

CHIPPEWA COUNTY
COUNTY BOARD
REGULAR MEETING
JUNE 10, 2025
CHIPPEWA COUNTY COURTHOUSE, RM 302
6:00 PM

NOTE: THE COUNTY BOARD MEETING WILL BE LIVE STREAMED ON YOUTUBE.

During the meeting you can access the video by using the link provided below.

<https://youtube.com/live/IU21LkZbZ1I?feature=share>

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

3. BUSINESS ITEMS

1. Election of Vice-Chair

County Board Chair explained the process for electing a Vice-Chair. The Vice-Chair position is open due to Supervisor Dean Mueller's resignation.

Motion made by Supervisor Shoebridge to postpone the vote due to him having a matter in front of the District Attorney. There was no second to the motion.

Supervisor Flater nominated Supervisor Bergeron for Vice-Chair.

Supervisor Shoebridge nominated Supervisor Seidlitz for Vice Chair.

13 supervisors voted for Supervisor Bergeron and 5 supervisors voted for Supervisor Seidlitz.

Supervisor Bergeron was elected as Vice-Chair.

2. Election of One At Large Executive Committee Member

Due to the resignation of Supervisor Mueller and the election of Supervisor Bergeron as Vice-Chair there was a vacancy on the Executive Committee. Chair Hull explained the process to elect the At Large Executive Committee Member.

Supervisor Kelly nominated Supervisor Lotts.

Supervisor Gehring nominated Supervisor Bomar.

First vote - 7 supervisors (Shoebridge, Kirby, Goettl, Seidlitz, Lotts, Kelly, Flynn) voted for Supervisor Lotts, 9 supervisors (Flater, Guthman, Gehring, Bergeron, Peterson, Bomar, Rohmeyer, Ives, Hull) voted for Supervisor Bomar, 2 ballots were not signed by a supervisor. 10 votes were needed to have more than half of the number of supervisors present.

Second vote - 8 supervisors (Shoebridge, Kirby, Goettl, Seidlitz, Lotts, Kelly, Kempe, Flynn) voted for Supervisor Lotts, 9 supervisors (Flater, Guthman, Gehring, Bergeron, Peterson, Bomar, Rohmeyer, Ives

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Hull) voted for Supervisor Bomar, 1 ballot wasn't signed by a supervisor. 10 votes were needed to have more than half of the number of supervisors present.

Third vote - 9 supervisors voted (Shoebridge, Kirby, Goettl, Seidlitz, Lotts, Kelly, Kempe, Roshell, Flynn) for Supervisor Lotts, 9 supervisors (Flater, Guthman, Gehring, Bergeron, Peterson, Bomar, Rohmeyer, Ives, Hull) voted for Supervisor Bomar. 10 votes were needed to have more than half of the number of supervisors present.

Fourth vote - 8 supervisors (Shoebridge, Kirby, Goettl, Seidlitz, Lotts, Kelly, Kempe, Roshell) voted for Supervisor Lotts, 10 supervisors (Flater, Guthman, Gehring, Bergeron, Peterson, Bomar, Rohmeyer, Flynn, Ives, Hull) voted for Supervisor Bomar.

Supervisor Bomar elected to the Executive Committee.

4. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Chuck Hull	Chippewa County	District 19, Chair	Present	
James Flater	Chippewa County	District 1	Present	
Pamela Guthman	Chippewa County	District 2	Present	
Duane Shoebridge	Chippewa County	District 3	Present	
Peter Gehring	Chippewa County	District 4	Present	
Darren Kirby	Chippewa County	District 5	Present	
Timothy Goettl	Chippewa County	District 6	Present	
Jason Bergeron	Chippewa County	District 7	Present	
James Ericksen	Chippewa County	District 8	Absent	
Joel Seidlitz	Chippewa County	District 9	Present	
Matthew Peterson	Chippewa County	District 10	Present	
Karen Lotts	Chippewa County	District 11	Present	
Charles Bomar	Chippewa County	District 12	Present	
Joseph Roshell	Chippewa County	District 13	Present	
David Kelly	Chippewa County	District 14	Present	
Lee Hennick	Chippewa County	District 15	Absent	
Rocky Kempe	Chippewa County	District 16	Present	
George Rohmeyer	Chippewa County	District 17	Present	
Brian Flynn	Chippewa County	District 18	Present	
Kari Ives	Chippewa County	District 21	Present	

Others present in room 302 were Andy Albarado, Traci Bremness, Chris Elstan, Andy Bauer, Jennifer Steinmetz, Curt Dutton, Lynda Schweikert, Scott Nabbefeld, Todd Pauls, Doug Clary and Jaclyn Sadler

5. APPROVAL OF AGENDA

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12
SECONDER:	James Flater, District 1
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

6. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

There were no members of the public wishing to be heard.

7. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Karen Lotts, District 11
SECONDER:	Joseph Roshell, District 13
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

1. Approval of Minutes

County Board - Regular Meeting - May 13, 2025 6:00 PM

2. AZO 06 - 25 : 2025-0005 Paul Rezone - Town of Lafayette

8. REPORTS

A. County Administrator Review and Update

1. 2026-2030 Capital Improvement Plan - Andy Albarado
County Administrator, Andy Albarado, presented the 2026-2030 Capital Improvement Plan to the board.

B. Department Reports

1. Monthly Statements of Claim Filed with the County Clerk - Jaclyn Sadler
County Clerk, Jaclyn Sadler, explained to the board that when the agenda was first published there were no claims listed and then two claims were received and added to the agenda.

C. General Reports

1. County Board Chair Board Update - Chuck Hull

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County Board Chair Hull provided an update to the board on the vacancy of District 20 and that an appointment for the new supervisor should be at the July 8th meeting. He also informed the board that Supervisor Kirby has issued his resignation effective June 30th due to moving out of his district.

9. BUSINESS ITEMS

1. Res. 15 - 25 : Resolution Confirming and Ratifying Authority to Add Additional Opioid Defendants - Andy Albarado/Todd Pauls
Corporation Counsel, Todd Pauls, explained the resolution to the board.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Pamela Guthman, District 2
SECONDER:	Brian Flynn, District 18
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

2. Res. 16 - 25 : Resolution To Authorize The Use Of Sales Tax Funds To Pay Debt Service Liabilities 2016 CIP - Andy Albarado
There was a typo in the title of the resolution; it should read 2026 instead of 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Flater, District 1
SECONDER:	Charles Bomar, District 12
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

3. Res. 17 - 25 : Resolution To Approve The Use of Sales Tax Funds For The Annual Contribution to the Chippewa Valley Regional Airport - Andy Albarado
County Administrator, Andy Albarado, explained the resolution.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Roshell, District 13
SECONDER:	Pamela Guthman, District 2
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

4. Res. 18 - 25 : Resolution to Authorize Use of Sales Tax for Facilities & Parks 2026 CIP Projects - Andy Albarado

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RESULT:	APPROVED [17 TO 1]
MOVER:	George Rohmeyer, District 17
SECONDER:	Kari Ives, District 21
AYES:	Hull, Flater, Guthman, Shoebridge, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
NAYS:	Gehring
ABSENT:	Ericksen, Hennick

5. Res. 19 - 25 : Resolution To Authorize Funding of Highway Department CIP Projects 2026 Budget - Andy Albarado/Chris Elstran
Deputy Highway Commissioner, Chris Elstran, was available for questions.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Flater, District 1
SECONDER:	George Rohmeyer, District 17
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

6. Res. 20 - 25 : Resolution To Authorize Use Of Sales Tax Revenue Funds For Computer Equipment Replacement - 2026 CIP - Andy Albarado/Andy Bauer
IT Director, Andy Bauer, was available to answer questions.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Kelly, District 14
SECONDER:	Brian Flynn, District 18
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

7. Res. 21 - 25 : Resolution to Authorize Funding for LCFM 2026 CIP Projects - Andy Albarado/Lynda Schweikert
Land Conservation and Forest Management Director, Lynda Schweikert, was available to answer questions.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Karen Lotts, District 11
SECONDER:	Kari Ives, District 21
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

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8. Res. 22 - 25 : Resolution to Authorize Use Of Sales Tax Funds For Sheriff's Office 2026 CIP Projects - Andy Albarado/Curt Dutton
Chief Deputy, Curt Dutton, was available for questions on the resolution.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Flater, District 1
SECONDER:	Karen Lotts, District 11
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

9. Ord. 05 - 25 : Ordinance to Amend Secs 70-8,70-63,70-70 through70-73 and 70-76 of Chippewa Cty Code of Ordinances regarding Zoning - First Reading - Doug Clary
Planning and Zoning Director, Doug Clary explained the ordinance amendments.

RESULT:	FIRST READING	Next: 7/8/2025 6:00 PM

10. COUNTY BOARD CHAIR APPOINTMENTS

1. County Board Chair Appointment - CCEDC Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rocky Kempe, District 16
SECONDER:	Karen Lotts, District 11
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick

11. COUNTY ADMINISTRATOR APPOINTMENTS

12. AGENDA ITEMS FOR FUTURE CONSIDERATION

13. ADJOURN

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Peter Gehring, District 4
SECONDER:	Karen Lotts, District 11
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	Ericksen, Hennick



STATEMENT OF EXPLANATION ELECTION OF VICE-CHAIR

3.1

June 10, 2025

TO: County Board Supervisors

FR: Chuck Hull, County Board Chair

RE: Election of Vice-Chair

As a result of Dean Mueller's resignation as District 20 County Board Supervisor we need to elect a new Vice-Chair of the County Board. We will follow the same process that is used at the organizational meeting. The ordinance is included below for reference.

If a current Executive Committee member is elected as our new County Board Vice-Chair, then we will also need to elect a new member of the Executive Committee. If a non-Executive Committee member is elected as our new County Board Vice-Chair, they will automatically become the new member and Vice-Chair of our Executive Committee.

Per Ord. Sec. 2-60(3) the organizational meeting shall be held on the third Tuesday in April pursuant to Sec. 59.11(1)(c) Wis. Stats. In the County Board Supervisor election years the initial business of the meeting shall be the elections of the Chair and Vice-Chair and the 3 at large members of the Executive Committee.

- c. The elections of the Chair and Vice shall be held by secret ballot. The County Clerk shall collect and keep the voted ballots in a safe place and shall show the voted ballots to any person upon request. Two Supervisors who are not nominated for the position of Chair or Vice shall assist the Clerk in collecting and tabulating the ballots and shall attest to the final results.
- d. Before casting the ballot for Chair and Vice-Chair the Supervisor nominated shall be allowed an opportunity to provide a statement and/or introduction to the full County Board (not to exceed 5 minutes).

Note: Per Wis Stats. 59.02(3) - Need a majority of those present to win



**STATEMENT OF EXPLANATION
ELECTION OF ONE AT LARGE EXECUTIVE COMMITTEE MEMBER**

3.2

June 10, 2025

TO: County Board Supervisors

FR: Chuck Hull, County Board Chair

RE: Election of Executive Committee Member

As a result of Dean Mueller's resignation as District 20 County Board Supervisor we need to elect a new Vice-Chair of the Executive Committee. Supervisor Mueller served as our County Board Vice-Chair, which automatically made him a member of the Executive Committee, per ordinance. To select the new Executive Committee member, we will follow the same process that is used at the organizational meeting. The ordinance is included below for reference.

If a current Executive Committee member is elected as our new County Board Vice-Chair, then we will also need to elect a new member of the Executive Committee. If a non-Executive Committee member is elected as our new County Board Vice-Chair, they will automatically become the new member and Vice-Chair of our Executive Committee.

Per Ord. Sec. 2-60(3)(d), 2-81 and 2-82(c) the organizational meeting shall be held on the third Tuesday in April pursuant to Sec. 59.11(1)(c) Wis. Stats. In the County Board Supervisor election years the initial business of the meeting shall be the elections of the Chair and Vice-Chair and the three at large members of the Executive Committee.

All nominations for the Executive Committee at large members shall be made from the floor. After the list of nominations is closed, each Board Supervisor shall vote by paper ballot for up to three supervisors from the nomination list. Those Supervisors receiving a majority, equivalent to more than half of the number of Supervisors present, shall be elected to the committee. Successive ballots shall be held to fill any remaining positions following the same procedure as above. If a tie should result to fill the third slot, the final ballot will be held to break the tie.

No quorum of any other standing committee shall be created by the membership of the Executive Committee.

Note - Need at least 11 votes to win.

CHIPPEWA COUNTY**COUNTY BOARD****REGULAR MEETING****MAY 13, 2025****CHIPPEWA COUNTY COURTHOUSE, RM 302****6:00 PM****NOTE: THE COUNTY BOARD MEETING WILL BE LIVE STREAMED ON YOUTUBE.**

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
3. **ROLL CALL**

Attendee Name	Organization	Title	Status	Arrived
Chuck Hull	Chippewa County	District 19, Chair	Present	
Dean Mueller	Chippewa County	District 20, Vice-Chair	Present	
James Flater	Chippewa County	District 1	Present	
Pamela Guthman	Chippewa County	District 2	Present	
Duane Shoebridge	Chippewa County	District 3	Present	
Peter Gehring	Chippewa County	District 4	Present	
Darren Kirby	Chippewa County	District 5	Absent	
Timothy Goettl	Chippewa County	District 6	Present	
Jason Bergeron	Chippewa County	District 7	Present	
James Ericksen	Chippewa County	District 8	Present	
Joel Seidlitz	Chippewa County	District 9	Absent	
Matthew Peterson	Chippewa County	District 10	Absent	
Karen Lotts	Chippewa County	District 11	Present	
Charles Bomar	Chippewa County	District 12	Present	
Joseph Roshell	Chippewa County	District 13	Present	
David Kelly	Chippewa County	District 14	Present	
Lee Hennick	Chippewa County	District 15	Present	
Rocky Kempe	Chippewa County	District 16	Absent	
George Rohmeyer	Chippewa County	District 17	Present	
Brian Flynn	Chippewa County	District 18	Present	
Kari Ives	Chippewa County	District 21	Present	

others present in room 302 were Andy Albarado, Lori Zwiefelhofer, Michael Ewer, Jennifer Steinmetz, Toni Hohlfelder, Charlie Walker, Todd Pauls, Traci Bremness and Jaclyn Sadler

4. **APPROVAL OF AGENDA**

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12
SECONDER:	Pamela Guthman, District 2
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

5. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

Chuck Hassemer, Town of Woodmohr, spoke on farmers planting into the right of way on County and State Highways.

6. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Roshell, District 13
SECONDER:	Brian Flynn, District 18
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

1. Approval of Minutes

County Board - Regular Meeting - Apr 15, 2025 6:00 PM

7. REPORTS

A. County Administrator Review and Update

B. Department Reports

1. Financial Update - 2024 Pre-Audited and 1st Quarter 2025 - Lori Zwiefelhofer
Finance Director, Lori Zwiefelhofer, provided the 2024 pre-audited report and the auditors will provide a report in August or September to the board. She also provided a report on the first quarter of 2025.
2. 2026 Budget Process Review - Jennifer Steinmetz
Jennifer Steinmetz, Assistant Finance Director, explained the 2026 Budget Process to the board.
3. Update on Self-Funded Health Insurance Program - Toni Hohlfelder
Toni Hohlfelder, Human Resources Director, provided a history and update on the County's self-funded health insurance program.
4. Monthly Statements of Claim Filed with the County Clerk - Jaclyn Sadler
County Clerk Jaclyn Sadler provided the monthly statements of claim to the board.

Minutes Acceptance: Minutes of May 13, 2025 6:00 PM (Consent Agenda)

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C. General Reports

8. BUSINESS ITEMS

1. Res. 14 - 25 : Resolution To Declare May 12-16, 2025 As Chippewa County Economic Development Week - Charlie Walker
Charlie Walker, President of Chippewa Economic Development Corporation spoke on the resolution.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12
SECONDER:	Lee Hennick, District 15
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

9. COUNTY BOARD CHAIR APPOINTMENTS

10. COUNTY ADMINISTRATOR APPOINTMENTS

1. County Administrator Appointment - Facilities & Parks Director
The board approved the appointment of Scott Nabbefeld as the Facilities & Parks Director.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Flater, District 1
SECONDER:	George Rohmeyer, District 17
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

2. County Administrator Appointment - Finance Director
The board approved the appointment of Leah Simington for the Finance Director position.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Peter Gehring, District 4
SECONDER:	Karen Lotts, District 11
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

3. County Administrator Appointment - Housing Authority Commission
The board approved the appointment of Ruth Rosenow to the Housing Authority Commission. Prior to the appointment Supervisor Hennick spoke to the board regarding the hard work and commitment Supervisor Guthman has put in on the Housing Authority Commission.

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Bergeron, District 7
SECONDER:	Brian Flynn, District 18
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

4. County Administrator Appointment - Ethics Inquiry Board
The board approved the appointment of James Sherman to the Ethics Inquiry Board.

RESULT:	APPROVED [13 TO 4]
MOVER:	George Rohmeyer, District 17
SECONDER:	Kari Ives, District 21
AYES:	Hull, Mueller, Flater, Guthman, Gehring, Goettl, Bergeron, Ericksen, Bomar, Hennick, Rohmeyer, Flynn, Ives
NAYS:	Shoebridge, Lotts, Roshell, Kelly
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

11. AGENDA ITEMS FOR FUTURE CONSIDERATION

12. ADJOURN

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Ericksen, District 8
SECONDER:	Joseph Roshell, District 13
AYES:	Hull, Mueller, Flater, Guthman, Shoebridge, Gehring, Goettl, Bergeron, Ericksen, Lotts, Bomar, Roshell, Kelly, Hennick, Rohmeyer, Flynn, Ives
ABSENT:	Kirby, Seidlitz, Peterson, Kempe

Minutes Acceptance: Minutes of May 13, 2025 6:00 PM (Consent Agenda)



STATEMENT OF EXPLANATION
 Amendatory Zoning Ordinance No. 06 - 25

AZO 06-25: PAUL REZONE - TOWN OF LAFAYETTE

Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A rezone is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or “rezoning”. The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

LEGAL DESCRIPTION

Parcel number 22907-3242-05500000, located in part of the NW ¼ of the SE ¼, Section 32, Township 29 North, Range 07 West. Town of Lafayette. Physical Address: vacant

From: Residential 2

To: Residential 1

Amendatory Zoning Ordinance No. 06 - 25

AZO 06-25: PAUL REZONE - TOWN OF LAFAYETTE

Zoning Petition No:	2025-0005
Town Board Action:	May 19, 2025
Planning & Zoning Committee Public Hearing:	May 22, 2025
Recommendation from Planning & Zoning Committee:	Approve

Comments/Conditions: None

The Chippewa County Board of Supervisors does ordain as follows:

That the Zoning maps, dated 1974 and land description listing the boundaries of the eleven zoning districts, and referred to in Chapter 70-61 of the Chippewa County Zoning Ordinance, adopted on February 14, 2006, to be amended as follows:

LEGAL DESCRIPTION

Parcel number 22907-3242-05500000, located in part of the NW ¼ of the SE ¼, Section 32, Township 29 North, Range 07 West. Town of Lafayette. Physical Address: vacant

From: Residential 2

To: Residential 1

The new map, now dated **June, 2025** and land description are made a part of the Zoning Ordinance. All notations, references and other information shown upon said "zoning map" dated **June, 2025**, and land description shall be as much a part of this Ordinance as if the matter and things set forth by said map and land description were fully described herein.

This Ordinance shall become effective upon passage.

Dated this **10th** day of **June, 2025**

RESULT: **APPROVED BY CONSENT VOTE [UNANIMOUS]**

MOVER: Karen Lotts, District 11

SECONDER: Joseph Roshell, District 13

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

(Posted on May 5, 2025)
Chippewa County Website & County Clerk's Bulletin Board

CHIPPEWA COUNTY PLANNING & ZONING COMMITTEE
NOTICE OF PUBLIC HEARING
STATE OF WISCONSIN

PUBLIC NOTICE is hereby given to all persons in the County of Chippewa, Wisconsin, that public hearings will be held on **May 22, 2025**, beginning at **5:00 PM** at the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin relative to the following petitions:

Rezone Petition: 2025-0003

Petitioner: GT Business Ventures Holding

Agent: Real Land Surveying/Jeremy Skaw

A proposed two-lot CSM, which will modify the property lines for parcel number 22908-3011-01000000. The property is located in the NE ¼ of the NE ¼, Section 30, Township 29 North, Range 08 West. Town of Eagle Point. Property Address: 8984 State Highway 124.

From: Highway Commercial

To: Residential 1 and Residential 3

Conditional Use Request: 2025-0004

Petitioner: Olson's Valley Properties LLC

Agent: Tyler Hastings, CBS Squared

To allow a contractor's storage yard (Dan's Construction & Excavating, Inc.), with the ability to lease out space to additional contractors, in the Agricultural District in accordance with 70-71(b)(5) and 70-108 of the Chippewa County Zoning Ordinance on a parcel which is located in the NW ¼ of the SW ¼, Section 15, Township 28 North, Range 09 West. Town of Wheaton. Physical Address: 10268 CTH X.

Rezone Petition: 2025-0005

Petitioner: Derrick & Carrie Paul

Parcel number 22907-3242-05500000, located in the NW ¼ of the SE ¼, Section 32, Township 29 North, Range 07 West. Town of Lafayette. Property Address: vacant.

From: Residential 2

To: Residential 1

Specific information regarding these public hearings can be obtained at the Chippewa County Department of Planning & Zoning. All persons interested are invited to attend this meeting.

Dated this 30th day of April, 2025

Douglas Clary, Director
Department of Planning & Zoning
Chippewa County

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

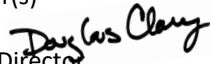
Land Records & G.I.S.

POWTS & Wells

Date: April 30, 2025

To: Property Owner(s)

From: Douglas Clary, Director



Re: Public Meetings & Public Hearing

Dear Property Owner(s):

The Chippewa County Department of Planning & Zoning has received a rezone petition for a parcel of land that are located either adjacent to or in the vicinity of property owned by you. You are receiving this notice because your property has been determined to be within the legal public hearing notification distance per county and state requirements. I have enclosed a map identifying the location of the parcel associated with the rezone petition. If you have any questions regarding this rezone petition, please contact me at (715) 726-7941.

REZONE PETITION: #2025-0005

Petitioner: Derrik & Carrie Paul

Parcel number 22907-3242-05500000, located in part of the NW ¼ of the SE ¼, Section 32, Township 29 North, Range 07 West. Town of Lafayette. Physical Address: vacant

From: Residential 2

To: Residential 1

THESE MEETINGS ARE OPEN TO THE PUBLIC:

Lafayette Town Park, Recreation & Land Use Planning Commission (PRLPC):

The PRLPC will **REVIEW** this request on **May 12, 2025** at approximately **7:00 PM**. The PRLPC will make an **ADVISORY** recommendation to the Lafayette Town Board to approve or disapprove. This meeting will be held at the Lafayette Town Hall, 5765 197th Street, Chippewa Falls, Wisconsin 54729.

Lafayette Town Board:

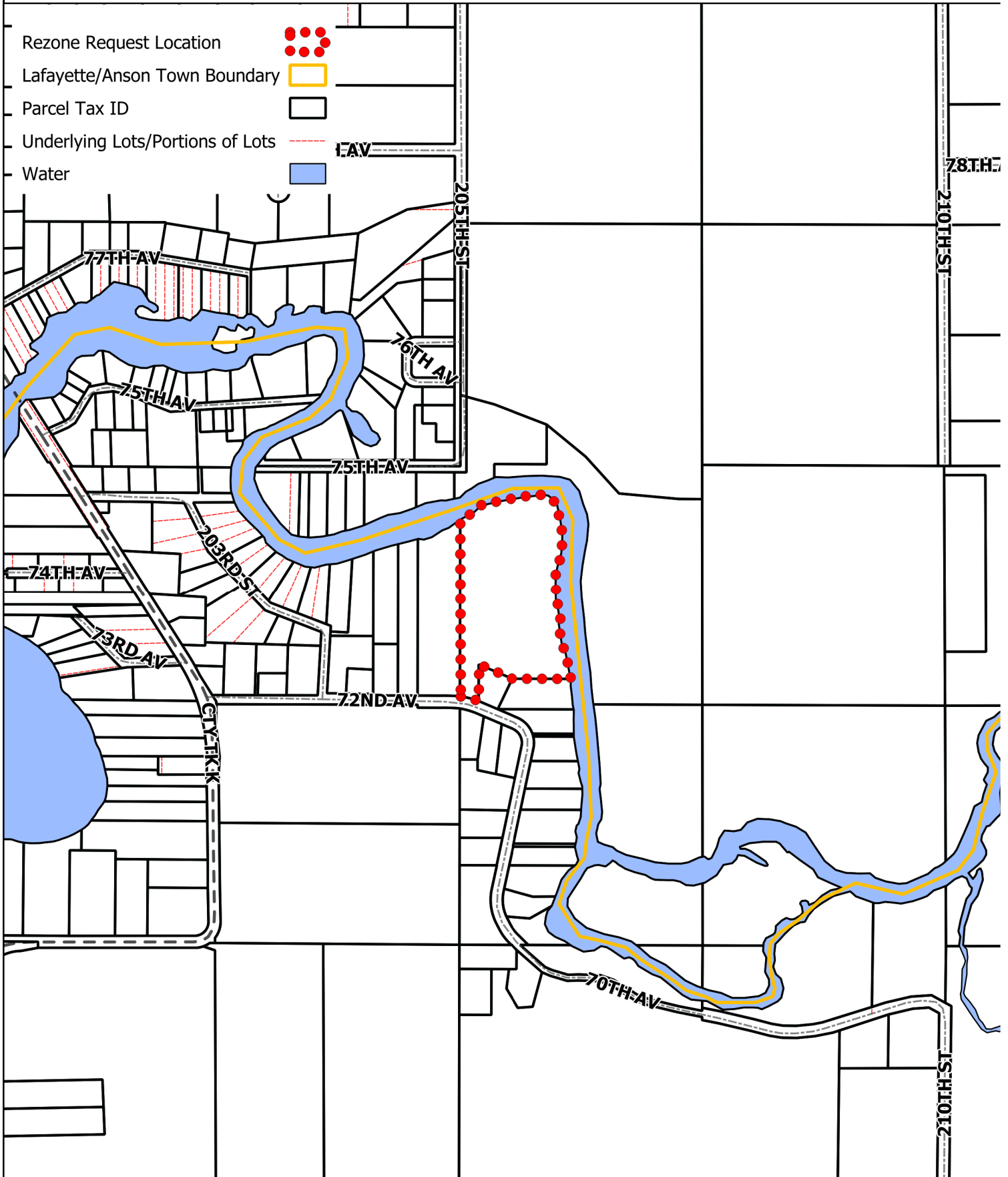
The Town Board will **REVIEW** this request on **May 19, 2025** at approximately **7:00 PM**. The Town Board will forward an **ADVISORY** recommendation to the Chippewa County Planning & Zoning Committee to approve, disapprove or approve with modification(s) and/or condition(s). This meeting will be held at the Lafayette Town Hall, 5765 197th Street, Chippewa Falls, Wisconsin 54729 or via telephone.

Chippewa County Planning & Zoning Committee:

The Chippewa County Planning & Zoning Committee will hold a **PUBLIC HEARING** for this petition on **May 22, 2025** at **5:00 PM** in the Chippewa County Courthouse, Room 302, 711 N Bridge Street, Chippewa Falls, Wisconsin. The Committee will make a determination on the petition to approve, disapprove or approve with modification(s) and/or conditions. If the Planning & Zoning Committee approves or approves with modification, the petition will be forwarded to the County Board meeting on **June 10, 2025** at **6:00 PM** for their consideration. If the Planning & Zoning Committee disapproves, the petition will fail.

Attachment: 2025-0005 Paul Rezone - Public Notices & Maps (06 - 25 : 2025-0005 Paul Rezone - Town of Lafayette)

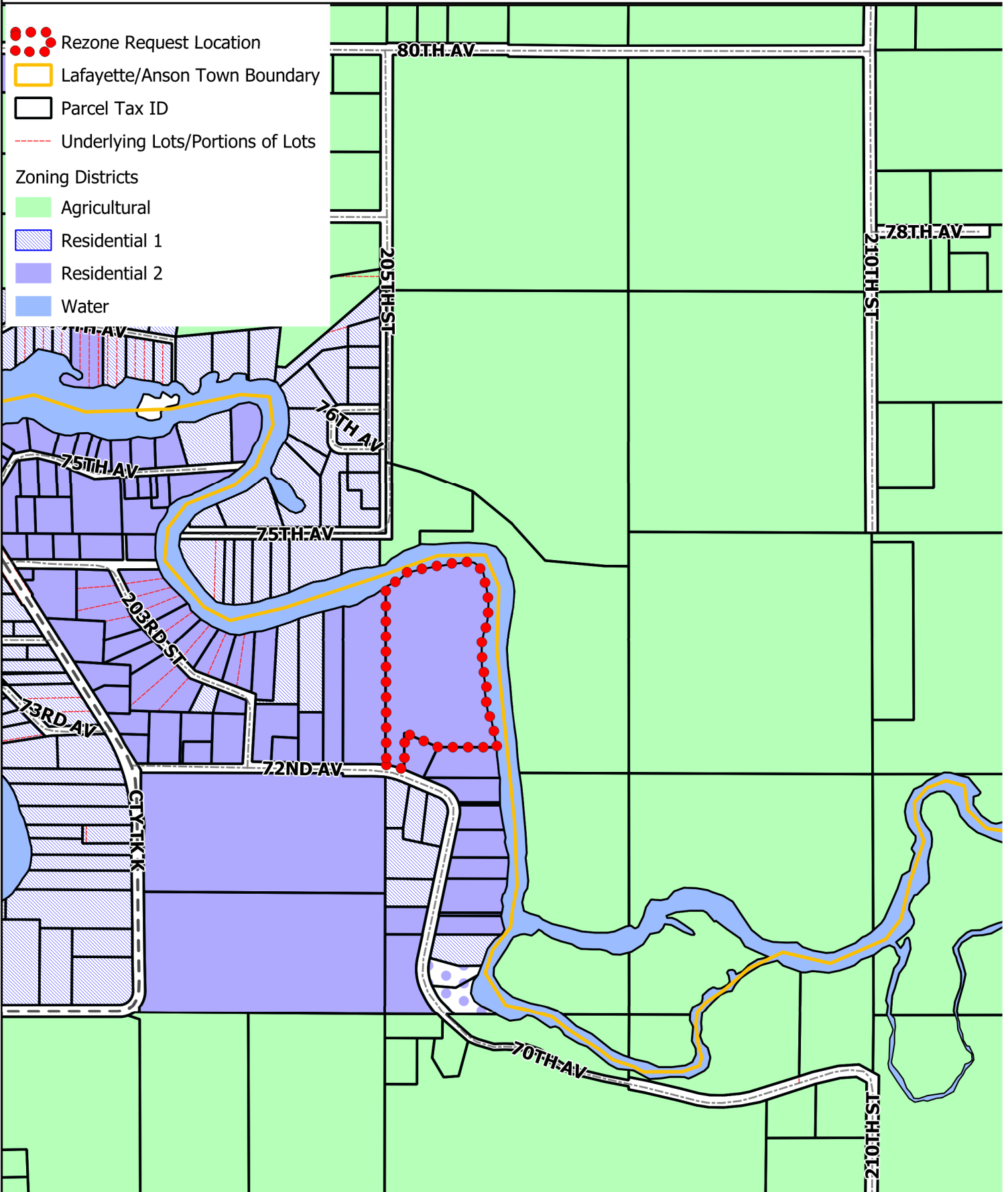
2025-0005 Paul Rezone Request Location Map



Attachment: 2025-0005 Paul Rezone - Public Notices & Maps (06 - 25 : 2025-0005 Paul Rezone - Town of Lafayette)



2025-0005 Paul Rezone Request Zoning Districts



Attachment: 2025-0005 Paul Rezone - Public Notices & Maps (06 - 25 : 2025-0005 Paul Rezone - Town of Lafayette)

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2025 Rezone Application



Comprehensive zoning consists of written text (commonly referred to as the zoning ordinance) and an official zoning map. The zoning ordinance is a guideline for permitted and conditional uses, which are separated into zoning classifications or districts. The zoning map shows how a town board has designated the particular zoning classifications or districts to parcels of land within their particular jurisdiction. A **REZONE** is where a property owner or other authorized entity seeks to amend the official zoning map, which would allow a use that is currently not permitted on the parcels of land based on the existing zoning classification or district. This is referred to as a zoning map amendment or "rezoning". The requested rezoning change may not be granted if it does not fit with the comprehensive plan and community goals for the respective town and county.

SECTION I: Parcel Owner Information			SECTION II: Agent Information		
Name: DERICK & CARRIE PAUL			Name:		
Mailing Address: 1922 Gregerson Dr			Mailing Address:		
City: EAU CLAIRE	State: WI	Zip: 54703	City:	State:	Zip:
Telephone: 715-829-2350			Telephone:		
Email Address (Required): dpaul@gopresto.com			Email Address (Required):		
SECTION III: Parcel Information					
Town of: Lafayette			Property Address: 20364 72nd Ave		
Parcel Number(s): 22907-3242-05500000			City: Chippewa Falls	State: WI	Zip: 54729
Existing Zoning District(s): R2			Proposed Zoning District(s): R1		

GENERAL DIRECTIONS:

- Complete** this Application form and the required four (4) parts:
 - ☐ Part 1: General Questions related to the request
 - ☐ Part 2: Planning & Zoning Committee Schedule - 2025
 - ☐ Part 3: General Rezoning Process
 - ☐ Part 4: Applicant Acknowledgement/Signature
- Submit** the completed application, all required information and a **\$350.00** public hearing fee (Make check payable to: Chippewa County Treasurer) by the deadline (as listed in Part 2) to the Chippewa County Department of Planning & Zoning, Room 009, 711 N. Bridge Street, Chippewa Falls, Wisconsin 54729.
- Make arrangements** to attend or have a representative attend any local town plan commission or town board meetings, and the required Planning & Zoning public hearing. This presence is needed so that questions can be answered and concerns addressed.

FOR DEPARTMENT OF PLANNING & ZONING STAFF USE:

Receipt Number:	Appeal Number: 2025-0005	Public Hearing Date: 5-22-25

Attachment: 2025-0005 Paul Rezone - Application (06 - 25 : 2025-0005 Paul Rezone - Town of Lafayette)

Chippewa County – 2025 Rezone Application

Once a completed application is received, the Chippewa County Department of Planning & Zoning will prepare a public hearing notice for your administrative appeal. The public hearing notice will be posted to the Chippewa County Website and the County Clerks bulletin board. In addition, your neighbors, the Town Board and any applicable county or state agency(s) will also be notified. At the hearing, any party may appear in person or may be represented by an agent or attorney to present information to the Planning & Zoning Committee in opposition or support of your request.

PART 1: General Questions. Please use a separate 8.5" x 11" sheet to answer these questions.

- (A) As the applicant, do you have legal title to the parcel(s)? If you do not have legal title to the property, please have the property owner sign this application.
- (B) Identify the parcel(s) that are or will be part of this rezone request. If needed, an additional sheet listing those parcels can be attached.
- (C) Describe the present and, if known, any proposed improvements on each parcel of land.
- (D) Explain why you are requesting to rezone of each parcel. Please identify the proposed use of each parcel.
- (E) Explain the compatibility of your proposed use(s) with the existing use(s) on adjacent parcels and those in the vicinity of this parcel(s).
- (F) Discuss any additional issues you feel that supports the consistency of your proposed use with County ordinances and plans as well as any Town ordinances or plans.

