

*Living
in
the
Country*

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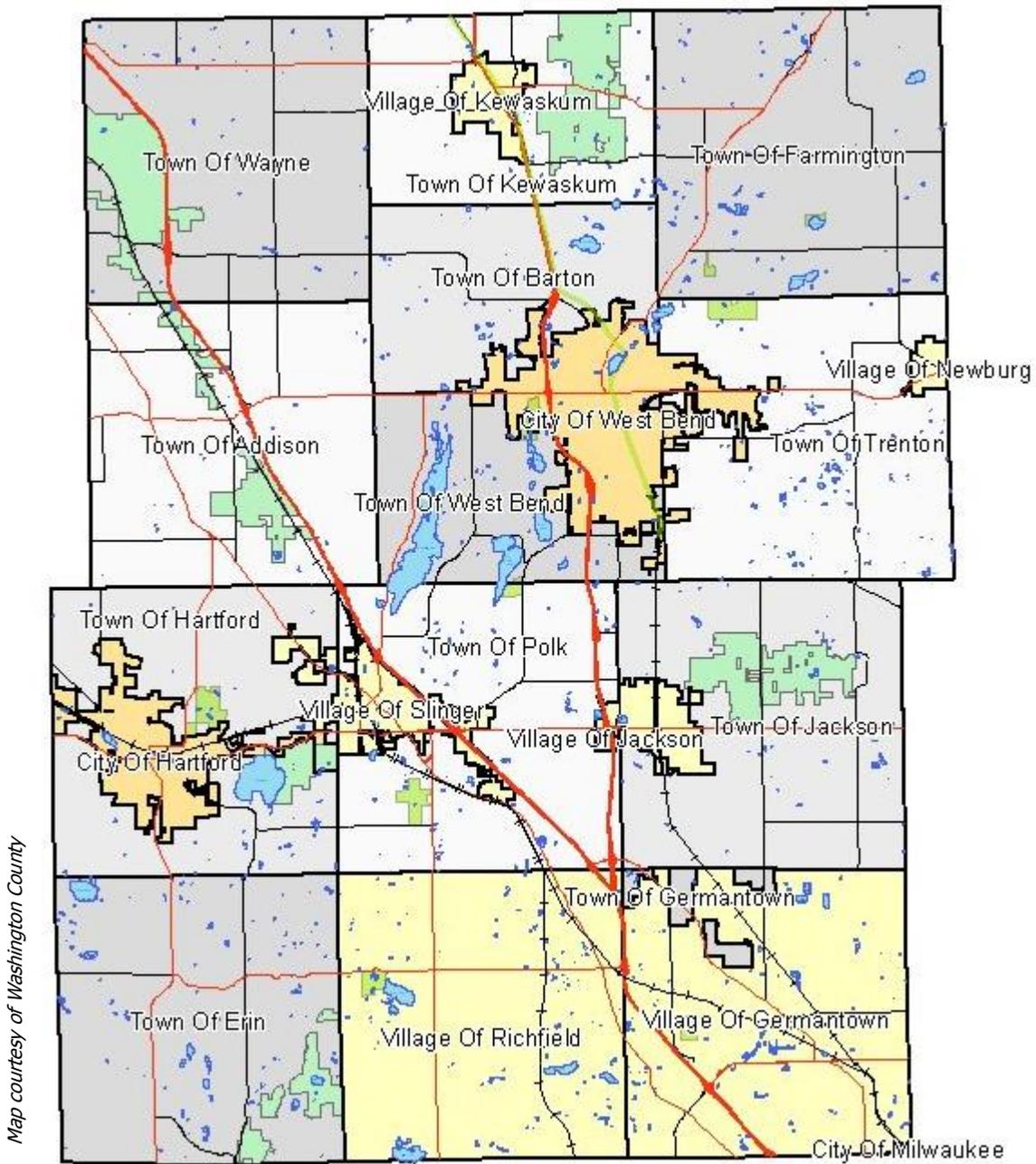
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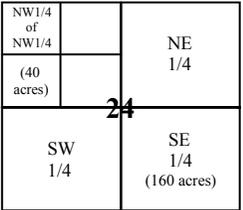
Cities, villages, and towns in Washington County



< 6 miles >

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Numbering sequence of sections in a township.



Sample Section 24 (1 sq. mile), (640 acres)

The Public Land Survey System (PLSS), divides land into 36-square-mile townships, which in turn are divided into sections, quarter-sections, and quarter-quarter sections.

DISCLAIMER

The topics listed in this publication are covered in an introductory manner and may not include all of the detailed aspects of a particular topic. The purpose of this publication is to inform, not to advise. Your decisions or legal actions should be based on advice from an attorney or expert familiar with the specific facts relating to your property or circumstances.

INTRODUCTION

The unincorporated, rural areas of Washington County, called *towns* (many other states call these areas "townships"), will likely continue to experience substantial growth as many people choose to live in a country setting while being close to the urban amenities of the Milwaukee metropolitan area. In Washington County, almost 50,000 people, which is approximately 40 percent of the County's total population, live outside cities and villages. Living in a rural area, however, differs in many ways from an urban community. This *Living in the Country* guide has been produced to inform those who are considering purchasing a rural property, as well as those who already have.

This document, which was designed by UW-Extension Washington County to be helpful and user-friendly, borrows substantially from guides that have been used successfully in other parts of Wisconsin. The author is especially indebted to the writers and compilers of *Country Acres: A Guide to Buying and Managing Rural Property*, *Door County Land Guide*, *Partners in Rural Wisconsin*, and "Guide to Community Planning in Wisconsin," by Brian Ohm. The author also gratefully acknowledges the various maps found throughout this guide that were produced by the Southeastern Wisconsin Regional Planning Commission, the Washington County Planning Division, and/or the Washington County GIS Division.

If you find this document helpful, or if you have suggestions or comments on ways to improve it, let us know by filling out the survey on the last page and mailing it or dropping it off at the address listed on the survey.

This guide is updated and maintained on the Internet at:
<http://www.uwex.edu/ces/cty/washington/cnred/growth/index.html>

911

In case of emergency, you can dial 911 whether you live in an urban area or a rural area. Washington County has Enhanced 911 (E911), which displays the address and fire/ambulance district for the phone from which you are calling (if it is a land-line) to the County's dispatch operator. Fire and emergency medical personnel responsible for your area will be notified to respond.

If you are calling from a cell phone, E911 is not yet able to locate you as precisely as a land-line phone. Current technology can usually trace the call to the nearest cell tower transmitting the call. The FCC will require cell phone providers to pinpoint callers more precisely in the coming years. Until then, there are a few steps you can take if you find yourself having to make a 911 call from a cell phone:

- Tell the emergency operator the location of the emergency right away.
- Give the emergency operator your cell phone number to ensure that if the call gets disconnected the operator can call you back.
- If your cell phone is not "initialized" (meaning you do not have a contract for service with a wireless service provider), and your emergency call gets disconnected, you must call the emergency operator back, because the operator does not have your telephone number and cannot contact you.

Rural Addresses

A standardized system for road names and address numbers is used within Washington County to help responders quickly identify the location of an emergency. Each municipality is responsible for assigning new addresses, considering changes for existing ones, and determining how they are posted. It's always a good idea to keep address signs clear of obstructions and to ensure visibility from the road in both directions.

Police, Sheriff, Constable

The Washington County Sheriff's Department is responsible for law enforcement in areas outside of the cities and villages within the County. Except for the Town of Trenton, which has its own part-time* police force, the small populations of most towns make it inefficient for towns to provide their own facilities and personnel for law enforcement; therefore, towns in Washington County have made arrangements with the Sheriff's Department for occasional patrols. Under standard enforcement procedures, the Sheriff's Department can make arrests under County ordinances and State laws.

In areas where the Department has been specifically contracted by a local municipality, it can also enforce local ordinances. (*During off hours Trenton is covered by the County.)

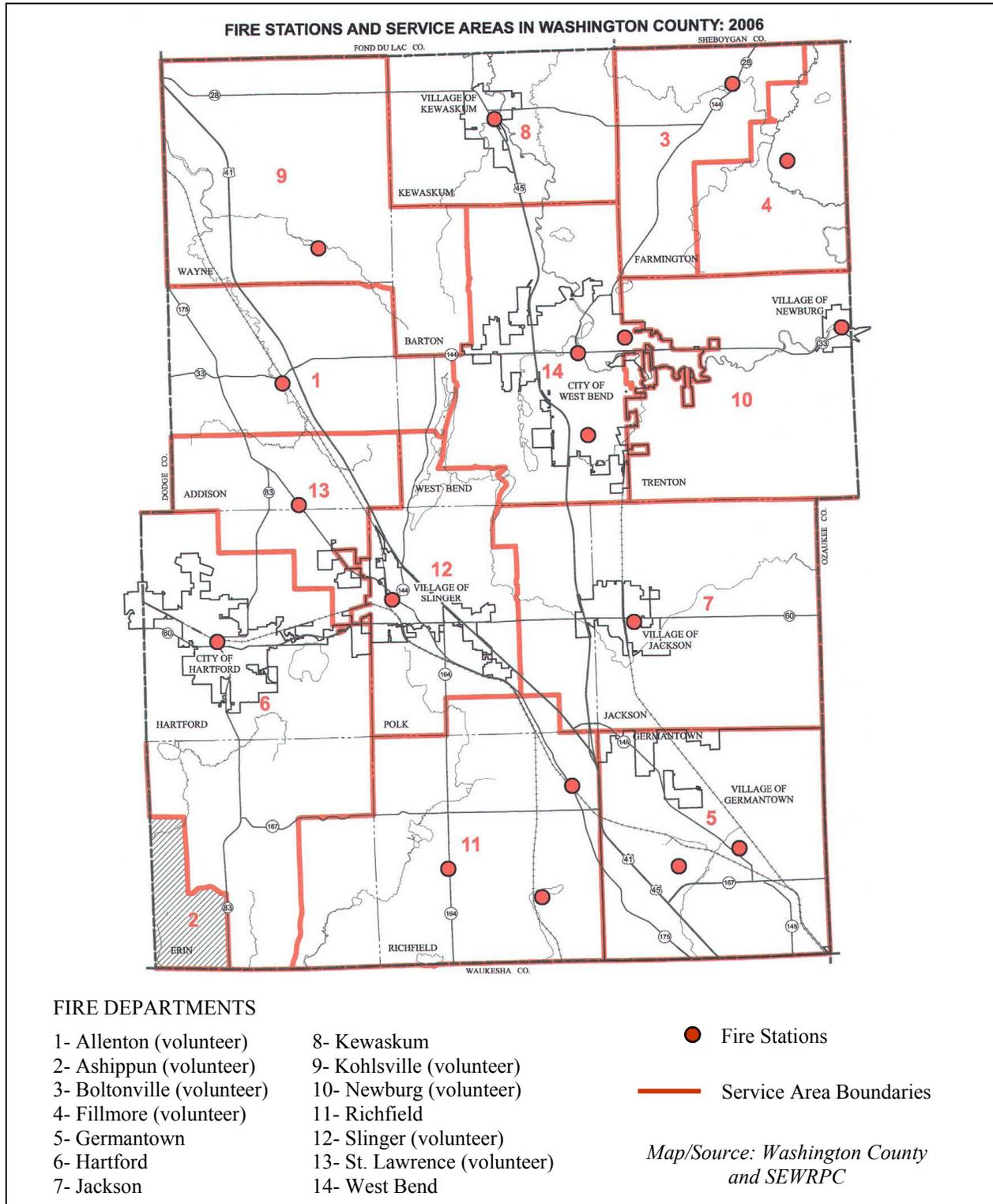


Response times tend to be longer than in urban areas and are affected by travel times, visibility of address signs, inclement weather, and road conditions. Police officers from nearby cities and villages may assist in certain situations.

Constables are elected officials who have law enforcement powers limited to the duties established by the town board under 60.22(4), Wis. Stats. This varies from town to town.

Fire Protection

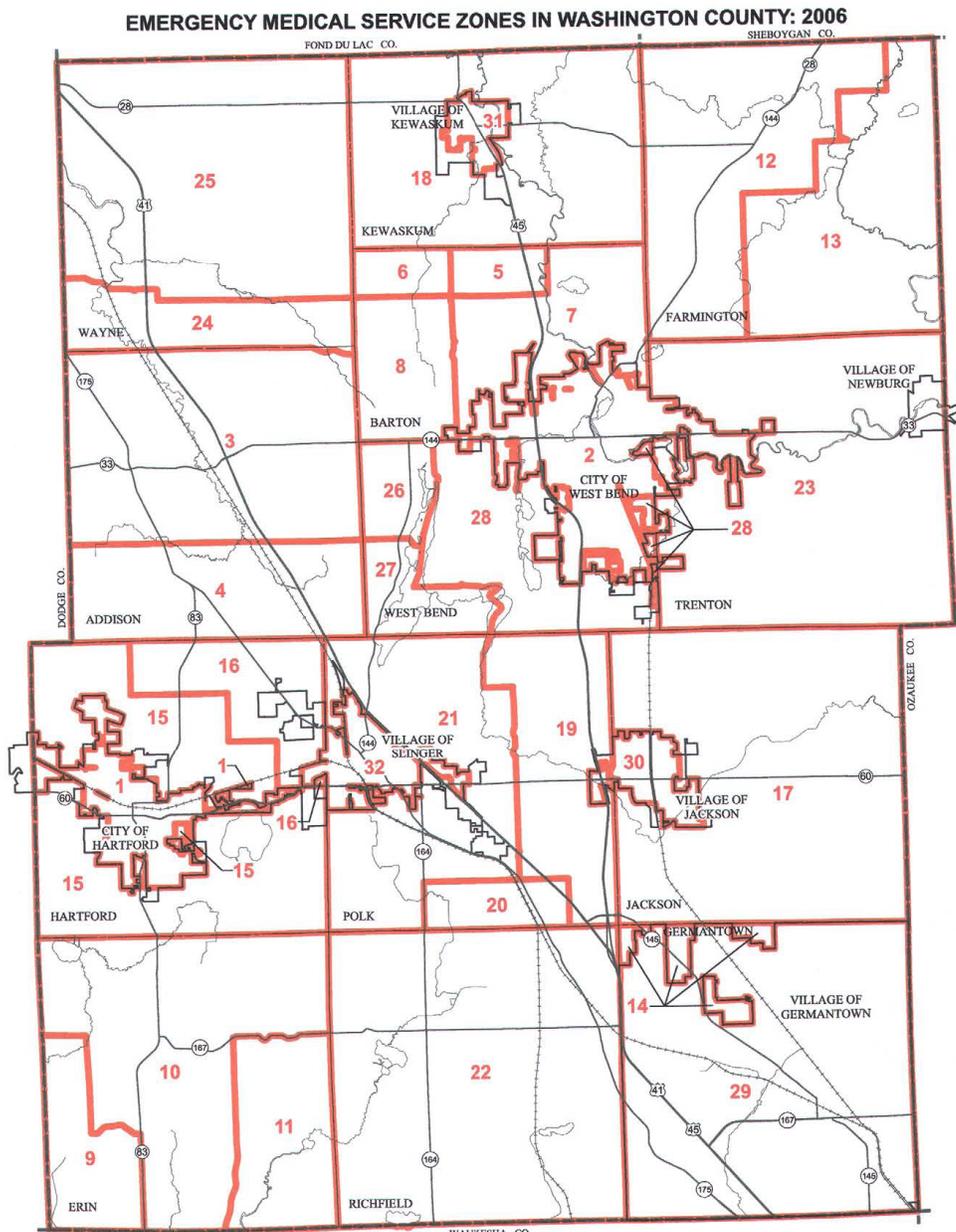
Towns are served by one or more paid or volunteer local fire departments depending on district boundaries, which do not always coincide with town boundaries. When you call 911, the dispatch operator will notify the appropriate department. The level of protection and response time depends on access to water, distance of a structure from a fire station, type and number of department vehicles, and number of volunteers and training. These factors also affect home insurance rates.



