



***Municipal Code of the Village of Rochester, Racine County, Wisconsin***

- (2) The nonconforming use must be in compliance with any terms and conditions of a zoning ordinance affecting the property.
- (3) Discontinuance of nonconforming use. If a nonconforming use is discontinued or terminated for a period of twelve months, any future use of the structure or land shall conform to the provisions of this section.
- (4) Current File. A current file of all nonconforming uses and structures shall be maintained by the Village Clerk to the extent it is reasonably practical to do so listing the following: property location, use of the structure or land and date the use became nonconforming.

Q. **Special Exception Permit.** Notwithstanding any provision contained in this chapter to the contrary, in the event that a person wishes to raise and/or maintain any animal or fowl as otherwise contrary to subsection N of this section, or a property owner seeks to place, allow or consent to the placement of livestock or other non-domestic animals within 300 feet of a dwelling unit as otherwise contrary to subsection O of this section, or place such animals on property containing less than five acres contrary to subsection P of this section, said person or property owner shall apply for a Special Exception Permit, which shall require the approval of the Village Board. Special Exception Permits may be granted by the Village Board for the presence of more than the number of dogs or cats allowed in a residence set forth in subsection L only under the following circumstances: for the combination of households when the occupants already own animals (for the life of the animals); for the temporary keeping of dogs and/or cats during a deployment (for the term of the deployment); and for the addition of a service dog to a household.

1. Application. Not less than twenty days prior to the next regularly scheduled meeting of the Public Works Committee, the applicant shall pay a fee in an amount set by the Village Board and set forth on the fee schedule, and shall file with the Village Clerk an application setting forth the following:
  - a. The parcel of real estate that is the subject of the request.
  - b. The specific type or types and number of animals which the applicant proposes to place on the subject property.
  - c. A statement addressing the factors which the Village Board will consider for approval as set forth in subsection 2.
  - d. A site plan of the affected parcel of real estate which shows the following:
    - (1) The area where the animals will be penned, including the distance that any such pen will be set back from adjacent property owners.
    - (2) Manure storage areas. Additionally as an attachment to said site plan, the applicant shall include a written plan for how the applicant will provide for the regular removing, spreading or other disposal of manure so that it does not become unsightly or emit odor beyond the property boundary or become a public nuisance.
    - (3) Adequate drainage facilities located on the property or to be implemented by the property owner so as to protect surrounding properties from surface water discharge containing contaminants including but not limited to sediment or organic waste.

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2. Determination. Upon receipt of the application the Humane Officer shall inspect the premises, and report his or her findings to the Public Works Committee, which shall then make a recommendation to the Village Board. The Village Clerk shall send notice of the application and Public Works Committee meeting to the abutting neighbors at least ten days before the Public Works Committee meeting. Upon receipt of the Public Works Committee's recommendation, the Village Board shall vote to approve the Permit, deny the Permit, or request additional information from the applicant which shall be provided at the next regularly scheduled meeting of the Village Board. Additionally, the Village Board may place certain conditions on its approval of the application which reasonably impact the health, safety and welfare of the Village of Rochester. In reviewing the application and when placing conditions on any such approval, where applicable, the Village Board shall consider the following factors:
  - a. Whether the proposed use will be in harmony and compatible with the character of the surrounding area.
  - b. Whether the proposed use will result in an over-intensive use of the building or land.
  - c. Whether the proposed use will cause significant air, water or noise pollution.
  - d. Whether the proposed use is adequately landscaped, buffered and/or screened.
  - e. Whether the proposed use will be otherwise detrimental to the health, safety, or welfare of the neighboring land owners or the Village of Rochester.
3. Term of Permit. Any permit issued hereunder for a special exception to the requirements of subsection N shall be for one year, or a shorter term if specified by the Village Board. The term of a special exception to the requirements of subsection O or P shall be two years, and the permit shall be subject to renewal upon application to the Village Board and payment of the required license fee. The license shall be effective only to the person to whom the same is issued and upon the premises described in the application. No transfer is allowed.

**R. Suspension, Revocation, and Refusal to Renew Licenses or Permits.**

1. A license or permit issued under this Section may be suspended or revoked by the Village Board at any time after the issuance of the same, and the Village Board may refuse to renew a license or permit, upon giving to such applicant, or any person in possession of the premises, 15 days' notice of such suspension, revocation, or refusal to renew by personal service or by certified mail addressed to the license or permit holder
2. The Village Board's action shall be for cause. "Cause" as used herein shall be defined as the license or permit holder's failure to comply with any condition placed on said license or permit, failure to maintain the premises in a manner consistent with the license or permit, or conviction of a violation of this section or any ordinance, statute or regulation related to the keeping or treatment of animals, public or animal health, public nuisance, or other related provision.
3. A license or permit holder whose license or permit has been suspended, revoked or not renewed may appeal said decision to the Village Board by filing written notice of the appeal with the Village Clerk within 15 days of receipt of the notice of the suspension, cancellation or revocation. The Village Board shall a hearing on the appeal as soon as possible after receipt of the notice of appeal, and proceedings on the suspension, cancellation or revocation shall be suspended until the hearing is held and the Board issues its decision. The Village Board shall issue its determination in writing within 15

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days of the hearing and shall serve that determination personally or by certified mail. A person adversely affected by the Board's decision may seek judicial review by commencing an action in circuit court within 30 days after the decision is issued.

4. If a permit is suspended, revoked or not renewed, the license or permit holder shall have fifteen days from the date of receipt of the letter or determination by the Village Board to comply with the provisions therein.

S. Penalties. In addition to any penalty specifically set forth in this section, any person who violates any provision of this section or any regulation or rule, or order made hereunder shall be subject to a penalty as provided in Chapter 50 of this Municipal Code. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter by injunction or other equitable relief.

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