Be prepared to give a detailed presentation when called upon at the public hearing before the Planning and Zoning Committee. Prepare an outline of your proposal, something similar to a "business plan", detailing for the Planning & Zoning Committee your proposal. Include any documentation you feel is necessary as part of your presentation in defining your proposal for the Committee and possibly the County Board. It is vital to your application to consult with professionals you feel may be able to assist with your application (i.e. surveyor, attorney, engineer, etc.)

PART 2: Planning & Zoning Committee Schedule - 2025

Applications will not be placed on the appropriate agenda unless they are properly completed and include ALL required supporting information or documents and payment of the public hearing fee. Applicants are encouraged to consult with staff of the Department of Planning & Zoning prior to the filing of the application. This is an important step to ensure that all pertinent issues are identified and to determine what information in addition to the application forms might be necessary in order for the department to accept and process your application. Please CIRCLE or HIGHLIGHT the meeting you intend on attending:

	2025 - Thursdays											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Applications Due @ 12:00 Noon	12-26	01-23	02-20	03-27	04-24	05-22	06-26	07-24	08-21	09-25	10-23	11-20
Public Hearing/Meeting (Thu)	01-23	02-20	03-20	04-24	05-22	06-19	07-24	08-21	09-18	10-23	11-20	12-18
County Board Meeting (Tues)	02-11	03-11	04-08	05-13	06-10	07-08	08-12	09-09	10-14	11-11	12-09	01-13

Note: Typically, the Planning & Zoning Committee meetings start at 5:00 PM on the designated dates above.

Note: No Committee meeting in April due to the Spring Election.

PART 3: General Rezoning Process:

- (A) The rezone application is filed with the Department of Planning & Zoning. This includes the legal description of the parcels to be rezoned, a written statement addressing the questions as listed in Part 1 and any other information your feel will aid in a decision on this request.
- (B) The Town Board will be notified of the rezone application. The Town Board can recommend approval or denial of a rezoning request. If the Town Board denies a rezone request, the Planning & Zoning Committee can only recommend an approval with modification to the rezone request or deny the rezone request.
- (C) The public hearing notice will be posted to the Chippewa County Website and the County Clerks bulletin board detailing the request and the date and time of the Public Hearing.

Chippewa County – 2025 Rezone Application

- (D) Property owners of the land and those property owners within 400' (or maybe a greater distance) of the requested rezone change are notified directly by mail as well as the Town Board Chair and Town Clerk. The notice to the property owners will generally contain a portion of the public hearing notice and information pertaining to meetings to be held at the Town level (plan commission, town board, etc) as well as the Public Hearing in front of the Planning & Zoning Committee.
- (E) General maps (location map, aerial view and existing zoning districts map) will be prepared for the request by the Department.
- (F) A department staff report is prepared and sent to the Planning & Zoning Committee, while comments from the general public are solicited.
- (G) Following the Public Hearing, the Planning & Zoning Committee will make a motion to either approve, approve with modification or deny the rezoning request. If the rezone request receives an approval or approval with modification an ordinance amendment will be prepared and placed on the next County Board meeting agenda for their approval.
- (H) If the County Board approves the rezone and the town board files an objection to the approval, the town board will then have 45 days to veto the rezone request following the applicable state statutes.
- (I) If the rezone request receives County Board approval, the final step is the publication of the amendment in the Chippewa Herald. Once published, the zoning district amendment takes effect. The entire process from application deadline to final publication can take two months or more to complete depending upon the scheduling of hearing dates.

PART 4: Applicant Acknowledgement/Signature

This application must be signed by the property owner or in case of an agreement to purchase the property, a letter from the property owner acknowledging the potential buyer is seeking the rezone.

- I certify that the information I have provided in this application is true, accurate and complete.
- I or a representative will have an opportunity to present to the Planning & Zoning Committee information in favor of this request.
- I have the authority to allow the staff of the Department of Planning & Zoning and Planning & Zoning Committee member's access to the property to conduct necessary inspections related to this request.
- I understand that I cannot speak to any member of the Planning & Zoning Committee about this application, except at the public hearing.
- I understand that I cannot direct any written communication about this application to a member of the Planning & Zoning Committee, unless I also file a copy with the Department of Planning & Zoning and direct additional copies to each person who has registered an interest in this application.
- I also understand that if I or my representative fail to appear in front of the Planning & Zoning Committee during the designated public hearing or my failure to observe the above mentioned rules, my request may be **DENIED**.

Signed: _____

Owner/Agent

Date: _____

4/20/2025

PART 5: Planning & Zoning Department Mailing List

Applicant
 Property Owner Owners within 400'
 Planning & Zoning Committee Members
 Town Board Chair & Clerk
 County Board Supervisor
 News Media
 Wisconsin DNR
 US Army Corp of Engineers
 Wisconsin DOT

Derrick & Carrie Paul

20364 72nd Ave, Chippewa Falls, WI 54729

General Questions

- A. As the applicant, do you have legal title to the parcel?
 - a. Yes, we do
- B. Identify the parcel that are or will be part of this rezone request.
 - a. The entirety of parcel number 22907-3242-05500000
- C. Describe the present, and if known, any proposed improvements on each parcel of the land.
 - a. Current state would be to rezone the R2 property to be R1. In two years, we would like to build a single-family house on the property. Future plans could be to divide the property into 2 lots. Each lot could house a single family dwelling.
- D. Explain why you are requesting to rezone of each parcel. Please identify the proposed use of each parcel.
 - a. In two years, we would like to build a single-family house on the property.
- E. Explain the compatibility of your proposed use(s) with the existing use(s) on adjacent parcels and those in the vicinity of this parcel.
 - a. Adjacent parcels have single family houses.
- F. Discuss any additional issues you feel that supports the consistency of your proposed use with County ordinances and plans as well as any Town ordinances or plans.
 - a. We have met with land/zoning employees in Chippewa County as well as a DNR representative to discuss our plans. Those individuals did not see issues. We have been told by the county that this lot would eventually be rezoned to be R1 to match surrounding lot usage.

2026 - 2030 5 Year Capital Improvement Plan

Submitted by: Andy Albarado, County Administrator
Presented to the County Board: June 10, 2025

**Objective:**

The goal is to effectively identify the short-term and long-term infrastructural capital needs of Chippewa County, strategically schedule those improvements, projects, and programs and provide a level stable debt service plan that provides Chippewa County and its citizens with a constant and stable tax rate.

Revised: 05/13/2025

2026 - 2030 Capital Improvement Plan

8.A.1.a

Assumption: Sales Tax Revenues Will Grow at 3% annually.

Revised: 05/13/2025

Year	Department	Project	Total Expenditure	Date Committee Reviewed	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants/Other
2026 1 of 3	Facilities & Parks	Parking Lot "A" Replacement - Phase II Construction (50% of lot)	\$500,000	01/22/25	\$0	\$500,000	\$0	\$0
2026 2 of 3	Facilities & Parks	Branch III Jury Box Remodel	\$150,000	01/22/25	\$0	\$150,000	\$0	\$0
2026 3 of 3	Facilities & Parks	Sheriff's Department Remodel - Phase I - Plan Development	\$50,000	01/22/25	\$0	\$50,000	\$0	\$0
2026 1 of 4	Highway	Highways and Bridges	\$11,373,952	01/22/25	\$0	\$2,800,000	\$1,750,000	\$6,823,952
2026 2 of 4	Highway	Machinery Purchases	\$1,100,000	01/22/25	\$1,100,000	\$0	\$0	\$0
2026 3 of 4	Highway	Building Improvements	\$100,000	01/22/25	\$100,000	\$0	\$0	\$0
2026 4 of 4	Highway	Non-Highway Vehicle Fleet Replacement	\$300,000	01/22/25	\$0	\$300,000	\$0	\$0
2026 1 of 1	Information Technology	Replacement End User Devices & Data Center Equipment	\$245,000	01/21/25	\$0	\$245,000	\$0	\$0
2026 1 of 4	Land Cons & Forest Mgmt	Hickory Ridge Warming Shelter and Maintenance Shed	\$500,000	02/26/25	\$0	\$0	\$0	\$500,000
2026 2 of 3	Land Cons & Forest Mgmt	Snowmobile Bridge - TBD	\$120,000	02/26/25	\$0	\$0	\$0	\$120,000
2026 3 of 3	Land Cons & Forest Mgmt	County Forest Land Acquisitions	\$300,000	02/26/25	\$150,000	\$0	\$0	\$150,000
2026 4 of 3	Land Cons & Forest Mgmt	County Stewardship Fund	\$100,000	02/26/25	\$100,000	\$0	\$0	\$0
2026 1 of 3	Sheriff	Field Services Mobile Command Trailer	\$195,000	01/27/25	\$0	\$195,000	\$0	\$0
2026 2 of 3	Sheriff	Taser Refresh Phase I - Upgrade all Axon Taser X26P to Taser 7	\$135,000	01/27/25	\$0	\$135,000	\$0	\$0
2026 TOTAL	All projects, equipment, etc.		\$15,168,952		\$1,450,000	\$4,375,000	\$1,750,000	\$7,593,952
2027	Facilities & Parks	Otter Lake Dam Inspection	\$50,000	01/22/25	\$0	\$50,000	\$0	\$0
2027	Facilities & Parks	Park Master Plan Implementation	\$150,000	01/22/25	\$0	\$150,000	\$0	\$0
2027	Facilities & Parks	Parking Lot B Replacement	\$200,000	01/22/25	\$0	\$200,000	\$0	\$0
2027	Facilities & Parks	Variable Frequency Drive (VFD) Replacement (10 units)	\$100,000	01/22/25	\$0	\$100,000	\$0	\$0
2027	Facilities & Parks	Jail Fire System Replacement - Phase I - Design	\$50,000	01/22/25	\$0	\$50,000	\$0	\$0
2027	Facilities & Parks	DHS & County Board Rm 302 - Phase I - Planning & Construction Drawings	\$600,000	01/22/25	\$600,000	\$0	\$0	\$0
2027	Facilities & Parks	Sheriff's Department Remodel - Phase II - Construction	\$500,000	01/22/25	\$0	\$500,000	\$0	\$0
2027	Highway	Highways and Bridges	\$15,276,940	01/22/25	\$0	\$2,700,000	\$3,800,000	\$8,776,940
2027	Highway	Machinery Purchases	\$1,100,000	01/22/25	\$1,100,000	\$0	\$0	\$0
2027	Highway	Building Improvements	\$100,000	01/22/25	\$100,000	\$0	\$0	\$0
2027	Highway	Non-Highway Vehicle Fleet Replacement	\$300,000	01/22/25	\$0	\$300,000	\$0	\$0
2027	Information Technology	Replacement End User Devices & Data Center Equipment	\$245,000	01/21/25	\$0	\$245,000	\$0	\$0
2027	Information Technology	Security Camera Replacements	\$50,000	01/21/25	\$0	\$50,000	\$0	\$0
2027	Land Cons & Forest Mgmt	County Stewardship Fund	\$100,000	02/26/25	\$100,000	\$0	\$0	\$0
2027	Land Cons & Forest Mgmt	County Forest Land Acquisitions	\$300,000	02/26/25	\$150,000	\$0	\$0	\$150,000
2027	Land Cons & Forest Mgmt	County Forest Dam Infrastructure Maintenance	\$100,000	02/26/25	\$50,000	\$0	\$0	\$50,000
2027	Land Cons & Forest Mgmt	Snowmobile Bridge - TBD	\$120,000	02/26/25	\$0	\$0	\$0	\$120,000
2027	Sheriff	Duty Weapon (Glock) Refresh (50 weapons)	\$75,000	01/27/25	\$0	\$75,000	\$0	\$0
2027	Sheriff	Taser Refresh Phase II - Upgrade all Axon Taser X26P to Taser 7	\$144,000	01/27/25	\$0	\$144,000	\$0	\$0
2027 TOTAL	All projects, equipment, etc.		\$19,560,940	\$868,049	\$2,100,000	\$4,564,000	\$3,800,000	\$9,096,940
2028	Facilities & Parks	Otter Lake Dam - Phase II - Maintenance & Repairs	\$100,000	01/22/25	\$0	\$100,000	\$0	\$0
2028	Facilities & Parks	Jail Fire System Replacement - Phase II - Construction	\$300,000	01/22/25	\$0	\$300,000	\$0	\$0
2028	Facilities & Parks	Government Center - General Painting	\$100,000	01/22/25	\$0	\$100,000	\$0	\$0
2028	Facilities & Parks	Park Master Plan Implementation	\$150,000	01/22/25	\$0	\$150,000	\$0	\$0
2028	Highway	Highways and Bridges	\$13,389,440	01/22/25	\$0	\$2,500,000	\$3,700,000	\$7,189,440
2028	Highway	Machinery Purchases	\$1,100,000	01/22/25	\$1,100,000	\$0	\$0	\$0
2028	Highway	Building Improvements	\$100,000	01/22/25	\$100,000	\$0	\$0	\$0
2028	Highway	Non-Highway Vehicle Fleet Replacement	\$300,000	01/22/25	\$0	\$300,000	\$0	\$0
2028	Information Technology	Replacement End User Devices & Data Center Equipment	\$270,000	01/21/25	\$0	\$270,000	\$0	\$0
2028	Information Technology	Security Camera Replacements	\$50,000	01/21/25	\$0	\$50,000	\$0	\$0
2028	Land Cons & Forest Mgmt	County Stewardship Fund	\$100,000	02/26/25	\$100,000	\$0	\$0	\$0
2028	Land Cons & Forest Mgmt	County Forest Land Acquisitions	\$300,000	02/26/25	\$150,000	\$0	\$0	\$150,000
2028	Land Cons & Forest Mgmt	Snowmobile Bridge - TBD	\$120,000	02/26/25	\$0	\$0	\$0	\$120,000
2028	Sheriff	911 Phone System & Recorder Replacement	\$375,000	01/27/25	\$0	\$375,000	\$0	\$0

Year	Department	Project	Total Expenditure	Date Committee Reviewed	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants/Other
2028	Sheriff	Replacement of All Body Cameras - Originally Donated by PESI	\$50,000	01/27/25	\$0	\$50,000	\$0	\$0
2028 TOTAL	All projects, equipment, etc.		\$16,804,440		\$1,450,000	\$4,195,000	\$3,700,000	\$7,834,440
2029	Facilities & Parks	Update Old Direct Digital Controls on 30 VAV Boxes	\$100,000	01/22/25	\$0	\$100,000	\$0	\$0
2029	Facilities & Parks	Module Cooling Units (MCUs) Replacement in Data Center - 2 Units	\$100,000	01/22/25	\$0	\$100,000	\$0	\$0
2029	Facilities & Parks	Courthouse Directory Replacement & Cul-de-Sac Information Hub	\$150,000	01/22/25	\$0	\$150,000	\$0	\$0
2029	Facilities & Parks	1953 Courthouse Prisoner Transport Elevator Refurbishment	\$125,000	01/22/25	\$0	\$125,000	\$0	\$0
2029	Facilities & Parks	Chiller (AC) Replacement - Serving Courthouse & Sheriff's Department	\$250,000	01/22/25	\$0	\$250,000	\$0	\$0
2029	Facilities & Parks	Roof Replacement - Jail (Roofs 13, 14, 15)	\$175,000	01/22/25	\$0	\$175,000	\$0	\$0
2029	Facilities & Parks	Public Health Remodel - Phase I - Design & Construction Drawings	\$50,000	01/22/25	\$0	\$50,000	\$0	\$0
2029	Facilities & Parks	DHS & County Board Rm 302 - Phase II - Construction	\$1,200,000	01/22/25	\$0	\$1,200,000	\$0	\$0
2029	Highway	Highways and Bridges	\$6,728,740	01/22/25	\$0	\$1,700,000	\$3,000,000	\$2,028,740
2029	Highway	Machinery Purchases	\$1,100,000	01/22/25	\$1,100,000	\$0	\$0	\$0
2029	Highway	Building Improvements	\$100,000	01/22/25	\$100,000	\$0	\$0	\$0
2029	Highway	Non-Highway Vehicle Fleet Replacement	\$300,000	01/22/25	\$0	\$300,000	\$0	\$0
2029	Information Technology	Replacement End User Devices & Data Center Equipment	\$270,000	01/21/25	\$0	\$270,000	\$0	\$0
2029	Information Technology	Security Camera Replacements	\$50,000	01/21/25	\$0	\$50,000	\$0	\$0
2029	Land Cons & Forest Mgmt	County Stewardship Fund	\$100,000	02/26/25	\$100,000	\$0	\$0	\$0
2029	Land Cons & Forest Mgmt	County Forest Land Acquisitions	\$300,000	02/26/25	\$150,000	\$0	\$0	\$150,000
2029	Land Cons & Forest Mgmt	Snowmobile Bridge - TBD	\$120,000	02/26/25	\$0	\$0	\$0	\$120,000
2029 TOTAL	All projects, equipment, etc.		\$11,218,740		\$1,450,000	\$4,470,000	\$3,000,000	\$2,298,740
2030	Facilities & Parks	Courthouse Pressurization Project	\$250,000	01/22/25	\$0	\$250,000	\$0	\$0
2030	Facilities & Parks	Conference Room Remodel for Courts (Room 218)	\$100,000	01/22/25	\$0	\$100,000	\$0	\$0
2030	Facilities & Parks	Public Health Remodel - Phase II - Construction	\$800,000	01/22/25	\$0	\$800,000	\$0	\$0
2030	Facilities & Parks	Housing Authority & Extension - Phase 1 - Design & Construction Drawings	\$50,000	01/22/25	\$0	\$50,000	\$0	\$0
2030	Highway	Highways and Bridges	\$6,728,740	01/22/25	\$0	\$1,700,000	\$3,000,000	\$2,028,740
2030	Highway	Machinery Purchases	\$1,100,000	01/22/25	\$1,100,000	\$0	\$0	\$0
2030	Highway	Building Improvements	\$100,000	01/22/25	\$100,000	\$0	\$0	\$0
2030	Highway	Non-Highway Vehicle Fleet Replacement	\$300,000	01/22/25	\$0	\$300,000	\$0	\$0
2030	Information Technology	Replacement End User Devices & Data Center Equipment	\$265,000	01/21/25	\$0	\$265,000	\$0	\$0
2030	Land Cons & Forest Mgmt	County Stewardship Fund	\$100,000	02/26/25	\$100,000	\$0	\$0	\$0
2030	Land Cons & Forest Mgmt	County Forest Land Acquisitions	\$300,000	02/26/25	\$150,000	\$0	\$0	\$150,000
2030	Land Cons & Forest Mgmt	Snowmobile Bridge - TBD	\$120,000	02/26/25	\$0	\$0	\$0	\$120,000
2030 TOTAL	All projects, equipment, etc.		\$10,213,740		\$1,450,000	\$3,465,000	\$3,000,000	\$2,298,740
2026-2030 Grand Total - All Projects, equipment, etc.			\$72,966,812		\$7,900,000	\$21,069,000	\$15,250,000	\$29,122,812

2026 - 2030 Capital Improvement Plan Justification Forms



2026 Projects

Description	Page
Facilities & Parks - Parking Lot "A" Replacement - Phase II (50% of lot)	4
Facilities & Parks - Branch III Jury Box Remodel	5
Facilities & Parks - Sheriff's Department Remodel - Phase I - Plan Development	6
Highway - Highways & Bridges	7
Highway - Machinery Purchases	8
Highway - Building Improvements	9
Highway - Non-Highway Vehicle Fleet Replacement	10
IT - Replacement of End User Devices & Data Center Equipment	11
LCFM - Hickory Ridge Warming Shelter and Maintenance Shed	12
LCFM - Snowmobile Bridge - TBD	13
LCFM - County Forest Land Acquisitions	14
LCFM - County Stewardship Fund	15
Sheriff - Field Services Mobile Command Trailer	16
Sheriff - Taser Refresh Phase I - Upgrade all Axon Taser X26P to Taser 7	17

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2026	DOA - Facilities & Parks Division	Parking Lot "A" Replacement - Phase II	\$500,000	Necessary	\$0	\$500,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
1 of 3			1 of 3											
Project Description and Justification														
The 2nd phase of this project will provide the funding required to compete 100% of parking Lot "A" project. The parking lot is at / nearing "end-of-life", as part of the parking lot is ~ twenty-three (23) years old and the other part is ~ thirty-three (33) years old.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	DOA - Facilities & Parks Division	Branch III Jury Box Remodel	\$150,000	Necessary	\$0	\$150,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
2 of 3			2 of 3					
Project Description and Justification								
This project will remodel the Jury Box in the Branch III Courtroom. It will attempt to meet all ADA requirements and change out the "end-of-life" chairs. New chairs have already been purchased in 2022 with grant funding. This project will also add a barrier between the witness stand and the judge (bench).								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry Ritzinger

Date: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	DOA - Facilities & Parks Division	Sheriff's Department Remodel - Phase I Plan Development	\$50,000	Necessary	\$0	\$50,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
3 of 3			3 of 3					
Project Description and Justification								
This funding will allow for master planning for the Sheriff's Department. Some examples of the needs of this facility include: - Update flooring and wall finishes - Adequate conference room space - Improved emergency command center The facility finishes are at/nearing "end-of-life", as it has not been refreshed in twenty (20+) years.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form

2026 Projects

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	
Highways and Bridges												
	County-Wide	Various Design	\$50,000					\$50,000				\$50,000
	County-Wide	SS4A Safety Action Plan	\$250,000		\$200,000	SS4A		\$50,000				\$250,000
CTH MM	CTH X - STH 27	Design Plans	\$100,000		\$90,000	ARIP		\$10,000				\$100,000
CTH T	Corridor Expansion Project	Design & Construction	\$500,000	Various					\$500,000			\$500,000
CTH M	Lake Holcombe Bridge B09003	Design & Replacement	\$500,000	Spot					\$500,000			\$500,000
CTH CC	CTH Z - 239th Ave	Safety Improvement	\$203,693	Safety	\$183,324	HSIP		\$20,369				\$203,693
CTH Y	Chippewa River Bridge B09123	Bridge Rehabilitation	\$3,930,800	Spot	\$3,144,240	Local Bridge			\$786,560			\$3,930,800
CTH H	Ltl Otter Creek Bridge P09052	Bridge Replacement	\$747,560	Spot	\$597,648	Local Bridge		\$50,472	\$99,440			\$747,560
CTH R	STH 64 - STH 178	Recondition	\$1,410,000	2.5 Miles	\$580,000	('24-'25) LRIP			\$380,000	\$450,000		\$1,410,000
CTH J	STH 29 (South) - CTH X	Recondition	\$295,000	0.6 Miles				\$280,000		\$15,000		\$295,000
CTH SS	CTH Q - Barron County	Recondition	\$205,000	0.8 Miles				\$120,000		\$85,000		\$205,000
CTH O	CTH XX - STH 27	Recondition	\$635,000	2.9 Miles				\$30,000		\$605,000		\$635,000
CTH M	Front St. - CTH SS	Recondition	\$20,000	0.1 Miles				\$5,000		\$15,000		\$20,000
CTH OO	CTH P - 160th St.	Recondition	\$505,000	2.0 Miles				\$20,000		\$485,000		\$505,000
CTH K	CTH O North - CTH O South	Recondition	\$125,000	0.5 Miles				\$30,000		\$95,000		\$125,000
	Various	Pavement Preservation	\$826,899		\$60,000	GTA		\$232,899	\$534,000			\$826,899
	Various Locations	Bridge Repairs	\$180,000	Spot				\$180,000				\$180,000
	Various Locations	Maintenance - Drainage	\$300,000					\$300,000				\$300,000
	Various Locations	Construction Supervision	\$590,000					\$590,000				\$590,000
Highways and Bridges Total			\$11,373,952	9.4 Miles	\$4,855,212			\$1,968,740	\$2,800,000	\$1,750,000		\$11,373,952

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
1 of 4	1 of 4	Reviewed by the Highway Committee 01/22/2025

The above funding will ensure that Chippewa County continues to service our County Highway System at existing service levels using proper Engineering protocols to identify roadways and bridges that require maintenance and replacement.

Submitted by: Brian Kelley Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2026

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Machinery Purchases												
	Machinery Purchases	Various	\$1,100,000								\$1,100,000	\$1,100,000
Machinery Purchases Total			\$1,100,000								\$1,100,000	\$1,100,000

Highway machinery is replaced based on useful life, cost to maintain, and purchasing of new and/or updated equipment for the purpose of maintaining our County Highway System. The above will fund replacement of the existing Machinery within the Highway Department.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
2 of 4	2 of 4	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form

2026

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Building Improvements												
	Highway Department Facilities	Building Improvements - Buildings & Grounds Projects	\$100,000								\$100,000	\$100,000
Building Improvements Total			\$100,000								\$100,000	\$100,000

The above funding will ensure the continued safe and efficient use of Highway Department buildings and grounds. \$100,000 will be used to improve current structures.		
Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
3 of 4	3 of 4	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley Date: March 1, 2025

Attachment: CIP Plan 2026-2030 (8946 : 2026-2030 Capital Improvement Plan - Andy Albarado)

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2026

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Non-Highway Fleet												
	Vehicle Purchases	Replacement cycle for Non-Highway Fleet	\$300,000						\$300,000			\$300,000
Non-Highway Fleet Total			\$300,000						\$300,000			\$300,000

The Non-Highway Vehicle Fleet includes 79 vehicles of various types. Vehicles are replaced based on expected life and cost to maintain. The \$300,000 will fund replacement of existing vehicles as required and the cost of installing mounts for any Mobile Data Computers (MDC's) installed in Sheriff's Department assigned vehicles.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
4 of 4	4 of 4	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	Information Technology	Replacement end user devices & data center equipment	\$245,000	Necessary	\$0	\$245,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
1 of 1			1 of 1					
Project Description and Justification								
This funding will be used for: • Equipment in the data center to replace VMWare servers, security cameras, switches, wireless access points and UPS units • End user devices for employees consisting of personal computers, laptops, tablet, LCD panels, projectors and conference room equipment The above funding will ensure that Chippewa County continues to sustain technology needed by refreshing equipment on a regular basis using industry replacement standards to insure that proper resources/tools are provided for the employees to accomplish their daily tasks. Replacing data center equipment provides secure, high availability and redundant countywide systems. Replacement is based on useful life of equipment. \$145,000 Data Center equipment consists of: VMWare Server Cluster server Security Cameras Switches Access Points UPS units \$100,000 End User devices consist of: Personal computers, laptops, tablets, projectors and conference room equipment - replaced on a 5 year plan LCD panels & accessories replaced as needed								
Additional Action and/or Comments from Committee								
Reviewed by the Executive Committee on 01/21/2025								

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	Land Conservation & Forest Management	Hickory Ridge Warming Shelter and Maintenance Shed	\$500,000	Desired	\$0	\$0	\$0	\$500,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
1 of 4			1 of 4					
Project Description and Justification								
The County is applying for a grant to construct a warming house and maintenance shed at the Hickory Ridge Trailhead. A previous Recreational Trails Program grant was utilized to expand the parking area, build an open air shelter and install electricity for a light pole to illuminate the parking lot. The updated Chippewa County Comprehensive Outdoor Recreation Plan includes these buildings as priorities for infrastructure improvements and qualifies the County to apply for funding from a Land and Water Conservation Fund grant. If approved, the project will be funded 50% by a state administered grant and 50% by a private donor (FOHRT)								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda Schweikert

Date: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	Land Conservation & Forest Management	Snowmobile Bridge - TBD	\$120,000	Desired	\$0	\$0	\$0	\$120,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
2 of 4			2 of 4					
Project Description and Justification								
Planned snowmobile bridge TBD. Bridge grants are requested in March of each year at the request of CVSO, and are paid 100% by WIDNR Grant monies; bridges are identified as needing repair or replacement on an as-needed basis.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	Land Conservation & Forest Management	Country Forest Land Acquisitions	\$300,000	Desired	\$150,000	\$0	\$0	\$150,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
3 of 4			3 of 4					
Project Description and Justification								
The Chippewa County Comprehensive Forest Plan, as adopted by the County Board, establishes public policy to routinely evaluate and consider additions to the County Forest, that are cost effective and in the long term public interest. Strategic additions to the County Forest and recreational land base, will allow for increased annual timber harvest and additional public recreational opportunities. These capital additions will be of long term value and provide direct benefit to area residents, taxpayers, the forest products industry and the tourism industry. The request meets the County strategic plan objective to “Manage and protect the County’s natural resources for the future including water, forests, etc.” and the Chippewa County Land & Water Resource Management Plan (July 2009) Land Management objectives. The allocation of capital will likely generate matching funds. The State has recently created a special fund within the Knowles-Nelson Stewardship Fund that is dedicated to providing matching grants for County Forest Acquisitions. This dedicated state fund will enhance the County’s opportunity to acquire select parcels of high public value. The amount of land within the County Forest Blocking Boundary offered for sale by private landowners consistently exceeds the amount of capital available to acquire the land. Offers are reviewed and evaluated by the Land Conservation & Forest Management as funds become available.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2026	Land Conservation & Forest Management	County Stewardship Fund	\$100,000	Desired	\$100,000	\$0	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
4 of 4			4 of 4											
Project Description and Justification														
The Chippewa County Board (through Resolution 76-98) created the Chippewa County Stewardship Fund in 1998 to provide a stable source of matching grant funds to assist landowners, municipalities, and non-profit organizations to meet local conservation objectives in Chippewa Co. Section 3.1 of the "Chippewa County Stewardship Fund Policy & Procedures for Program Administration", (adopted through Resolution 89-99) states "The County Stewardship Fund will be established as a nonlapsing special revenue fund with partial proceeds available from the County Sales Tax and other funding sources, including public grants, private contributions, service or development fees, and other sources of revenue deemed appropriate by the County." Since the inception of the program, 16 projects have been sponsored by the community resulting in the permanent protection of more than 2100 acres of land having high conservation and recreational value. The Stewardship Fund has been well received by the community and proves to be a cost effective way of meeting the County's long term land conservation and outdoor recreational needs. Since 1998, nearly \$500,000 in sales tax match grants have been awarded. Using donations and principals of leveraging, every \$1 of County sales tax funds have been matched by \$6.00 in outside funding. Under the program, all sites are protected by conservation easements and are required to have permanent public access for outdoor recreation. Unless added to the County Forest system, all sites are managed by other organizations or agencies resulting in no custodial costs to the Co. Given current development trends & associated pressures on land resources, there is an inherent need to maintain the County's resource conservation efforts. This accelerated need comes at a time when traditional revenue sources are being reduced or eliminated. The request for continued sales tax financing supports the state goals & objectives of the Chippewa Co. Strategic Plan (2011) to "Coordinate and collaborate with government entities at all levels to ensure effective government services" and to "Provide a safe, healthy, and prosperous environment for Chippewa Co. employees, clientele, and citizens". The request also supports the stated Land Management Objective of the Chippewa Co. Land & Water Resource Mgt. Plan (2015), to "Protect areas of special environmental, natural resource, or open space significance, (Wisconsin Stats. 91.57)".														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2026	Sheriff's Office	Field Services Mobile Command Trailer	\$195,000	Necessary	\$0	\$195,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
1 of 2			1 of 2											
Project Description and Justification														
This project will allow for the purchase of an Incident Command Trailer to be utilized by the Sheriff's Office and Emergency Management. Our current trailer that was purchased in 2014 has become increasing obsolete over the years, mainly do to an increase in the technology we utilize. Since the purchase of our last Command Trailer, we have added and rely heavily upon multi media to complete our missions. We have two 42" monitors on the table where the Command staff sits. This leaves little room for a work space with our computers. The table is pushed up against the wall of the trailer as there is not enough room to place the table in the middle and have everyone sit around it. We have run missions in this trailer where there is no room for all the Command Staff to sit and they are standing up behind the table holding their laptops. This is not an efficient or productive way to operate. The new trailer we are proposing will have pop-out sides which will provide us the ability to place a large table in the center and have seating for the Command Staff all the way around the table so they can view the monitors which will be mounted on the wall. Our mobile Dispatch Center will be located within the trailer.														
Additional Action and/or Comments from Committee														
Reviewed by the Legal & Law Enforcement Committee on 01/27/2025														

Submitted by: Travis HakesDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2026	Sheriff's Office	Taser Refresh Phase I - Upgrade all Axon 26P to Taser 7	\$135,000	Necessary	\$0	\$135,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
2 of 2			2 of 2					
Project Description and Justification								
Currently the Sheriff's Office Deputies carry the Axon Taser X26P conducted energy device. These devices are commonly used by deputies as an intermediate force option and have been very beneficial to reducing injuries to suspects and deputies alike all the while helping deputies perform their duties of gaining control of resistive, suspects. Approximately half of the X26P inventory were purchased in 2017 and the other half were purchased in 2021. The Taser 60 program was introduced as a means to provide a financing option to refresh the inventory while minimizing spikes in the annual budget. While under the Taser 60 plan the taser is under warranty for five years. Under this model the thoughts were that all tasers would only be out of warranty for one year, year six. If purchasing a taser outright Axon will warranty them for up to 5 years, depending on the warranty selected at the time of purchase. While under warranty if a taser has any type of issue and they are unable to repair it, Axon will replace it. Currently the inventory purchased in 2017 is out of warranty and the warranties for the remainder of the inventory will be expiring within a year. Based on past experience when a Taser malfunctions and is sent out to Axon, they generally are unable to fix it. This results in a new replacement being sent if it is under warranty or a new one needing to be purchased if the warranty has expired. Also based on past experience provided by the Department Taser Instructor of 17 years the estimated dependable life of a Taser is approximately 7 years; although there are some that malfunction right at 5 years. With half the inventory being already 7 years old and the remaining coming up on 5 years old the entire inventory are all inline to be replaced. With the most recent guidance providing the ability to submit through the CIP process for funding thoughts are that it would be beneficial to do an entire inventory refresh for a couple reasons. One reason being all tasers are at the their end of life. Second reason being the inventory can be refreshed at the same time so the same model is being carried by all Deputies. Refreshing the entire inventory at once will make training consistant throughout the entire department and allow the instructors to have one lesson plan at a time for range; especially when having to transition the tasers to a new model. * The 05/06/2025 quote to replace all 58 devices with Taser 7 including holsters, cartridges, cleaning kits and 5 year warranty is \$278,956.80.								
Additional Action and/or Comments from Committee								
Reviewed by the Legal & Law Enforcement Committee on 01/27/2025 After the committee reviewed this request, the decision was made to convert this into a Phase I (2026) and Phase II (2027) project to ensure enough funding is available to replace all tasers and the necessary cartridges, holsters, etc.								