Rescue / Ambulance Service / Emergency Medical Services

Towns are served by one or more rescue services depending on EMS boundaries, which do not always coincide with town boundaries. When you call 911, the dispatch operator will notify the appropriate entity. The level of protection and response time depends on distance, type and number of vehicles, and number of volunteers and training.

Most volunteer fire and rescue departments rely on local fundraising efforts to cover part of their expenses. They are also dependent on local residents to serve as firefighters and rescue personnel or in auxiliary support positions. If you are interested in becoming involved, do not hesitate to contact your local department.



— Service Area Boundaries

EMERGENCY MEDICAL SERVICES

- 1- Hartford Fire Department/Rescue
- 2- West Bend Fire Department/Rescue
- 3- Allenton Fire Department/Rescue
- 4- St. Lawrence Fire Department/
Allenton and St. Lawrence Rescue
- 5- West Bend Fire Department/
Kewaskum Rescue
- 6- Kohlsville Fire Department/
Kewaskum and Kohlsville Rescue
- 7- West Bend Fire Department/
West Bend Rescue
- 8- Kohlsville Fire Department/
West Bend and Kohlsville 1st Response
- 9- Ashippun Fire Department/
Hartford and Ashippun 1st Response
- 10- Hartford Fire Department/Rescue
- 11- Richfield Fire Department/Rescue
- 12- Boltonville Fire Department/
Kewaskum/Boltonville Fire & Rescue
- 13- Fillmore Fire Department/
Newburg Rescue/Fillmore Fire & Rescue
- 14- Germantown Fire Department/Rescue
- 15- Hartford Fire Department/Rescue
- 16- St. Lawrence Fire Department/
Hartford and St. Lawrence Rescue
- 17- Jackson Fire Department/Rescue
- 18- Kewaskum Fire Department/Rescue
- 19- Jackson Fire Department/Rescue
- 20- Richfield Fire Department/Rescue
- 21- Slinger Fire Department/Lifestar EMS
- 22- Richfield Fire Department/Rescue
- 23- Newburg Fire Department/Rescue
- 24- Kohlsville Fire Department/
Allenton and Kohlsville Rescue
- 25- Kohlsville Fire Department/
Kewaskum and Kohlsville Rescue
- 26- Allenton Fire Department/Rescue
- 27- Slinger Fire Department/Lifestar EMS
- 28- West Bend Fire Department/Rescue
- 29- Germantown Fire Department/Rescue
- 30- Jackson Fire Department/Rescue
- 31- Kewaskum Fire Department/Rescue
- 32- Slinger Fire Department/Lifestar EMS

Map/Source: Washington County and SEWRPC

AD SPACE



Levels of Government

The State of Wisconsin is divided into 72 counties, one of which is Washington County. Within Washington County are eight incorporated cities and villages like West Bend and Slinger, and 12 unincorporated towns like Wayne, Trenton, and Erin. In some cases, both an incorporated municipality and an unincorporated area happen to have the same name, as is the case with the Village of Jackson and the Town of

Jackson, which are two separate places and are governed by different boards. There are also places like Allenton that are sometimes called “hamlets.” These places are not incorporated, and therefore are not officially cities or villages. They are actually part of, and governed by, the town that surrounds them.

State government

Wisconsin became a state in 1848. In addition to the provisions of the U.S. and Wisconsin Constitutions, the citizens of the state are governed by the Wisconsin Statutes (www.legis.state.wi.us/rsb/stats.html) and associated *administrative rules* that have the effect of state law.

County government

Counties may only undertake functions that are granted to them by state statutes. This means counties have limited authority to address local issues. Major responsibilities of the county include the provision of most social service programs (child welfare, juvenile justice, senior citizen services, mental health, jail, etc.) and responsibilities for local and state road maintenance. Counties also provide the majority of cultural and recreational amenities (e.g. parks, libraries, and snowmobile trails), law enforcement, health services, shoreland zoning, and road maintenance for citizens in unincorporated areas.

Washington County is divided into districts, each one represented by a county board supervisor. Supervisors are responsible for decision making at the county government level, and they oversee various county departments through a committee structure. County regulations, which apply in unincorporated areas unless superceded by local town regulations, are established in a code of ordinances. (County ordinances can be found on the “County Board” page of the County’s Website.)

Town government

Unincorporated areas were originally divided up into 36-square-mile jurisdictions (although there are some exceptions like the Towns of Barton, Kewaskum, and West Bend, which are only 24 square miles) and put under the control of town governments and local ordinances, as allowed by Wisconsin Statutes. Nevertheless, state and county regulations, and city or village extraterritorial authority, may also apply. (When there are regulations from two or more levels of government, the most restrictive almost always takes precedence.)

Special purpose districts

As authorized by Wisconsin Statutes, special purpose units of government can be created to oversee schools (see map on page 50), historic areas, sanitary sewer utilities, lakes, stormwater utilities, and more. These units are governed by small elected or appointed bodies and have the power to establish regulations and tax landowners in their districts for certain limited purposes, such as building or maintaining a sewage treatment facility.

Washington County includes all or parts of numerous special purpose districts, including lake protection districts surrounding Big Cedar, Little Cedar, Druid, Friess, and Silver Lake, as well as part of Pike Lake. Before purchasing property, it is important to find out whether the property is within any special districts and therefore subject to additional regulations and/or taxes.

Town Board

The town board governs the town and is composed of a chairperson and either two or four additional board members called supervisors. All town board members are elected for two-year terms at the spring general election of odd-numbered years. Each town elects or appoints a town treasurer and a town clerk (sometimes the positions are combined), as well as an assessor. Some towns also have a constable, zoning administrator, building inspector, highway superintendent, and/or other staff.

Most towns also have subcommittees made up of members of the town board and perhaps other appointed citizen members to consider issues related to town property, finances, roadways, and so forth. While in rare cases subcommittees have final decision making authority, usually they make recommendations that are then acted on by the town board.

Town Meetings

Certain actions are required by state statute or local ordinance to be approved by a majority vote in a formal meeting format. The town board, plan commission, board of appeals, etc. all hold regular meetings that are run by a chairperson under established rules, such as Roberts Rules of Order, to help ensure business is carried out in an efficient and organized manner.

Open Meetings Law

This law is intended to give the public prior notice of meetings of governmental bodies and to assure that meetings are held in places that are reasonably accessible and open to the public. Some meetings or portions of meetings are permitted to be held as closed sessions but, generally, discussion and decision-making at governmental meetings must be conducted in open session and motions and voting must be open and recorded. Though most meetings must be open to public attendance, the law does not require all meetings to provide a forum for public comment.

Normal meeting notices may be accomplished by posting at least 24 hours in advance at one or more public places likely to give notice to the public and those affected by the decision. Certain special meetings or hearings may require additional types of notices (e.g. publication in the town's official newspaper) and/or greater advance notice (e.g., 30 days).

Annual town meeting

Town government in Wisconsin offers a unique opportunity to participate directly in the democratic process through the Annual Meeting each April at which town residents vote on policy and budget issues. Special meetings can also be called at other times of the year. The town board must carry out the decisions of annual or special meetings. The board also has substantial discretion to deal with certain issues in the absence of budgetary policy voted on by the residents.

Public hearings

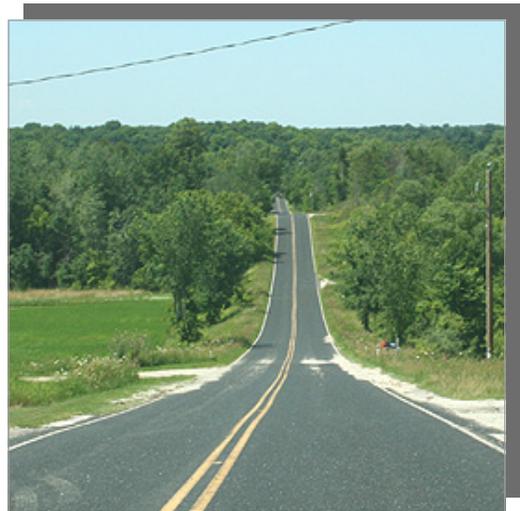
Amendments to ordinances, changes to plans, and permit applications may require a public hearing in order to allow citizens to provide input before a final decision is made. Generally, a public hearing begins with the chair of the body calling the hearing to order at the announced time for the public hearing. The chair should explain briefly why the meeting was called and how the hearing will go on. The chair should allow staff or the applicant to speak. After that, the chair should call on those who wish to speak for or against the proposal. Persons speaking should identify themselves, their place of residence, and make their statement. After all the testimony has been presented, the chair should state that the hearing is closed and announce the time and method of deliberation.

Town Services

The services offered by town governments vary. Town governments are rural in nature and do not typically provide as full a range of services as cities or even villages. Historically, a town government's primary responsibilities have been road maintenance and snow plowing. Some more populated towns have, however, added more services for their residents.

Roads

Multiple jurisdictions are often responsible for the construction, maintenance, repair, and plowing of various roads within a town. The State of Wisconsin is responsible for federal highways such as USH 41 and 45, as well as for state highways, which always have a number designation, like STH 144 or STH 33. However, intergovernmental agreements have given these responsibilities to the Washington County Highway Department. The County is also responsible for county trunk highways, which always have a letter designation (e.g., CTH M, CTH P, CTH PV, etc.) Town governments are responsible only for town roads—but in most cases they have contracted with the County Highway Department for at least part of the care of these roads. (Note: Town roads are always known by just a name rather than a number of letter. County and State highways, however, may also have a name designated by the Town in addition to the letter or number designation.)



Regardless, towns still spend more money on roads than on all other services combined. The revenue needed for town roads comes from the state gasoline tax and local taxes. Although roads are the biggest budget item for town government, town road maintenance and snow plowing schedules might not meet urban standards due to the distances involved. Snow plowing takes longer to complete in a rural area. Since state highways and county roads get first priority, minor roads may not be plowed before residents have to leave in the morning. (If you live on a private road or joint driveway, snow plowing and potholes are probably the responsibility of you and/or your neighbors.)

Tax collection

The town assessor determines the equalized market value for each property within the town. Town treasurers can collect property taxes, not only for operating town governments, but also on behalf of school districts, county government, vocational schools, and any special purpose units, such as sanitary or lake districts.

Elections

Town clerks are responsible for all government elections, and the town hall is usually the polling place.

Zoning, planning

While Washington County has some zoning jurisdiction in rural areas along lakes and waterways, general zoning and land use planning authority has remained with towns. Towns near cities have, historically, been the most active in land use planning because urban growth has the potential to cause conflicts and create new demands for government services.

Waste disposal

Garbage collection and recycling programs vary from town to town. Contact your town clerk for details. In some areas, the town contracts with a private hauler and residents pay the town for trash pickup—either “curbside” or at a “transfer station” where residents must drop off their garbage and recyclables. In other areas, individuals contract on their own with a private hauler. The County or town may periodically sponsor special collections for hazardous waste, appliances, electronics, tires, pharmaceuticals, etc.

Miscellaneous powers

Towns are authorized to provide other public works and public safety services such as sanitary landfills and highway lighting.

Schools

Schools are not provided by towns. Public school districts operate independently of municipal governments, with their own governing boards, budgets, and boundary lines, which rarely match municipal boundaries. Nevertheless, school structures, property, and land uses are subject to town ordinances, such as the zoning ordinance.

Property Rights

Fee simple ownership—the type of individual land ownership that we take for granted today—is a relatively recent phenomenon. American property laws were the most generous in the world when they were established by the U.S. government. The U.S. Constitution granted certain rights to individual property owners, among them the rights to exclude others, to sell or transfer title, to divide lands, to grant easements, to rent or lease, to develop, and to will to heirs. However, the government also reserved specific interests for itself:

- Eminent domain (condemnation for public use—fair compensation required)
- Taxation
- Regulation
- Escheat (government takes title if no heir)

Over the years, the public has made substantial investments that have enhanced the value of private property. Few, if any, rural landowners have paid enough taxes in their lifetimes to pay for the construction and upkeep of the roads that make their properties accessible. The U.S. Rural Electrification Act of 1936 helped bring electricity to rural properties. Millions of Americans have given their lives or sacrificed loved ones to protect the nation and everything in it from foreign invaders. Many prime development parcels would have little value if not for roads, utilities, and safe borders. Most developers recognize this and are willing to abide by reasonable regulations and limits.

