above are paid to the Town directly by the State of Wisconsin, not Licensee. Regardless, Licensee shall be required to supplement the Town's annual shared revenue payments actually received, by an amount equal to the annual percentage change of the Consumer Price Index as of January 1st of each calendar year beginning on the first January following the date the Town receives its first payment. For purposes of this escalator clause, the Consumer Price Index means the U.S. Department of Labor, Bureau Statistics, Consumer Price Index for the United States, All Urban Consumers, all items, unadjusted tax index.

B. Property Taxes. If the property tax exemption for WECS under current state law is revised or revoked by future Legislatures, Licensee will be responsible for all related assessments and taxes associated with the license and WECS site. Failure to pay such tax obligation shall be considered a non-compliance with the ordinance.

C. Reimbursement of Fees and Costs. Licensee shall reimburse the Town for its actual reasonable fees and costs incurred in the application, negotiation, administration and enforcement of the ordinance, including, without limitation, the Town's attorney fees, engineering and consultant fees, Town Board meeting and hearing fees, and the costs of public notices relative to the review and consideration of each application filed by an applicant under the ordinance. The preceding fees are payable within 30 days of invoice. Unpaid invoices shall bear interest at the rate of 1.0% per month until paid. The Town may recover all reasonable costs of collection, including attorney fees.

D. Government services/costs. The Town Board may require the WECS Licensee to pay the cost of Town governmental services reasonably related to the WECS and not otherwise paid by the WECS Licensee.

XIV. ADMINISTRATION, INSPECTIONS, ENFORCEMENT AND PENALTIES

A. Administration. The ordinance shall be administered by the Town Board or its designee.

B. Inspections. The Town Board or its designee may enter upon any property for which a licensing permit has been issued under the ordinance to conduct inspections to determine whether the conditions stated in the permit and other standards and requirements of the ordinance are being complied with.

C. Enforcement. The Town Board or its designee may issue orders to abate any violation of the ordinance or any condition attached to a licensing permit approved by the Town Board. The Town Board or its designee may issue a citation for any violation of the ordinance. The Town Board may refer any violation of the ordinance to the Town's legal counsel for enforcement through litigation. Nothing in the ordinance shall be construed to prevent or limit the Town from using any other lawful means of enforcing the ordinance.

D. Penalties. Any person, applicant, or licensee who fails to comply with any provision of the ordinance or of any license issued pursuant to the ordinance shall, upon conviction thereof, forfeit at least five-hundred dollars (\$500.00) but not more than one-thousand dollars (\$1,000.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. Any person, applicant or licensee who is in default of payment of forfeiture or costs may be imprisoned in the county jail until the forfeiture or costs

are paid, except that the period of imprisonment may not exceed thirty (30) days.

E. Severability. The sections, paragraphs, sentences, clauses, articles and phrases of this ordinance are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such finding shall not affect the remaining portions of this ordinance.

These Standards, Guidelines and Rules for Ordinance Number 13 were passed and adopted by the Town Board of Holland on this 5th day of April, 2010.

APPENDIX TO WIND ENERGY SYSTEMS LICENSING ORDINANCE

(a) Introduction

The potential impact of sound and sound induced building vibration associated with the operation of wind powered electric generators is often a primary concern for citizens living near proposed wind energy systems (WES(s)). This is especially true of projects located near homes, residential neighborhoods, businesses, schools, and hospitals in quiet residential and rural communities. Determining the likely sound and vibration impacts is a highly technical undertaking and requires a serious effort in order to collect reliable and meaningful data for both the public and decision makers.

This protocol is based in part on criteria published in American National Standards S12.9 - Quantities and Procedures for Description and Measurement of Environmental Sound, and S12.18 and for the measurement of sound pressure level outdoors.

The purpose is to first, establish a consistent and scientifically sound procedure for evaluating existing background levels of audible and low frequency sound in a WES project area, and second to use the information provided by the Applicant in its Application showing the predicted over-all sound levels in terms of dBA and dBC¹ as part of the required information submitted with the application.

These values shall be presented as overlays to the applicant's iso-level plot plan graphics (dBA and dBC) and in tabular form with location information sufficient to permit comparison of the baseline results to the predicted levels. This comparison will use the level limits of the ordinance to determine the likely impact operation of a new wind energy system project will have on the existing community soundscape. If the comparison demonstrates that the WES project will not exceed any of the level limits the project will be considered to be within allowable limits for safety and health. If the Applicant submits only partial information required for this comparison the application cannot be approved. In all cases the burden to establish the operation as meeting safety and health limits will be on the Applicant.