Submitted by: Travis HakesDate: 3/1/2025

2026 - 2030 Capital Improvement Plan Justification Forms



2027 Projects

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**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	DOA - Facilities & Parks	Otter Lake Dam Inspection	\$50,000	Necessary	\$0	\$50,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for a thorough inspection of the Otter Lake Dam by an engineering firm. The inspection report will likely include some recommendations for maintenance and repairs of the dam that will need to be completed.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	DOA - Facilities & Parks	Park Master Plan Implementation	\$150,000	Desired	\$0	\$150,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for the further implementation of the Park Master Plan.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	DOA - Facilities & Parks	Parking Lot "B" Replacement	\$200,000	Necessary	\$0	\$200,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This project will replace Parking Lot "B". The parking lot is at/nearing "end-of-life", it is ~ fifteen(15) years old. This Parking Lot routinely experiences heavy semi-tractor use due to the dock at the Jail. The parking lot has also experienced multiple construction projects/cranes that have impacted the parking lot, to include Boiler Project, Chiller Project, Cooling Tower Project and a Tower Project.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	DOA - Facilities & Parks	Variable Frequency Drive (VFD) Replacement (10 units)	\$100,000	Necessary	\$0	\$100,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will allow for upgrading ten (10) Variable Frequency Drives (VFDs) that were installed in 2002 and are approximately twenty-five (25) years old and at "end-of-life".								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2205								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	DOA - Facilities & Parks Division	Jail Fire System Replacement - Phase I - Design	\$50,000	Necessary	\$0	\$50,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for the design of an outdated Fire System serving the Jail and Sheriff's Department. The existing fire system is twenty-five (25) years old and at/near "end-of-life".														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2026	DOA - Facilities & Parks Division	DHS Department & County Board Rm 302 Remodel - Phase I - Planning & Construction Drawings	\$600,000	Necessary	\$0	\$600,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for master planning for the Department of Human Services and the County Boardroom. This planning exercise is deemed necessary due to the additional staffing the department has acquired over the last few years, and also, due to the change in the way services are provided. This master planning exercise will take a look at the current DHS operations and staffing levels. It will consider the physical space and provide some options on how the 3rd floor of the Courthouse could be reconfigured to efficiently accommodate the departments needs, while keeping in mind that the work space may require some flexibility for future growth. This planning exercise will also consider how the existing County Boardroom fits into the plan, if any changes are deemed necessary to this space at this time, as the DHS construction on the 3rd floor would make this a timely project														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/205														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	DOA - Facilities & Parks	Sheriff's Department Remodel - Phase II - Construction	\$500,000	Necessary	\$0	\$500,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will allow for the construction that the master planning exercise produced. Some examples of the needs of this facility include: - Update flooring and wall finishes - Adequate conference room space - Improved emergency command center The facility finishes are at/nearing "end-of-life", as it has not been refreshed in twenty (20+) years.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2027 Projects

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	
Highways and Bridges												
	County-Wide	Various Design	\$50,000					\$50,000				\$50,000
CTH T	Corridor Expansion Project	Design & Construction	\$250,000	Various		CDS/Others			\$250,000			\$250,000
CTH M	Lake Holcombe Bridge B09003	Design & Replacement	\$1,250,000	Spot				\$500,000	\$750,000			\$1,250,000
CTH K	Yellow River Bridge B09497	Bridge Replacement	\$2,735,000	Spot	\$2,188,000	Local Bridge			\$547,000			\$2,735,000
CTH S	Yellow River Bridge B09009	Bridge Replacement	\$2,240,200	Spot	\$2,240,200	Local Bridge						\$2,240,200
CTH X	Elk Creek Bridge B09372	Bridge Replacement	\$880,000	Spot	\$880,000	Local Bridge						\$880,000
CTH MM	CTH X - STH 27	Recondition	\$1,600,000	2.0 Miles	\$1,440,000	ARIP		\$160,000				\$1,600,000
	Various	Pavement Preservation	\$5,201,740		\$60,000	GTA		\$188,740	\$1,153,000	\$3,800,000		\$5,201,740
	Various Locations	Bridge Repairs	\$180,000	Spot				\$180,000				\$180,000
	Various Locations	Maintenance - Drainage	\$300,000					\$300,000				\$300,000
	Various Locations	Construction Supervision	\$590,000					\$590,000				\$590,000
Highways and Bridges Total			\$15,276,940		\$6,808,200			\$1,968,740	\$2,700,000	\$3,800,000		\$15,276,940

The above funding will ensure that Chippewa County continues to service our County Highway System at existing service levels using proper Engineering protocols to identify roadways and bridges that require maintenance and replacement.

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2027

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Machinery Purchases												
	Machinery Purchases	Various	\$1,100,000								\$1,100,000	\$1,100,000
Machinery Purchases Total			\$1,100,000								\$1,100,000	\$1,100,000

Highway machinery is replaced based on useful life, cost to maintain, and purchasing of new and/or updated equipment for the purpose of maintaining our County Highway System. The above will fund replacement of the existing Machinery within the Highway Department.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/11/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2027

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Building Improvements												
	Highway Department Facilities	Building Improvements - Buildings & Grounds Projects	\$100,000								\$100,000	\$100,000
Building Improvements Total			\$100,000								\$100,000	\$100,000

The above funding will ensure the continued safe and efficient use of Highway Department buildings and grounds. \$100,000 will be used to improve current structures.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2027

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Non-Highway Fleet												
	Vehicle Purchases	Replacement cycle for Non-Highway Fleet	\$300,000						\$300,000			\$300,000
Non-Highway Fleet Total			\$300,000					\$300,000				\$300,000

The Non-Highway Vehicle Fleet includes 79 vehicles of various types. Vehicles are replaced based on expected life and cost to maintain. The sales tax will fund replacement of existing vehicles as required and the cost of installing mounts for any Mobile Data Computers (MDC's) installed in Sheriff's Department assigned vehicles.

Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	Information Technology	Replacement end user devices & data center equipment	\$245,000	Necessary	\$0	\$245,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will be used for: • Equipment in the data center to replace storage area networks (SAN), VMWare servers • End user devices for employees consisting of personal computers, laptops, tablet, LCD panels, projectors and conferenc room equipment The above funding will ensure that Chippewa County continues to sustain technology needed by refreshing equipment on a regular basis using industry replacement standards to insure that proper resources/tools are provided for the employees to accomplish their daily tasks. Replacing data center equipment provides secure, high availability and redundant countywide systems. Replacement is based on useful life of equipment. \$145,000 Data Center equipment consists of: Camera servers Storage area networks Switches \$100,000 End User devices consist of: Personal computers, laptops, tables, projectors and conference room equipment– replaced on a 5 yr plan LCD panels & accessories replaced as needed														
Additional Action and/or Comments from Committee														
Reviewed by the Executive Committee on 01/21/2025														

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	Information Technology	Security Camera Replacements	\$50,000	Necessary	\$0	\$50,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will be used for replacing a security cameras that were purchased and installed in 2018. This replacement will be phased in over 2-3 years depending on cost for cameras at the time of replacement.														
Additional Action and/or Comments from Committee														
Reviewed by the Executive Committee on 01/21/2025														

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	Land Conservation & Forest Management	County Stewardship Fund	\$100,000	Desired	\$100,000	\$0	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Board (through Resolution 76-98) created the Chippewa County Stewardship Fund in 1998 to provide a stable source of matching grant funds to assist landowners, municipalities, and non-profit organizations to meet local conservation objectives in Chippewa Co. Section 3.1 of the "Chippewa County Stewardship Fund Policy & Procedures for Program Administration", (adopted through Resolution 89-99) states "The County Stewardship Fund will be established as a nonlapsing special revenue fund with partial proceeds available from the County Sales Tax and other funding sources, including public grants, private contributions, service or development fees, and other sources of revenue deemed appropriate by the County." Since the inception of the program, 16 projects have been sponsored by the community resulting in the permanent protection of more than 2100 acres of land having high conservation and recreational value. The Stewardship Fund has been well received by the community and proves to be a cost effective way of meeting the County's long term land conservation and outdoor recreational needs. Since 1998, nearly \$500,000 in sales tax match grants have been awarded. Using donations and principals of leveraging, every \$1 of County sales tax funds have been matched by \$6.00 in outside funding. Under the program, all sites are protected by conservation easements and are required to have permanent public access for outdoor recreation. Unless added to the County Forest system, all sites are managed by other organizations or agencies resulting in no custodial costs to the Co. Given current development trends & associated pressures on land resources, there is an inherent need to maintain the County's resource conservation efforts. This accelerated need comes at a time when traditional revenue sources are being reduced or eliminated. The request for continued sales tax financing supports the state goals & objectives of the Chippewa Co. Strategic Plan (2011) to "Coordinate and collaborate with government entities at all levels to ensure effective government services" and to "Provide a safe, healthy, and prosperous environment for Chippewa Co. employees, clientele, and citizens". The request also supports the stated Land Management Objective of the Chippewa Co. Land & Water Resource Mgt. Plan (2015), to "Protect areas of special environmental, natural resource, or open space significance, (Wisconsin Stats. 91.57)".														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	Land Conservation & Forest Management	Country Forest Land Acquisitions	\$300,000	Desired	\$150,000	\$0	\$0	\$150,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
The Chippewa County Comprehensive Forest Plan, as adopted by the County Board, establishes public policy to routinely evaluate and consider additions to the County Forest, that are cost effective and in the long term public interest. Strategic additions to the County Forest and recreational land base, will allow for increased annual timber harvest and additional public recreational opportunities. These capital additions will be of long term value and provide direct benefit to area residents, taxpayers, the forest products industry and the tourism industry. The request meets the County strategic plan objective to “Manage and protect the County’s natural resources for the future including water, forests, etc.” and the Chippewa County Land & Water Resource Management Plan (July 2009) Land Management objectives. The allocation of capital will likely generate matching funds. The State has recently created a special fund within the Knowles-Nelson Stewardship Fund that is dedicated to providing matching grants for County Forest Acquisitions. This dedicated state fund will enhance the County’s opportunity to acquire select parcels of high public value. The amount of land within the County Forest Blocking Boundary offered for sale by private landowners consistently exceeds the amount of capital available to acquire the land. Offers are reviewed and evaluated by the Land Conservation & Forest Management as funds become available.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2027	Land Conservation & Forest Management	County Forest Dam Infrastructure Maintenance	\$50,000	Desired	\$0	\$0	\$0	\$50,000						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The LCFM maintains eighteen (18) wildlife flowages in the Chippewa County Forest, that have been created through the construction of impoundments. Six (6) of these impoundments are classified as large-scale dams, subject to DNR license and inspection requirements. Scheduled inspections for licensed dams are conducted on a ten (10) year cycle and must be performed by a licensed engineer. The engineering inspection of the licensed dams was completed by LCFM staff engineers in 2023. The report for Willow #1 concluded that the structure needs to be replaced to maintain the impoundment. In order to compete for a State Municipal Dam Grant a Dam Failure Analysis must be completed. LCFM staff engineers will work on completing the analysis in 2025 so that the County can apply for a grant in 2026. The CIP project will be used to match funds to repair the failing structure impounding Willow #1. This allocation will allow the County to meet goals and obligations defined in the Chippewa County Forest Comprehensive Land use Plan (2021-2036). This allocation will also allow the County to pursue an earlier Chippewa County Strategic Goal to provide a safe, healthy, and prosperous environment for Chippewa County residents by managing and protecting the County's natural resource base for the future.														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	Land Conservation & Forest Management	Snowmobile Bridge - TBD	\$120,000	Desired	\$0	\$0	\$0	\$120,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Planned snowmobile bridge TBD. Bridge grants are requested in March of each year at the request of CVSO, and are paid 100% by WIDNR Grant monies; bridges are identified as needing repair or replacement on an as-needed basis.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	Sheriff's Office	Duty Weapon (Glock) Refresh (50 weapons)	\$75,000	Necessary	\$0	\$75,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Sights on the duty weapons have an approximate life expectancy of 8 years. The existing Glock inventory was purchased in 2020 and they have iron night sights. During this refresh we would be looking to transition to the industry standard of optics versus iron night sights. With the transition to optics versus iron night sights all new holsters will need to be purchased. Currently Glock has a trade in program where they will give LE a \$350 credit towards a new weapon for each weapon traded. Glocks with optics and holsters - 50 x \$1,521 = \$76,050.00 Glock Gen 5 MOS = \$550 Trijicon RMR Type 2 Sights = \$779 Mounting Kit = \$22 SLX Holster = \$170 Total per weapon = \$1,521 If Glock continues to offer their trade-in program for LE there would be a savings of \$350/weapon. This would reduce the needed funding listed above to \$58,550.								
Additional Action and/or Comments from Committee								
Reviewed by the Legal & Law Enforcement Committee on 01/27/2025								

Submitted by: Travis HakesDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2027	Sheriff's Office	Taser Refresh Phase II - Upgrade all Axon 26P to Taser 7	\$144,000	Necessary	\$0	\$144,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
2 of 2			2 of 2					
Project Description and Justification								
In 2026, the Sheriff's Office implemented Phase I of the Taser replacement program. The justification for Phase I was: "Currently the Sheriff's Office Deputies carry the Axon Taser X26P conducted energy device. These devices are commonly used by deputies as an intermediate force option and have been very beneficial to reducing injuries to suspects and deputies alike all the while helping deputies perform their duties of gaining control of resistive, suspects. Approximately half of the X26P inventory were purchased in 2017 and the other half were purchased in 2021. The Taser 60 program was introduced as a means to provide a financing option to refresh the inventory while minimizing spikes in the annual budget. While under the Taser 60 plan the taser is under warranty for five years. Under this model the thoughts were that all tasers would only be out of warranty for one year, year six. If purchasing a taser outright Axon will warranty them for up to 5 years, depending on the warranty selected at the time of purchase. While under warranty if a taser has any type of issue and they are unable to repair it, Axon will replace it. Currently the inventory purchased in 2017 is out of warranty and the warranties for the remainder of the inventory will be expiring within a year. Based on past experience when a Taser malfunctions and is sent out to Axon, they generally are unable to fix it. This results in a new replacement being sent if it is under warranty or a new one needing to be purchased if the warranty has expired. Also based on past experience provided by the Department Taser Instructor of 17 years the estimated dependable life of a Taser is approximately 7 years; although there are some that malfunction right at 5 years. With half the inventory being already 7 years old and the remaining coming up on 5 years old the entire inventory are all in-line to be replaced." This request is to complete Phase II of the replacement, by paying the remaining 5 year agreement with Axon. This will ensure our Taser program is fully supported by Axon until the end of December of 2030. If not approved we will have to return equipment and be unsupported by Axon. * The 05/06/2025 quote to replace all 58 devices with Taser 7 including holsters, cartridges, cleaning kits and 5 year warranty is \$278,956.80.								
Additional Action and/or Comments from Committee								
Reviewed by the Legal & Law Enforcement Committee on 01/27/2025 After the committee reviewed this request, the decision was made to convert this into a Phase I (2026) and Phase II (2027) project to ensure enough funding is available to replace all tasers and the necessary cartridges, holsters, etc.								

Submitted by: Travis HakesDate: 5/12/2025

Attachment: CIP Plan 2026-2030 (8946 : 2026-2030 Capital Improvement Plan - Andy Albarado)

2026 - 2030 Capital Improvement Plan Justification Forms



2028 Projects

Description	Page
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**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	DOA - Facilities & Parks	Otter Lake Dam - Phase II - Maintenance & Repairs	\$100,000	Necessary	\$0	\$100,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for corrective actions (maintenance and repairs) that were detailed in the recommendations of the Otter Lake Dam Inspection that was completed in 2027.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	DOA - Facilities & Parks	Jail Fire System Replacement - Phase II Construction	\$300,000	Necessary	\$0	\$300,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for the replacement of the Fire System serving the Jail and Sheriff's department. The existing fire system is ~twenty-six (26) years old and is at/near "end-of-life".														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2028	DOA - Facilities & Parks	Government Center - General Painting	\$100,000	Necessary	\$0	\$100,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will allow for the general painting of the Courthouse facility. Areas that will be addressed are / will be at "end-of-life".								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry Ritzinger

Date: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	DOA - Facilities & Parks	Park Master Plan Implementation	\$150,000	Necessary	\$0	\$150,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for the further implementation of the Park Master Plan.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2028 Hwy Bridges

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	
Highways and Bridges												
	County-Wide	Various Design	\$50,000					\$50,000				\$50,000
CTH T	Corridor Expansion Project	Design & Construction	\$250,000	Various				\$250,000				\$250,000
CTH M	Lake Holcombe Bridge B09003	Design & Replacement	\$1,250,000	Spot					\$900,000	\$350,000		\$1,250,000
CTH D	CTH O - CTH S West	Recondition	\$3,514,000	5.0 Miles	\$2,810,800	STP Rural			\$703,200			\$3,514,000
CTH O	Yellow River Bridge B09382	Bridge Rehabilitation	\$2,000,000	Spot	\$1,600,000	Local Bridge			\$400,000			\$2,000,000
CTH MM	Hay Creek Bridge P09068	Bridge Replacement	\$749,900	Spot	\$749,900	Local Bridge						\$749,900
	Various	Pavement Preservation	\$4,505,540		\$60,000	GTA		\$598,740	\$496,800	\$3,350,000		\$4,505,540
	Various Locations	Bridge Repairs	\$180,000	Spot				\$180,000				\$180,000
	Various Locations	Maintenance - Drainage	\$300,000					\$300,000				\$300,000
	Various Locations	Construction Supervision	\$590,000					\$590,000				\$590,000
Highways and Bridges Total			\$13,389,440		\$5,220,700			\$1,968,740	\$2,500,000	\$3,700,000		\$13,389,440

The above funding will ensure that Chippewa County continues to service our County Highway System at existing service levels using proper Engineering protocols to identify roadways and bridges that require maintenance and replacement.

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2028

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Machinery Purchases												
	Machinery Purchases	Various	\$1,100,000								\$1,100,000	\$1,100,000
Machinery Purchases Total			\$1,100,000								\$1,100,000	\$1,100,000

Highway machinery is replaced based on useful life, cost to maintain, and purchasing of new and/or updated equipment for the purpose of maintaining our County Highway System. The above will fund replacement of the existing Machinery within the Highway Department.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form

2028

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	
Building Improvements												
	Highway Department Facilities	Building Improvements - Buildings & Grounds Projects	\$100,000								\$100,000	\$100,000
Building Improvements Total			\$100,000								\$100,000	\$100,000

The above funding will ensure the continued safe and efficient use of Highway Department buildings and grounds. \$100,000 will be used to improve current structures.		
Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2028

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Non-Highway Fleet												
	Vehicle Purchases	Replacement cycle for Non-Highway Fleet	\$300,000						\$300,000			\$300,000
Non-Highway Fleet Total			\$300,000						\$300,000			\$300,000

The Non-Highway Vehicle Fleet includes 79 vehicles of various types. Vehicles are replaced based on expected life and cost to maintain. The sales tax will fund replacement of existing vehicles as required and the cost of installing mounts for any Mobile Data Computers (MDC's) installed in Sheriff's Department assigned vehicles.

Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	Information Technology	Replacement end user devices & data center equipment	\$270,000	Necessary	\$0	\$270,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will be used for: • Equipment in the data center to replace storage area networks (SAN), VMWare servers, wireless network controllers, data center switches and email archive server • End user devices for employees consisting of personal computers, laptops, tablet, LCD panels, projectors and conference room equipment The above funding will ensure that Chippewa County continues to sustain technology needed by refreshing equipment on a regular basis using industry replacement standards to insure that proper resources/tools are provided for the employees to accomplish their daily tasks. Replacing data center equipment provides secure, high availability and redundant countywide systems. Replacement is based on useful life of equipment. \$270,000 Data Center equipment consists of: VMWare Server Cluster server Wireless Network Controller Phone system controller Backup servers Email Archive Server \$100,000 End User devices consist of: Personal computers, laptops, tables, projectors and conference room equipment – replaced on a 5 yr plan LCD panels & accessories replaced as needed														
Additional Action and/or Comments from Committee														
Reviewed by the Executive Committee on 01/21/2025														

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	Information Technology	Security Camera Replacements	\$50,000	Necessary	\$0	\$50,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
Year #2 This funding will be used for replacing a security cameras that were purchased and installed in 2018. This replacement will be phased in over 2-3 years depending on cost for cameras at the time of replacement.														
Additional Action and/or Comments from Committee														
Reviewed by the Executive Committee on 01/21/2025														

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	Land Conservation & Forest Management	County Stewardship Fund	\$100,000	Desired	\$100,000	\$0	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Board (through Resolution 76-98) created the Chippewa County Stewardship Fund in 1998 to provide a stable source of matching grant funds to assist landowners, municipalities, and non-profit organizations to meet local conservation objectives in Chippewa Co. Section 3.1 of the "Chippewa County Stewardship Fund Policy & Procedures for Program Administration", (adopted through Resolution 89-99) states "The County Stewardship Fund will be established as a nonlapsing special revenue fund with partial proceeds available from the County Sales Tax and other funding sources, including public grants, private contributions, service or development fees, and other sources of revenue deemed appropriate by the County." Since the inception of the program, 16 projects have been sponsored by the community resulting in the permanent protection of more than 2100 acres of land having high conservation and recreational value. The Stewardship Fund has been well received by the community and proves to be a cost effective way of meeting the County's long term land conservation and outdoor recreational needs. Since 1998, nearly \$500,000 in sales tax match grants have been awarded. Using donations and principals of leveraging, every \$1 of County sales tax funds have been matched by \$6.00 in outside funding. Under the program, all sites are protected by conservation easements and are required to have permanent public access for outdoor recreation. Unless added to the County Forest system, all sites are managed by other organizations or agencies resulting in no custodial costs to the Co. Given current development trends & associated pressures on land resources, there is an inherent need to maintain the County's resource conservation efforts. This accelerated need comes at a time when traditional revenue sources are being reduced or eliminated. The request for continued sales tax financing supports the state goals & objectives of the Chippewa Co. Strategic Plan (2011) to "Coordinate and collaborate with government entities at all levels to ensure effective government services" and to "Provide a safe, healthy, and prosperous environment for Chippewa Co. employees, clientele, and citizens". The request also supports the stated Land Management Objective of the Chippewa Co. Land & Water Resource Mgt. Plan (2015), to "Protect areas of special environmental, natural resource, or open space significance, (Wisconsin Stats. 91.57)".														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	Land Conservation & Forest Management	Country Forest Land Acquisitions	\$300,000	Desired	\$150,000	\$0	\$0	\$150,000						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Comprehensive Forest Plan, as adopted by the County Board, establishes public policy to routinely evaluate and consider additions to the County Forest, that are cost effective and in the long term public interest. Strategic additions to the County Forest and recreational land base, will allow for increased annual timber harvest and additional public recreational opportunities. These capital additions will be of long term value and provide direct benefit to area residents, taxpayers, the forest products industry and the tourism industry. The request meets the County strategic plan objective to “Manage and protect the County’s natural resources for the future including water, forests, etc.” and the Chippewa County Land & Water Resource Management Plan (July 2009) Land Management objectives. The allocation of capital will likely generate matching funds. The State has recently created a special fund within the Knowles-Nelson Stewardship Fund that is dedicated to providing matching grants for County Forest Acquisitions. This dedicated state fund will enhance the County’s opportunity to acquire select parcels of high public value. The amount of land within the County Forest Blocking Boundary offered for sale by private landowners consistently exceeds the amount of capital available to acquire the land. Offers are reviewed and evaluated by the Land Conservation & Forest Management as funds become available.														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2028	Land Conservation & Forest Management	Snowmobile Bridge - TBD	\$120,000	Desired	\$0	\$0	\$0	\$120,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Planned snowmobile bridge TBD. Bridge grants are requested in March of each year at the request of CVSO, and are paid 100% by WIDNR Grant monies; bridges are identified as needing repair or replacement on an as-needed basis.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda Schweikert

Date: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2028	Sheriff's Office	911 Phone System & Recorder Replacement	\$375,000	Necessary	\$0	\$375,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Replacement of the E911 telephone system, including NG911 capabilities within the 911 Communications Center. This will include equipment and mapping for five fully-equipped consoles. Past practice has also been to include 5 years prepaid maintenance. The 911 Center uses the E911 Communications system to receive calls from the community regarding emergency and public safety matters. System components have an approximate 5 year replacement cycle due to age and infrastructure enhancements. This system is the point of handoff between the community and public safety. This equipment receives and processes information on events related to emergency service calls including Law Enforcement, Fire and EMS disciplines. Past statistics haven shown our system to receive and process between 80,000-90,000 calls per year. An E911 telephone system is utilized 24/7/365 by personnel in the 911 Communications Center. The system must maintain continuous reliability. Also, when the E911 telephone system is upgraded it is best to upgrade the recorder to ensure reliability and the ability to work well with the new system.								
Additional Action and/or Comments from Committee								
Reviewed by the Legal & Law Enforcement Committee on 01/27/2025								

Submitted by: Travis HakesDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2028	Sheriff's Office	Replacement of All Body Cameras (Originally donated by PESI)	\$50,000	Necessary	\$0	\$50,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
All the funding was provided by a donation from PESI for the initial implementation of body cameras for all LE agencies within Chippewa County. This funding was offered and provided through the donation to Chippewa County for Bloomer PD, Cornell PD, Cadott PD, Stanley PD, Boyd PD and Lake Hallie PD. This included the hardware and software for the first five years, which will end in 2028. The body camera, one battery and mount hardware is included in the per month service package price of \$49/month per camera. Also included in the initial agreement was a 3rd year hardware refresh, which will be taking place in 2025. The assumption would be the next agreement would look the same, where as the body camera, one battery and mount would be included in the package. The hardware not included in the per month package price in the initial agreement were the following items: 2nd battery for each camera Vehicle trigger kits USB docks Pre configured V300 transfer station IIs w/power supply and cables With the ever changing technology we are submitting the minimum CIP amount to have an equipment refresh in 2028 for the items not covered in the monthly service package. During 2025 the department will work with IT, the outside Agencies and Motorola to get a better idea of what the next refresh/agreement will look like for 2028.								
Additional Action and/or Comments from Committee								
Reviewed by the Legal & Law Enforcement Committee on 01/27/2025								

Submitted by: Travis HakesDate: 3/1/2025

2026 - 2030 Capital Improvement Plan Justification Forms



2029 Projects

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**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	DOA - Facilities & Parks	Update Old Direct Digital Controls on 30 VAV Boxes	\$100,000	Necessary	\$0	\$100,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This project will allow for the conversion of old DDC controllers on ~ thirty (30) Variable Air Volume (VAV) boxes to new Direct Digital Controls (DDC). The old DDC controllers are ~ twenty-two (22) - twenty-seven (27) years old and are at/near "end-of-life".								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	DOA - Facilities & Parks	Module Cooling Units (MCUs) Replacement in Data Center - 2 Units	\$100,000	Necessary	\$0	\$100,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This project will allow for the replacement of two (2) Liebert Module Cooling Units (MCUs) that serve the Data Center. The existing MCUs are ~ seventeen (17) years old and nearing "end-of-life". The reliability of these cooling units is essential to maintaining operations within the Data Center.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	DOA - Facilities & Parks	Courthouse Directory Replacement & Cul-de-Sac Information Hub	\$150,000	Desired	\$0	\$150,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This project will allow for the replacement of the existing Directories throughout the Courthouse (there are approximately twenty (20). It will also allow for the installation of one (1) or two (2) electronic Directories at the main entrance(s) as well as some remodeling at the Cul-De-Sac. The existing Directories are of a type that do not allow them to be updated. When Departments move throughout the Courthouse, our only option is to tape over the Directories with updates, or reorder multiple Directories every time this happens. The new Directories would allow for the old department information to be removed and the new / updated department and location description to be slid into place. The project would also provide funding for electronic Directorie(s) that could provide some assistance with way-finding.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	DOA - Facilities & Parks	Courthouse Prisoner Transport Elevator Refurbishment	\$125,000	Necessary	\$0	\$125,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This project will allow for the refurbishment of the existing elevator and the updating of the elevator controls. The existing elevator and controls are ~ seventy-six (76) years old and are at/near "end-of-life". The reliability of this elevator is essential to maintaining a safe and secure route for the inmates from the Chippewa County Jail to the Courtrooms.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	DOA - Facilities & Parks	Chiller (AC) Replacement - Serving Courthouse & Sheriff's Department	\$250,000	Necessary	\$0	\$250,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This project will allow for the replacement of the Chiller (air conditioning system) that serves the Courthouse and Sheriff's Department. The existing Chiller is ~ twenty (20) years old and is at/near "end-of-life". The reliability of this Chiller is essential to maintaining comfortable environmental conditions at the Chippewa County Courthouse and Sheriff's Department.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	DOA - Facilities & Parks	Roof Replacement - Jail (Roofs 13, 14, 15)	\$175,000	Necessary	\$0	\$175,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
The existing roofs on the 2002 Jail are ~twenty-six (27) years old and are at “end-of-life”. To address this issue, the roofs need to be replaced.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form+A4**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2028	DOA - Facilities & Parks	DHS and County Board Rm 302 - Phase II Construction	\$1,200,000	Desired	\$0	\$1,200,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
This funding will allow for the remodeling/construction of DHS and potentially the County Boardroom. This study/project was deemed necessary due to the additional staffing the department has acquired over the last few years, and also due to the change in the way services are provided. This master planning exercise will have taken a look at the current DHS operations and staffing levels. It will have considered the physical space and will provide some options on how the 3rd floor of the Courthouse could be reconfigured to efficiently accommodate the departments needs, while keeping in mind that the work space may require some flexibility for future growth. This planning exercise will have also consider how the existing County Boardroom fits into the plan, if any changes are deemed necessary to this space at this time, as the DHS construction on the 3rd floor would make this a timely project.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2029 Projects

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	
Highways and Bridges												
	County-Wide	Various Design	\$50,000					\$50,000				\$50,000
CTH T	Corridor Expansion Project	Design & Construction	\$150,000	Various						\$150,000		\$150,000
CTH M	Lake Holcombe Bridge B09003	Design & Replacement	\$1,100,000	Spot				\$550,000		\$550,000		\$1,100,000
	Various	Pavement Preservation	\$4,358,740		\$60,000	GTA		\$298,740	\$1,700,000	\$2,300,000		\$4,358,740
	Various Locations	Bridge Repairs	\$180,000	Spot				\$180,000				\$180,000
	Various Locations	Maintenance - Drainage	\$300,000					\$300,000				\$300,000
	Various Locations	Construction Supervision	\$590,000					\$590,000				\$590,000
Highways and Bridges Total			\$6,728,740		\$60,000			\$1,968,740	\$1,700,000	\$3,000,000		\$6,728,740

The above funding will ensure that Chippewa County continues to service our County Highway System at existing service levels using proper Engineering protocols to identify roadways and bridges that require maintenance and replacement.

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2029

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Machinery Purchases												
	Machinery Purchases	Various	\$1,100,000								\$1,100,000	\$1,100,000
Machinery Purchases Total			\$1,100,000								\$1,100,000	\$1,100,000

Highway machinery is replaced based on useful life, cost to maintain, and purchasing of new and/or updated equipment for the purpose of maintaining our County Highway System. The above will fund replacement of the existing Machinery within the Highway Department.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2029

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Building Improvements												
	Highway Department Facilities	Building Improvements - Buildings & Grounds Projects	\$100,000								\$100,000	\$100,000
Building Improvements Total			\$100,000								\$100,000	\$100,000

The above funding will ensure the continued safe and efficient use of Highway Department buildings and grounds. \$100,000 will be used to improve current structures.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2029

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Non-Highway Fleet												
	Vehicle Purchases	Replacement cycle for Non-Highway Fleet	\$300,000						\$300,000			\$300,000
Non-Highway Fleet Total			\$300,000					\$300,000				\$300,000

The Non-Highway Vehicle Fleet includes 79 vehicles of various types. Vehicles are replaced based on expected life and cost to maintain. The sales tax will fund replacement of existing vehicles as required and the cost of installing mounts for any Mobile Data Computers (MDC's) installed in Sheriff's Department assigned vehicles.

Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	Information Technology	Replacement end user devices & data center equipment	\$270,000	Necessary	\$0	\$270,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will be used for: • Equipment in the data center to replace storage area networks (SAN), VMWare servers and wireless APs • End user devices for employees consisting of personal computers, laptops, tablet, LCD panels, projectors and conference room equipment The above funding will ensure that Chippewa County continues to sustain technology needed by refreshing equipment on a regular basis using industry replacement standards to insure that proper resources/tools are provided for the employees to accomplish their daily tasks. Replacing data center equipment provides secure, high availability and redundant countywide systems. Replacement is based on useful life of equipment. \$170,000 Data Center equipment consists of: Storage Area Networks (SAN) Wireless APs Switches \$100,000 End User devices consist of: Personal computers, laptops, tables, projectors and conference room equipment – replaced on a 5 yr plan LCD panels & accessories replaced as needed								
Additional Action and/or Comments from Committee								
Reviewed by the Executive Committee on 01/21/2025								

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2029	Information Technology	Security Camera Replacements	\$50,000	Necessary	\$0	\$50,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
Year #3 This funding will be used for replacing a security cameras that were purchased and installed in 2018. This replacement will be phased in over 2-3 years depending on cost for cameras at the time of replacement.														
Additional Action and/or Comments from Committee														
Reviewed by the Executive Committee on 01/21/2025														

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2029	Land Conservation & Forest Management	County Stewardship Fund	\$100,000	Desired	\$100,000	\$0	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Board (through Resolution 76-98) created the Chippewa County Stewardship Fund in 1998 to provide a stable source of matching grant funds to assist landowners, municipalities, and non-profit organizations to meet local conservation objectives in Chippewa Co. Section 3.1 of the "Chippewa County Stewardship Fund Policy & Procedures for Program Administration", (adopted through Resolution 89-99) states "The County Stewardship Fund will be established as a nonlapsing special revenue fund with partial proceeds available from the County Sales Tax and other funding sources, including public grants, private contributions, service or development fees, and other sources of revenue deemed appropriate by the County." Since the inception of the program, 16 projects have been sponsored by the community resulting in the permanent protection of more than 2100 acres of land having high conservation and recreational value. The Stewardship Fund has been well received by the community and proves to be a cost effective way of meeting the County's long term land conservation and outdoor recreational needs. Since 1998, nearly \$500,000 in sales tax match grants have been awarded. Using donations and principals of leveraging, every \$1 of County sales tax funds have been matched by \$6.00 in outside funding. Under the program, all sites are protected by conservation easements and are required to have permanent public access for outdoor recreation. Unless added to the County Forest system, all sites are managed by other organizations or agencies resulting in no custodial costs to the Co. Given current development trends & associated pressures on land resources, there is an inherent need to maintain the County's resource conservation efforts. This accelerated need comes at a time when traditional revenue sources are being reduced or eliminated. The request for continued sales tax financing supports the state goals & objectives of the Chippewa Co. Strategic Plan (2011) to "Coordinate and collaborate with government entities at all levels to ensure effective government services" and to "Provide a safe, healthy, and prosperous environment for Chippewa Co. employees, clientele, and citizens". The request also supports the stated Land Management Objective of the Chippewa Co. Land & Water Resource Mgt. Plan (2015), to "Protect areas of special environmental, natural resource, or open space significance, (Wisconsin Stats. 91.57)".														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2029	Land Conservation & Forest Management	Country Forest Land Acquisitions	\$300,000	Desired	\$150,000	\$0	\$0	\$150,000						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Comprehensive Forest Plan, as adopted by the County Board, establishes public policy to routinely evaluate and consider additions to the County Forest, that are cost effective and in the long term public interest. Strategic additions to the County Forest and recreational land base, will allow for increased annual timber harvest and additional public recreational opportunities. These capital additions will be of long term value and provide direct benefit to area residents, taxpayers, the forest products industry and the tourism industry. The request meets the County strategic plan objective to “Manage and protect the County’s natural resources for the future including water, forests, etc.” and the Chippewa County Land & Water Resource Management Plan (July 2009) Land Management objectives. The allocation of capital will likely generate matching funds. The State has recently created a special fund within the Knowles-Nelson Stewardship Fund that is dedicated to providing matching grants for County Forest Acquisitions. This dedicated state fund will enhance the County’s opportunity to acquire select parcels of high public value. The amount of land within the County Forest Blocking Boundary offered for sale by private landowners consistently exceeds the amount of capital available to acquire the land. Offers are reviewed and evaluated by the Land Conservation & Forest Management as funds become available.														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2029	Land Conservation & Forest Management	Snowmobile Bridge - TBD	\$120,000	Desired	\$0	\$0	\$0	\$120,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Planned snowmobile bridge TBD. Bridge grants are requested in March of each year at the request of CVSO, and are paid 100% by WIDNR Grant monies; bridges are identified as needing repair or replacement on an as-needed basis.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda SchweikertDate: 3/1/2025

Attachment: CIP Plan 2026-2030 (8946 : 2026-2030 Capital Improvement Plan - Andy Albarado)

2026 - 2030 Capital Improvement Plan Justification Forms



2030 Projects

Description	Page
Facilities & Parks - Courthouse Pressurization Project	72
Facilities & Parks - Conference Room Remodel for Courts (Room 218)	73
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**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2030	DOA - Facilities & Parks	Courthouse Pressurization Project	\$250,000	Desired	\$0	\$250,000	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Courthouse has an over-pressurization issue due to inappropriately designed return/exhaust air ducting on many of the air handling units. This condition does not allow the exterior doors to properly close and lock at certain times of the year. The over-pressurization condition also leads to a facility that is not very energy efficient. The funding for this project would allow most of the air handling unit's ductwork to be reworked, which would resolve the majority of the issues noted.														
Additional Action and/or Comments from Committee														
Reviewed by the Facilities & Parks Committee on 01/22/2025														

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2030	DOA - Facilities & Parks	Conference Room Remodel for the Courts (Room 218)	\$100,000	Desired	\$0	\$100,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Over the last five (5) - ten (10) years, 2 Court Conference Rooms were remodeled for different uses (Security Office and Court Commissioner Room). This funding will allow for Room 218 to be remodeled and converted into a Conference Room for the Courts.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2030	DOA - Facilities & Parks	Public Health Remodel - Phase II - Construction	\$800,000	Desired	\$0	\$800,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will allow for the remodeling of the Public Health office suite. A previously completed space study will have developed a project scope that will resolve the issues / concerns noted in the area: - Over the last few years P.H. has changed its staffing model, with some folks working from home. (need the correct mix of hard-walled offices and cubicles) - Security issues have been brought forward that include the need for P.H. staff to bring clients back into their secured work space. (need to install adequate barriers and card access). - The overall office / staffing arrangement in P.H. is not very efficient. A new office layout will improve overall efficiencies and space usage.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2030	DOA - Facilities & Parks	Housing Authority & Extension - Phase I - Design & Construction Drawings	\$50,000	Desired	\$0	\$50,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will allow for a space study that is deemed necessary due to a few different variables: - Housing Authority has offices in two separate areas, and would really like to consolidate into one office suite - mostly to improve efficiencies. - Housing Authority has grown over the years, and space is currently pretty tight. - The Housing Authority and UW Extension offices have not been remodeled since 1992, the office finishes are at "end-of-life". - Standard (up to date) security improvements will be considered as the study is completed. - The overall office / staffing arrangement in the office suites may realize some improvement in efficiencies and space usage with a remodel. This planning exercise will take a look at the current operations and staffing levels of the Housing Authority and UW Extension offices. It will consider the physical space, and will provide some options on how the office space could be reconfigured to efficiently accommodate the departments needs. This will be completed while keeping in mind the most current security standards and also that the work space may require some flexibility for future growth.								
Additional Action and/or Comments from Committee								
Reviewed by the Facilities & Parks Committee on 01/22/2025								

Submitted by: Larry RitzingerDate: 3/1/2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2030 Projects

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	
Highways and Bridges												
	County-Wide	Various Design	\$50,000					\$50,000				\$50,000
CTH T	Corridor Expansion Project	Design & Construction	\$1,250,000	Various				\$750,000	\$500,000			\$1,250,000
	Various	Pavement Preservation	\$4,358,740		\$60,000	GTA		\$98,740	\$1,200,000	\$3,000,000		\$4,358,740
	Various Locations	Bridge Repairs	\$180,000	Spot				\$180,000				\$180,000
	Various Locations	Maintenance - Drainage	\$300,000					\$300,000				\$300,000
	Various Locations	Construction Supervision	\$590,000					\$590,000				\$590,000
Highways and Bridges Total			\$6,728,740		\$60,000			\$1,968,740	\$1,700,000	\$3,000,000		\$6,728,740

The above funding will ensure that Chippewa County continues to service our County Highway System at existing service levels using proper Engineering protocols to identify roadways and bridges that require maintenance and replacement.