"Takings"

The Fifth Amendment to the U.S. Constitution provides that private property may not be taken by government for public use—even temporarily—without just compensation. Local governments must be aware of these general principles in regard to private property:

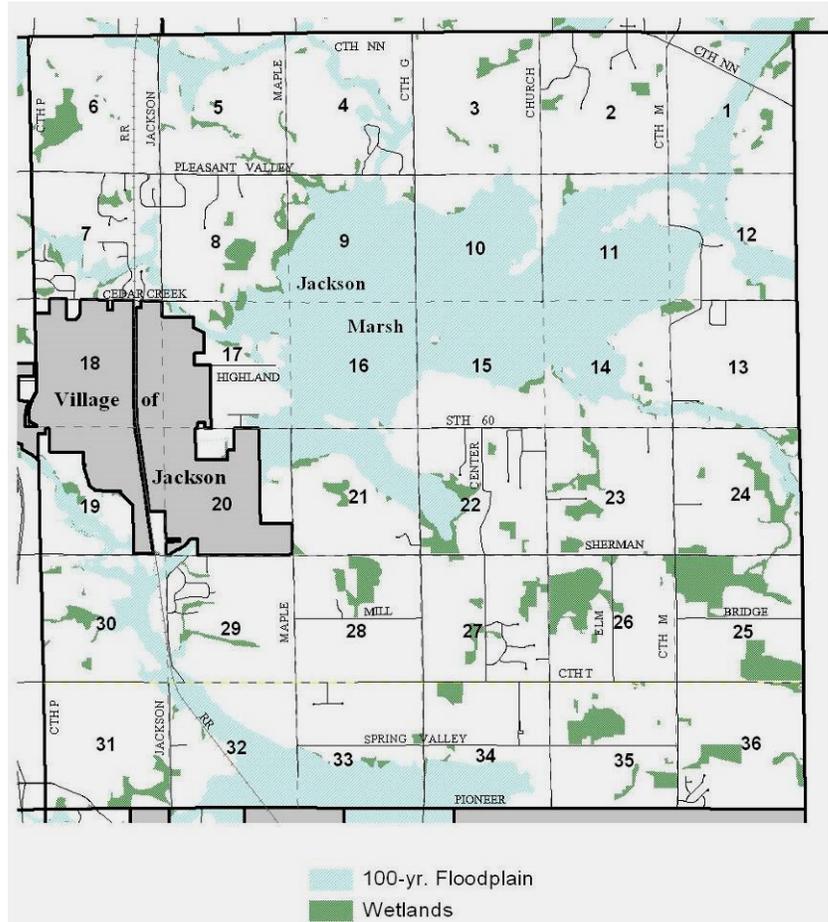
- ◆ Vested interests are protected. A taking may be found where a landowner establishes "reasonable investment backed expectations" prior to a prohibitive regulation.
- ◆ A landowner must be left with a *reasonable economic use* of property (which, however, does not have to be the most profitable use).
- ◆ A regulation cannot place burdens on the landowner that do not bear a reasonable relationship to the impact of the project on the general health, safety, and welfare of the community.
- ◆ A regulation cannot force a landowner to physically accommodate a nongovernmental institution on his private land.
- ◆ A regulation cannot employ a more intrusive and burdensome means rather than a less intrusive and burdensome alternative.
- ◆ Care should be taken to avoid the use of land division or zoning policies that may result in the creation of parcels or zones that are basically undevelopable.
- ◆ While zoning has been upheld by the courts as a valid exercise of government police power, any zoning classification that strips a property of all reasonable use is likely to be considered a taking.

AD SPACE

Plat Books and Online Maps

Plat books show who owns individual parcels of land. This can be helpful if you are looking to purchase property in a rural area or simply want to know who your neighbors are. A plat book for Washington County is available for about \$25 from the County Clerk’s Office. The book begins with an introduction to understanding land/legal descriptions, which is followed by individual pages for each town showing the shape and size of each ownership parcel over approximately 5 acres. An alphabetical owner index in the back of the book can help if you want to search by property owner.

Even the best plat book, however, is a snapshot in time that will not show changes that have occurred after the publication date. For the latest ownership information, you will have to visit the County Real Property Listing Office, or subscribe to their online database. The plat book also does not show elevations, wetlands, floodplains, soil types, or aerial images. For this information, however, you can go online to the County’s land records site at <http://maps.co.washington.wi.us/> and click on whatever layers of information you want to add to the basic map.



Plan Commission

A town plan commission is typically a seven member committee that has been authorized to review rezoning, land division, conditional use applications, etc. and to oversee any land use, park, or similar planning. Plan commissions, which are made up of a mix of elected town board members and appointed citizens, generally meet monthly to discuss items that have been placed on the agenda by the town clerk at the request of developers, businesses, and citizens. In almost all cases (unless specified in the town ordinance), the decisions rendered by the plan commission are *advisory*. While the town board will often defer to the plan commission’s “yes” or “no” decision, the board is not obligated to do so.

Comprehensive (Land Use) Plan

A comprehensive plan is an official guide for local governments regarding the community’s future development, especially 1) how much, 2) approximately where, and 3) in what manner. As of January 1, 2010, all communities that wish to administer a zoning ordinance and regulate land divisions must have adopted a comprehensive plan that meets the requirements of Chapter 66.1001 of the Wisconsin statutes.

Every community must base its zoning and land division decisions on the vision, goals, policies, and maps contained within the comprehensive plan. If a proposal comes before the community that is not consistent with the comprehensive plan, the proposal must either be rejected or the comprehensive plan must be formally amended so that the proposal could be consistent. Although not encouraged, amendments are bound to occur, because the comprehensive plan is only a general guide. There will likely be occasions when proposals that were unanticipated by the plan are brought forth and turn out to make good sense for a particular property.

Moratorium

A town land use moratorium temporarily suspends some opportunities for landowners to obtain development approvals. Moratoriums are enacted to give a community time to consider and potentially adopt changes to its comprehensive plan and/or its land use regulations in order to address new circumstances not addressed by its current laws. This “freeze” prevents a rush of proposals being hastily submitted in an effort to beat the adoption of new regulations. It should be noted, however, that a moratorium imposed by a community without legitimate and justifiable reasons has been held to be improper.

Permits

Permits and fees for construction, filling and grading, septic systems, and other land use activities may be required by the State, County, and/or Town in order to assure compliance with ordinances. Contact the Washington County Planning & Parks Department in West Bend at (262) 335-4446 and your Town Building Inspector or Town Clerk prior to any construction, remodeling, or change in use of your property.

Zoning (land use)

The first zoning code in the U.S. was created in 1916 after an outcry from citizens and property owners in New York City who saw a need to promote orderly development, minimize conflicts between incompatible land uses, and protect property values. Zoning regulations can determine land uses and lot sizes, building setbacks and heights, the number of animals allowed, the types of businesses that can be established, the size of signs, the brightness of lights, and many other items that are brought to the attention of local governments. While numerous court cases have upheld the right of local



governments to regulate the use of private property for the common good, no regulation can be so restrictive that it removes all reasonable use of a property. Such regulations have been declared to be unconstitutional because, in effect, they “take” property without fair compensation.

Unlike the majority of rural areas in Wisconsin, where zoning is regulated at the county level, all of the towns in Washington County have their own unique zoning ordinance. Typical zoning ordinances include one or more residential districts with varying minimum lot sizes, one or more agricultural districts, a commercial district, an industrial district, a conservancy

district, and perhaps various other districts. If you are interested in knowing the details of your town's zoning ordinance, the town must provide you with a copy of the ordinance, or at least pertinent sections of it, for the reasonable cost of time and materials. A map showing all of the zoning district boundaries in the town is usually hung on a wall in the town hall. If you have questions regarding the ordinance or map, the town zoning administrator should be able to help.

A zoning ordinance permits only certain land uses in each district. If you wish to change or add to your existing land use in a manner that is not permitted under your existing zoning—for example, dividing 20 agriculturally zoned acres into four residential lots—you must first apply to the town for a rezoning. Rezoning typically requires 1) approval from the town plan commission, who will compare the request to the town's future land use map; 2) a public hearing to allow others in the town who may be affected to voice their concerns or support; and 3) final approval from the town board. An application fee will also likely be required. If the request is denied, you have the option of applying for a variance (see below).

Conditional Uses

Conditional uses are certain land use types that are of such a special nature and the impacts of which are so dependent on specific circumstances that determination in advance of where and when they should be permitted is impractical. To be considered a conditional use, the use must be listed as such in the zoning ordinance, along with the standards and conditions it must meet. The conditions are provided to protect adjacent landowners, to handle troublesome uses, and to attempt to protect the character of the surrounding area. The approving body *cannot* legally allow a conditional use if the conditions listed in the ordinance or required by the board do not exist or cannot be met. The applicant for a conditional use has the burden of showing why the conditional use should be approved.

As far as possible, conditions should be identified in the ordinance. The text for each zoning district might describe the conditional uses in that district and list the conditions under which such uses might be allowed. The approving body has several options when making its determination on applications for conditional use permits. It may either reject the application entirely (if it fails to meet listed criteria), approve the application in full or partially, or approve the application subject to conditions. Additional conditions imposed by the approving body might include the time period in which all or part of the use may be permitted, increased setback and yard dimensions, deed restrictions, etc.

Variations

When a land use decision made by a governing body goes against a landowner, he or she may appeal the result by seeking a variance from the town's board of appeals (a/k/a board of adjustments). Variances can be granted where, owing to special conditions, a literal enforcement of the provisions or the ordinance would result in "practical difficulty or unnecessary hardship."

There are two kinds of variances—*use* variances and *area* variances. A use variance is one that permits a use of land other than the use prescribed by the zoning ordinance. Area

variances deal with the standards in the zoning ordinances for things such as setbacks, height of structures, and density. Use variances are only occasionally granted because they may involve changing the character of an area. Area variances are easier to obtain.

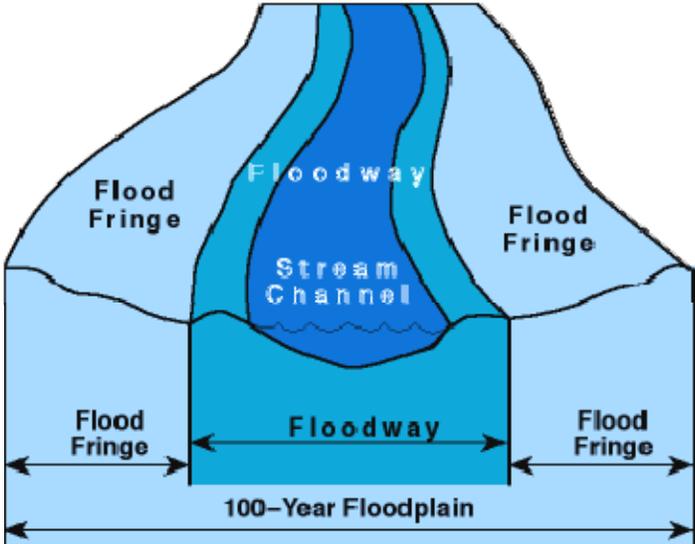
For use variances, “unnecessary hardship” is defined as “a situation where, in the absence of a variance, no feasible use can be made of the land.”

The court has defined the circumstances required to exist for the granting of an area variance as “whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.”

Floodplain Zoning

The County is required to administer a floodplain ordinance in order for homeowners to be eligible for federal flood insurance. State standards require the preservation of open space within the floodway—the area needed to discharge moving flood waters. Counties may allow building in areas of standing backwater (flood fringe), but such buildings require an elevated base or other protection.

Natural floodplains are an important part of our water system. Floodplains have a positive impact on stormwater runoff, wildlife habitat, plant diversity, and the quality of our waterbodies. For these reasons, it is important to carefully consider the alteration of any floodplain areas. Before beginning a construction or land alteration project, you can determine whether floodplain zoning may impact your property by contacting the County Planning &



Graphic: Ohio Department of Natural Resources

Parks Department and asking to see their floodplain zoning map. This map is only a one-dimensional representation of the boundary, so if there is any doubt about where a boundary line crosses your property, you may have to hire a land surveyor to compare the lowest elevation of your building site with the official floodplain boundary elevation.

Shoreland Zoning

The State of Wisconsin requires all counties to develop an ordinance to regulate development in unincorporated areas near lakes, rivers, and waterways in a way that complies with the statewide minimum standards. The Washington County *Shoreland, Wetland, and Floodplain Zoning Ordinance* details these requirements. Shoreland zoning is intended to ensure that development near lakes, rivers, and waterways is compatible with the surrounding land uses and preserves and protects the natural beauty of shoreland areas.

Shoreland development regulations apply to the following lands in Washington County:

- ◆ Lands within 1,000 feet of the Ordinary High Water Mark (OHWM)* of navigable lakes, ponds, or flowages.
- ◆ Or lands within 300 feet of the OHWM of navigable rivers, streams, or waterways.
- ◆ Or to the landward side of the floodplain, whichever distance is greater.

*Ordinary High Water Mark (OHWM)

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark indicated by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognizable characteristics. Waters are considered to be legally navigable if they have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis.

Waterbody Classification

Because some waterbodies are more susceptible to pollutants and development impacts than others, Washington County has classified most waterbodies as Class 1, 2, or 3 and set forth specific regulations for each Class. Most structures must be set back a minimum of 75 feet from the OHWM if adjacent to a Class 3 waterbody, 100 feet if adjacent to a Class 2 waterbody, and 125 feet if adjacent to a Class 1 waterbody, although the setbacks along Class 1 and 2 waterbodies may be reduced somewhat if certain mitigation measures are followed. Contact the Land Use Division of the Washington County Planning and Parks Department at 262-335-4445 for the classification of a specific waterbody and further information regarding setbacks.

Permits for building and site construction

The Land Use Division administers and enforces the *Shoreland, Wetland, and Floodplain Zoning Ordinance* for all unincorporated towns. Permits may require approval by the Land Use Division; the Washington County Planning, Conservation and Parks Committee; the Washington County Board of Adjustment; or the full Washington County Board prior to your starting work on certain projects within the shoreland/wetland or floodplain zoning district. Before beginning work on a project, contact the Land Use Division and request information on what permits and/or inspections may be necessary related to the following projects:

- ◆ Filling, grading, excavating, ponding, lagooning, dredging, or any work that disturbs the soil
- ◆ Shoreline stabilization, including rip-rap and other approved methods
- ◆ Additions/alterations to existing structures or reconstruction of structures
- ◆ New or replacement construction of any type
- ◆ New or replacement retaining walls, sidewalks, driveways, patios, decks, or other landscaping

When working near lakes, streams, or wetlands, you are also advised to contact the WDNR in Milwaukee at 414-263-8500, because you may need permits from them as well. Land disturbance activities of any type, in any wetland or along a shoreline may also require approval of the U.S. Army Corps of Engineers; their local phone number is 414-547-4171.

Washington County has published the *Shoreland Property Owner Handbook* to help landowners in shoreland areas understand County regulations and to encourage “best management practices” (BMPs) in shoreland areas (see photos below for an example of a BMP on the left). Do not hesitate to contact the Land Use Division for a copy of this handbook and to obtain additional information about the procedures for obtaining any of the permits described in the handbook. This should be done at least several weeks prior to the proposed start of a project. When work takes place without permits, County and State laws usually hold the property owner responsible even if the work was done by a contractor. In some cases, the contractor may also be responsible. You should also contact your local town regarding any permit requirements they may have.

Shoreline vegetation protects waterbody quality by slowing down runoff carrying nutrients from lawns and contaminants from driveways, roofs, etc. after heavy rainfall.



Mowing right up to the edge of a waterbody allows only minimal infiltration of rainfall from lawns and impervious surfaces as runoff drains directly into the lake.

Photos courtesy of Washington County

Wetlands

Wetlands are characterized by a water table at or near the soil surface, and particular soil and vegetation types. Some landowners define wetlands as those places where they can't walk in April without getting wet feet, or areas too wet to till for crops.