Next it addresses requirements for the sound propagation model to be supplied with the application.

Finally, if the project is approved, this Appendix covers the study needed to compare the post-build sound levels to the predictions and the baseline study. The level limits in the ordinance apply to the post-build study. In addition, if there have been any complaints about WES sound or low frequency noise emissions by any resident of an occupied dwelling that property will be included in the post-build study for evaluation against the rules for sound level limits and compliance.

The characteristics of the proposed WES project and the features of the surrounding environment will influence the design of the sound and vibration study. Site layout, types of WES(s) selected and the existence of other significant local audible and low frequency sound sources and sensitive receptors should be taken into consideration when designing a sound and vibration study. The work will be performed by an independent qualified acoustical consultant for both the pre-construction background and post-construction sound studies as described in the body of the ordinance.

(b) Instrumentation

All instruments and other tools used to measure audible, inaudible and low frequency sound shall meet the

¹ Calculated from one-third octave band sound power levels (LW per IEC 61400-11) provided by the wind turbine manufacturer covering the frequency range from 6.3 Hz to 10,000 HZ or higher.

requirements for ANSI or IEC Type 1 Integrating Averaging Sound Level Meter with one-third octave band analyzer with frequency range from 6.3 Hz to 20k Hz and capability to simultaneously measure dBA LN and dBC LN. The instrument must also be capable of measuring low level background sounds down to 20 dBA. Measurements shall only be made with the instrument manufacturer's approved wind screen. A compatible acoustic field calibrator is required with certified ± 0.2 dB accuracy. Portable meteorological measurement requirements are outlined in ANSI S12.9 Part 3 and are required to be located within 5m of the sound measuring microphone. The microphone shall be located at a height of 1.2 to 1.5 meters for all tests unless circumstances require a different measurement position. In that case, the reasons shall be documented and include any adjustments needed to make the results correspond to the preferred measurement location.

(c) **Measurement of Pre-Construction Sound Environment (Base-lines)**

An assessment of the proposed WES project areas existing sound environment is necessary in order to predict the likely impact resulting from a proposed project. The following guidelines must be used in developing a reasonable estimate of an area's existing background sound environment. All testing is to be performed by an independent qualified acoustical consultant approved by the Town. The WES applicant may file objections detailing any concerns it may have with the Town's selection. These concerns will be addressed in the study. Objections must be filed prior to the start of the noise study. All measurements are to be conducted with ANSI or IEC Type 1 certified and calibrated test equipment per reference specification at the end of this Appendix. Test results will be reported to the Town or its appointed representative.

1. **Sites with No Existing Wind Energy Systems (Base-line Sound Study)**

Sound level measurements shall be taken as follows:

The results of the model showing the predicted worst case dBA and dBC sound emissions of the proposed WES project will be overlaid on a map (or separate dBA and dBC maps) of the project area. An example (right) shows an approximately two (2) mile square section with iso-level contour lines prepared by the applicant, sensitive receptors (homes) and locations selected for the baseline dBA and dBC sound tests whichever are the controlling metric. The test points shall be located at the property line bounding the property of the turbine's host closest to the wind turbine. Additional sites may be added if appropriate. A grid comprised of one (1) mile boundaries (each grid cell is one (1) square mile) should be used to assist in identifying between two (2) to ten (10) measurement points per cell. The grid shall extend to a minimum of one (1) mile beyond the perimeter of the project boundary. This may be extended to more than one mile at the discretion of the Town. The measurement points shall be selected to represent the noise sensitive receptor sites based on the anticipated sound propagation from the combined WTi in the project. Usually, this will be the closest WTi. If there is more than one WTi near-by then more than one test site may be required.

The intent is to anticipate the locations along the bounding property line that will receive the highest sound emissions. The site that will be most likely negatively affected by the WES project's sound emissions should be given first priority in testing. These sites may include sites adjacent to occupied dwellings or other noise sensitive receptor sites. Sites shall be selected to represent the locations where the background soundscapes reflect the quietest locations of the sensitive receptor sites. Background sound levels (and one-third octave band sound pressure levels for the sound measuring consultants file) shall be obtained according to the definitions and procedures provided in the ordinance and recognized acoustical testing practice and standards.

All properties within the proposed WES project boundaries will be considered for this study.