Submitted by: Brian Kelley Date: January 22, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2030

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Machinery Purchases												
	Machinery Purchases	Various	\$1,100,000								\$1,100,000	\$1,100,000
Machinery Purchases Total			\$1,100,000								\$1,100,000	\$1,100,000

Highway machinery is replaced based on useful life, cost to maintain, and purchasing of new and/or updated equipment for the purpose of maintaining our County Highway System. The above will fund replacement of the existing Machinery within the Highway Department.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2030

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Building Improvements												
	Highway Department Facilities	Building Improvements - Buildings & Grounds Projects	\$100,000								\$100,000	\$100,000
Building Improvements Total			\$100,000								\$100,000	\$100,000

The above funding will ensure the continued safe and efficient use of Highway Department buildings and grounds. \$100,000 will be used to improve current structures.

Department Head Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County Highway Department
2026-2030 Capital Improvement Plan
Justification Form**

2030

County Highway	Project Limits	Project Type	Estimated Cost	Project Length	Miscellaneous Funding			County Funding				Project Available
					WisDOT / Federal	Description	Other	Levy	Sales Tax	Bonding	Machinery & Buildings	

Non-Highway Fleet												
	Vehicle Purchases	Replacement cycle for Non-Highway Fleet	\$300,000						\$300,000			\$300,000
Non-Highway Fleet Total			\$300,000						\$300,000			\$300,000

The Non-Highway Vehicle Fleet includes 79 vehicles of various types. Vehicles are replaced based on expected life and cost to maintain. The sales tax will fund replacement of existing vehicles as required and the cost of installing mounts for any Mobile Data Computers (MDC's) installed in Sheriff's Department assigned vehicles.

Ranking	Committee Ranking	Additional Action and/or Comments from Committee
n/a	n/a	Reviewed by the Highway Committee on 01/22/2025

Submitted by: Brian Kelley

Date: March 1, 2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2030	Information Technology	Replacement end user devices & data center equipment	\$265,000	Necessary	\$0	\$265,000	\$0	\$0
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
This funding will be used for: • Equipment in the data center to replace storage area networks (SAN), VMWare servers and wireless APs • End user devices for employees consisting of personal computers, laptops, tablet, LCD panels, projectors and conference room equipment The above funding will ensure that Chippewa County continues to sustain technology needed by refreshing equipment on a regular basis using industry replacement standards to insure that proper resources/tools are provided for the employees to accomplish their daily tasks. Replacing data center equipment provides secure, high availability and redundant countywide systems. Replacement is based on useful life of equipment. \$165,000 Data Center equipment consists of: VMWare servers Wireless APs Switches Firewalls \$100,000 End User devices consist of: Personal computers, laptops, tables, projectors and conference room equipment – replaced on a 5 yr plan LCD panels & accessories replaced as needed								
Additional Action and/or Comments from Committee								
Reviewed by the Executive Committee on 01/21/2025								

Submitted by: Andy BauerDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2030	Land Conservation & Forest Management	County Stewardship Fund	\$100,000	Desired	\$100,000	\$0	\$0	\$0						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Board (through Resolution 76-98) created the Chippewa County Stewardship Fund in 1998 to provide a stable source of matching grant funds to assist landowners, municipalities, and non-profit organizations to meet local conservation objectives in Chippewa Co. Section 3.1 of the "Chippewa County Stewardship Fund Policy & Procedures for Program Administration", (adopted through Resolution 89-99) states "The County Stewardship Fund will be established as a nonlapsing special revenue fund with partial proceeds available from the County Sales Tax and other funding sources, including public grants, private contributions, service or development fees, and other sources of revenue deemed appropriate by the County." Since the inception of the program, 16 projects have been sponsored by the community resulting in the permanent protection of more than 2100 acres of land having high conservation and recreational value. The Stewardship Fund has been well received by the community and proves to be a cost effective way of meeting the County's long term land conservation and outdoor recreational needs. Since 1998, nearly \$500,000 in sales tax match grants have been awarded. Using donations and principals of leveraging, every \$1 of County sales tax funds have been matched by \$6.00 in outside funding. Under the program, all sites are protected by conservation easements and are required to have permanent public access for outdoor recreation. Unless added to the County Forest system, all sites are managed by other organizations or agencies resulting in no custodial costs to the Co. Given current development trends & associated pressures on land resources, there is an inherent need to maintain the County's resource conservation efforts. This accelerated need comes at a time when traditional revenue sources are being reduced or eliminated. The request for continued sales tax financing supports the state goals & objectives of the Chippewa Co. Strategic Plan (2011) to "Coordinate and collaborate with government entities at all levels to ensure effective government services" and to "Provide a safe, healthy, and prosperous environment for Chippewa Co. employees, clientele, and citizens". The request also supports the stated Land Management Objective of the Chippewa Co. Land & Water Resource Mgt. Plan (2015), to "Protect areas of special environmental, natural resource, or open space significance, (Wisconsin Stats. 91.57)".														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding									
					Fund Balance	Sales Tax	Borrowing	Grants						
2030	Land Conservation & Forest Management	Country Forest Land Acquisitions	\$300,000	Desired	\$150,000	\$0	\$0	\$150,000						
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders														
Department Head Recommended Ranking			Committee Approved Ranking											
n/a			n/a											
Project Description and Justification														
The Chippewa County Comprehensive Forest Plan, as adopted by the County Board, establishes public policy to routinely evaluate and consider additions to the County Forest, that are cost effective and in the long term public interest. Strategic additions to the County Forest and recreational land base, will allow for increased annual timber harvest and additional public recreational opportunities. These capital additions will be of long term value and provide direct benefit to area residents, taxpayers, the forest products industry and the tourism industry. The request meets the County strategic plan objective to “Manage and protect the County’s natural resources for the future including water, forests, etc.” and the Chippewa County Land & Water Resource Management Plan (July 2009) Land Management objectives. The allocation of capital will likely generate matching funds. The State has recently created a special fund within the Knowles-Nelson Stewardship Fund that is dedicated to providing matching grants for County Forest Acquisitions. This dedicated state fund will enhance the County’s opportunity to acquire select parcels of high public value. The amount of land within the County Forest Blocking Boundary offered for sale by private landowners consistently exceeds the amount of capital available to acquire the land. Offers are reviewed and evaluated by the Land Conservation & Forest Management as funds become available.														
Additional Action and/or Comments from Committee														
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025														

Submitted by: Lynda SchweikertDate: 3/1/2025

**Chippewa County
2026 - 2030 Capital Improvement Plan
Justification Form**

Budget Year	Department	Project Name	Total Expenditure	Priority	Source of Funding			
					Fund Balance	Sales Tax	Borrowing	Grants
2030	Land Conservation & Forest Management	Snowmobile Bridge - TBD	\$120,000	Desired	\$0	\$0	\$0	\$120,000
Projects are only ranked for the next fiscal year only. Projects for years 2-5 are placeholders								
Department Head Recommended Ranking			Committee Approved Ranking					
n/a			n/a					
Project Description and Justification								
Planned snowmobile bridge TBD. Bridge grants are requested in March of each year at the request of CVSO, and are paid 100% by WIDNR Grant monies; bridges are identified as needing repair or replacement on an as-needed basis.								
Additional Action and/or Comments from Committee								
Reviewed by the Land Conservation & Forest Management Committee on 02/26/2025								

Submitted by: Lynda SchweikertDate: 3/1/2025

Monthly Statements of Claim Filed with the County Clerk



County ordinance states the County Clerk shall report at the next session of the Board all statements of claim filed in the Clerk's Office since the last Board meeting. The ordinance language is included below for reference. Also attached for reference is the process for handling claims against the County.

Please note: This information is being provided as a report only. There will be no discussion or official action taken at this time regarding this matter. If you have additional questions, please contact the Corporation Counsel Division for assistance at 715-726-4595.

Ordinance Sec 2-60. Meetings of the County Board

(l) Claims.

- (1) Any person having a demand or claim against the county shall make such demand or claim by following the procedure prescribed by Wis. Stats. § 59.64 and shall make out a statement thereof in writing pursuant to Wis. Stat. §59.07 and file the statement with the clerk pursuant to Wis. Stat. §893.80 (1)(b).
- (2) Such claims shall be referred to the Corporation Counsel. The County Clerk shall report at the next session of the Board all claims filed in the Clerk's Office since the last County Board meeting, as set out in Wis. Stat. §59.64.
- (3) Payment of claim against county. The Executive Committee is authorized to settle claims not to exceed \$10,000 as provided in Wis. Stats. §59.52(12)(a). The Corporation Counsel is authorized to settle claims not to exceed \$500 as provided for in Wis. Stats. §59.52(12)(b). When any claim against the county is allowed by the Board, it shall be the duty of the clerk to prepare a warrant or order on the treasurer for payment of the claim, such warrant or order to be signed by the clerk and countersigned by the Administrator.

Claims Submitted to the County Clerk Since the Last County Board Meeting

County Board Meeting: June 10, 2025

Claimant	Date Filed	Amount of Claim	Type of Claim	Department Involved
Brian Burce	6-5-2025	\$3,440.25	Vehicle	Highway
Matthew Koxlien	6-6-2025	\$854.55	Vehicle	Highway



Process for Handling Claims Against the County

WMMIC – Wisconsin Municipal Mutual Insurance Company

- Chippewa County is part owner of the insurance company, Wisconsin Municipal Mutual Insurance Company (WMMIC), which provides liability protection to the county. This includes general liability, auto and public official's errors and omissions coverage along with actions such as employment practices, auto accidents, law enforcement liability, ministerial and discretionary acts completed by our employees and elected officials.
- Chippewa County has been a founding member since WMMIC was formed in 1988.

Deborah Blevins – Corporation Counsel Legal Assistant

- In addition to general duties with the Corporation Counsel office, Blevins manages the liability insurance for Chippewa County.
- Since 2019, Blevins has served as Chippewa County's official representative with WMMIC and also serves as a member of the WMMIC Claims Committee.
 - Attends WMMIC's quarterly meetings and yearly board meetings.
 - At the quarterly meetings, all members are present for each committee meeting (Claims, Underwriting, Finance, and Board of Directors), thereby affording everyone a clear understanding of what is happening within WMMIC.
- Processes and administers all claims (personal injury, vehicle, volunteer, etc.) for County (except workers comp)
- Drafts/Presents resolutions for allowance/disallowance of claims to Executive Committee and County Board
- Works with insurance carriers to recover funds for damages caused by third parties (prepare small claims actions).

Chippewa County Ordinance

Ordinance Sec 2-60(l)(3) Meetings of the County Board:

- Payment of claim against county. The Executive Committee is authorized to settle claims not to exceed \$10,000 as provided in Wis. Stats. §59.52(12)(a). The Corporation Counsel is authorized to settle claims not to exceed \$500 as provided for in Wis. Stats. §59.52(12)(b). When any claim against the county is allowed by the Board, it shall be the duty of the clerk to prepare a warrant or order on the treasurer for payment of the claim, such warrant or order to be signed by the clerk and countersigned by the Administrator.

Resolutions to Allow or Disallow a Claim

- When claims are brought to the Executive Committee/County Board for allowance or disallowance, the matter has been thoroughly investigated by Blevins and the WMMIC Claim Representative. Discussions on the matter have taken place and relevant state statutes have been reviewed with regard to liability, if any, for the County.
- Notices of claim are presented to the County Clerk who then forwards them to Blevins. From there Blevins enters the claim into the system for the insurance company who then assigns an adjuster. WMMIC will then research it and provide a recommendation.
- If the County Board approves disallowing a claim, that simply limits the amount of time the claimant has to file a lawsuit, it does not otherwise prohibit the claimant from filing a lawsuit. The timeline for filing a lawsuit reduces from the time allowed under the applicable statute of limitations for the particular claim down to 6 months.

Risk/Consequences of Not Following WMMIC's Recommendation

If Chippewa County does not follow the recommendations of the Wisconsin Municipal Mutual Insurance Company (WMMIC), several concerns could arise:

- **Increased Financial Exposure:** Failure to comply with WMMIC's recommendations may leave the county vulnerable to costly lawsuits and liability claims. This could significantly increase the county's financial burden, as WMMIC may not cover claims if the county is found to have neglected risk management advice.
- **Loss of Liability Coverage:** If Chippewa County repeatedly ignores WMMIC's advice, there is a risk that the county could lose its coverage or face higher premiums, affecting its ability to secure adequate insurance in the future.
- **Potential Legal Consequences:** Ignoring WMMIC's guidance could result in non-compliance with state laws or regulations, exposing the county to legal penalties or sanctions.
- **Strain on County Resources:** Without proper coverage or by facing more claims, the county's resources could be diverted away from other important services to handle litigation or pay for damages out of pocket.

It is essential that Chippewa County maintain alignment with WMMIC's recommendations to mitigate these risks and protect both the county and its employees.



STATEMENT OF EXPLANATION

Resolution No. 15 - 25

RES. 15-25: RESOLUTION CONFIRMING AND RATIFYING THE AUTHORITY OF COUNSEL FOR CHIPPEWA COUNTY TO ADD ADDITIONAL DEFENDANTS TO OPIOID LITIGATION, INCLUDING IN MDL 2804 - ANDY ALBARADO/TODD PAULS

Pursuant to Resolution 54-17, the Chippewa County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) to pursue litigation against manufacturers, distributors, and retailers, among others, of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants responsible for the opioid epidemic in the County’s community. The Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the “Litigation”). To date, through nationwide settlements, the Law Firms have achieved considerable success on behalf of the County in holding the Opioid Defendants responsible for their role in creating or maintaining the opioid epidemic.

Through the course of ongoing discovery and investigation concerning the opioid epidemic and parties potentially responsible therefor, it was determined that meritorious opioid-related claims exist against additional parties, including but not limited to the entities listed on Exhibit A hereto, and that they should be added as defendants in the Litigation. The engagement agreement with the Law Firms provides “depending upon the results of initial investigations of the facts and circumstances surrounding the potential claim(s), there may be additional parties sought to be made responsible”

While the County believes the engagement agreement with the Law Firms provided the Law Firms with adequate authority to add additional parties to be held responsible, the County understands that recently those parties questioned that authority, and therefore, for the avoidance of doubt, the County is adopting this Resolution confirming and ratifying the Law Firms’ authority to add additional parties, including but not limited to the entities listed on Exhibit A, as defendants in the Litigation.

Resolution No. 15 - 25

**RES. 15-25: RESOLUTION CONFIRMING AND RATIFYING THE AUTHORITY OF COUNSEL FOR
CHIPPEWA COUNTY TO ADD ADDITIONAL DEFENDANTS TO OPIOID LITIGATION, INCLUDING
IN MDL 2804 - ANDY ALBARADO/TODD PAULS**

WHEREAS, pursuant to Resolution 54-17, the Chippewa County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") to pursue litigation against manufacturers, distributors, and retailers, among others, of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants responsible for the opioid epidemic in the County's community; and

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants; and

WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the "Litigation"); and

WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation; and

WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County's case for trial and engage in settlement discussions with the Opioid Defendants; and

WHEREAS, to date, through nationwide settlements, the Law Firms have achieved considerable success on behalf of the County in holding the Opioid Defendants responsible for their role in creating or maintaining the opioid epidemic; and

WHEREAS, through the course of ongoing discovery and investigation concerning the opioid epidemic and parties potentially responsible therefor, it was determined that meritorious opioid-related claims exist against additional parties, including but not limited to the entities listed on Exhibit A hereto, and that they should be added as defendants in the Litigation; and

WHEREAS, the engagement agreement with the Law Firms provides "depending upon the results of initial investigations of the facts and circumstances surrounding the potential claim(s), there may be additional parties sought to be made responsible;" and

73 WHEREAS, while the County believes the engagement agreement with the Law Firms
74 provided the Law Firms with adequate authority to add additional parties to be held
75 responsible, the County understands that recently those parties questioned that authority, and
76 therefore, for the avoidance of doubt, the County is adopting this Resolution confirming and
77 ratifying the Law Firms' authority to add additional parties, including but not limited to the
78 entities listed on Exhibit A, as defendants in the Litigation; and

79
80 WHEREAS, to avoid any confusion surrounding the County's authorization to the Law
81 Firms to amend the pleadings in the Litigation to include additional parties, including but not
82 limited to the entities listed on Exhibit A as named defendants in MDL 2804, this Resolution is
83 intended to serve as confirmation and ratification of such authorization; and

84
85 WHEREAS, the County, by this Resolution, intends to confirm and ratify the authority of
86 the Law Firms to amend the pleadings in the Litigation to add additional parties, including but
87 not limited to the entities listed on Exhibit A as defendants in MDL 2804, or to commence
88 appropriate federal or state court proceedings against such entities, and further intends to
89 authorize Corporation Counsel to execute and deliver any and all other and further documents
90 necessary to effectuate the intent of this Resolution; and

91
92 NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby confirms
93 and ratifies the authority of:

- 94
95 1. The Law Firms to file appropriate pleadings in MDL 2804 or appropriate federal
96 or state court proceedings to add additional parties, including but not limited to
97 the entities listed on Exhibit A as defendants.
98
99 2. The Corporation Counsel, Board Chair or other authorized official to execute and
100 deliver any and all other and further documents necessary to effectuate the
101 intent of this Resolution.

102
103 BE IT FURTHER RESOLVED, that all actions heretofore taken by the Board of Supervisors
104 and other appropriate public officers and agents of the County with respect to the matters
105 contemplated under this Resolution are hereby ratified, confirmed, and approved.

106
107 Forwarded to the County Board by the Executive Committee.

108
109 **FINANCIAL IMPACT:**

110 There is no fiscal impact to Chippewa County by passage of this resolution.
111

06/10/2025 County Board

RESULT: APPROVED [UNANIMOUS]

MOVER: Pamela Guthman, District 2

SECONDER: Brian Flynn, District 18

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

History:

05/20/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:

Todd A. Pauls

Todd A. Pauls, Corporation Counsel

5/9/2025

Lori Zwiefelhofer

Lori Zwiefelhofer, Finance Director

5/9/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/9/2025

**Exhibit A – Non-Inclusive List of Potential Defendants
(Including all Related Entities of Each Listed)**

Abbot Laboratories, Inc.	Sackler, Beverly
Albertsons LLC	Sackler, David A.
Allergan, Inc.	Sackler, Mortimer D.A.
Alvogen, Inc.	Sackler, Theresa
Amerisource Bergen	Sandoz, Inc.
Amneal Pharmaceuticals, Inc.	Smith Drug Company
Associated Pharmacies, Inc.	Smith's Food & Drug Centers, Inc.
Auburn Pharmaceuticals	Sun Pharmaceutical
Aurolife Pharma LLC	Supervalu, Inc. d/b/a Advantage Logistics
Baker, Stuart	Target Corporation
Cardinal Health	Teva Pharmaceuticals
Costco Wholesale Corporation	The Kroger Co.
CVS Health Corporation	Thrifty Payless, Inc.
Dakota Drug, Inc.	Top Rx, Inc.
Discount Drug Mart	Tris Pharma, Inc.
Eckerd Corp.	Walgreens Boots Alliance
Eveready Wholesale Drugs	Walmart Inc.
Express Scripts Inc.	Warner Chilcott Company, LLC
Henry Shein, Inc.	West-Ward Pharmaceuticals Corp. n/k/a
Hy-Vee, Inc.	Hikma Pharmaceuticals, Inc.
Indivior Inc.	Winn-Dixie
Janssen Pharmaceuticals	Zydus Pharmaceuticals (USA), Inc.
K-VA-T/Ahold Delhaize	
KVK-Tec, Inc.	
Louisiana Wholesale Drug Co., Inc.	
Lupin Pharmaceuticals, Inc.	
McKesson	
Miami-Luken, Inc.	
Morris & Dickson Co., LLC	
Mylan Pharmaceuticals, Inc.	
North Carolina Mutual Wholesale Drug Co.	
Omnicare Distribution Center	
OptumRx, Inc.	
Pharmacy Buying Association Inc.	
Prescription Supply, Inc.	
Publix Super Markets, Inc.	
Purdue Pharma	
Raymond Sacker Trust	
RiteAid of Maryland, Inc.	
Sacker, Kathe A.	
Sacker, Richard S.	
Sackler Defendants	
Sackler Lefcourt, Ilene	

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RESOLUTION 54-17 STARTS ON THE NEXT PAGE

Attachment: Resolution 54-17 to Engage in Opioid (15 - 25 : Resolution Confirming and Ratifying Authority to Add Additional Opioid



STATEMENT OF EXPLANATION

Resolution No. 54 - 17

RESOLUTION TO APPROVE ENGAGEMENT LETTER TO ENTER INTO LITIGATION AGAINST PHARMACEUTICAL COMPANIES TO RECOVER FUNDS EXPENDED DUE TO THE OPIOID EPIDEMIC

Approval of this resolution will authorize Chippewa County to enter into an Engagement Letter with the law firms of von Briesen, Crueger Dickinson LLC, and Simons Hanly Conroy LLC to file a lawsuit as a plaintiff against certain pharmaceutical companies for their roles in causing the so-called "Opioid Epidemic". The goal of the litigation is to attempt to recoup funds that were expended by Chippewa County in addressing issues directly attributable to the Opioid Epidemic. The Departments most likely affected by the Opioid Epidemic are Human Services and Public Health. Other departments that may have recoverable costs that are attributable to opioid abuse, but to a lesser extent, are the Sheriff's Department, District Attorney's Office and the Courts.

The attached documents were provided by the WCA and the litigation team. Those documents include a presentation on the proposed opioid litigation, the proposed Engagement Letter, a sample complaint against pharmaceutical companies that was filed in New York, a Wall Street Journal article and a New York Times article on opioid addiction, and a listing of other lawsuits that are occurring across the country. These attachments provide further explanation as to the purpose and goals of the litigation.

Resolution No. 54 - 17

**RESOLUTION TO APPROVE ENGAGEMENT LETTER TO ENTER INTO LITIGATION AGAINST
PHARMACEUTICAL COMPANIES TO RECOVER FUNDS EXPENDED DUE TO THE OPIOID
EPIDEMIC**

WHEREAS, Chippewa County ("County") is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Wisconsin and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic ("Opioid Epidemic"); and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

WHEREAS, County has spent millions in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

WHEREAS, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

54 WHEREAS, County has been informed that numerous counties and states across the
55 country have filed or intend to file lawsuits against certain of the opioid manufacturers in an
56 effort to force the persons and entities responsible for the Opioid Epidemic to assume financial
57 responsibility for the costs associated with addressing, combatting and otherwise dealing with
58 the Opioid Epidemic; and

59 WHEREAS, County has engaged in discussions with representatives of the law firms of von
60 Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms")
61 related to the potential for County to pursue certain legal claims against certain opioid
62 manufacturers; and

63 WHEREAS, County has been informed that the Law Firms have the requisite skill,
64 experience and wherewithal to prosecute legal claims against certain of the opioid
65 manufacturers on behalf of public entities seeking to hold them responsible for the Opioid
66 Epidemic; and

67 WHEREAS, the Law Firms have proposed that County engage the Law Firms to prosecute
68 the aforementioned claims on a contingent fee basis whereby the Law Firms would not be
69 compensated unless County receives a financial benefit as a result of the proposed claims and
70 the Law Firms would advance all claim-related costs and expenses associated with the claims;
71 and

72 WHEREAS, all of the costs and expenses associated with the claims against certain of the
73 opioid manufacturers would be borne by the Law Firms; and

74 WHEREAS, the Law Firms have prepared an engagement letter, which is submitted as part
75 of this Resolution ("Engagement Letter") specifying the terms and conditions under which the
76 Law Firms would provide legal services to County and otherwise consistent with the terms of
77 this Resolution; and

78 WHEREAS, County is informed that the Wisconsin Counties Association has engaged in
79 extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms,
80 County and other counties in the prosecution of claims against certain of the opioid
81 manufacturers; and

82 WHEREAS, County would participate in the prosecution of the claim(s) contemplated in
83 this Resolution and the Engagement Letter by providing information and materials to the Law
84 Firms and, as appropriate, the Wisconsin Counties Association as needed; and

85 WHEREAS, County believes it to be in the best interest of County, its citizens, residents,
86 visitors and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims
87 against certain of the opioid manufacturers, all upon the terms and conditions set forth in the
88 Engagement Letter; and

89 WHEREAS, by pursuing the claims against certain of the opioid manufacturers, County is

attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic;

NOW, THEREFORE BE IT RESOLVED, that the Chippewa County Board of Supervisors does hereby authorize and agrees to be bound by, the Engagement Letter and hereby directs the County Administrator to execute the Engagement Letter on behalf of the County; and

BE IT FURTHER RESOLVED, that Chippewa County shall endeavor to faithfully perform all actions required of the County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto; and

BE IT FURTHER RESOLVED, that the County Clerk shall forward a copy of this Resolution, together with the signed Engagement Letter, to the Wisconsin Counties Association, 22 E. Mifflin Street, Suite 900, Madison, Wisconsin, 53703.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

It is unclear what the fiscal impact will be to Chippewa County. The main cost will be staff time to gather records, comply with discovery requests, and to determine what costs were attributable to the opioid epidemic that were borne by Chippewa County.

11/7/2017	County Board
RESULT:	APPROVED [9 TO 4]
MOVER:	Florian Skwierczynski, (Vice-Chairman)
SECONDER:	Kari Ives, District 12
AYES:	Albarado, Skwierczynski, Steele, Sikorski, Zwiefelhofer, Bergeron, Gerrish, Ives, Hunt
NAYS:	Tom Thornton, Dean Gullickson, Lawrence J. Willkom, Leigh Darrow
ABSENT:	Matthew Hartman, Chuck Hull

History:

10/17/17 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:

James B. Sherman
James B. Sherman, Deputy Corporation Counsel

10/12/2017

Melissa J. Roach
Melissa J. Roach, Finance Director

10/12/2017

Frank R. Pascarella
Frank R. Pascarella, County Administrator 10/12/2017

October 11, 2017

VIA EMAIL

Chippewa County
c/o Anson Albarado, Board Chair

RE: *Engagement of von Briesen & Roper, s.c., and Crueger Dickinson LLC, Together with Simmons Hanly Conroy LLC, as Counsel in Relation to Claims Against Opioid Manufacturers*

Dear Chippewa County Officials:

The purpose of this letter (“Engagement Letter”) is to set out in writing the terms and conditions upon which the law firms of von Briesen & Roper, s.c., and Crueger Dickinson LLC (collectively “Counsel”) will provide legal services to Chippewa County (“County”) in relation to the investigation and prosecution of certain claims against the following manufacturers and other parties involved with the manufacture of opioid medications: Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., OrthoMcNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc., Endo Pharmaceuticals, Inc., Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster (collectively “Opioid Manufacturers”). Depending upon the results of initial investigations of the facts and circumstances surrounding the potential claim(s), there may be additional parties sought to be made responsible and/or certain of the aforementioned parties may be removed from the potential claim.

This Engagement Letter shall apply solely and exclusively to the services set forth herein in relation to the investigation and Lawsuit, as defined below. This Engagement Letter does not govern, nor does it apply to, any services of either Counsel unrelated thereto.

SCOPE OF SERVICES

Counsel will work with County in the collection of information necessary to form a good faith basis for filing a claim against the Opioid Manufacturers. County hereby authorizes Counsel to file a lawsuit against one or all of the Opioid Manufacturers (“Lawsuit”) upon the terms and conditions set forth herein.

RESPONSIBILITIES

Counsel will prosecute the Lawsuit with diligence and keep County reasonably informed of progress and developments, and respond to County’s inquiries. County understands and agrees that Counsel, on behalf of County, will engage the services of the nationally-recognized law firm Simmons Hanly Conroy LLC, which has demonstrated experience prosecuting claims against Opioid Manufacturers (“National Law Firm”) and which, in addition to Crueger Dickinson LLC, will serve as counsel of record for County in relation to the Lawsuit. County understands and agrees that all fees paid to Counsel and National Law Firm shall be as set forth in this Engagement Letter. County shall not be responsible for any fees and expenses of National Law Firm beyond the fees and expenses for which County has agreed to be responsible as set forth herein. County agrees to cooperate with Counsel and National Law Firm in the gathering of information necessary to investigate and prosecute the Lawsuit. County further understands and agrees that the law firm of von Briesen & Roper, s.c., shall

not be identified on any pleading as counsel of record for County in relation to the Lawsuit, but shall be available to assist County and Counsel and National Law Firm in relation to the Lawsuit.

The following additional terms apply to the relationship between County, Counsel and National Law Firm:

- A. von Briesen & Roper, s.c., and Crueger Dickinson LLC shall remain sufficiently aware of the performance of one another and the performance of National Law Firm to ascertain if each firm's handling of the Lawsuit conforms to the Rules of Professional Conduct. Both von Briesen & Roper, s.c., and Crueger Dickinson LLC shall be available to County regarding any concerns on the part of County relating to the performance of Counsel and/or National Law Firm. Counsel shall at all times remain ethically and financially responsible to the County for the services of Counsel and National Law Firm set forth herein.
- B. As set forth below, County's responsibility for attorney fees and expenses is contingent upon the successful outcome of the Lawsuit, as further defined below. Counsel and National Law Firm have agreed in writing as to the appropriate split of attorney fees and expenses upon the engagement of National Law Firm. Specifically, in the event of a Recovery (as defined below), the attorney fees will be split between the law firms as follows:

<u>Firm Name</u>	<u>Percentage of Fees if Successful</u>
von Briesen & Roper, s.c.	10%
Crueger Dickinson LLC	45%
Simmons Hanly Conroy LLC	45%

The split of attorneys' fees between Counsel and National Law Firm may be subject to change. In the event of such an amendment, the County will be notified in writing of that amendment.

- C. Counsel and County understand and agree that Counsel and National Law Firm will all be considered attorneys for County. As such, each and all of Counsel and National Law Firm will adhere to the Rules of Professional Responsibility governing the relationship between attorney and client.

ACTUAL AND POTENTIAL CONFLICTS OF INTEREST AND WAIVER OF CONFLICT

As County is aware, Counsel and National Law Firm contemplate entering into the same arrangement as that set forth in this Engagement Letter with other counties and municipalities in Wisconsin and elsewhere. Counsel and National Law Firm believe that the goals and objectives of County are aligned with the goals and objectives of all other counties and municipalities with respect to the Lawsuit. Counsel and National Law Firm do not believe that to achieve the goals of the Lawsuit, either County or another county or municipality must take a position that is adverse to the interests of the other. However, to the extent any issue may arise in this matter about which County disagrees with another county or municipality, and one of you may wish to pursue a course that benefits one but is detrimental to the interest of the other, we cannot advise County or assist County or any other county or municipality in pursuing such a course. That is to say, Counsel and National

Law Firm cannot advocate for County's individual interests at the expense of the other counties or municipalities that Counsel and National Law Firm represent in a Lawsuit. Counsel and National Law Firm do not believe that this poses a problem because County's interests are currently aligned with the other counties and municipalities that are or may be in the Lawsuit. Counsel and National Law Firm are confident that their representation of County will not be limited in this matter by representation of any other county or municipality, but County should consider these consequences of joint representation in deciding whether to waive this conflict.

In addition to the material limitation discussed above, there are other consequences for County in agreeing to joint representation. Because each county or municipality would be a client of Counsel and National Law Firm, Counsel and National Law Firm owe equal duties of loyalty and communication to each client. As such, Counsel and National Law Firm must share all relevant information with all counties and municipalities who are clients in relation to the Lawsuit and Counsel and National Law Firm cannot, at the request of one county or municipality, withhold relevant information from the other client. That is to say, Counsel and National Law Firm cannot keep secrets about this matter among the counties and municipalities who are clients of Counsel and National Law Firm with respect to the Lawsuit. Also, lawyers normally cannot be forced to divulge information about communications with their clients because it is protected by the attorney-client privilege. However, because County would be a joint client in the same matter with other counties and municipalities, it is likely that were there to be a future legal dispute between County and other counties or municipalities that engage Counsel and National Law Firm about this matter, the attorney-client privilege would not apply, and each would not be able to invoke the privilege against the claims of the other.