Wetlands act as sponges; they store flood waters and filter water before it enters lakes and streams. Sometimes wetlands are recharge sites for groundwater aquifers, although more commonly they are discharge sites for groundwater. By slowing water movement, wetlands reduce the likelihood that heavy rainfall or rapid spring snowmelt will cause erosion and downstream flooding.

Wetlands retain eroded soil that enters them and holds nutrients that would otherwise promote excessive weeds and algae in lakes and streams. Instead, the nutrients produce a heavy growth of wetland vegetation, which provides nesting sites, food and cover for waterfowl, furbearers, and many other types of wildlife.

Many wetlands are regulated under Chapter 23 of the Washington County Code: Shoreland, Wetland and Floodplain Zoning. This ordinance specifies setbacks from wetland boundaries and prohibits filling, grading, lagooning, dredging, ditching, excavating, and paving. To ask questions about proper procedures contact the Washington County Planning and Parks Department. Also be aware that wetlands not regulated by the County ordinance may be regulated by the WDNR and/or your town's general zoning ordinance.

Stormwater Management and Erosion Control

Improperly managed, stormwater from one property can flow onto another property and cause damage. Likewise, unless the proper steps are taken to control erosion, sediment from disturbed soil will often run off into nearby waterbodies. If repeated often enough within the watershed, streams and lakes will gradually “fill in,” decreasing the flood capacity of streams and making lakes shallower. Consequently, unincorporated towns within Washington County have adopted stormwater management and erosion control ordinances, and operators of all construction sites that meet the listed applicability provisions (in general, disturbing more than 4,000 square feet) are required to submit erosion control and stormwater management plans for review.

Unlike urban areas, where stormwater is conveyed to an outlet via an underground storm sewer system, stormwater management facilities in rural areas typically consist of natural watercourses, roadside ditches, trenches/swales, ponds, inlets and outlet pipes, drainage tiles, and culverts. Since stormwater management in rural areas depends more heavily on “natural,” open air facilities like ditches, it is relatively easy for landowners to knowingly or unknowingly interfere with their operation. Except for the occasional cleaning out of an inlet or outlet, or the clearing of vegetation from a ditch, interference should be avoided. Planting a tree in a swale or changing its grade (flow direction) can have negative impacts on neighboring properties. Additionally, if you have a sump pump, be careful to ensure its discharge is properly managed on your own property or is conveyed to an appropriate watercourse.

Subdivision Regulations

If a landowner creates five or more lots in a period of five years and the lots are 1.5 acres or less in size, Wisconsin law requires a formal subdivision plat. Chapter 236 of the Wisconsin Statutes requires that a registered land surveyor must prepare a plat, a certified soil tester must conduct percolation tests, and proper access must be provided to public roads, among several other requirements. Several state agencies have authority to review the plat.



Photo courtesy of Washington County

Washington County and all of the towns within the County have adopted their own more specific local subdivision regulations enabling them to review plats. In some cases, a town’s definition of what constitutes a subdivision may contain fewer than five lots and/or include lots larger than 1.5 acres. Regardless, no subdivision can be approved without the preparation of a preliminary plat and a final plat, both of which must be approved by the County, and town plan commission and town board at meetings posted in advance and open to the public. If the proposed subdivision is located within three miles of the cities of

West Bend or Hartford, or within one-and-a-half miles of the villages of Kewaskum, Newburg, Slinger, Richfield, Germantown, or Jackson, the plat must also be approved by the city or village.

Land Division Regulations

Minor land divisions that do not create a sufficient number of lots to warrant a subdivision plat are still subject to town and County regulations for certified survey maps (CSM). A registered surveyor must prepare a CSM, and a certified soil tester must conduct percolation tests prior to any building permits being issued. Other requirements, though less demanding than those for a subdivision, are also stipulated. No CSM can be approved without reviews by the County, and the town plan commission and town board at meetings posted in advance and open to the public. If the proposed land division is located within three miles of the cities of West Bend or Hartford, or within one-and-a-half miles of the villages of Kewaskum, Newburg, Slinger, Richfield, Germantown, or Jackson, the CSM must also be approved by the city or village.

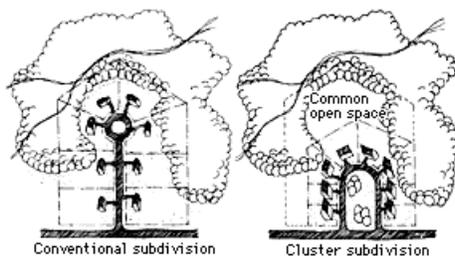
Cluster Development

A cluster subdivision groups houses together on smaller lots, while the unused land that would have been allocated to house lots is left as shared open space for the subdivision residents. Typically, road frontage, lot size, setbacks, and other traditional subdivision regulations are minimized to allow the developer to preserve ecologically sensitive areas, historical sites, or other unique characteristics of the land being subdivided. In this way, clustering housing can help to maintain the rural character of an area.

In a typical cluster subdivision, each homeowner—but not the general public—has access to all of the open space areas, which are permanently preserved by a restrictive covenant permanently forbidding any type of development. The maintenance of the open space normally requires the formation of a homeowners' association and the assessment of maintenance fees to each subdivision lot owner to pay for taxes, insurance, and the general upkeep of the land in the open space areas.



The smaller-sized lots that put homes in close proximity to each other are considered a



(Graphic by Minn. Extension)

disincentive to some developers and potential homebuyers. However, if the lots and housing layouts are designed carefully, each house in the subdivision can have a private, unobstructed view of open space that overcomes the disadvantage of the small lot size. Wells and septic systems can also be located in the common open space if there is insufficient room on an individual lot.

Annexation

Annexation is the statutory process for transferring lands from unincorporated areas (towns) to incorporated areas (cities and villages). In Wisconsin, municipal annexations are typically initiated by landowners, and not by villages or cities. Landowners can petition a city or village to have their land annexed. Cities can accept or reject the petition. A state review is also involved, but rarely are petitions overturned.

While most annexations are voluntary on the part of the landowner, there are at least two ways a landowner's property in a town can become part of a city or village without the landowner's consent. In one case, property owners surrounding a particular landowner can petition for annexation and by virtue of a majority vote force the landowner who would otherwise wish to remain in the town to become part of the petition. This occurs primarily because properties annexed to a city or village must be contiguous to the city or village—that is, there cannot be "islands" of town residents cut off from the rest of the town. In order to adhere to this rule, petitioners sometimes need to include landowners between them and the city or village.

Boundary agreements are another way landowners can find themselves attached to a city or village without their consent. The statutes give a city or village and a town the authority to negotiate future boundaries, including which properties will become part of the city or village and which will stay in the town. Fortunately, such agreements cannot be adopted without a public hearing, at which residents can voice their concerns. Further, there is often a 10-year or more delay before attachments begin to occur. In general, boundary agreements are positive instruments for promoting cooperation and more predictable boundary changes between communities, but if you are considering the purchase of a property just outside of a city or village, you should check with the town to see whether the property is included in a boundary agreement, so that there are no surprises later on.

Extraterritorial Jurisdiction

Extraterritorial plat review

Cities have been given by statute either a 3-mile (if pop. is 10,000 or more) or a 1.5-mile extent of land division control outside their corporate boundaries. Villages have been given 1.5 miles. A city or village exercising its extraterritorial plat jurisdiction is an "approving authority" in the land division plat or certified survey map (CSM) review process. The city or village has the same power to state its approval or rejection of the plat or CSM as it would if the proposed development was within the city or village corporate limits.

While the city or village's *rejection* of a plat or CSM within its extraterritorial jurisdiction prevents the development from taking place, a city or village's *approval* does not overrule a town's rejection. *All* approving authorities (state, county, city/village, town) must approve before a plat or CSM can go forward. Just one entity's rejection is enough to kill the proposal.

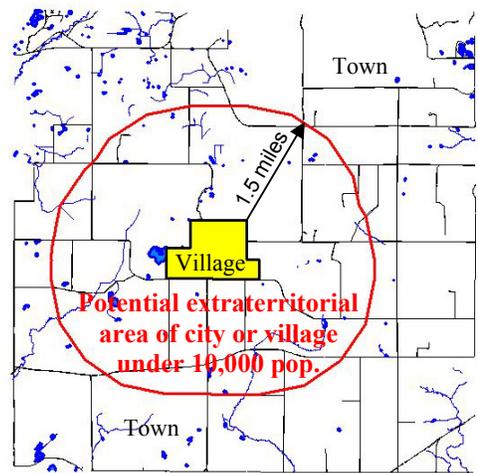
The purpose of the extraterritorial jurisdiction is to allow a city or village some control in the type and design of development that occurs near its borders, especially areas that may one day become part of the city or village.

(Note: a city or village land division ordinance requirement that a lot have municipal sewer and water would be invalid. Only the “home court” municipality—in this case the town—may impose public improvement standards in the extraterritorial area.)

Extraterritorial zoning

Cities have been given by statute either a 3-mile (if pop. 10,000 or more) or a 1.5-mile extent of zoning control outside their corporate boundaries, and villages are allowed up to 1.5 miles, if the proper cooperative steps with the adjoining town are followed. This allows a city or village to exercise land use control over new development that otherwise might be incompatible with a city or village’s future growth.

Before the existing ordinance can be extended into the town, the city or village must describe by an adopted resolution the area to be zoned and its intent to expand its ordinance. The city or village then enacts an interim zoning ordinance “freezing” existing zoning in all or part of the extraterritorial area in the town. The city or village plan commission updates its existing zoning ordinance to include the affected town parcels and a Joint Extraterritorial Zoning Committee (3 city or village members and 3 town members) is created to vote on the update. If a majority of the Joint Committee votes in favor of the proposed regulations, a public hearing is held, after which the city or village may adopt the new regulations.



The zoning “freeze,” which may be enacted for up to two years—without town, county or state approval—prevents rezonings in the designated extraterritorial area during this period. The final adopted city/village zoning ordinance for the extraterritorial area must be approved by a *majority* of the Joint Extraterritorial Zoning Committee (at least 4 of the 6 total members, which includes 3 city/village members and 3 town members). New zoning classifications cannot be officially adopted without at least one town vote.

Sanitary Codes

To protect local groundwater, a permit and fee to install a septic system, holding tank, mound system, or other system designed to handle liquid wastes is required by state law. If there is a suitable site on a property for a septic system, a County Land Use Inspector issues the permit and also inspects the site while the system is being installed.

To determine if a property is suitable for a conventional septic system, a certified soil tester makes three soil borings to check for permeability (percolation rates), soil texture, evidence of high groundwater, and depth to bedrock. The tester also determines slope and the potential for flooding and takes borings at a second site on the property, which can be used when the original system reaches the end of its life span or fails. Before purchasing a property, even one with a septic system, it is a good idea to include a positive test result as a condition of sale and have a soil tester conduct the test prior to closing.

Septic Systems

Home owners who do not live within a public sewer service area or sanitary district, where wastes are piped away to a wastewater treatment plant, have to dispose of sewage through a private on-site wastewater treatment system (POWTS). Soil and bedrock conditions on a property determine which type of system, if any, is suitable.

The Washington County Sanitary Code requires installation, pumping, and inspection of treatment tanks by state licensed individuals. At-grade, mound, and in-ground pressure systems must be pumped and inspected a minimum of every two years. Conventional systems must meet this requirement every three years. Alternative or experimental designs often require even more frequent maintenance.

Contact the County Planning and Parks Department if you propose to add bedrooms or a change-in-use (such as starting a home business) OR if you are proposing an addition, renovation, construction of an outbuilding, pool, patio, or major grading projects, etc.

How a septic system works

As wastewater exits the house through the building sewer, it enters the septic (treatment) tank. Although the primary function of the tank is to settle out solids, it also provides an environment for biological and chemical reactions to take place. In the tank, larger solids settle forming a sludge layer at the bottom of the tank. Grease, oils, and floating particles rise to the top to form a scum layer. An effluent filter, located at the outlet end of the tank prevents large particles such as seeds, cigarettes, towelettes, hair, etc. from entering the absorption cell (dispersion unit). The partially treated waste discharged from the septic tank is referred to as sewage effluent.

Sewage effluent flows by gravity or is pumped to the absorption cells for treatment within the soil. Within the absorption cells are perforated pipes, which distribute the effluent. Typical absorption fields include conventional cells, in-ground pressure, at-grade, and mound systems. The size of the absorption cell is dependent on soil permeability and, for residences, the number of bedrooms in the dwelling.

The soil serves as a filter, treating the effluent as it percolates downward. With traditional

soil absorption cells, the soil provides most of the treatment and final dispersal into the environment. With the advent of newer technology, pretreatment units such as aerobic treatment units (ATUs) including suspended growth, fixed media, and trickling filter systems provide most of the treatment, with the soil providing final polishing and dispersal to the environment.

As the soil absorption system ages, the ability of the soil to absorb effluent diminishes causing it to become saturated. Although a saturated system will continue to filter sewage effluent, eventually the effluent accumulates in the absorption field faster than the soil can absorb it. The soil pores become clogged, resulting in ponding within the soil absorption system and sewage back-up into the house or surface discharge of partially treated effluent near the system.

On sites where unsuitable area and/or soil conditions exist, a holding tank may be the only option available. A holding tank collects all wastewater generated from the dwelling or commercial building. The contents of the holding tank must be removed regularly by a licensed pumper. Washington County does not allow the use of holding tanks for new construction residential dwellings.

Septic tank additives are unnecessary for the proper biological functioning of a POWTS.

Premature system failure

Several conditions that will shorten the life of a POWTS include:

- Hydraulic overloading—POWTS are designed for a specific quantity and quality of wastewater. The following may cause an absorption system to pond, resulting in sewage backup into the dwelling or surface discharge of partially treated sewage:
- Leaking faucets/toilets;
- Groundwater infiltration through manholes, manhole risers, or broken underground sewer pipes;
- Introduction of surface water through manhole covers that are not located above the surrounding ground surface elevation;
- Discharge of water softener backwash into the tank;

Signs of a failing system:

- Backup of sewage into the residence.
- Grass in the yard is much greener and is growing more rapidly than in other areas (this is a sign of ponding).
- Toilet or sinks drain slowly.
- Pump in pump/dosing tank runs continuously.
- Discharge of partially treated sewage onto the ground surface, into a ditch, or surface water.

If experiencing any of the above, contact a properly licensed individual as soon as possible.

- Disposal of excessive amounts of fats, oils, and greases;
- Excessive water use inside the home;
- Disposal of antibiotics, disinfectants, paint, varnish, stains, gasoline, oil, degreasers, and pesticides—these chemicals will destroy the bacteria that needs to be present in the treatment tanks.