One test shall be conducted during the period defined by the months of April through November with the preferred time being the months of June through August. These months are normally associated with more contact with the outdoors and when homes may have open windows during the evening and night. Unless directed otherwise by the Town the season chosen for testing will represent the background soundscape for other seasons. At the discretion of the Town, tests may be scheduled for other seasons.

All measurement points (MPs) shall be located with assistance from with the Town staff and property owner(s) and positioned such that no significant obstruction (building, trees, etc.) blocks sound and vibration from the nearest proposed WES site. Duration of measurements shall be a minimum of ten continuous minutes for each criterion at each location. The duration must include at least 6 minutes that are not affected by transient sounds from near-by and non-nature sources. Multiple 10 minute samples over longer periods such as 30 minutes or one (1) hour may be used to improve the reliability of the L90 values. The ten minute sample with the lowest valid L90 values will be used to define the background sound.

The tests at each site selected for this study shall be taken during the expected 'quietest period of the day or night' as appropriate for the site. For the purpose of determining background sound characteristics the preferred testing time is from 10 pm until 4 am. If circumstances indicated that a different time of the day should be sampled the test may be conducted at the alternate time if approved by the Town.

Sound level measurements must be made on a weekday of a non-holiday week. Weekend measurements may be taken at selected sites where there are weekend activities that may be affected by WTi sound.

Measurements must be taken at 1.2 to 1.5 meters above the ground and at least 15 feet from any reflective surface following ANSI 12.9 Part 3 protocol including selected options and other requirements outlined later in this Section.

a. *Reporting*

- (1) For each Measurement Point and for each measurement period, provide each of the following measurements:
 - (a) LAeq, L10, and L90, in dBA
 - (b) LCeq, L10, and L90, in dBC
- (2) A narrative description of any intermittent sounds registered during each measurement. This may be augmented with video and audio recordings.
- (3) A narrative description of the steady sounds that form the background soundscape. This may be augmented with video and audio recordings.

- b. Wind speed and direction at the Measurement Point, humidity and temperature at time of measurement will be included in the documentation. Corresponding information from the nearest 10 meter weather reporting station shall also be obtained.

Measurements taken when wind speeds exceed 2m/s (4.5 mph) at the microphone location will not be considered valid for this study. A windscreens of the type recommended by the monitoring instrument's manufacturer must be used for all data collection.

- (1) Provide a map and/or diagram clearly showing (using plot plan provided by

Town or Applicant):

- The layout of the project area, including topography, the project boundary lines, and property lines.
 - The locations of the Measurement Points.
 - The minimum and maximum distance between any Measurement Points.
 - The location of significant local non-WES sound and vibration sources.
 - The distance between all MPs and significant local sound sources.
- And,
- The location of all sensitive receptors including but not limited to: schools, day-care centers, hospitals, residences, residential neighborhoods, places of worship, and elderly care facilities.

2. **Sites with Existing Wind Energy Systems**

Two complete sets of sound level measurements must be taken as defined below:

- a. One set of measurements with the wind generator(s) off unless the Town elects to substitute the sound data collected for the background sound study collected as part of an earlier baseline study. Wind speeds must be suitable for background testing.
- b. One set of measurements with the wind generator(s) running with wind speed at hub height sufficient to meet nominal power output or higher and at 2 m/s or below at the microphone location. Conditions should reflect the worst case sound emissions from the WES project. This will normally involve tests taken during the evening or night when winds are calm (2m/sec or less) at the ground surface yet, at hub height, sufficient to operate the turbines.

Sound level measurements and meteorological conditions at the microphone shall be taken and documented as discussed above.

3. **Sound Level Estimate for Proposed Wind Energy Systems (when adding more WTi to existing project)**

In order to estimate the sound impact of the proposed WES project on the existing environment an estimate of the sound produced by the proposed WES(s) under worst-case conditions for producing sound emissions must be provided. This study may be conducted by a firm chosen by the WES operator with oversight provided by the Town.

The qualifications of the firm should be presented along with details of the procedure that will be used, software applications, and any limitations to the software or prediction methods.

Provide the manufacturer's sound power level (L_w) characteristics for the proposed WES(s) operating at full load utilizing the methodology in IEC 61400-11 Wind Turbine Noise Standard. Provide one-third octave band L_w sound power level information from 6.3 Hz to 10k Hz. Furnish the data with and without A-weighting. Provide sound pressure levels predicted for the WES(s) in combination and at full operation and at maximum sound power output for all areas where the predictions indicate dBA levels of 30 dBA and above. The same area shall be used for reporting

the predicted dBC levels. Contour lines shall be in increments of 5 dB.