Further, while County's position is in harmony with other counties and municipalities presently, and the conflict discussed above is waivable, facts and circumstances may change. For example, County may change its mind and wish to pursue a course that is adverse to the interests of another county or municipality and the conflict may become unwaivable. In that case, depending upon the circumstances, Counsel and National Law Firm may have to withdraw from representing either County or another county or municipality and County would have to bear the expense, if County chooses, of hiring new lawyers who would have to get up to speed on the matter.

County is not required to agree to waive this conflict, and County may, after considering the risks involved in joint representation, decline to sign this Engagement Letter. By signing this Engagement Letter, County is signifying its consent to waiving the conflict of interest discussed herein.

Other than the facts and circumstances related to the joint representation of numerous counties and municipalities, Counsel and National Law Firm are unaware of any facts or circumstances that would prohibit Counsel and/or National Law Firm from providing the services set forth in this Engagement Letter. However, it is important to note that the law firm of von Briesen & Roper, s.c., is a relatively large law firm based in Wisconsin and represents many companies and individuals. It is possible that some present and future clients of von Briesen & Roper, s.c., will have business relationships and potential or actual disputes with County. von Briesen & Roper, s.c., will not knowingly represent clients in matters that are actually adverse to the interests of County without County's permission and informed consent. von Briesen & Roper, s.c., respectfully requests that County consent, on a case by case basis, to von Briesen & Roper, s.c.'s representation of other clients whose interests are, or maybe adverse to, the interests of County in circumstances where County has selected other counsel and where von Briesen & Roper, s.c., has requested a written conflict waiver from County after being advised of the circumstances of the potential or actual conflict and County has provided informed consent.

FEES FOR LEGAL SERVICES AND RESPONSIBILITY FOR EXPENSES

A. Calculation of Contingent Fee

There is no fee for the services provided herein unless a monetary recovery acceptable to County is obtained by Counsel and National Law Firm in favor of County, whether by suit, settlement, or otherwise ("Recovery"). County understands and agrees that a Recovery may occur in any number of different fashions such as final judgment in the Lawsuit, settlement of the Lawsuit, or appropriation to County following a nationwide settlement or extinguishing of claims in lawsuits and matters similar to the Lawsuit. Counsel and National Law Firm agree to advance all costs and expenses of Counsel, National Law Firm and the Lawsuit associated with investigating and prosecuting the Lawsuit provided, however, that the costs and expenses associated with County cooperating with Counsel and National Law Firm in conjunction with the Lawsuit and otherwise performing its responsibilities under this Engagement Letter are the responsibility of County. In consideration of the legal services to be rendered by Counsel and National Law Firm, the contingent attorneys' fees for the services set forth in this Engagement Letter shall be a gross fee of 25% of the Recovery, which sum shall be divided among Counsel and National Law Firm as set forth in the above chart.

Upon the application of the applicable fee percentage to the gross Recovery, and that dollar amount set aside as attorneys' fees to Counsel and National Law Firm, the amount remaining shall first be reduced by the costs and disbursements that have been advanced by Counsel and National Law Firm, and that amount shall be remitted to Counsel and National Law Firm. By way of example only, if the gross amount of the Recovery is \$1,000,000.00, and costs and disbursements are \$100,000.00, then the fee to Counsel and National Law Firm shall be \$250,000, the costs amount of \$100,000 shall be deducted from the balance of \$750,000.00, and the net balance owed to County shall be \$650,000. The costs and disbursements which may be deducted from a Recovery include, but are not limited to, the following, without limitation: court fees, process server fees, transcript fees, expert witness fees and expenses, courier service fees, appellate printing fees, necessary travel expenses of attorneys to attend depositions, interview witnesses, attend meetings related to the scope of this Engagement Letter and the like, and other appropriate matter related out-of-pocket expenses. In the event that any Recovery results in a monetary payment to County that is less than the amount of the costs incurred and/or disbursements made by Counsel and National Law Firm, County shall not be required to pay Counsel and National Law Firm any more than the sum of the full Recovery.

B. Nature of Contingent Fee

No monies shall be paid to Counsel or National Law Firm for any work performed, costs incurred or disbursements made by Counsel or National Law Firm in the event no Recovery to County has been obtained. In the event of a loss at trial due to an adverse jury verdict or a dismissal of the Lawsuit by the court, no monies shall be paid to Counsel or National Law Firm for any work performed, costs incurred or disbursements made by Counsel or National Law Firm. In such an event, neither party shall have any further rights against the other.

C. Disbursement of Recovery Proceeds to County

The proceeds of any Recovery on County's behalf under the terms of this Engagement Letter shall be disbursed to County as soon as reasonably practicable after receipt by Counsel and National Law Firm. At the time of disbursement of any proceeds from a Recovery, County will be provided with a detailed disbursement sheet reflecting the method by which attorney's fees have been calculated and the expenses of litigation that are due to Counsel and National Law Firm from such proceeds. Counsel and National Law Firm are authorized to retain out of any moneys that may come into their

hands by reason of their representation of County the fees, costs, expenses and disbursements to which they are entitled as determined in this Engagement Letter.

TERMINATION OF REPRESENTATION

This Engagement Letter shall cover the period from the date first indicated below until the termination of the legal services rendered hereunder, unless earlier terminated as provided herein. This Engagement Letter may be terminated by County at any time, and in the event of such termination, neither party shall have any further rights against the other, except that in the event of a Recovery by County against the Opioid Manufacturers subsequent to termination, Counsel and National Law Firm shall have a statutory lien on any such recovery as provided by applicable law and further maintain rights in the nature of *quantum meruit* to recover fees, costs and expenses reasonably allocable to their work prior to termination. Counsel and National Law Firm may withdraw as County's attorneys at any time for the following reasons:

- A. If Counsel and National Law Firm determine, in their sole discretion, that County's claim lacks merit or that it is not worthwhile to pursue the Lawsuit further; or
- B. For Good Cause. For purposes of this Paragraph, Good Cause may include County's failure to honor the terms of the Engagement Letter, County's failure to follow Counsel or National Law Firm's advice on a material matter, or any fact or circumstance that would, in the view of Counsel or National Law Firm, impair an effective attorney-client relationship or would render continuing representation unlawful or unethical. If terminated for Good Cause, County will take all steps necessary to free Counsel and National Law Firm of any obligation to perform further, including the execution of any documents (including forms for substitution of counsel) necessary to complete withdrawal provided, however, that Counsel and National Law Firm shall have a statutory lien on any Recovery as provided by applicable law and further maintain rights in the nature of *quantum meruit* to recover fees, costs and expenses reasonably allocable to their work prior to termination.

SETTLEMENT

County has the authority to accept or reject any final settlement amount after receiving the advice of Counsel and National Law Firm. County understands settlements are a "compromise" of its claim(s), and that Counsel and National Law Firm's fee, as set forth above, applies to settlements also. For example, if a settlement is reached, and includes future or structured payments, Counsel and National Law Firm's fee shall include its contingent portion of those future or structured payments.

NO GUARANTEE OF RECOVERY

County understands and acknowledges that dispute resolution through litigation often takes years to achieve. County understands and acknowledges that there is no guarantee or assurances of any kind regarding the likelihood of success of the Lawsuit, but that Counsel and National Law Firm will use their skill, diligence, and experience to diligently pursue the Lawsuit.

LIMITED LIABILITY

von Briesen & Roper, s.c., and Crueger Dickinson LLC are limited liability entities under Wisconsin law. This means that if Counsel fails to perform duties in the representation of County and that failure causes County damages, the firms comprising Counsel and the shareholder(s) or principals directly involved in the representation may be responsible to County for those damages, but the

firm's other shareholders or principals will not be personally responsible. Counsel's professional liability insurance exceeds the minimum amounts required by the Wisconsin Supreme Court for limited liability entities of similar size.

COMMUNICATION BY E-MAIL

Counsel and National Law Firm primarily communicate with their clients via unencrypted internet e-mail, and this will be the way in which communications occur with County. While unencrypted e-mail is convenient and fast, there is risk of interception, not only within internal networks and the systems used by internet service providers, but elsewhere on the internet and in the systems of our clients and their internet service providers.

FILE RETENTION AND DESTRUCTION

In accordance with Counsel and National Law Firm's records retention policy, most paper and electronic records maintained are subject to a 10-year retention period from the last matter activity date or whatever date deemed appropriate. Extended retention periods may apply to certain types of matters or pursuant to County's specific directives.

After the expiration of the applicable retention period, Counsel and National Law Firm will destroy records without further notice to County, unless County otherwise notifies in writing.

MISCELLANEOUS

This Engagement Letter shall be governed by and construed in accordance with the laws of the State of Wisconsin, without regard to conflicts of law rules. In the event of any dispute arising out of the terms of this Engagement Letter, venue for any such dispute shall be exclusively designated in the State of Wisconsin Circuit Court for Milwaukee County, Wisconsin, or in the United States District Court for the Eastern District of Wisconsin.

It is expressly agreed that this Engagement Letter represents the entire agreement of the parties, that all previous understandings are merged in this Engagement Letter, and that no modification of this Engagement Letter shall be valid unless written and executed by all parties.

It is expressly agreed that if any term or provision of this Engagement Letter, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Engagement Letter, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby; and every other term and provision of this Engagement Letter shall be valid and shall be enforced to the fullest extent permitted by law.

The parties acknowledge that they have carefully read and fully understand all of the provisions of this Engagement Letter, and that they have the capacity to enter into this Engagement Letter. Each party and the person signing on behalf of each party, represents that the person signing this Engagement Letter has the authority to execute this document and thereby bind the party hereto on whose behalf the person is signing. Specifically, County acknowledges that it is bound by this Engagement Letter, has satisfied all conditions precedent to execution of this Engagement Letter and will execute all the necessary documents that may be required by its governing statutes and/or code.

CONCLUSION

Counsel and National Law Firm are pleased to have this opportunity to be of service to County. If at any time during the course of representation you have any questions or comments about our services

or any aspect of how we provide services, please don't hesitate to call one or all of the individuals listed below.

Very truly yours,

von BRIESEN & ROPER, s.c.



Andrew T. Phillips

CRUEGER DICKINSON LLC



Erin K. Dickinson

SIMONS HANLY CONROY LLC (Acknowledged)

Paul J. Hanly, Jr.

CHIPPEWA COUNTY agrees to retain the services of Counsel and National Law Firm all upon the terms and conditions specified above.

By: _____

Date: _____

Title: _____

cc: Corporation Counsel

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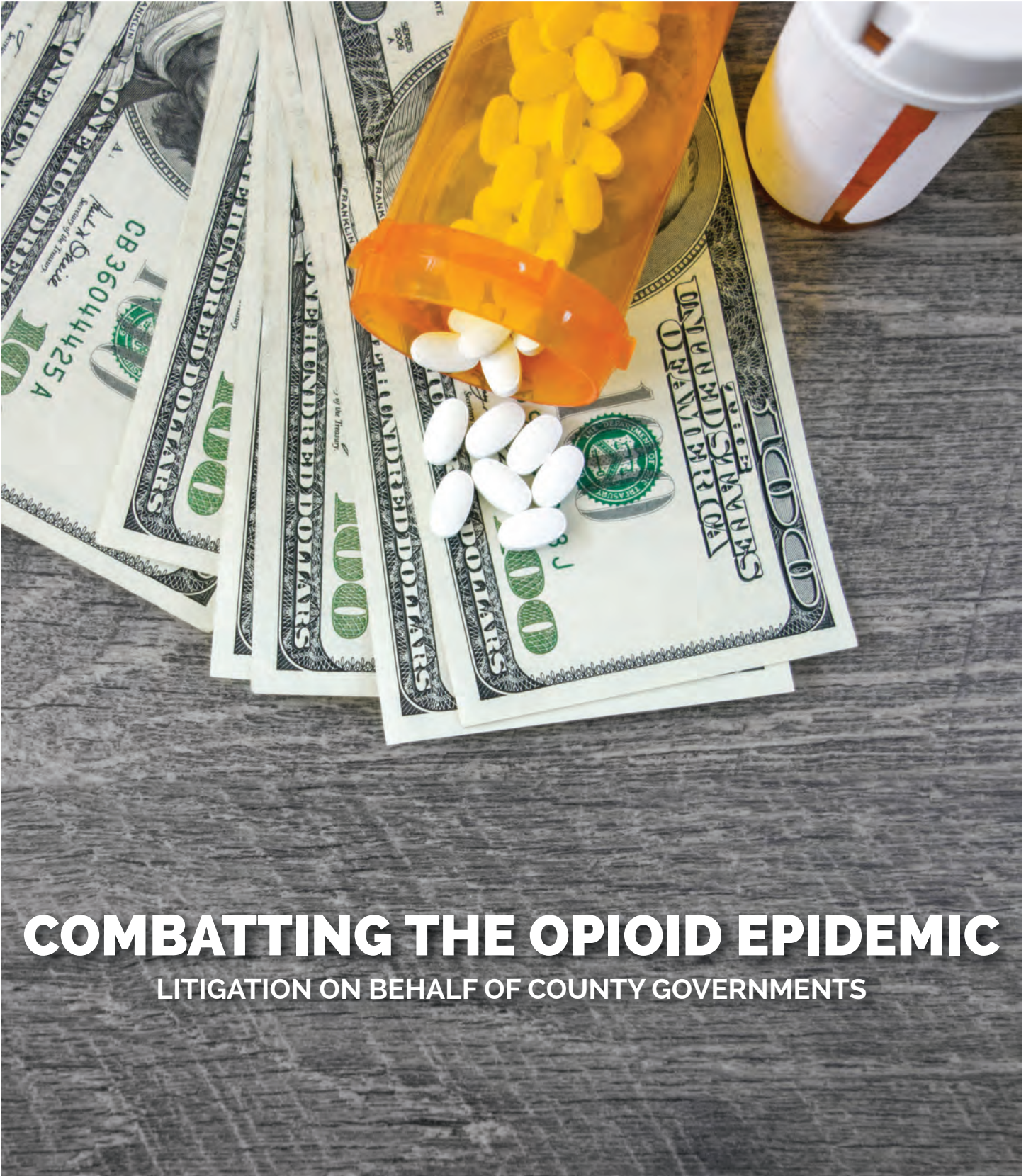
Attachment: Resolution 54-17 to Engage in Opioid (15 - 25 : Resolution Confirming and Ratifying Authority to Add Additional Opioid



Crueger
Dickinson

vonBriesen

von Briesen & Roper, s.c. | Attorneys at Law



COMBATting THE OPIOID EPIDEMIC

LITIGATION ON BEHALF OF COUNTY GOVERNMENTS

Attachment: Resolution 54-17 to Engage in Opioid (15 - 25 : Resolution Confirming and Ratifying Authority to Add Additional Opioid



THE OPIOID EPIDEMIC: A PUBLIC HEALTH CRISIS

Opioid addiction and abuse have reached epidemic levels over the past decade. Indeed, on March 22, 2016, the FDA recognized opioid abuse as a “public health crisis” that has a “profound impact on individuals, families and communities across our country.”¹

In the last decade, the epidemic has exploded. From 1999 to 2013 the amount of opioids dispensed in the United States quadrupled.

In 2013, nearly 207 million opioid prescriptions were written. A year later, that number grew to 259 million.

Those sales are big business for the pharmaceutical companies that manufacture and sell opioids including Purdue, Teva, Janssen, Cephalon and Endo (referred to as “Pharma”). In 2015 alone, the sale of opioids generated nearly \$10 Billion in revenue for Pharma.

Sales and profits have grown dramatically over the past several decades.

4X

From 1999 to 2013,
the amount of
prescription
opioids dispensed
in the U.S. nearly
quadrupled.

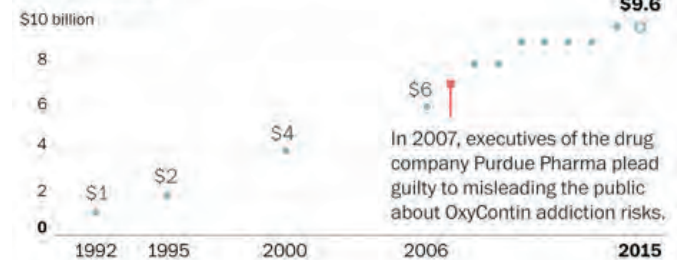
Tracking opioid use and sales

The opioid-drug market has grown dramatically over the past 25 years.

Total prescriptions filled in the United States



Total U.S. sales



Source: IMS Health²

THE WASHINGTON POST

¹ <http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm491739.htm>

² https://www.washingtonpost.com/national/the-drug-industrys-answer-to-opioid-addiction-more-pills/2016/10/15/181a529c-8ae4-11e6-bff0-d53f592f176e_story.html?utm_term=.2d1327bf59ae



This spike in sales has had devastating and catastrophic effects. 2015 Data from the National Survey on Drug Use and Health showed that in the year 2013 over a third of the people in the United States had used prescription opioids with a significant number suffering from addiction as a result.

37.8% Americans used
prescription opioids

(91.8 MILLION PEOPLE)

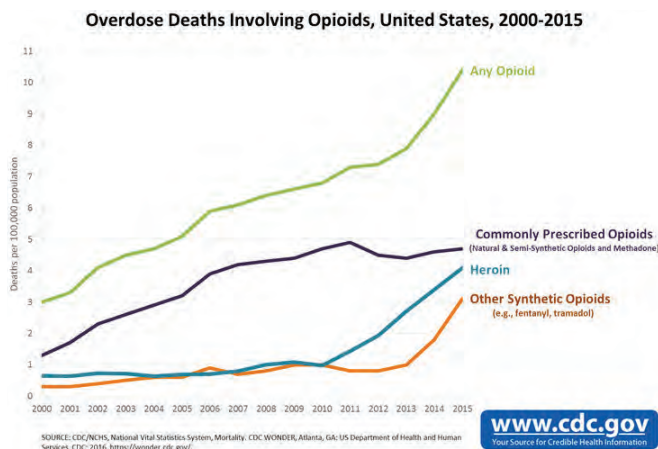
4.7% misused them

(11.5 MILLION PEOPLE)

.8% had a use disorder

(1.9 MILLION PEOPLE)

Additionally, deaths from opioids dramatically spiked with increased sales:



As described below, these dramatically increased sales and the spike in abuse and resultant deaths directly corresponds to Pharma's decision to market opioids for long-term use despite their known addictive effects.

PHARMA'S ROLE IN CREATING THE OPIOID EPIDEMIC

Opioids were historically used to provide effective treatment for short-term pain management. Controlled studies of the safety and efficacy of opioids were limited to short-term use. Pharma knew the limitations of the controlled studies. However, Pharma knew that profits could sky rocket if they were able to market and sell opioids for long-term use, including to treat chronic pain. In order to expand their market and achieve a dramatic increase in profits, Pharma decided to create a false marketing campaign designed to give the medical community and the public the false impression that opioids were safe and efficacious for long-term use. This false marketing campaign began in the late 90s, but exponentially increased starting in about 2006 and continues to the present.

Pharma was successful.

SINCE 1999

Prescription sales of
opioids have **quadrupled**

IN 2010

254 million opioid
prescriptions were written

IN 2013

37.4% of the population
had been prescribed
Opioids

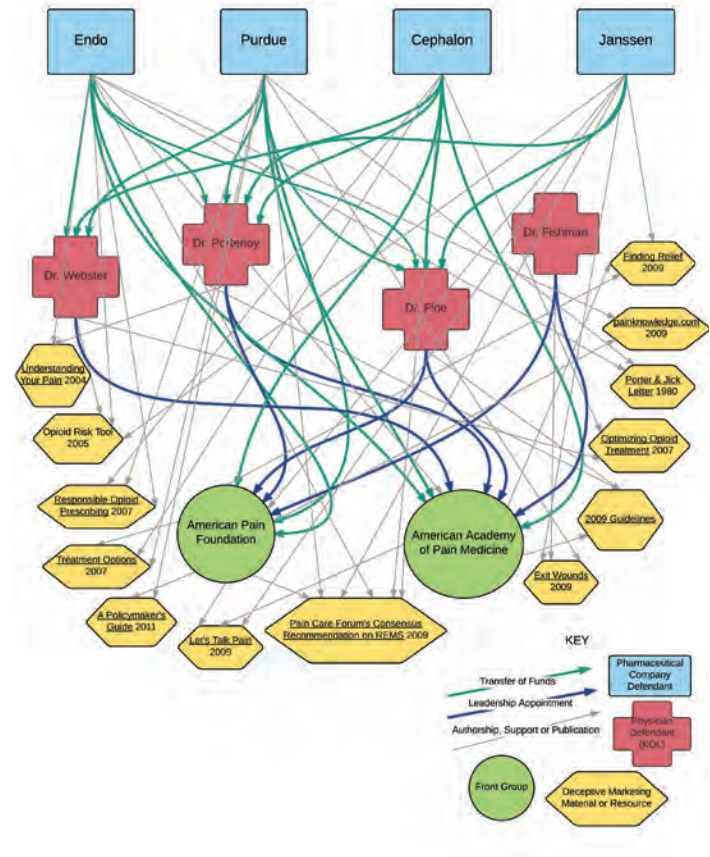


The result was a public health crisis that has had a profound impact on individuals, families and communities across the country.

The National Institute for Health ("NIH") identified Pharma as directly responsible for this crisis. In 2015, the NIH found that "several factors are likely to have contributed to the current prescription drug abuse problem. They include drastic increases in the number of prescriptions written and dispensed, greater social acceptability for using medications for different purposes, and *aggressive marketing by pharmaceutical companies*."³

That "aggressive marketing campaign" included distorting medical and public perception of existing scientific data to create the false impression that opioids were safe and efficacious for long-term use. To accomplish this, Pharma poured money into generating articles, continuing education courses, sales groups and advocacy groups to create a phony "consensus" supporting the long-term use of opioids. Pharma and a select group of doctors and "front groups" banded together to create false legitimacy and the impression that these drugs were safe and efficacious for long-term use.

The following graphic depicts how this worked:



County of Suffolk v. Purdue Pharm L.P. et al., Case No. NYSCEF 613760/2016, Doc. No. 2, Ex. A.

WHY DID PHARMA DO THIS?

The answer is simple. Pharma made blockbuster profits. In 2012 alone, Pharma raked in \$8 Billion from the sale of opioids. Purdue alone made \$3.1 Billion from the sale of the opioid Oxycontin.

91

91 Americans die
every day from an
opioid overdose
(that includes
prescription opioids
and heroin).

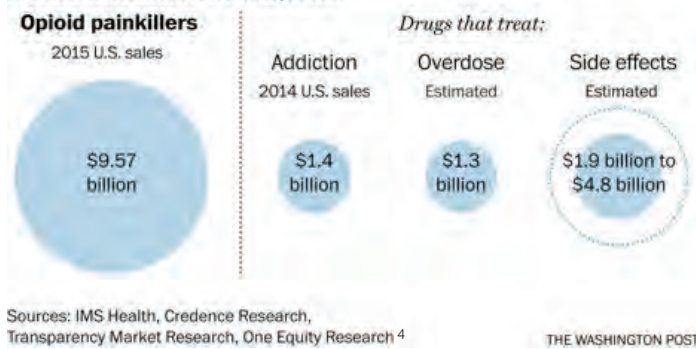
³ <https://www.drugabuse.gov/about-nida/legislative-activities/testimony-to-congress/2016/americas-addiction-to-opioids-heroin-prescription-drug-abuse>



Not only has the Pharma industry profited from selling opioids but companies have also profited from treating the effects. As illustrated in a recent Washington Post article, the profits have been enormous:

Drugs to treat the effects of drugs

The nearly \$9.6 billion industry around opioid pain management has begotten a number of new billion-dollar markets for addiction, overdose and side effects such as constipation.



COUNTIES BEAR THE COSTS

While Pharma was raking in profits, county governments have been forced to spend a significant amount of money combatting this epidemic. Costs to counties include health care costs, addiction and treatment costs, social costs, programming, training and education costs, criminal justice and victimization costs and lost productivity.

COUNTIES AND STATES FILE LAWSUITS

A number of government entities have brought litigation against the Pharma companies for their role in creating the Opioid Epidemic. This includes the State of Kentucky, the State of Ohio, the City of Chicago and counties in New York, West Virginia and Illinois. More and more cases are filed every week. Additionally, major news outlets have

been covering the opioid epidemic and resulting litigation.

HOLDING PHARMA ACCOUNTABLE: CLAIMS

Lawsuits seek to hold opioid manufacturers accountable for the costs communities incur as a result of the opioid epidemic.

Lawsuits have alleged that Pharma and a select group of doctors worked together to create a false impression of the safety and efficacy of opioids for long term use. Allegations are that Pharma and the doctors misled the medical community and consumers into believing that opioids were non-addictive and were a viable option for treatment of chronic pain. Legal claims have included:

- Misrepresentation
- Consumer Fraud/Violation of Consumer Protection Statutes
- False Advertising
- Nuisance
- Civil RICO

Different cases have taken different approaches, but the facts and allegations are similar.

⁴ https://www.washingtonpost.com/national/the-drug-industrys-answer-to-opioid-addiction-more-pills/2016/10/15/181a529c-8ae4-11e6-bff0-d53f592f176e_story.html?utm_term=.2d1327bf59ae



WHAT ARE THE DOLLAR FIGURES?

While it is still early in the investigation into the exact costs to counties, states and municipalities, costs of the Opioid Epidemic are staggering. Indeed, in 2016 researchers from the CDC estimated the annual economic burden of prescription opioid abuse in the U.S. at \$78.4 Billion. The study further broke down this cost as follows:

LOST PRODUCTIVITY

\$42 Billion (53.3%)

HEALTH INSURANCE

\$26.1 Billion (33.3%)

CRIMINAL JUSTICE

\$7.6 Billion (9.7%)

SUBSTANCE ABUSE TREATMENT

\$2.8 Billion (3.6%)

5

While the CDC study did not attempt to estimate damages to county governments, the economic impact is significant and, to date, unreimbursed by Pharma.

5 Florence CS, Zhou C, Luo F, Xu L. The Economic Burden of Prescription Opioid Overdose, Abuse, and Dependence in the United States, 2013. *Medical Care*. October 2016, 54(10): 901 – 906.



FREQUENTLY ASKED QUESTIONS



WHAT IS THE OPIOID LITIGATION AND WHY DOES IT AFFECT COUNTIES?

State and local governments around the country have begun to file lawsuits against several major manufacturers (Purdue, Janssen, Endo, Cephalon and others) (referred to as "Pharma") for their role in creating the Opioid Epidemic. These manufacturers flooded the market with highly addictive drugs, claiming they were safe and efficacious for long term use, manufactured studies to support these false claims and knowingly misrepresented the addictive nature of these drugs. As a result of these misrepresentations, millions of Americans lives have been impacted or destroyed (commonly referred to as the "Opioid Epidemic"). The Opioid Epidemic has in turn imposed huge costs on both county and state governments around the country including health care costs, substance abuse, treatment and prevention costs, criminal justice costs and productivity costs.



WHAT IS THE ECONOMIC IMPACT OF THE OPIOID EPIDEMIC?

While it is still early in the investigation, studies have analyzed the economic impact of the Opioid Epidemic. In the most recent major study, published in 2016 by CDC researchers, the annual estimated economic burden of prescription opioid abuse in the United States was determined to be \$78.4 Billion. Of that number the economic impact broke down as follows:

LOST PRODUCTIVITY

\$42 Billion (53.3%)

HEALTH INSURANCE

\$26.1 Billion (33.3%)

CRIMINAL JUSTICE

\$7.6 Billion (9.7%)

SUBSTANCE ABUSE TREATMENT

\$2.8 Billion (3.6%)

Predictably, as the epidemic has worsened, so has the economic burden. Indeed, a similar study in 2007 found the annual economic impact was \$55.7 Billion. And a recent 2017 study funded by the U.S. Department of Health and Human Services found that more than one third of U.S. civilian, noninstitutionalized adults reported prescription opioid use, with substantial numbers reporting misuse and use disorders. As the problem has worsened since 2013, it is expected that the impact has correspondingly worsened.

6 Florence CS, Zhou C, Luo F, Xu L. The Economic Burden of Prescription Opioid Overdose, Abuse, and Dependence in the United States, 2013. *Medical Care*, October 2016, 54(10): 901 – 906.

**WHAT IS THE GOAL OF THE OPIOID LITIGATION?**

To hold Pharma responsible for their role in creating the Opioid Epidemic and to return to the counties the money spent battling the epidemic and the expense of other critical programming. While it is unrealistic to think that the lawsuit will solve the problem, Pharma should be responsible for funding solutions to a problem they created.

**WHAT KINDS OF COSTS WOULD A LAWSUIT SEEK TO RECOVER?**

The counties would seek repayment for the costs they have expended related to the Opioid Epidemic. Those costs include but are not limited to:

- County funded healthcare costs for employees and dependents related to opioid addiction, substance abuse treatment, hospitalizations, etc.
- County funded programs for residents for prevention, treatment, health visits, substance abuse programs etc.
- Criminal Justice and law enforcement costs associated with opioids
- Loss of county employee productivity related to opioid abuse and addiction
- General societal mayhem and opioid related death costs

**WHAT IS THE REASON THE COUNTIES SHOULD GET INVOLVED IN THE OPIOID LITIGATION?**

The only way to recover any of the significant costs the counties have faced as a result of Pharma's role in the Opioid Epidemic is to bring suit. Any county that does not get involved risks receiving no recovery. While recovery in this type of litigation is not certain, one certain way to get nothing is to stay out of the litigation.

**WHAT IF THE COUNTIES DO NOT GET INVOLVED?**

Counties who do not get involved will not get a recovery in the event that there is one.

**WHO WILL PAY FOR THE LITIGATION?**

The counties will not be asked to bear the costs of the Opioid Litigation. The law firms proposing to represent the counties will work on a contingent fee basis (only getting paid out of a portion of the recovery if there is one) and bearing all costs of the litigation.

**WHAT WILL BE EXPECTED OF A COUNTY BRINGING SUIT?**

Counties bringing suit will be expected to participate in some significant ways, the most major of which is document collecting and information gathering to support the county's claim for costs associated with the Opioid Epidemic. The team of private attorneys will work on site with county employees to help identify, gather and assemble this information; however, county employee time will also be necessary. Affected departments will likely be Health and Human Services, Human Resources, Medical Examiner/Coroner, District Attorney's Office, Office of the Sheriff, Circuit Courts, Department of Administration.



**WHAT IS THE REASON TO COORDINATE EFFORTS
ACROSS COUNTIES IN THE LITIGATION?**

It will be very important to coordinate efforts both among counties in each state and between counties nationally. Government entities will face a well-financed, well-funded and coordinated defense from Pharma. Unless a critical mass of counties not only file suit and coordinate efforts, it is a safe bet that Pharma will simply continue to fight each individual case without contemplating a resolution.



**WILL THE STATE BE INVOLVED AND HOW WILL
THAT IMPACT THE COUNTIES AND THEIR ABILITY
TO RECOVER?**

The State of Ohio has brought suit and other states are contemplating suit. It is safe to assume that state governments will bring similar suits. The states and counties will have separate damages, however, and the counties should be able to recover even if the states bring suit. As the tobacco litigation demonstrated, there is no reason to expect that the counties can simply let the states file suit and wait for their portion of the states' recovery. The best way for the counties to protect their interests is to pursue their own litigation.



CATEGORIES OF INFORMATION SUPPORTING COUNTY COSTS

COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES/SOCIAL SERVICES/COMMUNITY PROGRAMS

Information regarding child welfare costs; out of home placements; community education; outreach and prevention; opioid abuse treatment; education of medical professionals; and costs associated with such programs.

Information regarding county funded (for residents/indigents) opioid-related office visits, toxicology screenings, inpatient therapy, medical claims, medical diagnosis, pharmacy claims, emergency department visits, emergency department claims, opioid treatment programs; days missed from work for opiate treatment or offenses, prescription drug plans, mental health screenings, mental health hospital visits, mental health diagnosis and Medicaid claims. Information regarding opiate treatment programs, funding for opiate treatment programs, inpatient and outpatient treatment data, cost of drugs for opiate treatment programs, insurance information for treatment and relapse information. Information from delinquency and court services regarding opioid-related interventions and programs designed to curb or prevent opioid use.

DEPARTMENT OF HUMAN RESOURCES

Information regarding county funded employee opioid-related office visits, toxicology screenings, inpatient therapy, medical claims, medical diagnosis, pharmacy claims, emergency department visits, emergency department claims, opioid treatment programs; days missed from work for opiate treatment or offenses, prescription drug plans, mental health screenings, mental health hospital visits, mental health diagnosis

Information regarding county employees' opioid-related disability claims, funding used for substance abuse, workers compensation claims, and mental health treatment.

MEDICAL EXAMINER/ CORONER

Information regarding the number of opioid overdose deaths, costs associated with those deaths.

JUSTICE SYSTEM IMPACTS

Information regarding the prosecution of opioid-related crimes committed within the county and the impacts on the justice system.



**OFFICE OF THE SHERIFF/
COUNTY JAIL**

Information regarding opioid-related arrests and charges, illegal trafficking data, prescription-related DWI's, incarceration records, probation records, drug court data, sheriff/deputy overtime data regarding opioid-related offenses, data from Narcan program, sheriff/data resources data dedicated to heroin epidemic including prevention, emergency dispatch data, repeat offender data, involuntary treatment programs, emergency dispatch data. Information regarding costs associated with housing inmates with addiction arrests, requiring addiction treatment programs.

**DEPARTMENT OF
ADMINISTRATION**

Information regarding costs associated with expenditures incurred, or resources allocated, to combat opioid addiction or abuse.

**COUNTY-OWNED
HOSPITALS/NURSING
HOMES**

Information regarding costs of opioid treatment at county-owned hospitals and nursing homes.



Crueger
Dickinson

vonBriesen

von Briesen & Roper, s.c. | Attorneys at Law

Contact us

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RESOLUTION NO. _____

TO THE HONORABLE BOARD OF SUPERVISORS OF _____ COUNTY,
WISCONSIN

MEMBERS,

WHEREAS, _____ County (“County”) is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Wisconsin and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic (“Opioid Epidemic”); and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

WHEREAS, County has spent millions in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, County’s provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County’s ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

WHEREAS, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

WHEREAS, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

WHEREAS, County has engaged in discussions with representatives of the law firms of von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and

WHEREAS, County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

WHEREAS, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

WHEREAS, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and

WHEREAS, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution (“Engagement Letter”) specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and

WHEREAS, County is informed that the Wisconsin Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County and other counties in the prosecution of claims against certain of the opioid manufacturers; and

WHEREAS, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Wisconsin Counties Association as needed; and

WHEREAS, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

NOW, THEREFORE, BE IT RESOLVED:

County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and

BE IT FURTHER RESOLVED:

County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

Respectfully submitted this _____ day of _____, 2016.

[COMMITTEE]

**[FISCAL NOTE]

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TAB 2

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S&P 500 ▲ 2475.26 0.13%

Nasdaq ▲ 6348.68 0.13%

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Crude Oil ▲ 49.54 1.04%

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<https://www.wsj.com/articles/opioid-addiction-diagnoses-up-nearly-500-in-past-seven-years-study-shows-1498737603>

U.S.

Opioid-Addiction Diagnoses Up Nearly 500% in Past Seven Years, Study Shows

Analysis of insurance claims illustrates the growing epidemic in the U.S.