Septic system care

DO:

- Use reduced-flow water fixtures.
- Wash clothes using full loads only.
- Operate dishwasher with full load only.
- Spread clothes washing over several days to prevent surging.
- Repair/replace leaking faucets/toilet float valves.
- Use garbage disposal sparingly—avoid disposing of vegetable peelings and bones.
- Divert surface water from downspouts and sump pumps away from the treatment tanks and dispersal component.
- Know the location of treatment tanks and dispersal unit; keep manhole covers accessible for inspections and pumping; manholes that are above grade must be locked.
- Minimize foot and vehicular traffic over mound and at-grade systems to avoid soil compaction.
- Keep a written record of repairs, pumping, inspections and other maintenance activities.
- Call a professional if problems occur, and at the onset of any signs of system failure.

DON'T dispose of the following into the treatment tank(s):

- baby wipes
- cat litter
- cigarettes
- coffee grounds
- condoms
- cotton face cleaning pads
- cotton swabs
- dental floss
- disposable diapers
- facial tissues
- large quantities of fats, oils, greases
- large quantities of strong cleaning products
- paint/varnish/stain
- paper towels
- pesticides
- photographic chemicals
- sanitary napkins/tampons
- solvents

It is also important *not to* drive or park vehicles or heavy machinery over the treatment tanks or dispersal unit; construct driveways/parking areas over the treatment tanks or near the dispersal unit; enter a septic/treatment tank; plant trees or bushes over the system; or discharge water softener backwash water into the system.

Under normal circumstances, the cost of installing a new system will range from \$5,000 to \$9,000 for a conventional system and \$10,000 - \$17,000 for a mound or at-grade system for a 3-4 bedroom residential dwelling. The cost for a new holding tank installation can range from \$6,000 to \$10,000. For replacement systems add an additional \$2,000 - \$5,000 to the above. If properly sited, designed, installed, and maintained, a system should last 20+ years.

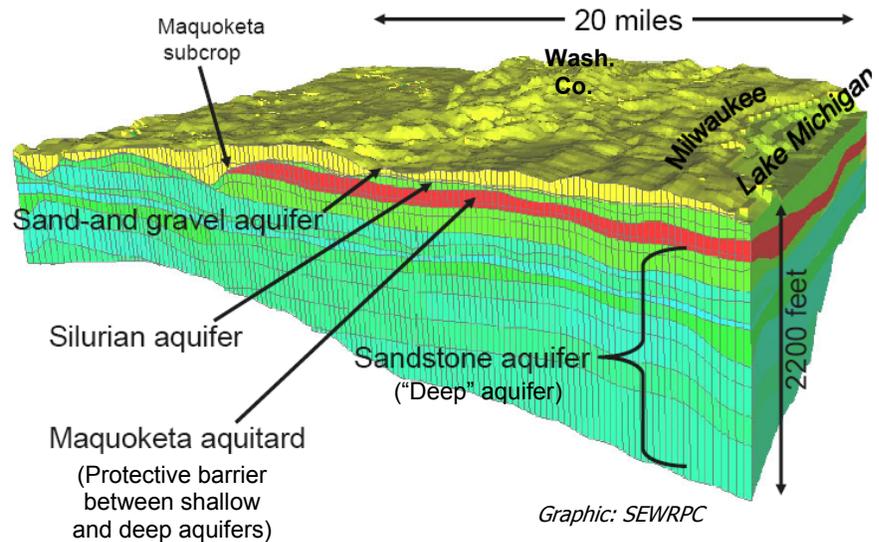
Wisconsin Fund Grant Program

This program provides state financial assistance to reimburse eligible property owners a portion of the cost of replacing or rehabilitating failing private on-site wastewater treatment systems. Washington County has participated in the Wisconsin Fund Financial Assistance Program since 1980. The maximum possible amount of reimbursement is 60 percent of the total cost of replacement. There are no guarantees that funding will be available. Please note that an application may be submitted for reimbursement within the 3-year period from the date the enforcement order was issued. However, work on the replacement system must be completed within one year of the date of the enforcement order to maintain funding eligibility. If you have questions, contact the County Land Use Division of the Planning and Parks Department.

Wells

Drinking water for most rural homes in Washington County comes from private on-site wells that tap into groundwater stored approximately 100-500 feet underground in the shallow aquifer. This aquifer is relatively local (it does not extend from Canada or Lake Superior)—in fact, your drinking water probably entered the ground in the form of precipitation within a few miles, or less, of your well.

The Sand-and-gravel aquifer and the Silurian aquifer together make up the “shallow aquifer,” where private wells and even some municipal wells in the County are located. If contaminants are released into the ground, soil layers between the ground surface and the aquifer may be able to break down some toxins, but not all, before they reach the aquifer.



Water quality

It is unlikely that landowners in Washington County will have problems with water *quantity*. Water *quality*, however, will probably always be an issue, since there is basically a direct pathway for contaminants on the land surface to enter the groundwater. For generations, people assumed that well water was safe. Rural landowners should no longer make that assumption. Groundwater quality has been impacted in many ways, ranging from natural minerals to exotic toxic chemicals. Some concerns include:

Bacteria: When human or animal waste contaminates an aquifer, well water can transmit various diseases. Contamination can occur if the waste enters the groundwater without adequate filtration through soil. Coarse soils, such as gravel and sand, do not filter out impurities as effectively as silts and clays. Wells in fractured bedrock or shallow limestone are especially susceptible to contamination.

Odor: Water that is drawn from aquifers associated with wetlands may contain hydrogen sulfide, which imparts a rotten-egg odor to drinking water. Leakage from underground tanks used to store gasoline, or barnyard pollution can also result in water that smells bad—and is unhealthy.

Nitrates: Nitrates are very soluble chemicals that originate from manure, chemical fertilizer, and septic tanks. At concentrations above 10 parts per million, they are considered dangerous for infants under six months of age. Very high levels of nitrate may affect adults and livestock.

Iron: Iron is a naturally occurring, common water contaminant that is not considered a health hazard, but it can affect the flavor and color of food and water, and will cause reddish-brown staining of laundry, porcelain, and dishes.

Other hazardous materials: A great many chemical contaminants have been found in well water over the years. Old town dump sites and unmanaged pesticide applications have generated special concerns. Homeowners with shallow wells (less than 100 feet deep) should be especially careful when disposing of cleaners, solvents, paint, waste oil, antifreeze, and other chemicals around the house. Deposit the materials at recycling centers or community clean sweep collections for hazardous household wastes.

Treatment for most well water quality problems is available through the installation of systems sold by commercial firms specializing in water treatment solutions.

Testing your well water

State regulations only require that private well water be tested for bacteria at the time of construction. Thereafter it is the responsibility of landowners to test their water



Photo: MS Design Gallery

periodically. It is recommended that you test your well annually for bacteria, and at least that often for nitrates if you have an infant under six months of age. To monitor trends in your drinking water quality, keep good records of tests results.

The State Lab of Hygiene in Madison can test your well for a variety of common contaminants. Call 800-442-4618 for prices and to obtain a test bottle. The Environmental Task Force Lab at UW-Stevens

Point offers a Homeowners Package that includes seven common tests. Call 877-383-8378. Private labs in the area that can test your water for a fee include Cardinal Environmental, 800-413-7225; the Menomonee Falls Water Utility, 262-532-4800; the Port Washington Water Utility, 262-284-2172; and the Sheboygan Water Utility, 920-459-3800. You can also call the Washington County Health Department at 262-335-4462 or the Land & Water Conservation Division at 262-335-4800 with questions about testing your private well.

Well water troubleshooting

- ✓ Locate new wells uphill from possible contaminating sources (septic systems, underground fuel tanks, landfills, heavily fertilized areas, etc.)
- ✓ Have the seal ("cap") at the top of the well casing checked to make sure the seal is tight; otherwise insects could get in and spread bacteria.
- ✓ Local groundwater contamination could be caused by an improperly filled or unsealed abandoned well in the area.
- ✓ Find out if your property is on or near an area historically used as an orchard; if yes, this might explain lead and arsenic contamination.
- ✓ Make sure your septic tank and drain field operate properly.
- ✓ Don't dispose of substances such as motor oil, paint, solvents, or pesticides in septic systems, and never dump them on the ground.
- ✓ Don't take water samples for testing from a garden hose. Make sure any samples are from a faucet that was first sterilized with a flame (candles work well on a metal faucet head—don't use on a plastic faucet head). Otherwise, bacteria present on a faucet head could give a false positive test result.



Well abandonment

Improperly abandoned or contaminated wells provide an additional risk to our groundwater. They provide direct pathways for surface pollutants to enter the aquifer. At times, new wells will test positive for bacteriological contamination until a nearby contaminated well is properly abandoned. While the WDNR requires that all unused wells be filled and sealed by a licensed well driller or pump installer, it's possible there may still be wells in the County that have not been properly abandoned.

The Washington County Land & Water Conservation Division may offer assistance to landowners who wish to have unused or contaminated wells properly abandoned. The cost-sharing program reimburses up to 70 percent of the cost to landowners for properly filling and sealing their unused wells. Well abandonment costs typically range from \$500 to \$2,500. An application must be approved before the abandonment work can be started.

Financial assistance for well replacement

Property owners replacing privately owned wells contaminated with a chemical or petroleum product may be eligible for financial assistance from the WDNR. (Households with a total family income greater than \$65,000 annually are not eligible.) This program provides cost-sharing of up to 75 percent of the total replacement cost. Contact the WDNR Drinking and Groundwater Specialist at 920-746-2872 for more information. (Note: Funding is not available to replace wells contaminated solely by bacteria or nitrates).

Mailboxes

(Note: The following information is applicable to County trunk highways. There may be other regulations for mailboxes on State highways or Town roads—see p. 8 for more information on the different types of roadways.)

Massive supports such as telephone poles, heavy metal posts, concrete posts, antique farm equipment, or other similar items are prohibited for mailboxes. Any support must be designed so that if it is struck, it will bend or fall away from the striking vehicle to prevent severe damage to the vehicle or injury to the traveling public. If possible, all newspaper tubes and mailboxes shall be placed on the same post to avoid unnecessary posts.

-  Nothing shall be attached to the mailbox, newspaper tube, or its support.
-  Use of a semi-arch or extended arm-type support that allows snowplows to sweep near or under mailboxes without damaging supports is recommended.
-  When newspaper tubes are used other than those provided by the newspaper, the Highway Commissioner has the exclusive authority to approve the newspaper tube.
-  The Washington County Highway Department will repair or replace mailboxes that are physically struck by a county highway department truck. Standard size and design boxes will be used. The Department will not repair mailboxes damaged by snow.
-  Mailboxes should be mounted at a height of 41 to 45 inches from the road surface to the bottom of the mailbox or point of mail entry.
-  Mailboxes should be set back 6 to 8 inches from the front face of the curb or edge of the shoulder to the mailbox door.

(Note: The following information about driveways, culverts, and right-of-way is applicable to County trunk highways. There may be other regulations on State highways or Town roads—see p. 8 for more information on the different types of roadways.)

Driveways and Culverts

The Highway Department issues driveway and utility permits for use of County Trunk Highway right-of-way. For culvert replacement, paving a driveway, installing a new driveway, or constructing a new road, applicants must fill out an access permit application and access permit form. (These forms are available on the Highway Department's page of the Washington County Website, or phone 262-335-4435.)

Right-of-Way

The Washington County Highway Department provides information to registered land surveyors, property owners, and utilities regarding rights-of-way on county roads in Washington County. Right-of-way is land owned by the County adjacent to County Trunk Highways. No construction activities are allowed on the County right-of-way without an approved permit from the Highway Department. No obstacles are allowed on the County right-of-way, including used vehicles, for-sale signs, rummage sale signs, political signs, landscaping, or plantings.

Easements

In addition to zoning and related town regulations, other restrictions on property, called easements, may have been established on your property by a previous landowner, a utility, or a government entity. If the easement already existed at the time you purchased the property, you should have been informed of its ramifications. Generally, once an easement is in place, all subsequent owners must abide by its terms. Only the original grantor of the easement typically would have received compensation, if it was due.

Easements may require you to allow construction and maintenance of roads, driveways, utilities, stormwater facilities, etc. across your land. They may also require that you *not* do something—for example, you might not be able to build any structure or plant any vegetation that would block a neighboring property owner's view. Easements are on file at the Washington County Register of Deeds with the property deed and/or with the land division survey or subdivision plat. A title search conducted when you purchased your property should have uncovered any easements of record.

Access easement

A common type of easement is one that provides access to a landlocked property (a property without direct access to a public road). Access to a landlocked property is negotiated with a neighboring property owner whose land borders a public road. Sometimes, the owner of the landlocked property is able to purchase a strip of land that will connect his/her property to a public road. In other cases, it may be sufficient to purchase an easement that allows the owner of the landlocked property to put in a driveway across part of the neighboring owner's land. The neighbor still owns the land, but he/she has agreed to allow this limited use (usually in exchange for monetary compensation).

Conservation easement

Primarily in the last 20 years, some landowners wishing to preserve their land in its natural state and/or gain tax advantages have worked with a non-profit organization such as the Ozaukee-Washington Land Trust (OWLT) to voluntarily put conservation easements on their land. These easements are recorded with the Register of Deeds and legally restrict the amount and type of future development and activities that can occur. For example, all future owners of a property may be forbidden from subdividing the property into additional house lots, clear-cutting a woodlot, or altering specified wildlife habitat, etc.

Whenever a property with a conservation easement is offered for sale, the seller should provide a copy of the paperwork and inform potential buyers of any restrictions. If this obligation is neglected, the local land trust/conservancy that co-holds the easement (typically, OWLT) will usually step in to remind the parties of the easement and its terms. Conservation easements are still relatively rare, so if your title search did not discover one, and you were not contacted by OWLT, you probably do not have one on your property.

Deed Restrictions

Deed restrictions place additional limits on private property. They can be established by private landowners or by government entities. A landowner might restrict future owners from altering a part of the property that has historical significance, for example. A government entity, such as the town, might limit the number of additional land splits that can occur on a property. Administration and enforcement procedures for a deed restriction will depend on whether it was enacted by a private party or a government entity. To find out if your property has any deed restrictions, check your property deed. If you cannot find a copy, you can obtain one from the Washington County Register of Deeds.

Covenants

Covenants are restrictions on private property that have been established by a previous owner or developer of a property. Most often, covenants are found in cities and villages where architectural control and uses of the property are more critical than they are in open, rural areas. Occasionally, however, a subdivision or condominium development in a rural area might have covenants associated with it. Typical restrictions might include the building of accessory structures, the types and/or numbers of animals allowed, the type and amount of outdoor storage of materials, the number of vehicles that may be permanently kept on the property, and so forth. Since covenants are private agreements, they are not administered or enforced by any government entity. Violations must be handled as civil actions in the courts.

To find out if your property has any covenants, check your property deed. If you cannot find a copy, you can obtain one from the Washington County Register of Deeds.