Present tables with the predicted sound levels for the proposed WES(s) in dBA, dBC and at all octave band centers (8 Hz to 10k Hz) for distances of 500, 1000, 1500, 2000, 2500 and 5000 feet from the center of the area with the highest density of WES(s). For projects with multiple WES(s), the combined sound level impact for all WES(s) operating at full load must be estimated.

The above tables must include the impact (increased dBA and dBC above baseline L90 Background sound levels) of the WES operations on all residential and other noise sensitive receiving locations within the project boundary. To the extent possible, the tables should include the sites tested in the background study.

Provide a contour map of the expected sound level from the new WES(s), using 5 dBA and 5 dBC increments created by the proposed WES(s) extending out to a distance of at least 2500 feet from the project boundary or the 35 dBA or 50 dBC boundary whichever is greater.

Provide a description of the impact of the proposed sound from the WES project on the existing environment. The results should anticipate the receptor sites that will be most negatively impacted by the WES project and to the extent possible provide data for each MP that are likely to be selected in the background sound study (note the sensitive receptor MPs):

- a. Report expected changes to existing sound levels for LAeq, L10 and L90, in dBA
- b. Report expected changes to existing sound levels for LCEq, L10 and L90, in dBC
- c. Report the predicted sound pressure levels for each of the 1/1 octave bands as un-weighted dB in tabular form from 8 Hz to 10k Hz.
- d. Report all assumptions made in arriving at the estimate of impact, any limitations that might cause the sound levels to exceed the values of the estimate, and any conclusions reached regarding the potential effects on people living near the project area. If the effects of coherence, worst case weather, or operating conditions are not reflected in the model a discussion of how these factors could increase the predicted values is required.
- e. Include an estimate of the number of hours of operation expected from the proposed WES(s) and under what conditions the WES(s) would be expected to run. Any differences from the information filed with the Application should be addressed.

4. Post-Construction Measurements

Post Construction Measurements should be conducted by a qualified noise consultant selected by and under the direction of the Town. The requirements of this Appendix for Sites with Existing Wind Energy Systems shall apply

- (1) Within twelve months of the date when the project is fully operational, and within two weeks of the anniversary date of the Pre-construction ambient noise measurements, repeat the existing sound environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WES(s) running and with all WES(s) off except as provided the ordinance.

- (2) Report post-construction measurements to the Town using the same format as used for the background sound study.
- (3) Project Boundary: A continuous line encompassing all WES(s) and related equipment associated with the WES project.

REFERENCES

ANSI/ASA S12.9-1993/Part 3 (R2008) - American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound, Part 3: Short-Term Measurements with an Observer Present.

This standard is the second in a series of parts concerning description and measurement of outdoor environmental sound. The standard describes recommended procedures for measurement of short-term, time-average environmental sound outdoors at one or more locations in a community for environmental assessment or planning for compatible land uses and for other purposes such as demonstrating compliance with a regulation. These measurements are distinguished by the requirement to have an observer present. Sound may be produced by one or more separate, distributed sources of sound such as a highway, factory, or airport. Methods are given to correct the measured levels for the influence of background sound. For the purposes of this ordinance the options that are provided in ANSI S12.9-Part 3 (2008) shall be applied with the additional following requirements:

Wind Turbine Siting Acoustical Measurements
ANSI S12.9 Part 3 Selection of options and other requirements

- 5.2 background sound: Use definition (1) 'long-term
- 5.3 long-term background sound: The L90 excludes short term background sounds
- 5.4 basic measurement period: Ten (10) minutes L90(10 min)
- 5.6 Sound Measuring Instrument: Type 1 integrating meeting ANSI S1.43
- 6.5 Windscreen: Required
- 7.1 Long-term background sound
- 7.2 Data collection Methods: Second method Observed samples to avoid contamination by short term sounds (purpose: to avoid loss of statistical data)
- 8 Source(s) Data Collection: All requirements in ANSI S12.18 Method #2 precision to the extent possible while still permitting testing of the conditions that lead to complaints.
- 8.3(a) All meteorological observations required at both (not either) microphone and nearest 10m weather reporting station.
- 8.3(b) For a 10 minute sound measurement to be valid the wind velocity shall not exceed 2m/s (4.5 mph) measured less than 5m from the microphone. Compliance sound measurements shall not be taken when winds exceed 4m/s.
- 8.3(c) In addition to the required acoustic calibration checks the sound measuring instrument internal noise floor must also be checked at the end of each series of ten minute measurements and no less frequently than once per day. Insert the microphone into the acoustic calibrator with the calibrator signal off. Record the observed dBA and dBC reading from the sound level meter or other recording instrument to determine an approximation of the instrument self noise. This calibrator covered microphone must demonstrate that the results of this test are at least 5 dB below the immediately previous ten minute acoustic test results for the acoustic data to be valid. This test is necessary to detect undesired increase in the microphone and sound level meter internal self noise. As a precaution sound measuring instrumentation should be removed from any air conditioned space at least an hour before use. Nighttime measurements are often performed very near the dew point. Minor moisture condensation inside a microphone or sound level meter can increase the instrument self noise and void the data.
- 8.4 to the end: The remaining sections of ANSI S12.9 Part 3 Standard do not apply.