Opioid-use disorder is the clinical term for addiction to opioids, which include prescription painkillers and illicit narcotics such as heroin. PHOTO: MICHAEL BRYANT/THE PHILADELPHIA INQUIRER/ASSOCIATED PRESS

By Anne Steele

June 29, 2017 8:00 a.m. ET

An analysis of millions of Americans' medical claims showed diagnoses of opioid-use disorder surged nearly 500% over the past seven years, according to a review by the Blue Cross Blue Shield Association.

The analysis, which examined the claims of over 30 million people with commercial insurance provided by Blue Cross Blue Shield insurers between 2010 and 2016, underscores the rising tide of addiction in the U.S. Opioid-use disorder is the clinical term for addiction to opioids, which include prescription painkillers and illicit narcotics such as heroin.

Twenty-one percent of the people reviewed in the analysis filled at least one opioid prescription in 2015, according to BCBSA, with higher doses and longer-duration prescriptions associated with higher addiction rates.

RELATED

- The Victims of the Opioid Crisis
- When the Mailman Unwittingly Becomes a Drug Dealer
- Fatal Student Opioid Overdoses Prompt Colleges to Action
- States Launch Bipartisan Probe of Opioid Marketing and Addiction
- Opioid Use Soars Among Middle Aged and Elderly

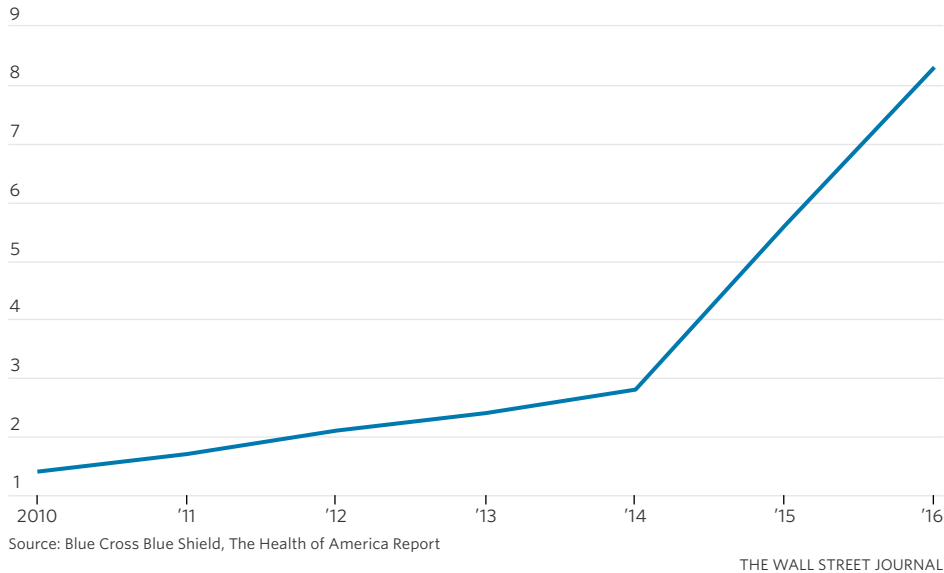
Opioid-use disorder was 40 times more likely in patients prescribed high doses for a short duration, compared with low doses for a short duration. And the disorder was seven times more likely when patients were prescribed a high dose for a long duration than a low dose for a long duration.

"You have to be concerned not just how long the script goes but how high a dose you're prescribing," says David Pizza, BCBSA's managing director of strategy and data analytics. "The way in which they're provided is key to addressing the dependency issue."

John Kelly, an associate professor of psychiatry in addiction medicine at Harvard Medical School, who wasn't involved in the study, said the results show "we are now at

Soaring

Rate of opioid-use disorder per 1,000 commercially insured Blue Cross Blue Shield members



the public health equivalent of ‘DEFCON 5’ with this opioid crisis.”

“High-dose, long-duration prescribing practices, which can drive up rates of opioid-use disorder, are still too common. This needs much closer attention and monitoring to curb the onset of new cases of opioid-use disorder,” he said.

The analysis also showed that use of medications to treat opioid addiction, such as buprenorphine or methadone, grew by 65% over the period of the study—a rate dwarfed by the 493% increase in opioid-use disorder diagnoses.

Kim Holland, vice president for state affairs at BCBSA, said the necessary infrastructure to support people getting the treatment they need to address substance abuse effectively is lacking.

The analysis found more people with opioid-use disorder are treated with medication in New England than in the South and parts of the Midwest.

“It tells us there’s work to do,” says Ms. Holland. “Not everyone is getting the treatment they need.”

She said opioids are an important part of a physician’s ammunition to help alleviate pain.

“But to recognize potential dangers it’s important to understand the extent to which they are prescribed,” she said.

Ninety-one Americans die each day from an opioid overdose, according to the Centers for Disease Control and Prevention.

The amount of prescription opioids sold in the U.S. has nearly quadrupled since 1999 even though there has been no change in the amount of pain reported by Americans, the CDC says. Meanwhile, deaths from prescription opioids have more than quadrupled over the same period.

Write to Anne Steele at Anne.Steele@wsj.com

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Nasdaq ▲ 6346.60 0.10%

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Crude Oil ▲ 49.52 1.00%

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<https://www.wsj.com/articles/oklahoma-sues-opioid-painkiller-makers-1498848561>

U.S.

Oklahoma Sues Opioid Painkiller Makers

State alleges Purdue Pharma, Teva, Johnson & Johnson and Allergan misrepresented addictive risks of drugs



Oklahoma is suing Purdue, which sells the painkiller OxyContin, among other pharmaceutical companies . PHOTO: GEORGE FREY/REUTERS

By Jeanne Whalen

Updated June 30, 2017 4:35 p.m. ET

Oklahoma became the latest state to file a lawsuit against opioid painkiller makers, alleging they caused widespread addiction by misrepresenting the benefits and addictive risks of their drugs.

The lawsuit filed in state court by Oklahoma's Republican Attorney General, Mike Hunter, targets the parent companies and subsidiaries of Purdue Pharma L.P., Johnson & Johnson, Teva Pharmaceutical Industries Ltd. and Allergan PLC.

“Over a period of several years, defendants executed massive and unprecedented marketing campaigns through which they misrepresented the risks of addiction from their opioids and touted unsubstantiated benefits,” the lawsuit alleges. “The damage defendants’ false and deceptive marketing campaigns caused to the state of Oklahoma is catastrophic.” The state is seeking damages and penalties to compensate it for costs related to addiction.

RELATED

- Ohio Sues Five Drugmakers, Saying They Fueled Opioid Crisis (May 31)
- Overdose Fatalities From Opioids Hit New Peaks (Jan. 6, 2017)
- Opioid-Addiction Diagnoses Up Nearly 500% in Past Seven Years, Study Shows (June 29)
- The Children of the Opioid Crisis (Dec. 15, 2016)

Purdue, which sells the painkiller OxyContin, said: “While we vigorously deny the allegations in the complaint, we share the attorney

general’s concerns about the opioid crisis and we are committed to working collaboratively to find solutions.”

Johnson & Johnson, whose subsidiary Janssen sells the opioid drug Duragesic, said: “We recognize opioid abuse is a serious public health issue that must be addressed. At the

<https://www.wsj.com/articles/oklahoma-sues-opioid-painkiller-makers-1498848561>

same time, we firmly believe Janssen has acted responsibly and in the best interests of patients and physicians.”

Allergan, which sells the painkillers Kadian and Norco, said “it has a history of supporting—and continues to support—the safe, responsible use of prescription medications,” including opioids and said the drugs “play an appropriate role in pain relief for millions of Americans” when used correctly.

Teva, which sells the opioid drugs Actiq and Fentora, said it is “committed to the appropriate promotion and use of opioids.”

Oklahoma’s lawsuit follows similar suits filed by Mississippi, Ohio and Missouri.

The state lawsuits come amid mounting public concern over opioid addiction, which has helped drive U.S. overdose rates to all-time highs.

Many people became addicted by taking powerful opioid painkillers and often progressed to heroin if they couldn’t get access to pills. Public-health officials have long blamed aggressive company marketing and lax prescribing for sparking the crisis.

Write to Jeanne Whalen at jeanne.whelen@wsj.com

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U.S.

Ohio Sues Drug Makers, Saying They Aided Opioid Epidemic

By RICHARD PÉREZ-PEÑA MAY 31, 2017

The State of Ohio filed a lawsuit on Wednesday against the pharmaceutical industry over the opioid epidemic, accusing several drug companies of conducting marketing campaigns that misled doctors and patients about the danger of addiction and overdose.

Ohio's attorney general, Mike DeWine, sued the drug makers in a case similar to one that was filed by Mississippi in 2015 and is still pending. In another case, West Virginia went after major drug distributors and has reached settlements that will pay the state tens of millions of dollars. The City of Chicago, and counties in New York, California and West Virginia, have all started litigation.

Complaints like these are being closely watched by state and local governments around the country that are trying to decide how to proceed — decisions that are complicated by differences in state laws.

“We are in ongoing discussions with attorneys general about what can only be described as a national epidemic,” said Michael P. Canty, a lawyer in New York whose firm, Labaton Sucharow, is advising states on possible opioid litigation.

In 2015, more than 25,000 people in the United States died in 2015 from overdosing on opioids like fentanyl, oxycodone and hydrocodone, more than twice as

those narcotics, now kill more Americans than homicide, and are approaching traffic accidents as a cause of death.

Middle-aged white men suffer disproportionately from opioid abuse, and the states with the highest overdose tolls are Ohio, Kentucky, New Hampshire and West Virginia.

The drugs were once used primarily for acute, or short-term pain, but over the last two decades, doctors have increasingly prescribed them to treat chronic pain, giving them to patients for months or years at a stretch. Drug makers promoted that change, Mr. DeWine charged in his suit, spending “millions of dollars on promotional activities and materials that falsely deny or trivialize the risks of opioids while overstating the benefits of using them for chronic pain.”

In addition, he said, the companies provided funding to prominent doctors, medical societies and patient advocacy groups to win their support for the drugs’ use. By 2012, the suit says, opioid prescriptions in Ohio equaled 68 pills a year for every resident of the state, including children.

Defendants in the case include Purdue Pharma, Teva Pharmaceutical Industries, Johnson & Johnson, Endo Pharmaceuticals, Allergan and others.

Purdue, the maker of OxyContin, a time-release opioid, released a statement saying, “We share the attorney general’s concerns about the opioid crisis and we are committed to working collaboratively to find solutions,” and calling the company “an industry leader in the development of abuse-deterrent technology.”

Pharmaceutical Research and Manufacturers of America, the leading industry group, said it would not comment on litigation involving specific companies.

Ohio’s lawsuit seeks to recover money the state has spent on the drugs themselves, through programs like Medicaid, and on addiction treatment. States took a similar approach in suing the tobacco industry in the 1990s, which eventually led to settlements worth more than \$200 billion.

A version of this article appears in print on June 1, 2017, on Page A17 of the New York edition with the headline: Ohio Sues Drug Makers Over Opioid Crisis.

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Attachment: Resolution 54-17 to Engage in Opioid (15 - 25 : Resolution Confirming and Ratifying Authority to Add Additional Opioid

TAB 3

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

THE COUNTY OF SUFFOLK,

Plaintiff,

v.

PURDUE PHARMA L.P.; PURDUE PHARMA
INC.; THE PURDUE FREDERICK COMPANY,
INC.; TEVA PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.; ENDO
HEALTH SOLUTIONS INC.; ENDO
PHARMACEUTICALS, INC.; RUSSELL
PORTENOY; PERRY FINE; SCOTT FISHMAN;
and LYNN WEBSTER,

Defendants.

Index No.

COMPLAINT

Plaintiff, the County of Suffolk, New York ("Plaintiff"), by and through the undersigned attorneys, for its Complaint against Defendants Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Inc., Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Endo Health Solutions Inc., Endo Pharmaceuticals, Inc., Russell Portenoy, Perry Fine, Scott Fishman, and Lynn Webster (collectively, "Defendants") alleges as follows:

INTRODUCTION

1. Plaintiff spends millions of dollars each year to provide or pay for the health care, pharmaceutical care, and other necessary services and programs on behalf of indigents and otherwise eligible residents, including payments for prescription opium-like painkillers ("opioids"), which are manufactured, marketed, promoted, sold, and/or distributed by the Defendants.

2. Plaintiff also provides a wide range of other services on behalf of its residents, including services for families and children, public assistance, and law enforcement.

3. Plaintiff is one of the largest employers on Long Island, employing approximately 10,000 people in 22 departments. Plaintiff funds its own health insurance plan for the benefit of its employees, through which it pays part or all of its employees' health care costs, including the cost of prescription drugs, including opioids.

4. Opioids include brand-name drugs like OxyContin and Percocet and generics like oxycodone and hydrocodone. They are derived from or possess properties similar to opium and heroin, and, as such, they are highly addictive and dangerous and therefore are regulated by the United States Food and Drug Administration ("FDA") as controlled substances.

5. Opioids provide effective treatment for short-term post-surgical and trauma-related pain, and for palliative end-of-life care. They are approved by the FDA for use in the management of moderate to severe pain where use of an opioid analgesic is appropriate for more than a few days. Defendants, however, have manufactured,

promoted, and marketed opioids for the management of pain by misleading consumers and medical providers through misrepresentations or omissions regarding the appropriate uses, risks, and safety of opioids.

6. Addiction is a spectrum of substance use disorders that range from misuse and abuse of drugs to addiction.¹ Throughout this Complaint, "addiction" refers to the entire range of substance abuse disorders. Individuals suffer negative consequences wherever they fall on the substance use disorder continuum.

7. Defendants knew that, barring exceptional circumstances, opioids are too addictive and too debilitating for long-term use for chronic non-cancer pain lasting three months or longer ("chronic pain").

8. Defendants knew that, with prolonged use, the effectiveness of opioids wanes, requiring increases in doses to achieve pain relief and markedly increasing the risk of significant side effects and addiction.²

9. Defendants knew that controlled studies of the safety and efficacy of opioids were limited to short-term use (*i.e.*, not longer than 90 days) in managed settings (*e.g.*, hospitals) where the risk of addiction and other adverse outcomes was significantly minimized.

¹ Diagnostic and Statistical Manual of Mental Disorders (5th ed. 2013) ("DSM-V").

² See, *e.g.*, Russell K. Portenoy, *Opioid Therapy for Chronic Nonmalignant Pain: Current Status*, 1 Progress in Pain Res. & Mgmt., 247-287 (H.L. Fields and J.C. Liebeskind eds., 1994).

10. To date, there have been no long-term studies demonstrating the safety and efficacy of opioids for long-term use.

11. Despite the foregoing knowledge, in order to expand the market for opioids and realize blockbuster profits, Defendants sought to create a false perception of the safety and efficacy of opioids in the minds of medical professionals and members of the public that would encourage the use of opioids for longer periods of time and to treat a wider range of problems, including such common aches and pains as lower back pain, arthritis, and headaches.

12. Defendants accomplished that false perception through a coordinated, sophisticated, and highly deceptive marketing campaign that began in the late 1990s, became more aggressive in or about 2006, and continues to the present.

13. Defendants accomplished their marketing campaign goal by convincing doctors, patients, and others that the benefits of using opioids to treat chronic pain outweighed the risks, and that opioids could be safely used by most patients.

14. Defendants, individually and collectively, knowing that long-term opioid use causes addiction, misrepresented the dangers of long-term opioid use to physicians, pharmacists, and patients by engaging in a campaign to minimize the risks of, and to encourage, long-term opioid use.

15. Defendants' marketing campaign has been extremely successful in expanding opioid use. Since 1999, the amount of prescription opioids sold in the U.S.

nearly quadrupled.³ In 2010, 254 million prescriptions for opioids were filled in the U.S. – enough to medicate every adult in America around the clock for a month. In that year, 20% of all doctors’ visits resulted in the prescription of an opioid (nearly double the rate in 2000).⁴ While Americans represent only 4.6% of the world’s population, they consume 80% of the opioids supplied around the world and 99% of the global hydrocodone supply.⁵ By 2014, nearly two million Americans either abused or were dependent on opioids.⁶

16. Defendants’ campaign has been extremely profitable for them. In 2012 alone, opioids generated \$8 billion in revenue for drug companies.⁷ Of that amount, \$3.1 billion went to Purdue for its OxyContin sales.⁸

17. Defendants’ marketing campaign has been extremely harmful to Americans. Overdoses from prescription pain relievers are a driving factor in a 15-year increase in opioid overdose deaths. Deaths from prescription opioids have also

³ CDC, Injury Prevention & Control: Opioid Overdose, Understanding the Epidemic. Available at: <http://www.cdc.gov/drugoverdose/epidemic/index.html> (accessed March 31, 2016) (internal footnotes omitted).

⁴ M. Daubresse, et al., Ambulatory Diagnosis and Treatment of Nonmalignant Pain in the United States, 2000-2010, 51(10) Med. Care 870-78 (2013).

⁵ L. Manchikanti, et al., Therapeutic Use, Abuse, and Nonmedical Use of Opioids: A Ten-Year Perspective, 13 Pain Physician 401-435 (2010).

⁶ CDC, Injury Prevention & Control: Opioid Overdose, Prescription Opioids. Available at: <http://www.cdc.gov/drugoverdose/opioids/prescribed.html> (accessed March 31, 2016).

⁷ B. Meier & B. Marsh, *The Soaring Cost of the Opioid Economy*, N.Y. Times (June 22, 2013).

⁸ K. Eban, *Purdue Pharma’s Painful Medicine*, Fortune Magazine (Nov. 9, 2011).

quadrupled since 1999. From 2000 to 2014 nearly half a million people died from such overdoses. Seventy-eight Americans die every day from an opioid overdose.⁹

18. In 2012, an estimated 2.1 million people in the United States suffered from substance use disorders related to prescription opioid pain relievers.¹⁰ Between 30% and 40% of long-term users of opioids experience problems with opioid use disorders.¹¹

19. Opioid addiction and overdose have reached epidemic levels over the past decade. On March 22, 2016, the FDA recognized opioid abuse as a “public health crisis” that has a “profound impact on individuals, families and communities across our country.”¹²

⁹ CDC, Injury Prevention & Control: Opioid Overdose, Understanding the Epidemic, *supra*.

¹⁰ Substance Abuse and Mental Health Services Administration, *Results from the 2012 National Survey on Drug Use and Health: Summary of National Findings*, NSDUH Series H-46, HHS Publication No. (SMA) 13-4795. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013.

¹¹ J. Boscarino et al., Risk factors for drug dependence among out-patients on opioid therapy in a large US health-care system, 105(10) *Addiction* 1776 (2010); J. Boscarino et al., Prevalence of Prescription Opioid-Use Disorder Among Chronic Pain Patients: Comparison of the DSM-5 vs. DSM-4 Diagnostic Criteria, 30(3) *Journal of Addictive Diseases* 185 (2011).

¹² FDA announces enhanced warnings for immediate-release opioid pain medications related to risks of misuse, abuse, addiction, overdose and death. Available at <http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm491739.htm> (accessed March 31, 2016).

20. Defendants' marketing campaign has failed to achieve any material health care benefits. Since 1999, there has been no overall change in the amount of pain that Americans report.¹³

21. The National Institutes of Health ("NIH") not only recognizes the opioid abuse problem, but also identifies Defendants' "aggressive marketing" as a major cause: "Several factors are likely to have contributed to the severity of the current prescription drug abuse problem. They include drastic increases in the number of prescriptions written and dispensed, greater social acceptability for using medications for different purposes, and *aggressive marketing by pharmaceutical companies*."¹⁴ As shown below, the "drastic increases in the number of prescriptions written and dispensed" and the "greater social acceptability for using medications for different purposes " are not really independent causative factors but are in fact the direct result of "the aggressive marketing by pharmaceutical companies."

22. The rising numbers of persons addicted to opioids have led to significantly increased health care costs as well as a dramatic increase of social problems, including drug abuse and diversion¹⁵ and the commission of criminal acts to obtain opioids

¹³ CDC, Injury Prevention & Control: Opioid Overdose, Understanding the Epidemic, *supra*.

¹⁴ America's Addiction to Opioids: Heroin and Prescription Drug Abuse. Available at http://www.drugabuse.gov/about-nida/legislative-activities/testimony-to-congress/2015/americas-addiction-to-opioids-heroin-prescription-drug-abuse#_ftn2 (accessed March 31, 2016) (emphasis added).

¹⁵ According to the CDC, when prescription medicines are obtained or used illegally, it is called "drug diversion."

throughout the United States, including New York State and Suffolk County. Consequently, public health and safety throughout the United States, including Suffolk County, has been significantly and negatively impacted due to the misrepresentations and omissions by Defendants regarding the appropriate uses and risks of opioids, ultimately leading to widespread inappropriate use of the drug.

23. Between 1996 and 2006, the New York State consumption of hydrocodone increased from approximately 2,000 milligrams (mgs) per person to 12,000 mgs per person. Oxycodone consumption increased from approximately 1,000 mgs per person to 16,000 mgs per person. At the same time, health care admissions for opioid analgesic abuse have risen both nationally and in New York State at rates of greater than 300%.

24. In Suffolk County in 2012, there were 8,271 emergency room visits due to opiate use. Substance abuse programs in Suffolk County served 18,724 people for opioid abuse. Deaths from prescription opioids have also quadrupled since 1999. From 2000 to 2014 nearly half a million people died from such overdoses. In 2012 there were 214 overdose deaths related to opioids.

25. The commission of criminal acts to obtain opioids is an inevitable consequence of opioid addiction. For example, on June 19, 2011, David Laffer and his wife, prescription opioid abusers desperately seeking opioids, robbed the Haven Pharmacy in Medford, New York. During the robbery, Laffer brutally executed four unarmed, unsuspecting customers and employees.¹⁶

¹⁶ *Id.*

26. As a direct and foreseeable consequence of Defendants' wrongful conduct, Plaintiff has been required to spend millions of dollars each year in its efforts to combat the public nuisance created by Defendants' deceptive marketing campaign. Plaintiff has incurred and continues to incur costs related to opioid addiction and abuse, including, but not limited to, health care costs, criminal justice and victimization costs, social costs, and lost productivity costs. Defendants' misrepresentations regarding the safety and efficacy of long-term opioid use proximately caused injury to Plaintiff and its residents.

JURISDICTION AND VENUE

27. This Court has jurisdiction over this action pursuant to New York Constitution, article VI, § 7(a) and CPLR 301 and 302.

28. Venue is proper in Suffolk County pursuant to CPLR 503(a).

29. This action is non-removable because there is incomplete diversity of residents and no substantial federal question is presented.

PARTIES

30. Suffolk County comprises ten towns in eastern Long Island, New York. Plaintiff provides a wide range of services on behalf of its residents, including services for families and children, public health, public assistance, law enforcement, and emergency care. As mentioned above, Plaintiff also funds its own health insurance plan for its approximately 10,000 employees.

31. Plaintiff brings this action on its own behalf and also as subrogee of its employees and residents and, as such, Plaintiff stands in the shoes of its subrogors, and is entitled to all the rights of its subrogors. In making the payments it has made on behalf

of its employees and residents, Plaintiff did not act as a volunteer but rather acted under compulsion, for the protection of its interests, or as *parens patriae*.

32. Defendant Purdue Pharma L.P. (“PPL”) is a limited partnership organized under the laws of Delaware with its principal place of business in Stamford, Connecticut.

33. Defendant Purdue Pharma Inc. (“PPI”) is a New York corporation with its principal place of business in Stamford, Connecticut.

34. Defendant The Purdue Frederick Company, Inc. (“PFC”) is a New York corporation with its principal place of business in Stamford, Connecticut.

35. PPL, PPI, and PFC (collectively, “Purdue”) are engaged in the manufacture, promotion, distribution, and sale of opioids nationally and in Suffolk County, including the following:

Table 1. Purdue Opioids

Drug Name	Chemical Name	Schedule ¹⁷
OxyContin	Oxycodone hydrochloride extended release	Schedule II
MS Contin	Morphine sulfate extended release	Schedule II
Dilaudid	Hydromorphone hydrochloride	Schedule II
Dilaudid-HP	Hydromorphone hydrochloride	Schedule II
Butrans	Byprenorphine	Schedule III
Hysingla ER	Hydrocodone bitrate	Schedule II

¹⁷ Since passage of the Controlled Substances Act (“CSA”) in 1970, opioids have been regulated as controlled substances. As controlled substances, they are categorized in five schedules, ranked in order of their potential for abuse, with Schedule I being the most dangerous. The CSA imposes a hierarchy of restrictions on prescribing and dispensing drugs based on their medicinal value, likelihood of addiction or abuse, and safety. Opioids generally had been categorized as Schedule II or Schedule III drugs. Schedule II drugs have a high potential for abuse, have a currently accepted medical use, and may lead to severe psychological or physical dependence. Schedule III drugs are deemed to have a lower potential for abuse, but their abuse still may lead to moderate or low physical dependence or high psychological dependence.

Targiniq ER	Oxycodone hydrochloride and naloxone hydrochloride	Schedule II

36. OxyContin is Purdue's largest-selling opioid. Since 2009, Purdue's national annual sales of OxyContin have fluctuated between \$2.47 billion and \$2.99 billion, up four-fold from 2006 sales of \$800 million. OxyContin constitutes roughly 30% of the entire market for analgesic drugs (*i.e.*, painkillers).

37. Defendant Teva Pharmaceuticals USA, Inc. ("Teva USA") is a Delaware corporation with its principal place of business in North Wales, Pennsylvania. Teva USA is a wholly owned subsidiary of Teva Pharmaceutical Industries, Ltd. ("Teva Ltd."), an Israeli corporation.

38. Defendant Cephalon, Inc. is a Delaware corporation with its principal place of business in Frazer, Pennsylvania. In 2011, Teva Ltd. acquired Cephalon, Inc.

39. Teva USA and Cephalon, Inc. (collectively, "Cephalon") work together to manufacture, promote, distribute and sell both brand name and generic versions of the opioids nationally and in Suffolk County, including the following:

Table 2. Cephalon Opioids

Drug Name	Chemical Name	Schedule
Actiq	Fentanyl citrate	Schedule II
Fentora	Fentanyl citrate	Schedule II

40. Teva USA was in the business of selling generic opioids, including a generic form of OxyContin from 2005 to 2009 nationally and in Suffolk County.

41. Defendant Johnson & Johnson (“J&J”) is a New Jersey corporation with its principal place of business in New Brunswick, New Jersey.

42. Defendant Janssen Pharmaceuticals, Inc. (“Janssen Pharmaceuticals”) is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey, and is a wholly owned subsidiary of J&J.

43. Janssen Pharmaceuticals, Inc. was formerly known as Ortho-McNeil-Janssen Pharmaceuticals, Inc., which in turn was formerly known as Janssen Pharmaceutica, Inc.

44. Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc. (“OMP”), now known as Janssen Pharmaceuticals, Inc., is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey.

45. Janssen Pharmaceutica, Inc. (“Janssen Pharmaceutica”), now known as Janssen Pharmaceuticals, Inc., is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey.

46. J&J is the only company that owns more than 10% of Janssen Pharmaceuticals stock. Upon information and belief, J&J controls the sale and development of Janssen Pharmaceuticals drugs and Janssen Pharmaceuticals profits inure to J&J’s benefit.

47. J&J, Janssen Pharmaceuticals, OMP, and Janssen Pharmaceutica (collectively, “Janssen”) are or have been engaged in the manufacture, promotion, distribution, and sale of opioids nationally and in Suffolk County, including the following:

Table 3. Janssen Opioids

Drug Name	Chemical Name	Schedule
Duragesic	Fentanyl	Schedule II
Nucynta ¹⁸	Tapentadol extended release	Schedule II
Nucynta ER	Tapentadol	Schedule II

48. Together, Nucynta and Nucynta ER accounted for \$172 million in sales in 2014. Prior to 2009, Duragesic accounted for at least \$1 billion in annual sales.

49. Defendant Endo Health Solutions Inc. (“EHS”) is a Delaware corporation with its principal place of business in Malvern, Pennsylvania.

50. Defendant Endo Pharmaceuticals, Inc. (“EPI”) is a wholly owned subsidiary of EHS and is a Delaware corporation with its principal place of business in Malvern, Pennsylvania.

51. EHS and EPI (collectively, “Endo”) manufacture, promote, distribute and sell opioids nationally and in Suffolk County, including the following:

Table 4. Endo Opioids

Drug Name	Chemical Name	Schedule
Opana ER	Oxymorphone hydrochloride extended release	Schedule II
Opana	Oxymorphone hydrochloride	Schedule II
Percodan	Oxymorphone hydrochloride and aspirin	Schedule II
Percocet	Oxymorphone hydrochloride and acetaminophen	Schedule II

52. Opioids made up roughly \$403 million of Endo’s overall revenues of \$3 billion in 2012. Opana ER yielded revenue of \$1.15 billion from 2010 to 2013, and it

¹⁸ Depomed, Inc. acquired the rights to Nucynta and Nucynta ER from Janssen in 2015.

accounted for 10% of Endo's total revenue in 2012. Endo also manufactures and sells generic opioids, both directly and through its subsidiary, Qualitest Pharmaceuticals, Inc., including generic oxycodone, oxymorphone, hydromorphone, and hydrocodone products.

53. Russell Portenoy, M.D., is an individual residing in New York. Dr. Portenoy was instrumental in promoting opioids for sale and distribution nationally and in Suffolk County.

54. Perry Fine, M.D., is an individual residing in Utah. Dr. Fine was instrumental in promoting opioids for sale and distribution nationally and in Suffolk County.

55. Scott Fishman, M.D., is an individual residing in California. Dr. Fishman was instrumental in promoting opioids for sale and distribution nationally and in Suffolk County.

56. Lynn Webster, M.D., is an individual residing in Utah. Dr. Webster was instrumental in promoting opioids for sale and distribution nationally and in Suffolk County.

FACTS RELEVANT TO ALL CAUSES OF ACTION

A. The Pain-Relieving and Addictive Properties of Opioids

57. The pain-relieving properties of opium have been recognized for millennia. So has the magnitude of its potential for abuse and addiction. Opioids are related to illegal drugs like opium and heroin.

58. During the Civil War, opioids, then known as "tinctures of laudanum," gained popularity among doctors and pharmacists for their ability to reduce anxiety and relieve pain – particularly on the battlefield – and they were popularly used in a wide variety of commercial products ranging from pain elixirs to cough suppressants to beverages. By 1900, an estimated 300,000 people were addicted to opioids in the United States,¹⁹ and many doctors prescribed opioids solely to avoid patients' withdrawal. Both the numbers of opioid addicts and the difficulty in weaning patients from opioids made clear their highly addictive nature.

59. Due to concerns about their addictive properties, opioids have been regulated at the federal level as controlled substances by the U.S. Drug Enforcement Administration ("DEA") since 1970. The labels for scheduled opioid drugs carry black box warnings of potential addiction and "[s]erious, life-threatening, or fatal respiratory depression," as the result of an excessive dose.

60. Studies and articles from the 1970s and 1980s also made clear the reasons to avoid opioids. Scientists observed negative outcomes from long-term opioid therapy in pain management programs; opioids' mixed record in reducing pain long-term and failure to improve patients' function; greater pain complaints as most patients developed tolerance to opioids; opioid patients' diminished ability to perform basic tasks; their inability to make use of complementary treatments like physical therapy due to the side

¹⁹ Substance Abuse and Mental Health Services Administration, Medication-Assisted Treatment for Opioid Addiction in Opioid Treatment Programs, Treatment Improvement Protocol (TIP Services), No. 43 (2005).

effects of opioids; and addiction. Leading authorities discouraged, or even prohibited, the use of opioid therapy for chronic pain.

61. In 1986, Dr. Portenoy, who later became Chairman of the Department of Pain Medicine and Palliative Care at Beth Israel Medical Center in New York while at the same time serving as a top spokesperson for drug companies, published an article reporting that “[f]ew substantial gains in employment or social function could be attributed to the institution of opioid therapy.”²⁰

62. Writing in 1994, Dr. Portenoy described the prevailing attitudes regarding the dangers of long-term use of opioids:

*The traditional approach to chronic non-malignant pain does not accept the long-term administration of opioid drugs. This perspective has been justified by the perceived likelihood of tolerance, which would attenuate any beneficial effects over time, and the potential for side effects, worsening disability, and addiction. According to conventional thinking, the initial response to an opioid drug may appear favorable, with partial analgesia and salutary mood changes, but adverse effects inevitably occur thereafter. It is assumed that the motivation to improve function will cease as mental clouding occurs and the belief takes hold that the drug can, by itself, return the patient to a normal life. Serious management problems are anticipated, including difficulty in discontinuing a problematic therapy and the development of drug seeking behavior induced by the desire to maintain analgesic effects, avoid withdrawal, and perpetuate reinforcing psychic effects. There is an implicit assumption that little separates these outcomes from the highly aberrant behaviors associated with addiction.*²¹

²⁰ R. Portenoy & K. Foley, Chronic Use of Opioid Analgesics in Non-Malignant Pain: Report of 38 cases, 25(2) Pain 171 (1986).

²¹ R. Portenoy, *Opioid Therapy for Chronic Nonmalignant Pain: Current Status*, 1 Progress in Pain Res. & Mgmt., 247-287 (H.L. Fields and J.C. Liebeskind eds., 1994) (emphasis added).

According to Dr. Portenoy, the foregoing problems could constitute “compelling reasons to reject long-term opioid administration as a therapeutic strategy in all but the most desperate cases of chronic nonmalignant pain.”²²

63. For all the reasons outlined by Dr. Portenoy, and in the words of one researcher from the University of Washington in 2012, and quoted by a Harvard researcher the same year, “it did not enter [doctors’] minds that there could be a significant number of chronic pain patients who were successfully managed with opioids, because if there were any, we almost never saw them.”²³

64. Discontinuing opioids after more than just a few weeks of therapy will cause most patients to experience withdrawal symptoms. These withdrawal symptoms include: severe anxiety, nausea, vomiting, headaches, agitation, insomnia, tremors, hallucinations, delirium, pain, and other serious symptoms, which may persist for months after a complete withdrawal from opioids, depending on how long the opioids were used.

65. When under the continuous influence of opioids over time, patients grow tolerant to their analgesic effects. As tolerance increases, a patient typically requires progressively higher doses in order to obtain the same levels of pain reduction to which

²² *Id.*

²³ J. Loeser. Five crises in pain management, *Pain Clinical Updates*. 2012;20 (1):1-4(cited by I. Kissin, Long-term opioid treatment of chronic nonmalignant pain: unproven efficacy and neglected safety?, 6 *J. Pain Research* 513, 514 (2013)).

he has become accustomed – up to and including doses that are “frighteningly high.”²⁴ At higher doses, the effects of withdrawal are more substantial, thus leaving a patient at a much higher risk of addiction. A patient can take the opioids at the continuously escalating dosages to match pain tolerance and still overdose at recommended levels.

66. Opioids vary by duration. Long-acting opioids, such as Purdue’s OxyContin and MS Contin, Janssen’s Nucynta ER and Duragesic, Endo’s Opana ER, and Actavis’s Kadian, are designed to be taken once or twice daily and are purported to provide continuous opioid therapy for, in general, 12 hours. Short-acting opioids, such as Cephalon’s Actiq and Fentora, are designed to be taken in addition to long-acting opioids to address “episodic pain” and provide fast-acting, supplemental opioid therapy lasting approximately 4 to 6 hours.

67. Defendants promoted the idea that pain should be treated by taking long-acting opioids continuously and supplementing them by also taking short-acting, rapid-onset opioids for episodic pain.