Fence Law

Historically, disputes over line fences have caused more ill will between neighbors than any other issue. To reduce conflicts, the state legislature enacted Chapter 90—an entire section on fences. The central provision of the law provides that if one neighbor uses and occupies land for farming or grazing, the other neighbor must join in the construction and

maintenance of a line fence—even though you may have no use for, or desire for, the fence. Each neighbor is responsible for one-half of the fence unless they agree to another arrangement. (Check with your town clerk to see whether there are also local ordinances that apply to fences.)

The state law defines ten acceptable types of legal fence, sets standards for fence repairs, and establishes a set of judges, called "Fence viewers" to resolve conflicts (other than boundary disputes). The fence viewers are any two or more members of the town board.



Adverse Possession

Adverse possession was developed under English common law. Feudal landowners who owned so much land they were unable to keep track of it, could lose remote parts to peasants living on the property. This concept of "squatter's rights" contained two essential elements: 1) the squatters had used (possessed) the property as if it were theirs for a significant length of time, and 2) the landowner had not given them permission; thus their use was defiant or *adverse*. Adverse possession still occurs today. Usually, it involves someone who knowingly uses adjoining property as part of his or her own property. (However, the adverse possessor need not be a neighboring landowner.)

Possession is defined by actions such as cultivation, improvement, enclosure (fencing) or use for fuel (firewood). The mere crossing of property by foot or by vehicle on a trail or along utility lines does not constitute possession. To claim adverse possession, a claimant must maintain possession for only seven years if the claim is based on a recorded written document and the claimant has paid property taxes on the property. When the claim is based on an inaccurate written document but taxes were not paid, the time period is ten years. If no documents are involved and the adverse possessor has not paid property taxes on the property, then the time period is 20 years. (Ch. 893.24 of Wisconsin Statutes). Note: railroad right-of-way is subject to adverse possession.

To eliminate a potential adverse possession claim against your property:

- Thoroughly investigate how the property is used before you buy it.
- After the purchase, check boundaries and ask neighbors if anyone is using the property.
- Periodically establish physical possession by keeping other users off the property. Use the land yourself.
- Rent the land and record the signed lease. Give written permission to a potential adverse possessor.

Horses

The number of horses you are allowed to keep on your property is typically regulated by the Town zoning ordinance. Contact the Town Clerk or Zoning Administrator for details.

Pets

If you own a small dog or cat, you might want to keep your pet inside at night. In some areas, pets have fallen prey to predators. Just like in cities, dogs usually need to be licensed and have a rabies vaccination. Animals must be under control at all times. (For information about dog licensing and control of stray animals, contact your Town Clerk.)



Photo: Jamie Simon

Stray Animals

The Wisconsin Statutes contain three chapters (172-174) on owners' responsibility for their animals and the rights of neighbors to protect their property from unrestrained animals. While problems with rams and bulls have diminished, dogs continue to cause damage. The owner of a dog is liable for the dog's actions. If the owner is given notice that a dog is "wounding, worrying, or killing" livestock and fails to confine the dog, the owner may be liable for double or triple damage. Persons who suffer losses to domestic animals from dogs may file a claim on the county dog license fund—into which all dog owners pay an annual license fee. The law also specifies the conditions under which the dog may be legally destroyed.



Photo: MS Design Gallery

Deer

Enjoy "grilled venison"? You may get some if you don't pay attention when driving. Each year thousands of deer are killed and injured by motor vehicles. Extra caution is needed when driving, especially at night. Seasonally, deer activity increases in June and from early October through November.

Deer, although beautiful, can ravage a garden or expensive plants. Carefully consider which plants you will use in your landscaping or garden. It's not the deer's fault your expensive rose bushes taste so good.

Other

Living in a rural area requires extra attention when it comes to wildlife. Raccoons and other small mammals can create a mess if trash isn't securely stored. Avoid attracting predators and pests by not leaving pet food outdoors.

Wood and deer ticks are parasites that suck blood from people and animals. The deer tick spreads Lyme Disease. Symptoms can vary in degree and may include fatigue and a bite that looks like a bull's eye. It is usually treated with antibiotics but can linger.

Deer ticks stop being active only when there is snow on the ground. The highest number are found in brushy and wooded areas, although they are less common in eastern Wisconsin than in the west-central and southwest parts of the state. It takes a deer tick 24-48 hours of feeding before it can transmit Lyme disease. In Wisconsin, about 15-20 percent of adult deer ticks carry the disease. Doing daily tick checks when in brushy or wooded areas is very important in reducing the chance of transmission.



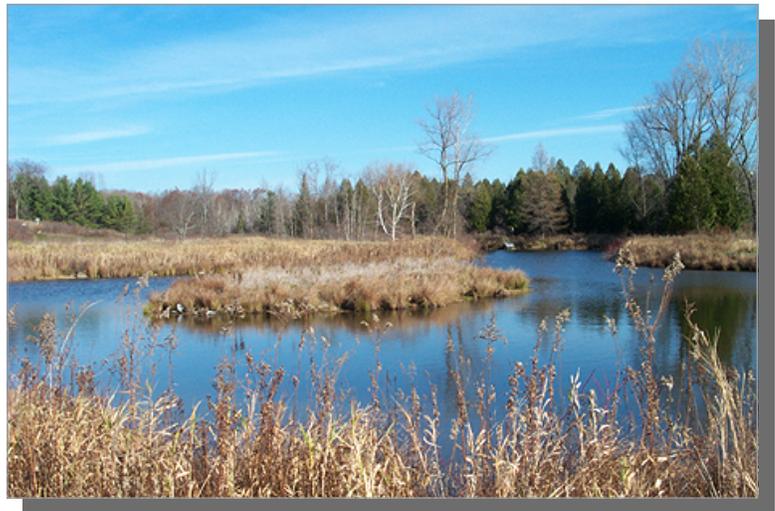
Photo: CDC

Outdoor insecticides will not be very effective in areas of tall grass, brush, or woodlands on your property. However, deer ticks do not survive well in mowed lawns, and spraying a 10-20 foot band of an insecticide containing permethrin or carbaryl along the edges of mowed areas or on trails can reduce tick numbers. Treatment is most effective in March or April when there is less foliage to deflect the spray. A single treatment per year should be sufficient.

When hiking in areas that are likely to be infested, wear long sleeves and pants, and consider applying a spray containing permethrin to your clothing. One application can last for two weeks.

Enhancing wildlife habitat

Despite the warnings in the previous paragraphs, wildlife existed in rural areas before people moved in. Many residents of rural areas enjoy observing wildlife and try to enhance appropriate habitats. Wildlife habitat can be defined as areas that provide enough food, cover, and water to sustain a species. Major wildlife species using local habitats within the County include songbirds, white-tailed deer, squirrels, and small mammals. Several species of geese and ducks inhabit open water areas. Some of the old fields, agricultural land, and wetlands provide habitat for turkeys, pheasants, raccoon, coyotes, muskrats, skunk, red fox, and mink.



Washington County lies within an important migratory corridor for songbirds, shorebirds, waterfowl, and raptors. These birds, possibly including some threatened or endangered species, use wooded and wetland areas for food and shelter during migration.

The Wildlife Habitat Incentive Program, available through the Washington County Land & Water Conservation Division in partnership with the Natural Resource Conservation Service (NRCS), shares costs with landowners who develop or improve fish and wildlife habitat.

Woodlands

Woodlands throughout the County provide habitat for wildlife and include major tree species such as willow, cottonwood, ash, maple, American elm, basswood, oak, hickory, and various conifers. To make decisions about which tree to plant, which to encourage in natural reproduction, which to thin and which to harvest, you must be able to identify the species. Learning to know your trees can be one of the most rewarding aspects of owning a woodlot. Sharing that knowledge with children, grandchildren, and visitors provides a continuing source of satisfaction.



A well-managed 10- to 15-acre deciduous woodlot, especially young oak stands, can keep a family in fuel wood indefinitely. Poor quality hardwoods and treetops make

excellent firewood. Landowners with larger woodlots can combine fuel wood production with pulp and timber production. Landowners without hardwood stands but with unused open land might consider planting fast-growing hybrid poplar, a special aspen variety that can be cut for fuel in 15 to 20 years.

All forest owners need help in making wise decisions for long-term management. Each year nearly 80 percent of the private non-industrial forest landowners who harvest their timber do so without professional forestry assistance. Many of these owners lose potential income and other benefits because they do not manage their forest resources. WDNR foresters and wildlife managers are stationed locally; university specialists and private consulting foresters and landscape architects are also available. Once you have clarified your objective for your woodlands, it's a good idea to seek the assistance of professionals in developing and implementing a management plan.

Managed Forest Law (MFL)

The Managed Forest Law program allows woodland owners who wish to manage their woodlands to pay property taxes at a reduced rate. The MFL program is open to all private landowners with at least 10 acres of woodland, provided that 80 percent of the land is productive and capable of producing wood products (can grow at least 20 cubic feet of wood per acre per year) and the minimum average width of the enrolled land is no less than 120 feet. Participation in the MFL program requires an approved, written forest management plan and the landowner must allow limited public access to get the lowest annual property tax rate. Contact your WDNR Forester for more information. . . .

<http://www.dnr.state.wi.us/forestry/ftax/county.asp>

Emerald Ash Borer (EAB)

The Emerald Ash Borer is a half-inch long beetle originally from Asia that found its way to North America. The larval stage of EAB feeds under the bark of trees, cutting off the flow of water and nutrients. EAB was first reported in Washington County in August, 2008.



EAB photo: Wisconsin DATCP

Immediately thereafter, a quarantine was put into effect in Ozaukee, Washington, Fond du Lac, and Sheboygan Counties. The quarantine forbids moving all firewood, ash lumber, and nursery stock out of the area. Violators face fines and jail time.

All of Washington County's 17 million ash trees are susceptible. Infested trees gradually die over a 2-4 year period. All sizes and even very healthy ash trees can be killed. Currently, there is no fool-proof method for dealing with the pest. It is recommended that you inventory your ash resource and evaluate their condition. If you believe that any of your ash trees are exhibiting the specific symptoms caused by EAB, please report it to the EAB hotline (1-800-462-2803). While insecticide treatments are available, none are 100 percent effective. You are responsible for the treatment of your own trees. To be effective, insecticide treatments should take place in the spring. If you have a large number of ash trees, it may not be practical or cost prohibitive to treat them all.

In addition to abiding by the quarantine, landowners can take other steps to help stop the spread of EAB. 1) Identify the



trees on your property and develop an inventory of any ash species. 2)

Monitor the condition of your ash trees—official EAB presence will be verified by two or more of these

symptoms: D-shaped holes; S-shaped scrolling under the tree bark; water sprouts (small leafy branches emerging from the base of the tree); die-back in the canopy (leaves are yellowed and/or falling from the tree during the summer); woodpecker activity; bullet-shaped, iridescent green beetles from May through August. 3) If you

simply observe green colored insects, be certain they are not an EAB look-alike by checking the following Website: <http://www.entomology.wisc.edu/emeraldashborer/#WhattoLookFor>



UW-Madison Dept. of Entomology

Gypsy Moth

The gypsy moth is an invasive pest from Europe that has established itself in parts of Canada, the northeastern U.S., and in the upper Midwest, including the eastern half of Wisconsin. Today, the gypsy moth continues to move westward into the backyards and forests of our state. The gypsy moth has four life stages: egg mass, caterpillar, pupa, and moth. It is only in the caterpillar stage that the gypsy moth is destructive.

During outbreaks, hordes of gypsy moth caterpillars can strip entire forests of leaves. Trees that were healthy typically can survive a single defoliation, but weak or stressed trees can be killed. The gypsy moth caterpillar will feed on both broad-leaved trees and evergreens. Oaks, birch, and aspen will typically be the worst defoliated.

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) works to delay establishment of gypsy moth through the Slow the Spread (STS) Program. STS includes regulations for nurseries, paper and lumber mills and movers to help prevent accidental spread of the gypsy moth. Where large infestations have been detected, quarantines and aerial insecticide treatments may be used.

Noxious Weeds

Before the advent of herbicides, many farmers carefully controlled certain weeds by hand picking or tilling. Farmers who conscientiously controlled their weeds were understandably upset if a neighbor did not control his or her weeds and seeds blew across the property line.

The Wisconsin legislature responded by empowering each unit of local government to declare a list of noxious weeds and to appoint a weed commissioner. Landowners (or in some cases renters) are required to control weeds on their property. If a landowner or renter receives notice from the weed commissioner, and the proper action is not taken to control noxious weeds, the commissioner may carry out the control. The landowner's next property tax statement will include a bill "For the Destruction of Weeds."

(Note: Chapter 26 of the Wisconsin Statutes authorizes Wisconsin DNR personnel to enter private lands to survey pest problems, such as an oak wilt or gypsy moth infestation, and to take measures to control such problems.)

Invasive plants

There are at least 162 invasive plant species in Wisconsin. Some, like box elder, buckthorn, Canadian thistle, Eurasian water milfoil, garlic mustard, various honeysuckles, poison ivy, purple loosestrife, quackgrass, and reed canary grass are infamous and often the subject of concerted removal efforts. Others, such as baby's breath, blackberries, grapes, Kentucky bluegrass, raspberries, and Scotch pine are often welcomed.

By law, many invasives are considered nuisances in Wisconsin, meaning it is illegal to sell, distribute, or cultivate their plants or seeds, including any of their cultivars. Because invasives are intruders in the Wisconsin ecosystem, they can cause severe problems. For example, purple loosestrife tends to displace native wetland vegetation and degrade wildlife habitat. Eventually, purple loosestrife can overrun wetlands thousands of acres in size and almost entirely eliminate the open water habitat. The plant can also be detrimental to recreation by choking waterways.

WISCONSIN'S LEAST WANTED



Quackgrass



Buckthorn



Canadian thistle



Reed canary grass



Purple loosestrife



Garlic mustard

Photos: Wisconsin DNR

Right to Farm Law

Agriculture annually produces revenues of \$60-70 million in Washington County. Like many businesses, farmers often work around the clock, and farm operations commonly include dust, noise, odors, and farm chemicals. These typical farm activities may affect adjoining property owners.

While farm operations must adhere to a variety of regulations, they also have legal rights. Wisconsin's "Right to Farm" law was enacted to protect farm operators from nuisance complaints directed at normal farm operations. Sec. 823.08, Wis. Stats. states that an agricultural use or change in use cannot be deemed a nuisance if it predates the complainants' use



of neighboring property, and presents no "substantial threat to public health or safety." If an agricultural use or a change in use, such as a farm expansion, occurs within an Exclusive Agricultural Zoning (EAZ) District, a court cannot substantially restrict the activity unless the public health or safety is threatened. Outside the boundaries of an EAZ District, courts 1) cannot close an operation unless it is a threat to public health or safety, 2) may assess only nominal damages if the defendant was in the location prior to the plaintiff, and 3) must give the farm operator at least one year to modify any practices—although less time may be allowed if there is a substantial and immediate health or safety issue.