ANSI S12.18-1994 (R2004) American National Standard Procedures for Outdoor Measurement of Sound Pressure Level

This American National Standard describes procedures for the measurement of sound pressure levels in the outdoor environment, considering the effects of the ground, the effects of refraction due to wind and temperature gradients, and the effects due to turbulence. This standard is focused on measurement of sound pressure levels produced by specific sources outdoors. The measured sound pressure levels can be used to calculate sound pressure levels at other distances from the source or to extrapolate to other environmental conditions or to assess compliance with regulation. This standard describes two methods to measure sound pressure levels outdoors. METHOD No. 1: general method; outlines conditions for routine measurements. METHOD No. 2: precision method; describes strict conditions for more accurate measurements. This standard assumes the measurement of A-weighted sound pressure level or time-averaged sound pressure level or octave, 1/3-octave or narrow-band sound pressure level, but does not preclude determination of other sound descriptors.

ANSI S1.43-1997(R2007) American National Standard Specifications for Integrating Averaging Sound Level Meters

This Standard describes instruments for the measurement of frequency-weighted and time-average sound pressure

levels. Optionally, sound exposure levels may be measured. This standard is consistent with the relevant requirements of ANSI S1.4-1983(R 1997) American National Standard Specification for Sound Level Meters, but specifies additional characteristics that are necessary to measure the time-average sound pressure level of steady, intermittent, fluctuating, and impulsive sounds.

ANSI S1.11-2004 American National Standard 'Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters'

This standard provides performance requirements for analog, sampled-data, and digital implementations of bandpass filters that comprise a filter set or spectrum analyzer for acoustical measurements. It super-cedes ANSI S1.11-1986 (R1998) American National Standard Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters, and is a counterpart to International Standard IEC 61260:1995 Electroacoustics - Octave-Band and Fractional-Octave-Band Filters. Significant changes from ANSI S1.11-1986 have been adopted in order to conform to most of the specifications of IEC 61260:1995. This standard differs from IEC 61260:1995 in three ways: (1) the test methods of IEC 61260 clauses 5 is moved to an informative annex, (2) the term 'band number,' not present in IEC 61260, is used as in ANSI S1.11-1986, (3) references to American National Standards are incorporated, and (4) minor editorial and style differences are incorporated.

ANSI S1.400-2006 American National Standard Specifications and Verification Procedures for Sound Calibrators

IEC 61400-11

Second edition 2002-12, Amendment 1 2006-05

IEC 61400-11

Second edition 2002-12, Amendment 1 2006-0

Wind turbine generator systems –Part 11: Acoustic noise measurement techniques

The purpose of this part of IEC 61400 is to provide a uniform methodology that will ensure consistency and accuracy in the measurement and analysis of acoustical emissions by wind turbine generator systems. The standard has been prepared with the anticipation that it would be applied by:

- the wind turbine manufacturer striving to meet well defined acoustic emission performance requirements and/or a possible declaration system;
- the wind turbine purchaser in specifying such performance requirements;
- the wind turbine operator who may be required to verify that stated, or required, acoustic performance specifications are met for new or refurbished units;
- the wind turbine planner or regulator who must be able to accurately and fairly define acoustical emission characteristics of a wind turbine in response to environmental regulations or permit requirements for new or modified installations.

This standard provides guidance in the measurement, analysis and reporting of complex acoustic emissions from wind turbine generator systems. The standard will benefit those parties involved in the manufacture, installation, planning and permitting, operation, utilization, and regulation of wind turbines. The measurement and analysis techniques recommended in this document should be applied by all parties to insure that continuing development and operation of wind turbines is carried out in an atmosphere of consistent and accurate communication relative to environmental concerns. This standard presents measurement and reporting procedures expected to provide accurate results that can be replicated by others.