68. In 2013, in response to a petition to require manufacturers to strengthen warnings on the labels of long-acting opioid products, the FDA warned of the “grave risks” of opioids, including “addiction, overdose, and even death.” The FDA further warned, “[e]ven proper use of opioids under medical supervision can result in life-threatening respiratory depression, coma, and death.” Because of those grave risks, the FDA said that long-acting or extended release opioids “should be used only when

²⁴ M. Katz, Long-term Opioid Treatment of Nonmalignant Pain: A Believer Loses His Faith, 170(16) Archives of Internal Med. 1422 (2010).

alternative treatments are inadequate.”²⁵ The FDA required that – going forward – opioid makers of long-acting formulations clearly communicate these risks in their labels.

69. In 2016, the FDA expanded its warnings for immediate-release opioid pain medications, requiring similar changes to the labeling of immediate-release opioid pain medications as it had for extended release opioids in 2013. The FDA also required several additional safety-labeling changes across all prescription opioid products to include additional information on the risk of these medications.²⁶

70. The facts on which the FDA relied in 2013 and 2016 were well known to Defendants in the 1990s when their deceptive marketing began.

B. Opioid Therapy Makes Patients Sicker Without Long Term Benefits

71. There is no scientific evidence supporting the safety or efficacy of opioids for long-term use. Defendants are well aware of the lack of such scientific evidence. While promoting opioids to treat chronic pain, Defendants failed to disclose the lack of evidence to support their use long-term and have failed to disclose the substantial scientific evidence that chronic opioid therapy actually makes patients sicker.

72. There are no controlled studies of the use of opioids beyond 16 weeks, and no evidence that opioids improve patients’ pain and function long-term. For example, a

²⁵ Letter from Janet Woodcock, M.D., Dir., Ctr. For Drug Eval. & Res., to Andrew Kolodny, M.D., Pres. *Physicians for Responsible Opioid Prescribing*, Re Docket No. FDA-2012-P-0818 (Sept. 10, 2013) (emphasis in original).

²⁶ FDA announces enhanced warnings for immediate-release opioid pain medications related to risks of misuse, abuse, addiction, overdose and death. Available at <http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm491739.htm> (accessed March 31, 2016).

2007 systematic review of opioids for back pain concluded that opioids have limited, if any, efficacy for back pain and that evidence did not allow judgments regarding long-term use.

73. Substantial evidence exists that opioid drugs are ineffective to treat chronic pain, and actually worsen patients' health. For example, a 2006 study-of-studies found that opioids as a class did not demonstrate improvement in functional outcomes over other non-addicting treatments.²⁷

74. Increasing duration of opioid use is strongly associated with an increasing prevalence of mental health conditions (including depression, anxiety, post-traumatic stress disorder, or substance abuse), increased psychological distress, and greater health care utilization.

75. While opioids may work acceptably well for a while, when they are used on a long term basis, function generally declines, as does general health, mental health, and social function. Over time, even high doses of potent opioids often fail to control pain, and patients exposed to such doses are unable to function normally.²⁸

²⁷ A. Furlan *et al.*, *Opioids for chronic noncancer pain: a meta-analysis of effectiveness and side effects*, 174(11) Can. Med. Ass'n J. 1589 (2006). This same study revealed that efficacy studies do not typically include data on opioid addiction. In many cases, patients who may be more prone to addiction are pre-screened out of the study pool. This does not reflect how doctors actually prescribe the drugs, because even patients who have past or active substance use disorders tend to receive higher doses of opioids. K. Seal, *Association of Mental Health Disorders With Prescription Opioids and High- Risk Opioids in US Veterans of Iraq and Afghanistan*, 307(9) J. Am. Med. Ass'n 940 (2012).

²⁸ See A. Rubenstein, *Are we making pain patients worse?* Sonoma Medicine (Fall 2009).

76. The foregoing is true both generally and for specific pain-related conditions. Studies of the use of opioids long-term for chronic lower back pain have been unable to demonstrate an improvement in patients' function. Instead, research consistently shows that long-term opioid therapy for patients who have lower back injuries does not cause patients to return to work or physical activity. This is due partly to addiction and other side effects.

77. For example, as many as 30% of patients who suffer from migraines have been prescribed opioids to treat their headaches. Users of opioids had the highest increase in the number of headache days per month, scored significantly higher on the Migraine Disability Assessment, and had higher rates of depression, compared to non-opioid users. A survey by the National Headache Foundation found that migraine patients who used opioids were more likely to experience sleepiness, confusion, and rebound headaches, and reported a lower quality of life than patients taking other medications.

C. Defendants' Scheme to Change Prescriber Habits and Public Perception

78. Before Defendants began the marketing campaign complained of herein, generally accepted standards of medical practice dictated that opioids should only be used short-term, for instance, for acute pain, pain relating to recovery from surgery, or for cancer or palliative care. In those instances, the risks of addiction are low or of little significance.

79. The market for short-term pain relief is significantly more limited than the market for long-term chronic pain relief. Defendants recognized that if they could sell opioids not just for short term pain relief but also for long-term chronic pain relief, they

could achieve blockbuster levels of sales and their profits. Further, they recognized that if they could cause their customers to become physically addicted to their drugs, they would increase the likelihood that their blockbuster profits would continue indefinitely.

80. Defendants knew that in order to increase their profits from the sale of opioids they would need to convince doctors and patients that long-term opioid therapy was safe and effective. Defendants needed, in other words, to persuade physicians to abandon their long-held apprehensions about prescribing opioids, and instead to prescribe opioids for durations previously understood to be unsafe.

81. Defendants knew that their goal of increasing profits by promoting the prescription of opioids for chronic pain would lead directly to an increase in health care costs for patients, health care insurers, and health care payors such as Plaintiff.

82. Marshalling help from consultants and public relations firms, Defendants developed and executed a common strategy to reverse the long-settled understanding of the relative risks and benefits of chronic opioid therapy. Rather than add to the collective body of medical knowledge concerning the best ways to treat pain and improve patient quality of life, however, Defendants instead sought to distort medical and public perception of existing scientific data.

83. As explained more fully herein and illustrated in Exhibit A, Defendants, collectively and individually, poured vast sums of money into generating articles, continuing medical education courses (“CMEs”), and other “educational” materials, conducting sales visits to individual doctors, and supporting a network of professional

societies and advocacy groups, which was intended to, and which did, create a new but phony “consensus” supporting the long-term use of opioids.

D. Defendants Used “Unbranded” Marketing to Evade Regulations and Consumer Protection Laws

84. Drug companies’ promotional activity can be branded or unbranded; unbranded marketing refers not to a specific drug, but more generally to a disease state or treatment. By using unbranded communications, drug companies can evade the extensive regulatory framework governing branded communications.

85. A drug company’s branded marketing, which identifies and promotes a specific drug, must: (a) be consistent with its label and supported by substantial scientific evidence; (b) not include false or misleading statements or material omissions; and (c) fairly balance the drug’s benefits and risks. The regulatory framework governing the marketing of specific drugs reflects a public policy designed to ensure that drug companies, which are best suited to understand the properties and effects of their drugs, are responsible for providing prescribers with the information they need to assess accurately the risks and benefits of drugs for their patients.

86. Further, the Federal Food, Drug, and Cosmetic Act (“FDCA”) places further restrictions on branded marketing. It prohibits the sale in interstate commerce of drugs that are “misbranded.” A drug is “misbranded” if it lacks “adequate directions for use” or if the label is false or misleading “in any particular.” “Labeling” includes more than the drug’s physical label; it also includes “all ... other written, printed, or graphic matter ... accompanying” the drug, including promotional material. The term “accompanying”

is interpreted broadly to include promotional materials – posters, websites, brochures, books, and the like – disseminated by or on behalf of the manufacturer of the drug. Thus, Defendants’ promotional materials are part of their drugs’ labels and required to be accurate, balanced, and not misleading.

87. Branded promotional materials for prescription drugs must be submitted to the FDA when they are first used or disseminated. If, upon review, the FDA determines that materials marketing a drug are misleading, it can issue an untitled letter or warning letter. The FDA uses untitled letters for violations such as overstating the effectiveness of the drug or making claims without context or balanced information. Warning letters address promotions involving safety or health risks and indicate the FDA may take further enforcement action.

88. Defendants generally avoided using branded advertisements to spread their deceptive messages and claims regarding opioids. Defendants did so in order to evade regulatory review.

89. Instead, Defendants disseminated much of their false, misleading, imbalanced, and unsupported statements through unregulated unbranded marketing materials – materials that generally promoted opioid use but did not name a specific opioid while doing so. Through these unbranded materials, Defendants presented information and instructions concerning opioids generally that were false and misleading.

90. By acting through third parties, Defendants were able to give the false appearance that their messages reflected the views of independent third parties. Later,

Defendants would cite to these sources as “independent” corroboration of their own statements. Further, as one physician adviser to Defendants noted, third-party documents had not only greater credibility, but also broader distribution, as doctors did not “push back” at having materials, for example, from the non-profit American Pain Foundation (“APF”) on display in their offices, as they would with drug company pieces.

91. As part of their marketing scheme, Defendants spread and validated their deceptive messages through the following unbranded vehicles (“the Vehicles”): (i) so-called “key opinion leaders” (*i.e.*, physicians who influence their peers’ medical practice, including but not limited to prescribing behavior) (“KOLs”), who wrote favorable journal articles and delivered supportive CMEs; (ii) a body of biased and unsupported scientific literature; (iii) treatment guidelines; (iv) CMEs; and (v) unbranded patient education materials disseminated through groups purporting to be patient-advocacy and professional organizations (“Front Groups”), which exercised their influence both directly and indirectly through Defendant-controlled KOLs who served in leadership roles in these organizations.

92. Defendants disseminated many of their false, misleading, imbalanced and unsupported messages through the Vehicles because they appeared to uninformed observers to be independent. Through unbranded materials, Defendants presented information and instructions concerning opioids generally that were false and misleading.

93. Even where such unbranded messages were disseminated through third-party vehicles, Defendants adopted these messages as their own when they cited to,

edited, approved, and distributed such materials knowing they were false, misleading, unsubstantiated, unbalanced, and incomplete. As described herein, Defendants' sales representatives distributed third-party marketing material to Defendants' target audience that was deceptive.

94. Defendants took an active role in guiding, reviewing, and approving many of the misleading statements issued by third parties, ensuring that Defendants were consistently in control of their content. By funding, directing, editing, and distributing these materials, Defendants exercised control over their deceptive messages and acted in concert with these third parties fraudulently to promote the use of opioids for the treatment of chronic pain.

95. The unbranded marketing materials that Defendants assisted in creating and distributing either did not disclose the risks of addiction, abuse, misuse, and overdose, or affirmatively denied or minimized those risks.

i. Defendants' KOLs

96. Defendants cultivated a select circle of doctors who were chosen and sponsored by Defendants solely because they favored the aggressive treatment of chronic pain with opioids. As set forth herein and as depicted in Exhibit A, pro-opioid doctors have been at the hub of Defendants' promotional efforts, presenting the appearance of unbiased and reliable medical research supporting the broad use of opioid therapy for chronic pain. These pro-opioid doctors have written, consulted on, edited, and lent their names to books and articles, and given speeches and CMEs supportive of opioid therapy for chronic pain. They have served on committees that developed treatment guidelines

that strongly encouraged the use of opioids to treat chronic pain and on the boards of pro-opioid advocacy groups and professional societies that develop, select, and present CMEs. Defendants were able to exert control of each of these modalities through their KOLs.

97. In return for their pro-opioid advocacy, Defendants' KOLs received money, prestige, recognition, research funding, and avenues to publish.

98. Defendants cited and promoted their KOLs and studies or articles by their KOLs to broaden the chronic opioid therapy market. By contrast, Defendants did not support, acknowledge, or disseminate the publications of doctors critical of the use of chronic opioid therapy.

99. Defendants carefully vetted their KOLs to ensure that they were likely to remain on-message and supportive of their agenda. Defendants also kept close tabs on the content of the materials published by these KOLs.

100. In their promotion of the use of opioids to treat chronic pain, Defendants' KOLs knew that their statements were false and misleading, or they recklessly disregarded the truth in doing so, but they continued to publish their misstatements to benefit themselves and Defendants.

ii. *Defendants' Corruption of Scientific Literature*

101. Rather than actually test the safety and efficacy of opioids for long-term use, Defendants led physicians, patients, and health care payors to believe that such tests had already been done. As set forth herein and as depicted in Exhibit A, Defendants created a body of false, misleading, and unsupported medical and popular literature

about opioids that (a) understated the risks and overstated the benefits of long-term use; (b) appeared to be the result of independent, objective research; and (c) was likely to shape the perceptions of prescribers, patients, and payors. This literature was, in fact, marketing material intended to persuade doctors and consumers that the benefits of long-term opioid use outweighed the risks.

102. To accomplish their goal, Defendants – sometimes through third-party consultants and/or front groups – commissioned, edited, and arranged for the placement of favorable articles in academic journals.

103. Defendants’ plans for these materials did not originate in the departments within the Defendant organizations that were responsible for research, development, or any other area that would have specialized knowledge about the drugs and their effects on patients; rather, they originated in Defendants’ marketing departments and with Defendants’ marketing and public relations consultants.

104. In these materials, Defendants (or their surrogates) often claimed to rely on “data on file” or presented posters, neither of which are subject to peer review. Still, Defendants presented these materials to the medical community as scientific articles or studies, despite the fact that Defendants’ materials were not based on reliable data and subject to the scrutiny of others who are experts in the same field.

105. Defendants also made sure that favorable articles were disseminated and cited widely in the medical literature, even when Defendants knew that the articles distorted the significance or meaning of the underlying study. Most notably, Purdue frequently cited a 1980 item in the well-respected New England Journal of Medicine, J.

Porter & H. Jick, *Addiction Rare in Patients Treated with Narcotics*, 302 (2) New Eng. J. Med. 123 (1980) ("Porter & Jick Letter"), in a manner that makes it appear that the item reported the results of a peer reviewed study. It is also cited in two CME programs sponsored by Endo. Defendants and those acting on their behalf failed to reveal that this "article" is actually a letter-to-the-editor, not a study, much less a peer-reviewed study. The letter, reproduced in full below, states that the authors examined their files of hospitalized patients who had received opioids.

ADDICTION RARE IN PATIENTS TREATED WITH NARCOTICS

To the Editor: Recently, we examined our current files to determine the incidence of narcotic addiction in 39,946 hospitalized medical patients¹ who were monitored consecutively. Although there were 11,882 patients who received at least one narcotic preparation, there were only four cases of reasonably well documented addiction in patients who had no history of addiction. The addiction was considered major in only one instance. The drugs implicated were meperidine in two patients,² Percodan in one, and hydromorphone in one. We conclude that despite widespread use of narcotic drugs in hospitals, the development of addiction is rare in medical patients with no history of addiction.

JANE PORTER
HERSHEL JICK, M.D.
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1. Jick H, Miettinen OS, Shapiro S, Lewis GP, Siskind Y, Slone D. Comprehensive drug surveillance. JAMA. 1970; 213:1455-60.
2. Miller RR, Jick H. Clinical effects of meperidine in hospitalized medical patients. J Clin Pharmacol. 1978; 18:180-8.

106. The patients referred to in the letter were all treated prior to the letter, which was published in 1980. Because of standards of care prior to 1980, the treatment of those

patients with opioids would have been limited to acute or end-of-life situations, not chronic pain. The letter notes that, when these patients' records were reviewed, the authors found almost no references to signs of addiction, though there is no indication that caregivers were instructed to look for, assess, or document signs of addiction. Nor, indeed, is there any indication whether the patients were followed after they were discharged from the hospital or, if they were, for how long. None of these serious limitations was disclosed when Defendants and those acting on their behalf cited the letter, typically as the sole scientific support for the proposition that opioids are rarely addictive.

107. Dr. Jick has complained that his letter has been distorted and misused – as indeed it has.

108. Defendants worked to not only create and promote favorable studies in the literature, but to discredit or suppress negative information. Defendants' studies and articles often targeted articles that contradicted Defendants' claims or raised concerns about chronic opioid therapy. In order to do so, Defendants – often with the help of third-party consultants – used a broad range of media to get their message out, including negative review articles, letters to the editor, commentaries, case-study reports, and newsletters.

109. Defendants' strategy – to plant and promote supportive literature and then to cite the pro-opioid evidence in their promotional materials, while failing to disclose evidence that contradicted those claims – was flatly inconsistent with their legal

obligations. The strategy was intended to, and did, distort prescribing patterns by distorting the truth regarding the risks and benefits of opioids for chronic pain relief.

iii. Defendants' Misuse of Treatment Guidelines

110. Treatment guidelines have been particularly important in securing acceptance for chronic opioid therapy. They are relied upon by doctors, especially the general practitioners and family doctors targeted by Defendants, who are generally not experts, and who generally have no special training, in the treatment of chronic pain. Treatment guidelines not only directly inform doctors' prescribing practices, but also are cited throughout scientific literature and relied on by third-party payors in determining whether they should pay for treatments for specific indications.

a. FSMB

111. The Federation of State Medical Boards ("FSMB") is a trade organization representing the various state medical boards in the United States. The state boards that comprise the FSMB membership have the power to license doctors, investigate complaints, and discipline physicians. The FSMB finances opioid- and pain-specific programs through grants from Defendants.

112. Since 1998, the FSMB has been developing treatment guidelines for the use of opioids for the treatment of pain. The 1998 version, Model Guidelines for the Use of Controlled Substances for the Treatment of Pain ("1998 Guidelines") was produced "in collaboration with pharmaceutical companies" and taught not that opioids could be appropriate in limited cases after other treatments had failed, but that opioids were "essential" for treatment of chronic pain, including as a first prescription option.

113. A 2004 iteration of the 1998 Guidelines and the 2007 book, Responsible Opioid Prescribing, also made the same claims as the 1998 Guidelines. These guidelines were posted online and were available to and intended to reach physicians nationwide, including in Suffolk County.

114. The publication of Responsible Opioid Prescribing was backed largely by drug manufacturers. In all, 163,131 copies of Responsible Opioid Prescribing were distributed by state medical boards (and through the boards, to practicing doctors). The FSMB website describes the book as the "leading continuing medication (CME) activity for prescribers of opioid medications."

115. Defendants relied on 1998 Guidelines to convey the alarming message that "under-treatment of pain" would result in official discipline, but no discipline would result if opioids were prescribed as part of an ongoing patient relationship and prescription decisions were documented. FSMB turned doctors' fear of discipline on its head: doctors, who used to believe that they would be disciplined if their patients became addicted to opioids, were taught instead that they would be punished if they failed to prescribe opioids to their patients with chronic pain.

b. AAPM/APS Guidelines

116. American Academy of Pain Medicine ("AAPM") and the American Pain Society ("APS") are professional medical societies, each of which received substantial funding from Defendants from 2009 to 2013. In 1997, AAPM issued a "consensus" statement that endorsed opioids to treat chronic pain and claimed that the risk that

patients would become addicted to opioids was low.²⁹ The Chair of the committee that issued the statement, Dr. J. David Haddox, was at the time a paid speaker for Purdue. The sole consultant to the committee was Defendant Portenoy. The consensus statement, which also formed the foundation of the 1998 Guidelines, was published on the AAPM's website.

117. AAPM and APS issued their own guidelines in 2009 ("2009 Guidelines") and continued to recommend the use of opioids to treat chronic pain. Fourteen of the 21 panel members who drafted the 2009 Guidelines, including KOLs Defendant Dr. Portenoy and Defendant Dr. Fine, received support from Defendants Janssen, Cephalon, Endo, and Purdue.

118. The 2009 Guidelines promote opioids as "safe and effective" for treating chronic pain and conclude that the risk of addiction is manageable for patients regardless of past abuse histories. The 2009 Guidelines have been a particularly effective channel of deception and have influenced not only treating physicians, but also the body of scientific evidence on opioids; they were reprinted in the *Journal of Pain*, have been cited hundreds of times in academic literature, were disseminated in Suffolk County during the relevant time period, and were and are available online.

119. Defendants widely cited and promoted the 2009 Guidelines without disclosing the lack of evidence to support their conclusions.

²⁹ The Use of Opioids for the Treatment of Chronic Pain, APS & AAPM (1997). Available at <http://opi.areastematicas.com/generalidades/OPIOIDES.DOLORCRONICO.pdf> (as viewed 3/31/2016).

c. Guidelines that Did Not Receive Defendants' Support

120. The extent of Defendants' influence on treatment guidelines is demonstrated by the fact that independent guidelines – the authors of which did not accept drug company funding – reached very different conclusions.

121. The 2012 Guidelines for Responsible Opioid Prescribing in Chronic Non-Cancer Pain, issued by the American Society of Interventional Pain Physicians (“ASIPP”), warned that “[t]he recent revelation that the pharmaceutical industry was involved in the development of opioid guidelines as well as the bias observed in the development of many of these guidelines illustrate that the model guidelines are not a model for curtailing controlled substance abuse and may, in fact, be facilitating it.” ASIPP’s Guidelines further advise that “therapeutic opioid use, specifically in high doses over long periods of time in chronic non-cancer pain starting with acute pain, not only lacks scientific evidence, but is in fact associated with serious health risks including multiple fatalities, and is based on emotional and political propaganda under the guise of improving the treatment of chronic pain.” ASIPP recommends long-acting opioids in high doses only “in specific circumstances with severe intractable pain” and only when coupled with “continuous adherence monitoring, in well-selected populations, in conjunction with or after failure of other modalities of treatments with improvements in physical and functional status and minimal adverse effects.”³⁰

³⁰ Laxmaiah Manchikanti, et al., American Society of Interventional Pain Physicians (ASIPP) *Guidelines for Responsible Opioid Prescribing in Chronic Non-Cancer Pain: Part 1, Evidence Assessment*, 15 Pain Physician (Special Issue) S1-S66; *Part 2 – Guidance*, 15 Pain Physician (Special Issue) S67-S116 (2012).

122. Similarly, the 2011 Guidelines for the Chronic Use of Opioids, issued by the American College of Occupational and Environmental Medicine, recommend against the “routine use of opioids in the management of patients with chronic pain,” finding “at least moderate evidence that harms and costs exceed benefits based on limited evidence.”³¹

123. The Clinical Guidelines on Management of Opioid Therapy for Chronic Pain, issued by the U.S. Department of Veterans Affairs (“VA”) and Department of Defense (“DOD”) in 2010, notes that their review revealed a lack of solid evidence-based research on the efficacy of long-term opioid therapy.³²

iv. Defendants’ Misuse of CMEs

124. A CME (an acronym for “Continuing Medical Education”) is a professional education program provided to doctors. Doctors are required to attend a certain number and, often, type of CME programs each year as a condition of their licensure. These programs are delivered in person, often in connection with professional organizations’ conferences, and online, or through written publications. Doctors rely on CMEs not only to satisfy licensing requirements, but also to get information on new developments in medicine or to deepen their knowledge in specific areas of practice. Because CMEs

³¹ *American College of Occupational and Environmental Medicine’s Guidelines for the Chronic Use of Opioids* (2011).

³² Management of Opioid Therapy for Chronic Pain Working Group, VA/DoD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain (May 2010). Available at http://www.healthquality.va.gov/guidelines/Pain/cot/COT_312_Fuller.pdf (accessed March 31, 2016).

typically are taught by KOLs who are highly respected in their fields, and are thought to reflect these physicians' medical expertise, they can be especially influential with doctors.

125. The countless doctors and other health care professionals who participate in accredited CMEs constitute an enormously important audience for opioid reeducation. As one target, Defendants aimed to reach general practitioners, whose broad area of practice and lack of expertise and specialized training in pain management made them particularly dependent upon CMEs and, as a result, especially susceptible to Defendants' deceptions.

126. Defendants sponsored CMEs that were delivered thousands of times, promoting chronic opioid therapy and supporting and disseminating the deceptive and biased messages described in this Complaint. These CMEs, while often generically titled to relate to the treatment of chronic pain, focus on opioids to the exclusion of alternative treatments, inflate the benefits of opioids, and frequently omit or downplay their risks and adverse effects.

127. The American Medical Association ("AMA") has recognized that support from drug companies with a financial interest in the content being promoted "creates conditions in which external interests could influence the availability and/or content" of the programs and urges that "[w]hen possible, CME[s] should be provided without such support or the participation of individuals who have financial interests in the education subject matter."³³

³³ Opinion 9.0115, *Financial Relationships with Industry in CME*, Am. Med. Ass'n (Nov. 2011).

128. Suffolk County physicians attended or reviewed Defendants' sponsored CMEs during the relevant time period and were misled by them.

129. By sponsoring CME programs put on by Front Groups like APF, AAPM and others, Defendants could expect instructors to deliver messages favorable to them, as these organizations were dependent on Defendants for other projects. The sponsoring organizations honored this principle by hiring pro-opioid KOLs to give talks that supported chronic opioid therapy. Defendant-driven content in these CMEs had a direct and immediate effect on prescribers' views on opioids. Producers of CMEs and Defendants measure the effects of CMEs on prescribers' views on opioids and their absorption of specific messages, confirming the strategic marketing purpose in supporting them.

v. Defendants' Misuse of Patient Education Materials and Front Groups

130. Pharmaceutical industry marketing experts see patient-focused advertising, including direct-to-consumer marketing, as particularly valuable in "increas[ing] market share . . . by bringing awareness to a particular disease that the drug treats."³⁴ Physicians are more likely to prescribe a drug if a patient specifically requests it, and physicians' willingness to acquiesce to such patient requests holds true even for opioids and for conditions for which they are not approved.³⁵ Recognizing this

³⁴ Kanika Johar, *An Insider's Perspective: Defense of the Pharmaceutical Industry's Marketing Practices*, 76 Albany L. Rev. 299, 308 (2013).

³⁵ In one study, for example, nearly 20% of sciatica patients requesting oxycodone received a prescription for it, compared with 1% of those making no specific request. J.B.

phenomenon, Defendants put their relationships with Front Groups to work to engage in largely unbranded patient education about opioid treatment for chronic pain.

131. Defendants entered into arrangements with numerous Front Groups (*i.e.*, groups purporting to be patient-advocacy and professional organizations) to promote opioids. These organizations depend upon Defendants for significant funding and, in some cases, for their survival. They were involved not only in generating materials and programs for doctors and patients that supported chronic opioid therapy, but also in assisting Defendants' marketing in other ways—for example, responding to negative articles and advocating against regulatory changes that would constrain opioid prescribing. They developed and disseminated pro-opioid treatment guidelines; conducted outreach to groups targeted by Defendants, such as veterans and the elderly; and developed and sponsored CMEs that focused exclusively on use of opioids to treat chronic pain. Defendants funded these Front Groups in order to ensure supportive messages from these seemingly neutral and credible third parties, and their funding did, in fact, ensure such supportive messages.

d. American Pain Foundation

132. The most prominent of Defendants' Front Groups was the American Pain Foundation ("APF"), which received more than \$10 million in funding from opioid manufacturers from 2007 until it closed its doors in May 2012.

McKinlay *et al.*, *Effects of Patient Medication Requests on Physician Prescribing Behavior*, 52(2) Med. Care 294 (2014).

133. APF issued purported “education guides” for patients, the news media, and policymakers that touted the benefits of opioids for chronic pain and trivialized their risks, particularly the risk of addiction. APF also engaged in a significant multimedia campaign – through radio, television and the internet – to “educate” patients about their “right” to pain treatment with opioids. All of the programs and materials were intended to, and did, reach a national audience, including residents of Suffolk County.

134. By 2011, APF was entirely dependent on incoming grants from defendants Purdue, Cephalon, Endo, and others to avoid using its line of credit. APF board member, Dr. Portenoy, explained the lack of funding diversity was one of the biggest problems at APF.

135. APF held itself out as an independent patient advocacy organization, yet engaged in grassroots lobbying against various legislative initiatives that might limit opioid prescribing. In reality, APF functioned largely as an advocate for the interests of Defendants, not patients.

136. In practice, APF operated in close collaboration with Defendants. APF submitted grant proposals seeking to fund activities and publications suggested by Defendants. APF also assisted in marketing projects for Defendants.

137. The close relationship between APF and Defendants demonstrates APF's clear lack of independence, in its finances, management, and mission, and its willingness to allow Defendants to control its activities and messages supports an inference that each Defendant that worked with it was able to exercise editorial control over its publications.

138. In May 2012, the U.S. Senate Finance Committee began looking into APF to determine the links, financial and otherwise, between the organization and the manufacturers of opioid painkillers. Within days of being targeted by the Senate investigation, APF's board voted to dissolve the organization "due to irreparable economic circumstances." APF then "cease[d] to exist, effective immediately."³⁶

e. The American Academy of Pain Medicine

139. The American Academy of Pain Medicine ("AAPM"), with the assistance, prompting, involvement, and funding of Defendants, issued the treatment guidelines discussed herein, and sponsored and hosted CMEs essential to Defendants' deceptive marketing scheme.

140. AAPM received over \$2.2 million in funding since 2009 from opioid manufacturers. AAPM maintained a corporate relations council, whose members paid \$25,000 per year (on top of other funding) to participate. The benefits included allowing members to present educational programs at off-site dinner symposia in connection with AAPM's marquee event – its annual meeting held in Palm Springs, California, or other resort locations. AAPM describes the annual event as an "exclusive venue" for offering CMEs to doctors. Membership in the corporate relations council also allows drug company executives and marketing staff to meet with AAPM executive committee members in small settings. Defendants Endo, Purdue, and Cephalon were members of the council and presented deceptive programs to doctors who attended this annual event.

³⁶ American Pain Foundation Website. Available at <http://www.painfoundation.org> (accessed March 31, 2016).

141. The conferences sponsored by AAPM heavily emphasized CME sessions on opioids – 37 out of roughly 40 at one conference alone. AAPM’s presidents have included top industry-supported KOLs and Defendants, Dr. Fine, Dr. Portenoy, and Dr. Webster. Dr. Webster was elected president of AAPM while under a DEA investigation. Another past AAPM president, Defendant Dr. Scott Fishman, stated that he would place the organization “at the forefront” of teaching that “the risks of addiction are ... small and can be managed.”³⁷

142. AAPM’s staff understood that they and their industry funders were engaged in a common task. Defendants were able to influence AAPM through both their significant and regular funding and the leadership of pro-opioid KOLs within the organization.

E. Defendants Acted in Concert with KOLs and Front Groups in the Creation, Promotion, and Control of Unbranded Marketing.

143. Like cigarette makers, which engaged in an industry-wide effort to misrepresent the safety and risks of smoking, Defendants worked with each other and with the Front Groups and KOLs they funded and directed to carry out a common scheme to deceptively market opioids by misrepresenting the risks, benefits, and superiority of opioids to treat chronic pain.

³⁷ Interview by Paula Moyer with Scott M. Fishman, M.D., Professor of Anesthesiology and Pain Medicine, Chief of the Division of Pain Medicine, Univ. of Cal., Davis (2005), <http://www.medscape.org/viewarticle/500829> (accessed March 31, 2016).

144. Defendants acted through and with the same network of Front Groups, funded the same KOLs, and often used the very same language and format to disseminate the same deceptive messages regarding the appropriate use of opioids to treat chronic pain. Although participants knew this information was false and misleading, these misstatements were nevertheless disseminated nationwide, including to Suffolk County prescribers and patients.

145. One Vehicle for Defendants' marketing collaboration was Pain Care Forum ("PCF"). PCF began in 2004 as an APF project with the stated goals of offering "a setting where multiple organizations can share information" and "promote and support taking collaborative action regarding federal pain policy issues." APF President Will Rowe described the forum as "a deliberate effort to positively merge the capacities of industry, professional associations, and patient organizations."

146. PCF is comprised of representatives from opioid manufacturers and distributors (including Cephalon, Endo, Janssen, and Purdue); doctors and nurses in the field of pain care; professional organizations (including AAPM, APS, and American Society of Pain Educators); patient advocacy groups (including APF and American Chronic Pain Association ("ACPA")); and other like-minded organizations, almost all of which received substantial funding from Defendants.

147. PCF, for example, developed and disseminated "consensus recommendations" for a Risk Evaluation and Mitigation Strategy ("REMS") for long-acting opioids that the FDA mandated in 2009 to communicate the risks of opioids to

prescribers and patients.³⁸ This was critical because a REMS that went too far in narrowing the uses or benefits or highlighting the risks of chronic opioid therapy would undermine Defendants' marketing efforts. The recommendations claimed that opioids were "essential" to the management of pain, and that the REMS "should acknowledge the importance of opioids in the management of pain and should not introduce new barriers." Defendants worked with PCF members to limit the reach and manage the message of the REMS, which enabled them to maintain, not undermine, their deceptive marketing of opioids for chronic pain.

F. Defendants' Misrepresentations

148. Defendants, through their own marketing efforts and publications and through their sponsorship and control of patient advocacy and medical societies and projects, caused deceptive materials and information to be placed into the marketplace, including to prescribers, patients, and payors in Suffolk County. These promotional messages were intended to and did encourage patients to ask for, doctors to prescribe, and payors to pay for chronic opioid therapy.

149. Doctors are the gatekeepers for all prescription drugs so, not surprisingly, Defendants focused the bulk of their marketing efforts, and their multi-million dollar budgets, on the professional medical community. Particularly because of barriers to prescribing opioids, which are regulated as controlled substances, Defendants knew

³⁸ The FDA can require a drug maker to develop a REMS—which could entail (as in this case) an education requirement or distribution limitation—to manage serious risks associated with a drug.

doctors would not treat patients with common chronic pain complaints with opioids unless doctors were persuaded that opioids had real benefits and minimal risks. Accordingly, Defendants did not disclose to prescribers, patients or the public that evidence in support of their promotional claims was inconclusive, non-existent or unavailable. Rather, each Defendant disseminated misleading and unsupported messages that caused the target audience to believe those messages were corroborated by scientific evidence. As a result, Suffolk County doctors began prescribing opioids long-term to treat chronic pain – something that most never would have considered prior to Defendants' campaign.

150. Drug company marketing materially impacts doctors' prescribing behavior.³⁹ Doctors rely on drug companies to provide them with truthful information about the risks and benefits of their products, and they are influenced by their patients' requests for particular drugs and payors' willingness to pay for those drugs.

151. Defendants spent millions of dollars to market their drugs to prescribers and patients and meticulously tracked their return on that investment. In one recent

³⁹ See, e.g., P. Manchanda & P. Chintagunta, *Responsiveness of Physician Prescription Behavior to Salesforce Effort: An Individual Level Analysis*, 15 (2-3) Mktg. Letters 129 (2004) (detailing how a positive impact on prescriptions written); I. Larkin, *Restrictions on Pharmaceutical Detailing Reduced Off-Label Prescribing of Antidepressants and Antipsychotics in Children*, 33(6) Health Affairs 1014 (2014) (finding academic medical centers that restricted direct promotion by pharmaceutical sales representatives resulted in a 34% decline in on-label use of promoted drugs); see also A. Van Zee, *The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy*, 99(2) Am J. Pub. Health 221 (2009) (correlating an increase of OxyContin prescriptions from 670,000 annually in 1997 to 6.2 million in 2002 to a doubling of Purdue's sales force and trebling of annual sales calls).

survey published by the AMA, even though nine in ten general practitioners reported prescription drug abuse to be a moderate to large problem in their communities, 88% of the respondents said they were confident in their prescribing skills, and nearly half were comfortable using opioids for chronic non-cancer pain.⁴⁰ These results are directly due to Defendants' fraudulent marketing campaign.

152. As described in detail below, Defendants:

- misrepresented the truth about how opioids lead to addiction;
- misrepresented that opioids improve function;
- misrepresented that addiction risk can be managed;
- misled doctors, patients, and payors through the use of misleading terms like "pseudoaddiction;"
- falsely claimed that withdrawal is simply managed;
- misrepresented that increased doses pose no significant additional risks;
- falsely omitted or minimized the adverse effects of opioids and overstated the risks of alternative forms of pain treatment.