A good first step is to talk with a farmer about a concern or problem. Farmers are generally cooperative and are open to answering questions and addressing concerns if possible. Remember that the Right to Farm law is intended to avoid lawsuits and find resolutions without reverting to legal action. It should also be noted that by statute litigation expenses are awarded to farm operators who are sued but prevail in court.

Some Potential Conflicts

There are normal day-to-day farming practices that have been used in rural areas for years if not decades. They are necessary to produce the food that reaches America's grocery stores and dinner tables. Nevertheless, some practices may cause conflicts with neighbors who are not farmers.

Smells

Odors from livestock, agricultural chemicals, and manure can be objectionable. Farmers strive to use best management practices to limit odor and follow government guidelines during field application in order to minimize negative impacts while maximizing crop yields.

Manure is a valuable source of organic plant nutrients, which lowers dependency on synthetic fertilizers. According to recent figures, Washington County is home to

approximately 35,000 dairy and beef cattle and 3,500 hogs. These animals produce as much waste as a city of over 650,000 people. Most farmers have a nutrient management plan for their farm that is based on soil tests and the crops cultivated in order to grow crops efficiently and minimize runoff. Washington County's Land & Water Conservation Division administers the County's Animal Waste Storage Facility Code, which requires the storage of animal waste in facilities to meet technical design and construction standards. This is an effort to ensure proper management of animal waste to minimize odors and prevent any type of pollution risk to ground and surface waters.

Sounds

Farm machinery is noisy. There's little that can be done to avoid it, although siting homes away from farm fields and/or planting vegetation as a buffer will give the sounds a chance to dissipate. Sometimes, due to weather conditions and other factors, farmers may need to work late into the night or early morning. Fortunately, these situations are temporary.

Dust, Chemicals

Tilling, planting, harvesting, haying, and other farm operations can create dust, especially during windy and dry weather. Some of that dust is bound to get into nearby homes and vehicles.

Crop protectants are used to improve crop production by controlling or killing weeds and insects that destroy crops and reduce yields, which can significantly lower a farmer's income and increase food costs to consumers. These products are applied by licensed applicators who have been trained to take proper precautions. Posting of land applied with crop protectants is usually not required.



Photo: UWEX Polk County

Livestock

Owners of livestock are liable for the actions of their animals and any damage the animals may cause. Sometimes, however, livestock will find a way to break through even the best fencing. For your safety, do not approach livestock that are running loose. Contact the farmer immediately if you notice unrestrained livestock. If a satisfactory solution is not found, contact the County Sheriff's Department.



Slow Moving Vehicles

Farmers are required to use "Slow Moving Vehicle" (SMV) emblems on the rear of farm equipment, and/or lights and reflectors when traveling on roadways. The SMV emblem has a red-orange fluorescent triangle at its center, surrounded by a highly reflective red border. Learn to watch for this when driving on rural roads.

Since farm vehicles of all types are allowed on all roads, they sometimes back up traffic. Other drivers should try to look out for and be patient with slow moving vehicles. Farm tractors generally move at top speeds of 15-20 mph, so a car or truck traveling at 55 mph

can come up behind them surprisingly fast. Drivers should stay alert when cresting a hill in farm country because some farm equipment may be hidden from view or extend over the center line. Farm vehicles that are slowing down are often an indication that the vehicle is about to turn into a driveway or field entrance. The most dangerous situation is when drivers try to pass farm machinery when a farmer makes a turn. It is difficult for farmers to see around their equipment to know whether traffic is behind them, and sometimes they will move across the center line to get a better view around the machinery in order to make a turn.

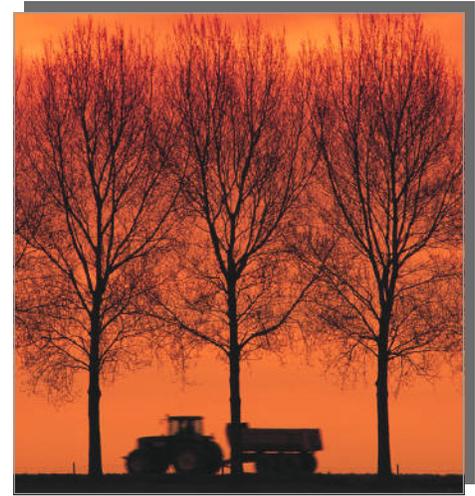


Photo: MS Design Gallery

Good Neighbor Tips

Homeowners in rural areas have improved relations with neighboring farmers by practicing some of the following:

- Being friendly.
- Getting together for coffee.
- Arranging for a tour of the farm operation.
- Exchanging phone numbers in case of an emergency.
- Communicating about special events at your home in advance, so the farmer has a chance to adjust intensive activities.
- Driving patiently when approaching large machinery on the road.
- Listening with an open mind to proposed expansion plans before voicing concerns.

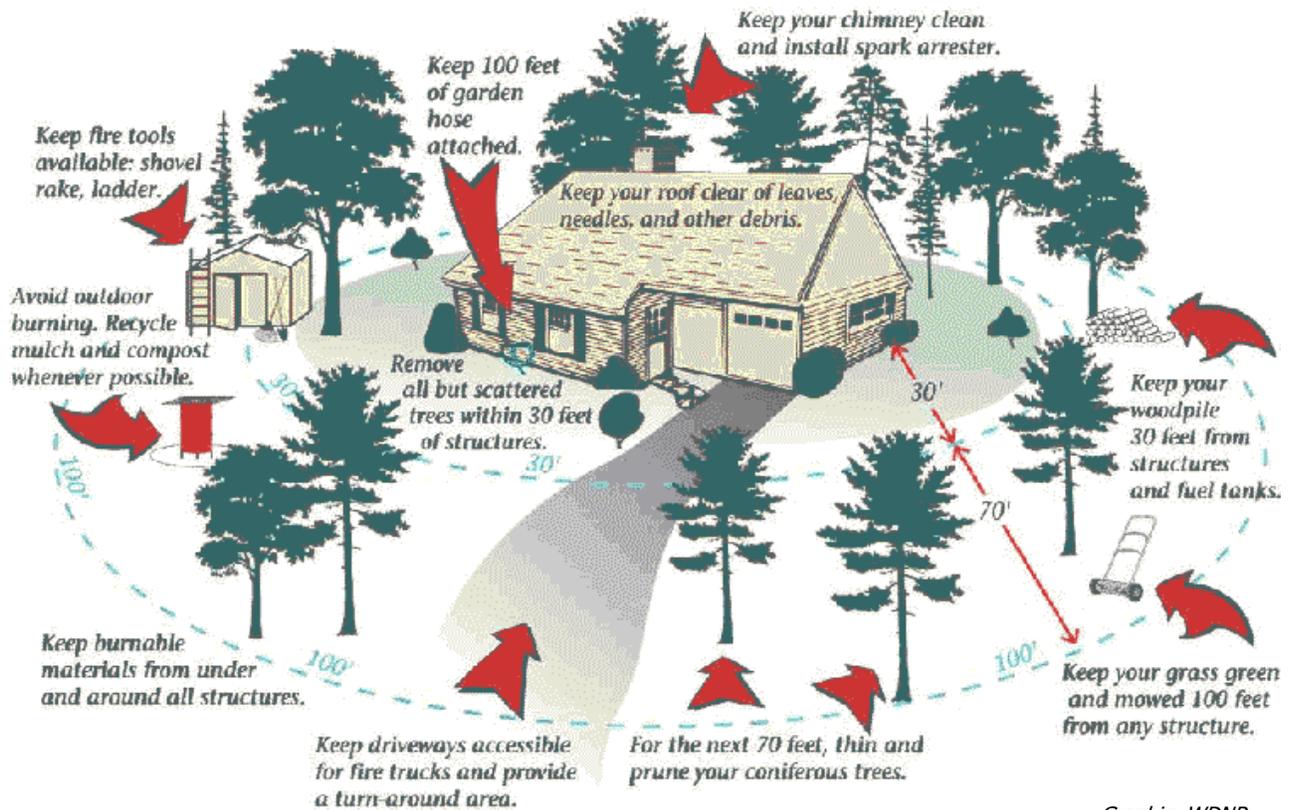
Hobby Farms

For some people, one of the joys of moving to the country is the opportunity to practice farming on a small scale. Simply moving to a rural area, however, does not always guarantee a landowner will be able to build a stable and keep horses, for example. Because the associated noises and activities can be bothersome to neighbors if they are located close by, hobby farms are generally only allowed in specified zoning districts within most of the towns in Washington County. Zoning regulations require a minimum lot size for hobby farms and limit the number and types of animals that can be kept. The size, setback, and number of out-buildings may also be regulated. It is best to check with your Town Clerk before buying a tractor or bringing home animals other than household pets.

AD SPACE

Housing in Wooded Areas

Living in the woods is very rewarding; however those trees can also be a threat to your home. When building or purchasing an existing home, maintain a buffer between your home and the forest to reduce the fire danger to your home. For more information visit: <http://dnr.wi.gov/forestry/fire/prevention/firewise/>



Graphic: WDNR

Outdoor Burning

Wildfires happen most often during the spring months, primarily when landowners start fires to burn debris or clear brush. Poor preparation is often to blame, along with sudden weather changes. (Nothing irritates a volunteer fire department more than having to repeatedly come to the aid of people starting fires under ill-advised conditions.)

While the WDNR requires permits for burning in more than half of the counties in Wisconsin, a permit from the WDNR is not required in Washington County. Nevertheless, a permit might be required from the town where you live, depending on its local ordinances. Even if permits are not required, the town still has the authority to impose a burning ban under extremely dry conditions. Watch for announcements on local radio stations, in the newspaper, and/or posted at the town hall. (Campfires for warming or cooking purposes are usually exempt from permit requirements, but not necessarily from temporary burning bans.)

Anyone who starts a fire may be responsible for the cost of suppressing the fire if it gets out of control and for damages the fire causes. Fines and/or imprisonment may also result for leaving a scene without totally extinguishing a fire, allowing a fire to escape, or intentionally setting a fire on someone else's land.

Burn Barrels

The WDNR strongly discourages the use of burn barrels. The only items that may be burned are brush, leaves, needles, grass, clean wood, unrecyclable paper, and unrecyclable cardboard. Burning materials such as garbage, tires, plastic, shingles, foam, furniture, metal, aluminum, vinyl products, and oil-based products are prohibited because they can emit dioxin, acid vapors, carcinogenic tars, and "heavy metals" such as lead, cadmium, and chromium, as well as unhealthy amounts of carbon monoxide.

Fireworks

Chapter 167 of Wisconsin Statutes defines fireworks and gives local communities the authority to regulate their sale and use. Specifically, the statutes declare that:

"No person may possess or use fireworks without a user's permit from the mayor of the city, president of the village or chairperson of the town in which the possession or use is to occur or from an official or employee of that municipality designated by the mayor, president or chairperson."

The definition of fireworks in the statutes means anything manufactured, processed, or packaged for exploding, emitting sparks, or combustion that does not have another common use, but does not include:

- a cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion,
- a toy snake which contains no mercury,
- a model rocket engine,
- a sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects,
- a device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture,
- a fuseless device that is designed to produce audible or visible effects, and that contains less than one-quarter grain of explosive mixture,
- a device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects,
- a cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50,
- a cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

By statute, permits may be issued to a public authority, a fair association, an amusement park, a park board, a civic organization, an individual, or a group of individuals. However, local governments can be more restrictive on who is eligible for a permit. And even when fireworks are permitted, extremely dry conditions may result in a temporary ban by your town.

Hunting, Fishing and Trapping

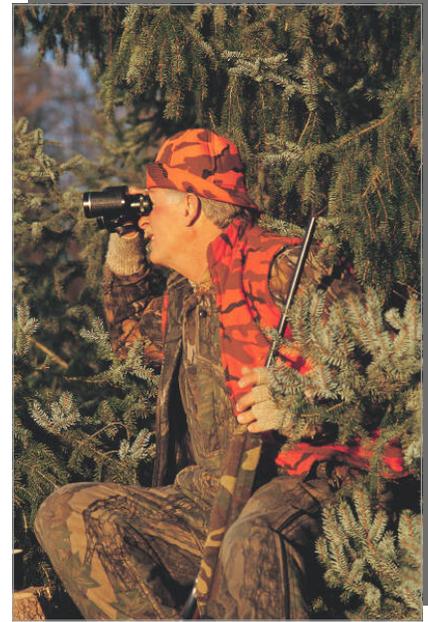
Hunting, fishing, and trapping are rural traditions. Licenses are generally required for all three activities.

Hunting

There is a season for many species, some of which are open the entire year, during daylight hours. You can hunt on your own land, on other private lands if you have received permission, and on certain public lands (e.g., Allenton, Jackson, and Theresa Wildlife Areas). Rifles are not allowed for hunting in Washington County; shotguns, muzzleloaders, and handguns are the only firearms that may be used.

Regulations pertaining to baiting and feeding deer are divided into two parts of the state—those counties where baiting and feeding deer is prohibited, and those counties like Washington where baiting and feeding is allowed. However, even in Washington County there are many limits to legal baiting and feeding. For example, there is a 2 gallon limit per 40 acres. Each year the WDNR publishes a booklet entitled “Deer Hunting Regulations” that goes into more detail about this and other topics. The booklet is available online at the following address: <http://www.dnr.state.wi.us/org/land/wildlife/regs/>.

If you have a large tract of land, you might consider allowing hunters on your property to help control populations of animals that have few, if any, natural predators. This will not only help keep populations at healthy levels, but it will also likely reduce damage to vegetation from wildlife species that have become too numerous.



Both photos: MS Design Gallery



Fishing

Wisconsin residents and non-residents 16 years old or older need a fishing license to fish in any waters of the state. Children under 16 years of age do not need a fishing license, nor do they need to be accompanied by a licensed adult to fish. Children have their own bag limits and are expected to follow the same fishing regulations (e.g., length, bag and season limits) that licensed anglers are required to follow.

Hook and line fishing for many species of fish on many Wisconsin waters begins the first Saturday in May. Exceptions do exist. Not all Wisconsin waters follow the general dates for hook and line or trout season. You must still consult the special county tables in the current *Guide to Wisconsin Hook and Line Fishing Regulations* to determine if any special season dates exist for the particular waters you plan to fish with hook and line.

According to state law, no angler may fish with more than three hooks, baits, or lures. Each year the WDNR publishes several fishing regulation pamphlets that are specific to the species of fish. A list of pamphlets is available online at the following address:
<http://www.dnr.state.wi.us/fish/regulations/> .

Trapping

Certain furbearing animals may be trapped in Wisconsin during the open season and between the hours of 4:00 a.m. and 8:00 p.m. Traps must be checked at least once each day. No age restrictions apply to trapping, but all trappers must obtain a trapping license. (Exception: if you or a family member are trapping coyotes, beaver, foxes, raccoon, woodchucks, rabbits, or squirrels *on land you occupy or own* you do not need a license.)

A number of animals are designated protected and have no open season. Each year the WDNR publishes a booklet entitled "Trapping Regulations" that goes into more detail about this activity. The booklet is available online at this address:
<http://www.dnr.state.wi.us/org/land/wildlife/regs/> .

Firearms

State law prohibits discharging a firearm near residences, near parks, and near highways and roads. Further, a community may restrict the discharge of firearms within its borders.

Under the new concealed carry law, a person with a CCW license may carry a concealed weapon (handgun, knife, electric weapon or billy club) in a vehicle. State law allows a person *without* a CCW permit to do the following, *as long as the weapon is not concealed*:

- place, possess, or transport a *handgun* in a vehicle without being unloaded or encased
- load a *handgun* in a vehicle
- operate an ATV with a *handgun* in the operator's possession
- place, possess, or transport a *handgun* in or on a motorboat with the motor running without being unloaded or encased

A long gun (e.g., rifle, shotgun, muzzleloader) being transported in a vehicle or boat must be unloaded. It does not have to be enclosed in a case.

Generally, both federal and state law prohibit persons under the age of 18 from possessing firearms, but Wisconsin makes exceptions for long guns used for hunting, under certain conditions, or firearms used during adult-supervised activities such as target shooting.

Posting

If they so wish, landowners can post their land with signs (at least 5" x 7" in size) that state a restriction on carrying a firearm. At a minimum the sign must inform people that weapons or firearms are prohibited. Signs must be located in prominent places near all probable access points to the land to which the restriction applies, and in such a way that any individual entering the land can be reasonably expected to see them.

All Terrain Vehicles (ATVs)

There are currently no designated public ATV trails within Washington County. Except for agricultural purposes, ATVs may not be used along roadways. In general, ATV use is only allowed on your private property. Because ATVs can sometimes cause soil erosion, dust, and noise, you should be considerate of your neighbors when you are using an ATV or similar vehicle, such as a dirt bike.

If one of your neighbors is using an ATV in a way that you find disturbing, you should first let your neighbor know—he or she might not realize the impact. If the situation does not improve, your town government may need to enforce a relevant nuisance ordinance. If your town does not have an ordinance addressing the improper use of ATVs, it might want to consider adopting one. While ATVs must be registered, neither the County nor the State regulate ATVs on private property.

Snowmobiles

You may use a snowmobile on your private property, but machines must be registered and are subject to state noise limits. Check with your Town Clerk so see whether your town has additional requirements.

When conditions are acceptable, snowmobiling is allowed within Washington County on the Eisenbahn State Trail between Lighthouse Lane in West Bend and the Fond du Lac County line. There is also a trail network maintained by local snowmobile clubs that runs throughout the County. This network crosses hundreds of private properties where landowners have granted temporary permission for trail segments.



Photo: MS Design Gallery

(If you recently purchased land, it is possible there was a snowmobile trail on it during the previous winter. You are not obligated to allow the trail to continue, but you will earn a great amount of appreciation from a local snowmobile club if you allow continued access.) Each year, maps are produced showing the locations of trails for the upcoming season. Riders cannot legally operate a snowmobile on another person's private property without their consent. Failure to post a property does not give a snowmobiler the authority to ride there.

Under most circumstances you cannot operate a snowmobile on any highway or road. You can ride directly across any roadway having fewer than 5 lanes, but only after stopping and yielding the right-of-way to all vehicles approaching on the roadway. Unless it's prohibited and posted by the town, you can ride on the roadway to cross a bridge, culvert, or railroad right-of-way, but only after yielding the right-of-way to all vehicle traffic. You may operate a snowmobile *next* to a roadway in the following manner:

- along U.S. numbered highways, state and county highways at a distance of 10 or more feet from the roadway. Travel on the median of a divided highway is prohibited except to cross;
- along town highways outside of the roadway.

You can ride on highways that have been designated as *routes* and that are identified by signs. When a town, city, or village designates a highway as snowmobile route, you must ride on the extreme right side of the roadway and yield the right-of-way to other vehicle traffic and pedestrians. If a town, city, or village allows the "Purpose of Residential Access" or the "Purpose of Access from Lodging," a snowmobile may be operated on a portion of the roadway or shoulder of a highway, but only after observing roadway speed limits. Check with your local officials to see if an ordinance exists before you ride.

More details about snowmobile regulations can be found online at this address:
http://dnr.wi.gov/org/es/enforcement/DOCS/snowmobile_regs.pdf

Ponds

Many landowners have constructed ponds. Motivations include fishing, promoting wildlife, watering cattle, swimming, ice skating, and aesthetics. Since some of these objectives are incompatible, ponds rarely meet all of a landowner's objectives. Nevertheless, a pond can provide family recreation and other benefits if the landowner is realistic and obtains professional advice regarding construction and management. Construction advice is available from the County Land & Water Conservation Division, the Federal Natural Resource Conservation Service, and from private landscape companies.



A permit from the WDNR and/or fee is required to construct, dredge, or enlarge any part of a pond or artificial waterbody that is either connected to a navigable waterway or located within 500 feet of a navigable waterway. Pond projects for agricultural use are generally exempt from permit requirements.

Landowner Liability

Under sec. 895.52 of the Wisconsin Statutes, landowners are generally immune from liability for injuries received by individuals recreating on their lands. This law provides liability protection for landowners from injury or death of individuals occurring when participating in outdoor recreation activities on their land such as fishing, hunting, trapping, hiking, camping, boating, and berry picking. This immunity does not apply when the landowner receives more than \$2,000 a year income from the recreation activity or when the landowner acted maliciously with an intent to harm the recreator. There also is an exception for social guests invited specifically for an occasion on residential or platted property or property within 300 feet of a commercial building or structure. Courts have consistently interpreted this statute to protect landowners in furtherance of its purpose, to encourage landowners to allow others to recreate on their lands.

Trespassing

You are criminally trespassing on private land unless you get permission from the owner. Prior to 1995, landowners had to erect "No Trespassing" signs. Now the person intending to enter the land must gain permission from the landowner before entering and must know property boundaries. Land does not have to be posted unless it is adjacent to public land (this also includes private forest lands that are open to public hunting/use).



Citizens may use lakes and navigable streams because the water is publicly owned. However, they cannot cross private property to reach the water or use the land along the shore of a stream or lake. People who walk on the stream bed and along the lakeshore are not trespassing as long as they are in the water. They may climb over a private pier or bridge but cannot use the structure without permission.

Conservation wardens, fire rangers, and other law enforcement personnel have authority to enter private lands in the course of carrying out their duties. WDNR personnel may also enter private lands to survey pest problems and to take steps to control such problems. Although hunters are required to make a reasonable effort to retrieve game they have killed or injured, hunters may not trespass to retrieve such game, even if the game was shot outside the property line. Ask first for permission.

Landowners suspecting that individuals are trespassing on their property should contact their local Sheriff's Department or other local law enforcement agency. Conservation wardens do not have the authority to investigate trespassing complaints. Any person convicted of trespassing is subject to a substantial fine.

Timber Trespass / Theft

If an individual unintentionally harvests timber on another's property without permission, a court can award damages equal to the stumpage value of the raw forest products. This situation might occur when a person relies on a recorded boundary survey that turns out to be in error, for example.

An individual who harvests timber on another's property without permission and without checking surveys or making any other effort to determine the boundary, is subject to paying four times the stumpage value or two times the fair market value (whichever is greater) of the raw forest products harvested. Other damages can also be awarded for restoration of the harvested area, loss of property value, and so forth. For more information see Section 26.09 of the Wisconsin Statutes, available online at <http://www.legis.state.wi.us/rsb/stats.html>.

CONCLUSION

Additional Publications

The information in this guide is by no means all-inclusive. There may be issues you encounter that we have overlooked. That's why the best advice might be "Watch for surprises and the unexpected when purchasing or living on rural property."

For access to further information on many of the issues mentioned in this guide, visit the following University of Wisconsin - Extension publications website:

<http://learningstore.uwex.edu/>

Washington County also has a variety of documents on its website that expand on some of the topics highlighted in this guidebook.

<http://www.co.washington.wi.us/>

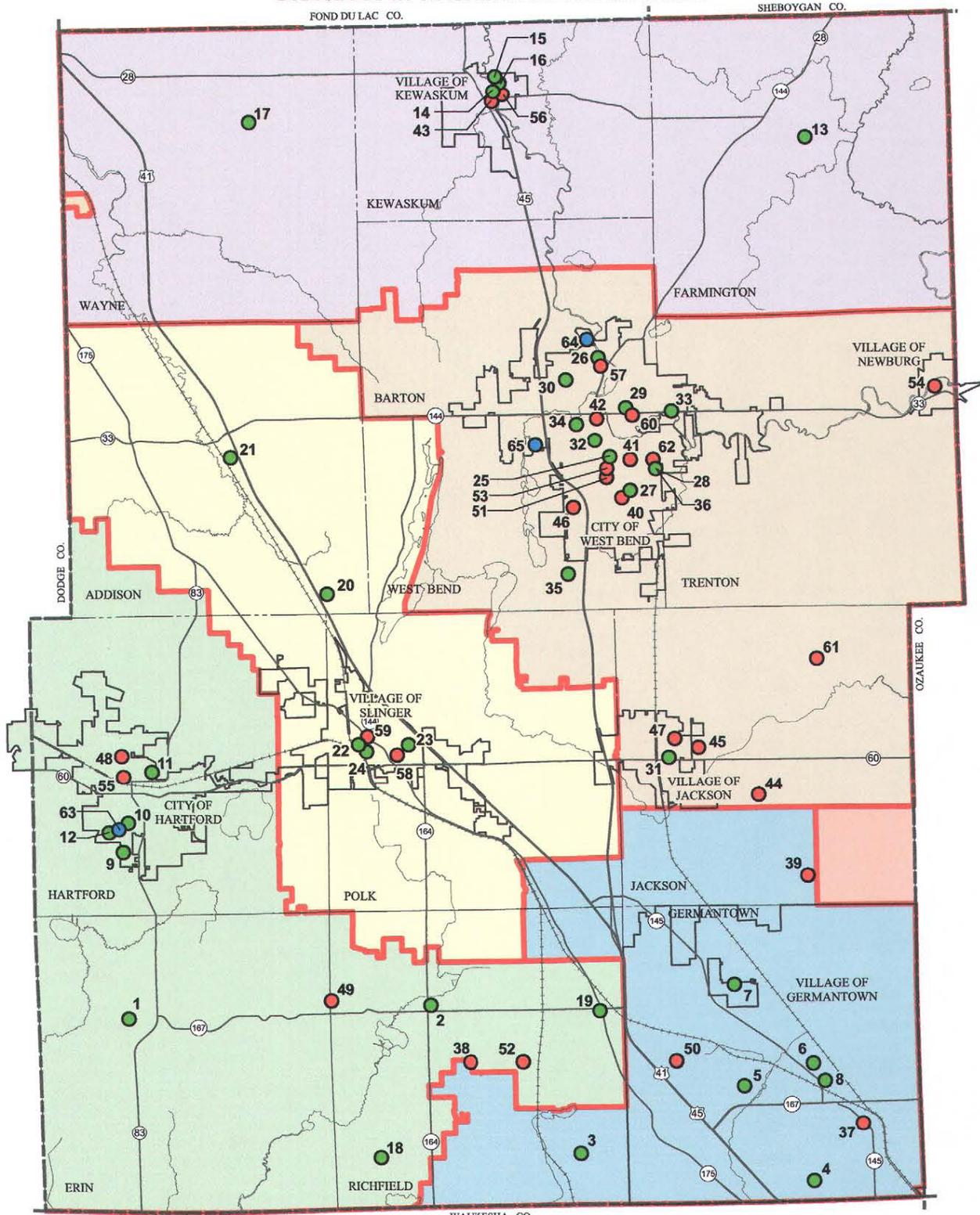
Click on the "Departments" link and then select the County department most likely to be related to your topic. Additional links within the department pages will point you toward more information.

Contacts

The following contacts were up-to-date as of the printing of this guidebook in 2009.

ORGANIZATION	PHONE	TOPICS
County Parks & Planning Dept.	262-335-4445	Comprehensive planning
Land Use Division	262-335-4450	Sanitation regulations; subdivision plat review; shoreland/wetland/floodplain zoning
Land & Water Conservation	262-335-4800	Erosion control; stormwater runoff; manure storage management; invasive species
County Sheriff's Department	262-335-4411	Law enforcement; 911 Dispatch
County Highway Department	262-335-4435	Driveways, mailboxes, maintenance on County Hwys
County Register of Deeds	262-335-4318	Recorded property deeds, easements, subdivisions
DNR Plymouth Service Center	920-892-8756	Natural resources; wildlife; recreation
DNR Waukesha Service Center	262-574-2100	Natural resources; wildlife; recreation
UW-Extension Washington County	262-335-4477	Agriculture; Growth management education

PUBLIC AND PRIVATE SCHOOLS AND PUBLIC HIGH SCHOOL DISTRICTS IN WASHINGTON COUNTY: 2006



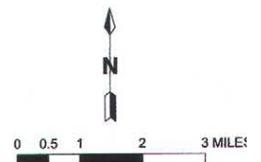
HIGH SCHOOL DISTRICTS

- CEDARBURG
- GERMANTOWN
- HARTFORD UNION H.S.
- KEWASKUM
- LOMIRA
- SLINGER
- WEST BEND
- SCHOOL DISTRICT BOUNDARY

SCHOOL TYPES

- PUBLIC
- PRIVATE
- COLLEGE / UNIVERSITY
- 25** SCHOOL TYPE REFERENCE NUMBER (SEE TABLE V-12)

SOURCE: WASHINGTON COUNTY, SCHOOL DISTRICTS, AND SEWRPC.



~ LIVING IN THE COUNTRY USER'S SURVEY ~

Please cut out this page, complete, and return to:

Washington County - UW Extension
PO Box 2003
333 East Washington Street, Suite 1200
West Bend, WI 53095-2003

THANK YOU!

1) How useful to you was the information within *Living in the Country*?

___ Very useful ___ Somewhat useful ___ Of little or no use

2) What specific information did you find especially useful or especially lacking?

3) Are there any topics related to rural living and/or land use that you believe should be added to the guide?

4) In what role(s) did you use this guide? (Examples: property buyer, property seller, real estate agent, architect, contractor, builder, rural landowner, etc.)

5) Any other comments?



About the author: In 2009 Kevin Struck completed his eighth year as the Growth Management Educator for the University of Wisconsin-Extension, Washington & Sheboygan Counties. Prior to his appointment, he was a county planner working with rural communities and a cartographer for a private engineering firm. Kevin has lived in a variety of communities, including several small villages and rural towns.

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