153. Defendants' misrepresentations were aimed at doctors, patients, and payors.

154. Underlying each of Defendants' misrepresentations and deceptions in promoting the long-term continuous use of opioids to treat chronic pain was Defendants'

⁴⁰ Research Letter, Prescription Drug Abuse: A National Survey of Primary Care Physicians, JAMA Intern. Med. (Dec. 8, 2014), E1-E3.

collective effort to hide from the medical community the fact that there exist no adequate and well-controlled studies of opioid use longer than 12 weeks.⁴¹

- i. *Defendants, acting individually and collectively, misrepresented the truth about how opioids lead to addiction.*

155. Defendants' fraudulent representation that opioids are rarely addictive is central to Defendants' scheme. Through their well-funded, comprehensive, aggressive marketing efforts, Defendants succeeded in changing the perceptions of many physicians, patients, and health care payors and in getting them to accept that addiction rates are low and that addiction is unlikely to develop when opioids are prescribed for pain. That, in turn, directly led to the expected, intended, and foreseeable result that doctors prescribed more opioids to more patients – thereby enriching Defendants.

156. Each of the Defendants claimed that the potential for addiction from its drugs was relatively small or non-existent, even though there was no scientific evidence to support those claims.

157. For example, Cephalon and Purdue sponsored APF's *Treatment Options: A Guide for People Living with Pain* (2007), which taught that addiction is rare and limited to extreme cases of unauthorized dose escalations, obtaining opioids from multiple sources, or theft.

158. For another example, Endo sponsored a website, painknowledge.com, through APF, which claimed that: "[p]eople who take opioids as prescribed usually do

⁴¹ Letter from Janet Woodcock, M.D., Dir., Ctr. For Drug Eval. & Res., to Andrew Kolodny, M.D., Pres. *Physicians for Responsible Opioid Prescribing*, Re Docket No. FDA-2012-P-0818 (Sept. 10, 2013).

not become addicted.” Although the term “usually” is not defined, the overall presentation suggests that the rate is so low as to be immaterial. The language also implies that as long as a prescription is given, opioid use will not become problematic.

159. For another example, Endo distributed a patient education pamphlet edited by KOL Defendant Dr. Portenoy entitled *Understanding Your Pain: Taking Oral Opioid Analgesics*. It claimed that “[a]ddicts take opioids for other reasons [than pain relief], such as unbearable emotional problems.” This implies that patients prescribed opioids for *genuine* pain will not become addicted, which is unsupported and untrue.

160. For another example, Janssen sponsored a patient education guide entitled *Finding Relief: Pain Management for Older Adults* (2009) in conjunction with the AAPM, ACPA and APF, which, as set forth in the excerpt below, described as a “myth” the fact that opioids are addictive, and asserts as fact that “[m]any studies show that opioids are rarely addictive when used properly for the management of chronic pain.”

Opioid myths

Myth: Opioid medications are always addictive.

Fact: Many studies show that opioids are *rarely* addictive when used properly for the management of chronic pain.

Myth: Opioids make it harder to function normally.

Fact: When used correctly for appropriate conditions, opioids may make it *easier* for people to live normally.

Myth: Opioid doses have to get bigger over time because the body gets used to them.

Fact: Unless the underlying cause of your pain gets worse (such as with cancer or arthritis), you will probably remain on the same dose or need only small increases over time.

Although the term “rarely” is not defined, the overall presentation suggests that the rate is so low as to be immaterial. The language also implies that as long as a prescription is given, opioid use is unlikely to lead to addiction, which is untrue.

161. The guide states as a “fact” that “Many studies” show that opioids are *rarely* addictive when used for chronic pain. In fact, no such studies exist.

162. For another example, Purdue sponsored and Janssen provided grants to APF to distribute *Exit Wounds* (2009) to veterans, which taught, “[l]ong experience with opioids shows that people who are not predisposed to addiction are very unlikely to become addicted to opioid pain medications.” Although the term “very unlikely” is not defined, the overall presentation suggests that the rate is so low as to be immaterial.

163. For another example, Purdue sponsored APF's *A Policymaker's Guide to Understanding Pain & Its Management*, which inaccurately claimed that less than 1% of children prescribed opioids would become addicted.⁴² This publication also falsely asserted that pain is undertreated due to "misconceptions about opioid addiction."

164. For another example, in the 1990s, Purdue amplified the pro-opioid message with promotional videos and featuring Dr. Portnoy and other doctors in which it was claimed, "the likelihood that treatment of pain using an opioid drug which is prescribed by a doctor will lead to addiction is extremely low."⁴³

165. Rather than honestly disclose the risk of addiction, Defendants attempted to portray those who were concerned about addiction as callously denying treatment to suffering patients. To increase pressure on doctors to prescribe chronic opioid therapy, Defendants turned the tables: they suggested that doctors who *failed* to treat their patients' chronic pains with opioids were failing their patients and risking professional discipline, while doctors who relieved their pain using long-term opioid therapy were following the compassionate (and professionally less risky) approach. Defendants claimed that purportedly overblown worries about addiction cause pain to be undertreated and opioids to be over-regulated and under-prescribed. The Treatment Options guide funded by Purdue and Cephalon states "[d]espite the great benefits of opioids, they

⁴² In support of this contention, it misleadingly cites a 1996 article by Dr. Kathleen Foley concerning cancer pain.

⁴³ Excerpts from one such video, including the statement quoted here, may be viewed at <http://www.wsj.com/articles/SB10001424127887324478304578173342657044604>.

are often underused.” The APF publication funded by Purdue, *A Policymaker’s Guide to Understanding Pain & Its Management*, laments that: “Unfortunately, too many Americans are not getting the pain care they need and deserve. Some common reasons for difficulty in obtaining adequate care include ... misconceptions about opioid addiction.”⁴⁴

166. *Let’s Talk Pain*, sponsored by APF, AAPM and Janssen, likewise warns, “strict regulatory control has made many physicians reluctant to prescribe opioids. The unfortunate casualty in all of this is the patient, who is often undertreated and forced to suffer in silence.” The program goes on to say, “[b]ecause of the potential for abusive and/or addictive behavior, many health care professionals have been reluctant to prescribe opioids for their patients.... This prescribing environment is one of many barriers that may contribute to the undertreatment of pain, a serious problem in the United States.”

ii. *Defendants, acting individually and collectively, misrepresented that opioids improve function*

167. Defendants produced, sponsored, or controlled materials with the expectation that, by instructing patients and prescribers that opioids would improve patient functioning and quality of life, patients would demand opioids and doctors would prescribe them. These claims also encouraged doctors to continue opioid therapy for patients in the belief that lack of improvement in quality of life could be alleviated by increasing doses or prescribing supplemental short-acting opioids to take on an as-needed basis for breakthrough pain.

⁴⁴ This claim also appeared in a 2009 publication by APF, *A Reporter’s Guide*.

168. Although opioids may initially improve patients' function by providing pain relief in the short term, there exist no controlled studies of the use of opioids beyond 12 weeks and no evidence that opioids improve patients' function in the long-term. Indeed, research such as a 2008 study in the journal *Spine* has shown that pain sufferers prescribed opioids long-term suffered addiction that made them more likely to be disabled and unable to work.⁴⁵ Despite this lack of evidence of improved function, and the existence of evidence to the contrary, Defendants consistently promoted opioids as capable of improving patients' function and quality of life without disclosing the lack of evidence for this claim.

169. Claims that opioids improve patients' function are misleading because such claims have "not been demonstrated by substantial evidence or substantial clinical experience."⁴⁶

170. The Federation of State Medical Boards' Responsible Opioid Prescribing (2007), sponsored by drug companies including Cephalon, Endo and Purdue, taught that relief of pain itself improved patients' function: "While significant pain worsens function, relieving pain should reverse that effect and improve function."

171. Cephalon and Purdue sponsored the APF's *Treatment Options: A Guide for People Living with Pain* (2007), which taught patients that opioids, when used properly

⁴⁵ Jeffrey Dersh, et al., Prescription opioid dependence is associated with poorer outcomes in disabling spinal disorders, 33(20) *Spine* 2219-27 (Sept. 15, 2008).

⁴⁶ Letter from Thomas W. Abrams, RPh., MBA, Dir., Div. of Marketing, Advertising and Communications to Brian A. Markison, Chairman, *King Pharmaceuticals*, Re: NDA 21-260 (March 24, 2008).

“give [pain patients] a quality of life we deserve.” The Treatment Options guide notes that non-steroidal anti-inflammatory drugs (*e.g.*, Aspirin or Ibuprofen) have greater risks with prolonged duration of use, but there was no similar warning for opioids. The APF distributed 17,200 copies of this guide in one year alone, according to its 2007 annual report, and it is currently available online.

172. Endo sponsored a website, painknowledge.com, through the APF, which claimed in 2009 that with opioids, “your level of function should improve; you may find you are now able to participate in activities of daily living, such as work and hobbies, that you were not able to enjoy when your pain was worse.” Elsewhere, the website touted improved quality of life as well as “improved function” as benefits of opioid therapy.

173. Janssen sponsored a patient education guide entitled *Finding Relief: Pain Management for Older Adults* (2009) in conjunction with the AAPM, ACPA and APF. This guide features a man playing golf on the cover and lists examples of expected functional improvement from opioids like sleeping through the night, returning to work, recreation, sex, walking, and climbing stairs.

174. As set forth in the excerpt below, the guide states as a “fact” that “opioids may make it *easier* for people to live normally” (emphasis in the original). The myth/fact structure implies authoritative support for the claim that does not exist. The targeting of older adults also ignored heightened opioid risks in this population.

Opioid myths

Myth: Opioid medications are always addictive.

Fact: Many studies show that opioids are rarely addictive when used properly for the management of chronic pain.

Myth: Opioids make it harder to function normally.

Fact: When used correctly for appropriate conditions, opioids may make it easier for people to live normally.

Myth: Opioid doses have to get bigger over time because the body gets used to them.

Fact: Unless the underlying cause of your pain gets worse (such as with cancer or arthritis), you will probably remain on the same dose or need only small increases over time.

175. Janssen sponsored a website, *Let's Talk Pain* in 2009, acting in conjunction with the APF, AAPM, and American Society for Pain Management Nursing whose participation in *Let's Talk Pain* Janssen financed and orchestrated. This website featured a video interview, which was edited by Janssen personnel, claiming that opioids were what allowed a patient to "continue to function," falsely implying that her experience would be representative.

176. Purdue sponsored APF's *A Policymaker's Guide to Understanding Pain & Its Management* (2011), which inaccurately claimed that "multiple clinical studies" have shown that opioids are effective in improving daily function, psychological health, and

health-related quality of life for chronic pain patients,” with the implication these studies presented claims of long-term improvement.

Because of their long history of use, the clinical profile of opioids has been very well characterized. Multiple clinical studies have shown that long-acting opioids, in particular, are effective in improving:

- Daily function
- Psychological health
- Overall health-related quality of life for people with chronic pain ¹²

The sole reference for the functional improvement claim (i) noted the absence of long-term studies and (ii) actually stated, “For functional outcomes, the other analgesics were significantly more effective than were opioids.”

177. Purdue sponsored and Janssen provided grants to APF to distribute *Exit Wounds* to veterans, which taught that opioid medications “increase your level of functioning” (emphasis in the original).

- iii. *Defendants, acting individually and collectively, misrepresented that addiction risk can be effectively managed*

178. Defendants each continue to maintain to this day that most patients safely can take opioids long-term for chronic pain without becoming addicted. Presumably to explain why doctors encounter so many patients addicted to opioids, Defendants have

come to admit that some patients could become addicted, but that doctors can effectively avoid or manage that risk by using screening tools or questionnaires. These tools, they say, identify those with higher addiction risks (stemming from personal or family histories of substance abuse, mental illness, or abuse) so that doctors can more closely monitor patients at greater risk of addiction.

179. There are three fundamental flaws in Defendants' representations that doctors can consistently identify and manage the risk of addiction. First, there is no reliable scientific evidence that doctors can depend on the screening tools currently available to materially limit the risk of addiction. Even if the tools are effective, they may not always be applied correctly, and are subject to manipulation by patients. Second, there is no reliable scientific evidence that high-risk or addicted patients identified through screening can take opioids long-term without triggering or worsening addiction, even with enhanced monitoring. Third, there is no reliable scientific evidence that patients who are not identified through such screening can take opioids long-term without significant danger of addiction.

180. Addiction is difficult to predict on a patient-by-patient basis, and there are no reliable, validated tools to do so. An Evidence Report by the Agency for Healthcare Research and Quality ("AHRQ"), which "systematically review[ed] the current evidence on long-term opioid therapy for chronic pain" identified "[n]o study" that had "evaluated the effectiveness of risk mitigation strategies, such as use of risk assessment instruments, opioid management plans, patient education, urine drug screening, prescription drug monitoring program data, monitoring instruments, more frequent

monitoring intervals, pill counts, or abuse-deterrent formulations on outcomes related to overdose, addiction, abuse or misuse.”⁴⁷ Furthermore, attempts to treat high-risk patients, like those who have a documented predisposition to substance abuse, by resorting to patient contracts, more frequent refills, or urine drug screening are not proven to work in the real world, even when well meaning, but doctors were misled to employ them.⁴⁸

181. Defendants’ misrepresentations regarding the risk of addiction from chronic opioid therapy were particularly dangerous because they were aimed at general practitioners or family doctors (collectively “GPs”), who treat many chronic conditions but lack the time and expertise to closely manage patients on opioids by reviewing urine screens, counting pills, or conducting detailed interviews to identify other signs or risks of addiction. One study conducted by pharmacy benefits manager Express Scripts concluded, after analyzing 2011-2012 narcotic prescription data of the type regularly used by Defendants to market their drugs, that, of the more than half million prescribers of opioids during that time period, only 385 were identified as pain specialists.⁴⁹

⁴⁷ The Effectiveness and Risks of Long-term Opioid Treatment of Chronic Pain, Agency for Healthcare Res. & Quality (Sept. 19, 2014).

⁴⁸ M. Von Korff, et al., *Long-term opioid therapy reconsidered*, 15595, *Annals Internal Med.* 325 (Sept. 2011); L. Manchikanti, et al., American Society of Interventional Pain Physicians (ASIPP) *Guidelines for Responsible Opioid Prescribing in Chronic Non-Cancer Pain: Part I – Evidence Assessment*, 15 *Pain Physician* S1 (2012).

⁴⁹ Express Scripts Lab, *A Nation in Pain: Focusing on U.S. Opioid Trends for Treatment of Short-Term and Longer-Term Pain* (December 2014).

182. In materials they produced, sponsored, or controlled, Defendants instructed patients and prescribers that screening tools can identify patients predisposed to addiction, thus making doctors feel more comfortable prescribing opioids to their patients and patients more comfortable starting on opioid therapy for chronic pain. Defendants' marketing scheme contemplated a "heads we win; tails we win" outcome: patients deemed low risk were to receive opioids on a long-term basis without enhanced monitoring, while and patients deemed high risk were also to receive opioids on a long-term basis but with more frequent visits, tests and monitoring – with those added visits, tests, and monitoring to be paid for or reimbursed by payors, including Plaintiff. This, of course, led to a "heads you lose; tails you lose" outcome for patients – all of whom are subjected to an unacceptable risk of addiction – and for payors, including Plaintiff.

183. Cephalon and Purdue sponsored APF's *Treatment Options: A Guide for People Living with Pain* (2007), which falsely reassured patients that "opioid agreements" between doctors and patients can "ensure that you take the opioid as prescribed."

184. Endo paid for a 2007 supplement available for continuing education credit in the Journal of Family Practice written by a doctor who became a member of Endo's speaker's bureau in 2010. This publication, entitled *Pain Management Dilemmas in Primary Care: Use of Opioids*, (i) recommended screening patients using tools like (a) the *Opioid Risk Tool* created by Defendant Dr. Webster and linked to Janssen or (b) the *Screening and Opioid Assessment for Patients with Pain*, and (ii) taught that patients at high risk of addiction could safely receive chronic opioid therapy using a "maximally structured approach" involving toxicology screens and pill counts.

185. Purdue sponsored a 2011 webinar taught by Defendant Dr. Webster, entitled *Managing Patient's Opioid Use: Balancing the Need and Risk*. This publication misleadingly taught prescribers that screening tools, urine tests, and patient agreements have the effect of preventing “overuse of prescriptions” and “overdose deaths.”

iv. Defendants, acting individually and collectively, misled physicians, patients, and payors through the use of misleading pseudowords like “pseudoaddiction.”

186. Defendants instructed patients and prescribers that signs of addiction are actually the product of untreated pain, thereby causing doctors to prescribe ever more opioids despite signs that the patient was addicted. The word “pseudoaddiction” was concocted by Dr. J. David Haddox, who later went to work for Purdue, and was popularized in opioid therapy for chronic pain by Defendant Dr. Portenoy, who consulted for Defendants Cephalon, Endo, Janssen, and Purdue. Much of the same language appears in other Defendants’ treatment of this issue, highlighting the contrast between “undertreated pain” and “true addiction” – as if patients could not experience both.

187. In the materials they produced, sponsored, or controlled, Defendants misrepresented that the concept of “pseudoaddiction” is substantiated by scientific evidence.

188. Cephalon and Purdue sponsored the Federation of State Medical Boards’ Responsible Opioid Prescribing (2007), which taught that behaviors such as “requesting drugs by name,” “demanding or manipulative behavior,” seeing more than one doctor

to obtain opioids, and hoarding, which are in fact signs of genuine addiction, are all really signs of “pseudoaddiction.”

189. Purdue did not mention that the author who concocted both the word and the phenomenon it purported to describe became a Purdue Vice President; nor did Purdue disclose the lack of scientific evidence to support the existence of “pseudoaddiction.”⁵⁰

190. Purdue posted an unbranded pamphlet entitled *Clinical Issues in Opioid Prescribing* on its unbranded website, PartnersAgainstPain.com, in 2005, and upon information and belief circulated this pamphlet after 2007. The pamphlet listed conduct including “illicit drug use and deception” that it claimed was not evidence of true addiction but rather was indicative of “pseudoaddiction” caused by untreated pain. It also stated, “Pseudoaddiction is a term which has been used to describe patient behaviors that may occur when pain is untreated Even such behaviors as illicit drug use and deception can occur in the patient’s efforts to obtain relief. Pseudoaddiction can be distinguished from true addiction in that the behaviors resolve when the pain is effectively treated.”

v. *Defendants, acting individually and collectively, claimed withdrawal is simply managed.*

191. In an effort to underplay the risk and impact of addiction, Defendants claimed that, while patients become physically “dependent” on opioids, physical

⁵⁰ J. David Haddox & David E. Weissman, *Opioid pseudoaddiction – an iatrogenic syndrome*, 36(3) Pain 363 (Mar. 1989).

dependence is not the same as addiction and can be addressed, if and when pain relief is no longer desired, by gradually tapering patients' dosage to avoid the adverse effects of withdrawal. Defendants fail to disclose the extremely difficult and painful effects that patients can experience when they are removed from opioids – an adverse effect that also makes it less likely that patients will be able to stop using the drugs.

192. In materials Defendants produced, sponsored, and/or controlled, Defendants made misrepresentations to persuade doctors and patients that withdrawal from their opioids was not a problem and they should not be hesitant about prescribing or using opioids. These claims were not supported by scientific evidence.

193. A CME sponsored by Endo entitled *Persistent Pain in the Older Adult*, taught that withdrawal symptoms can be avoided entirely by tapering a patient's opioid dose by 10% to 20% per day for ten days. This claim was misleading because withdrawal in a patient already physically dependent would take longer than ten days – when it is successful at all.⁵¹

194. Purdue sponsored APF's *A Policymaker's Guide to Understanding Pain & Its Management*, which taught that "Symptoms of physical dependence can often be ameliorated by gradually decreasing the dose of medication during discontinuation," but the guide did not disclose the significant hardships that often accompany cessation of use.

⁵¹ See Jane Ballantyne, New Addiction Criteria: Diagnostic Challenges Persist in Treating Pain With Opioids, 21(5) Pain Clinical Updates (Dec. 2013).

- vi. *Defendants, acting individually and collectively, misrepresented that increased doses pose no significant additional risks.*

195. Defendants claimed that patients and prescribers could increase doses of opioids indefinitely without added risk, even when pain was not decreasing or when doses had reached levels that were “frighteningly high,” suggesting that patients would eventually reach a stable, effective dose. Each of Defendants’ claims was deceptive in that it omitted warnings of increased adverse effects that occur at higher doses.

196. In materials Defendants produced, sponsored or controlled, Defendants instructed patients and prescribers that patients could remain on the same dose indefinitely, assuaging doctors’ concerns about starting patients on opioids or increasing their doses during treatment, or about discontinuing their patients’ treatment as doses escalated. These claims were not supported by scientific evidence.

197. Cephalon and Purdue sponsored APF’s *Treatment Options: A Guide for People Living with Pain* (2007), which claims that some patients “need” a larger dose of an opioid, regardless of the dose currently prescribed. The guide taught that opioids differ from NSAIDs in that they have “no ceiling dose” and are therefore the most appropriate treatment for severe pain. The publication attributes 10,000 to 20,000 deaths annually to NSAID overdose when the true figure was closer to 3,200 at the time.⁵²

198. Cephalon sponsored a CME written by KOL Defendant Dr. Webster, *Optimizing Opioid Treatment for Breakthrough Pain*, offered by Medscape, LLC from

⁵² Robert E. Tarone, et al., Nonselective Nonaspirin Nonsteroidal Anti-Inflammatory Drugs and Gastrointestinal Bleeding: Relative and Absolute Risk Estimates from Recent Epidemiologic Studies, 11 Am. J. of Therapeutics 17-25 (2004).

September 28, 2007 through December 15, 2008. The CME taught that non-opioid analgesics and combination opioids containing non-opioids such as aspirin and acetaminophen are less effective at treating breakthrough pain because of dose limitations on the non-opioid component.

199. Endo sponsored a website, *painknowledge.com*, through APF, which claimed in 2009 that opioids may be increased until “you are on the right dose of medication for your pain,” at which point further dose increases would not be required.

200. Endo distributed a patient education pamphlet edited by KOL Defendant Dr. Portenoy entitled *Understanding Your Pain: Taking Oral Opioid Analgesics*, which was published on Endo’s website. In Q&A format, it asked, “If I take the opioid now, will it work later when I really need it?” The response is, “The dose can be increased. ... You won’t ‘run out’ of pain relief.”

201. Purdue sponsored APF’s *A Policymaker’s Guide to Understanding Pain & Its Management*, which taught that dose escalations are “sometimes necessary,” even indefinite ones, but did not disclose the risks from high-dose opioids. This publication is still available online.

202. Purdue sponsored *Overview of Management Options*, a CME issued by the AMA in 2003, 2007, 2010, and 2013. The 2013 version remains available for CME credit. The CME was edited by KOL Defendant Dr. Portenoy, among others, and taught that NSAIDs and other drugs, but not opioids, are unsafe at high doses.

- vii. *Defendants, acting individually and collectively, deceptively omitted or minimized the adverse effects of opioids and overstated the risks of alternative forms of pain treatment.*

203. In materials they produced, sponsored or controlled, Defendants omitted known risks of chronic opioid therapy and emphasized or exaggerated risks of competing products so that prescribers and patients would be more likely to choose opioids and would favor opioids over other therapies such as over-the-counter acetaminophen or over-the-counter or prescription NSAIDs. None of these claims was supported by scientific evidence.

204. In addition to failing to disclose in promotional materials the risks of addiction, abuse, overdose, and respiratory depression, Defendants routinely ignored the risks of hyperalgesia, a “known serious risk associated with chronic opioid analgesic therapy in which the patient becomes more sensitive to certain painful stimuli over time;”⁵³ hormonal dysfunction;⁵⁴ decline in immune function; mental clouding, confusion, and dizziness; increased falls and fractures in the elderly;⁵⁵ neonatal abstinence syndrome (when an infant exposed to opioids prenatally suffers withdrawal after birth), and potentially fatal interactions with alcohol or benzodiazepines, which are

⁵³ Letter from Janet Woodcock, M.D., Dir., Ctr. For Drug Eval. & Res., to Andrew Kolodny, M.D., Pres. *Physicians for Responsible Opioid Prescribing*, Re Docket No. FDA-2012-P-0818 (Sept. 10, 2013).

⁵⁴ H.W. Daniell, Hypogonadism in men consuming sustained-action oral opioids, 3(5) J. Pain 377-84 (2001).

⁵⁵ See Bernhard M. Kuschel, The risk of fall injury in relation to commonly prescribed medications among older people – a Swedish case-control study, Eur. J. Pub. H. (July 31, 2014).

used to treat post-traumatic stress disorder and anxiety. Post-traumatic stress disorder and anxiety also often accompany chronic pain symptoms.⁵⁶

205. Cephalon and Purdue sponsored APF's *Treatment Options: A Guide for People Living with Pain* (2007), which taught patients that opioids differ from NSAIDs in that they have "no ceiling dose" and are therefore the most appropriate treatment for severe pain. The publication attributes 10,000 to 20,000 deaths annually to NSAID overdose when the figure is closer to 3,200.⁵⁷ *Treatment Options* also warned that risks of NSAIDs increase if "taken for more than a period of months," with no corresponding warning about opioids.

206. Endo sponsored a website, painknowledge.com, through APF, which contained a flyer called "Pain: Opioid Therapy." This publication included a list of adverse effects that omitted significant adverse effects including hyperalgesia, immune and hormone dysfunction, cognitive impairment, tolerance, dependence, addiction, and death.

207. Janssen and Purdue sponsored and Endo provided grants to APF to distribute *Exit Wounds* (2009), which omits warnings of the risk of potentially fatal

⁵⁶ Karen H. Seal, Association of Mental Health Disorders With Prescription Opioids and High-Risk Opioids in US Veterans of Iraq and Afghanistan, 307(9) J. Am. Med. Ass'n 940-47 (2012).

⁵⁷ Robert E. Tarone, et al., Nonselective Nonaspirin Nonsteroidal Anti-Inflammatory Drugs and Gastrointestinal Bleeding: Relative and Absolute Risk Estimates from Recent Epidemiologic Studies, 11 Am. J. of Therapeutics 17-25 (2004).

interactions between opioids and certain anti-anxiety medicines called benzodiazepines, commonly prescribed to veterans with post-traumatic stress disorder.

208. As a result of Defendants' campaign of deception, promoting opioids over safer and more effective drugs, opioid prescriptions increased even as the percentage of patients visiting a doctor for pain remained constant. A study of 7.8 million doctor visits between 2000 and 2010 found that opioid prescriptions increased from 11.3% to 19.6% of visits, as NSAID and acetaminophen prescriptions fell from 38% to 29%, driven primarily by the decline in NSAID prescribing.⁵⁸

G. Defendants' Promotion of Their Branded Drugs Was Also Deceptive

209. While Defendants worked in concert to expand the market for opioids, they also worked to maximize their individual shares of that market. Each Defendant promoted opioids for chronic pain through sales representatives (which Defendants called "detailers" to deemphasize their primary sales role) and small group speaker programs to reach out to individual prescribers nationwide and in Suffolk County. By establishing close relationships with doctors, Defendants were able to disseminate their misrepresentations in targeted, one-on-one settings that allowed them to differentiate

⁵⁸ M. Daubresse, *et al.*, *Ambulatory Diagnosis and Treatment of Nonmalignant Pain in the United States, 2000-2010*, 51(10) Med. Care, 870-878 (2013). For back pain alone, the percentage of patients prescribed opioids increased from 19% to 29% between 1999 and 2010, even as the use of NSAIDs or acetaminophen declined from 39.9% to 24.5% of these visits; and referrals to physical therapy remained steady. *See also* J. Mafi, *et al.*, *Worsening Trends in the Management and Treatment of Back Pain*, 173(17) J. of the Am Med. Ass'n Internal Med. 1573, 1573 (2013).

their opioids and to allay individual prescribers' concerns about prescribing opioids for chronic pain.

210. Defendants developed sophisticated methods for selecting doctors for sales visits based on the doctors' prescribing habits. In accordance with common industry practice, Defendants purchase and closely analyze prescription sales data from IMS Health, a healthcare data collection, management and analytics corporation. This data allows them to track precisely the rates of initial and renewal prescribing by individual doctors, which allows them to target and tailor their appeals. Sales representatives visited hundreds of thousands of doctors and disseminated the misinformation and materials described above throughout the United States, including doctors in Suffolk County.

H. Defendants Knew That Their Marketing of Chronic Opioid Therapy Was False, Unfounded, and Dangerous and Would Harm Plaintiff and its Residents

211. Defendants made, promoted, and profited from their misrepresentations – individually and collectively – knowing that their statements regarding the risks, benefits, and superiority of opioids for chronic pain were false and misleading. Cephalon and Purdue entered into settlements in the hundreds of millions of dollars to resolve criminal and federal charges involving nearly identical conduct. Defendants had access to scientific studies, detailed prescription data, and reports of adverse events, including reports of addiction, hospitalization, and deaths – all of which made clear the significant adverse outcomes from opioids and that patients were suffering from addiction, overdoses, and death in alarming numbers.

212. Defendants expected and intended that their misrepresentations would induce doctors to prescribe, patients to use, and payors to pay for their opioids for chronic pain.

213. When they began their deceptive marketing practices, Defendants recklessly disregarded the harm that their practices were likely to cause. As their scheme was implemented, and as reasonably foreseeable harm began to occur, Defendants were well aware that it was occurring. Defendants closely monitored their own sales and the habits of prescribing doctors, which allowed them to see sales balloon – overall, in individual practices, and for specific indications. Their sales representatives, who visited doctors and attended CME programs, knew what types of doctors were receiving their messages and how they were responding. Moreover, Defendants had access to, and carefully monitored government and other data that tracked the explosive rise in opioid use, addiction, injury, and death.

I. Defendants Fraudulently Concealed their Misrepresentations

214. Defendants took steps to avoid detection of, and to fraudulently conceal, their deceptive marketing and conspiratorial behavior.

215. Defendants disguised their own roles in the deceptive marketing by funding and working through Front Groups purporting to be patient advocacy and professional organizations and through paid KOLs. Defendants purposefully hid behind the assumed credibility of the front organizations and KOLs and relied on them to vouch for the accuracy and integrity of Defendants' false and misleading statements about opioid use for chronic pain.

216. While Defendants were listed as sponsors of many of the publications described in this Complaint, they never disclosed their role in shaping, editing, and approving their content. Defendants exerted their considerable influence on these purportedly “educational” or “scientific” materials in emails, correspondence, and meetings with KOLs, Front Groups, and public relations companies that were not public.

217. In addition to hiding their own role in generating the deceptive content, Defendants manipulated their promotional materials and the scientific literature to make it appear these items were accurate, truthful, and supported by substantial scientific evidence. Defendants distorted the meaning or import of materials they cited and offered them as evidence for propositions the materials did no support. The true lack of support for Defendants’ deceptive messages was not apparent to the medical professionals who relied upon them in making treatment decisions. The false and misleading nature of Defendants’ marketing was not known to, nor could it reasonably have been discovered by, Plaintiff or its residents.

218. Defendants also concealed their participation by extensively using the public relations companies they hired to work with Front Groups to produce and disseminate deceptive materials.

219. Defendants concealed from the medical community, patients, and health care payors facts sufficient to arouse suspicion of the existence of claims that Plaintiff now asserts. Plaintiff did not discover the existence and scope of Defendants’ industry-wide fraud and could not have acquired such knowledge earlier through the exercise of reasonable diligence.

220. Through the public statements, marketing, and advertising, Defendants' deceptions deprived Plaintiff of actual or implied knowledge of facts sufficient to put them on notice of potential claims.

J. Defendants Entered into and Engaged in a Civil Conspiracy

221. Defendants entered into a conspiracy to engage in the wrongful conduct complained of herein, and intended to benefit both independently and jointly from their conspiratorial enterprise.

222. Defendants reached an agreement between themselves to set up, develop, and fund an unbranded promotion and marketing network to promote the use of opioids for the management of pain in order to mislead physicians, patients, health care providers, and health care payors through misrepresentations or omissions regarding the appropriate uses, risks and safety of opioids.

223. This network is interconnected and interrelated, as demonstrated by Exhibit A, which is incorporated herein, and relied upon Defendants' collective use of and reliance upon unbranded marketing materials, such as KOLs, scientific literature, CMEs, patient education materials, and Front Groups. These materials were developed and funded collectively by Defendants, and Defendants relied upon the materials to intentionally mislead consumers and medical providers of the appropriate uses, risks and safety of opioids.

224. By knowingly misrepresenting the appropriate uses, risks, and safety of opioids, Defendants committed overt acts in furtherance of their conspiracy.

**FIRST CAUSE OF ACTION
DECEPTIVE ACTS AND PRACTICES – NEW YORK GENERAL BUSINESS LAW § 349
(AGAINST ALL DEFENDANTS)**

225. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

226. Defendants violated New York General Business Law § 349, because they engaged in deceptive acts or practices in the conduct of business, trade or commerce in this state.

227. Plaintiff and its residents have been injured by reason of Defendants' violation of § 349.

**SECOND CAUSE OF ACTION
FALSE ADVERTISING – NEW YORK GENERAL BUSINESS LAW § 350
(AGAINST ALL DEFENDANTS)**

228. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

229. Defendants violated New York General Business Law § 350, because they engaged in false advertising in the conduct of a business, trade or commerce in this state.

230. Plaintiff and its residents have been injured by reason of Defendants' violation of § 350.

**THIRD CAUSE OF ACTION
PUBLIC NUISANCE
(AGAINST ALL DEFENDANTS)**

231. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

232. Defendants, individually and acting through their employees and agents, and in concert with each other, have intentionally, recklessly, or negligently engaged in conduct or omissions which endanger or injure the property, health, safety or comfort of a considerable number of persons in Suffolk County by their production, promotion, and marketing of opioids for use by residents of Suffolk County.

233. Defendants' conduct is unreasonable.

234. Defendants' conduct is not insubstantial or fleeting. It has caused deaths, serious injuries, and a severe disruption of public peace, order and safety; it is ongoing, and it is producing permanent and long-lasting damage.

235. Defendants' conduct constitutes a public nuisance.

236. Defendants' conduct directly and proximately caused injury to Plaintiff and its residents.

237. Plaintiff and its residents suffered special injuries distinguishable from those suffered by the general public.

**FOURTH CAUSE OF ACTION
VIOLATION OF NEW YORK SOCIAL SERVICES LAW § 145-B
(AGAINST ALL DEFENDANTS)**

238. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

239. Defendants violated Social Services Law § 145-b, because they knowingly, by means of a false statement or representation, or by deliberate concealment of any material fact, or other fraudulent scheme or device, on behalf of themselves or others, attempted to obtain or obtained payment from public funds for services or supplies

furnished or purportedly furnished pursuant to Chapter 55 of the Social Services Law. Plaintiff is a “political subdivision” of the State of New York as that term is used in § 145-b (1) (b) and a “local social services district” as that term is used in § 145-b (2).

240. By reason of Defendants’ violation of § 145-b, Plaintiff has been damaged.

**FIFTH CAUSE OF ACTION
FRAUD
(AGAINST ALL DEFENDANTS)**

241. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

242. Defendants, individually and acting through their employees and agents, and in concert with each other, made misrepresentations and omissions of facts material to Plaintiff and its residents to induce them to purchase, administer, and consume opioids as set forth in detail above.

243. Defendants knew at the time that they made their misrepresentations and omissions that they were false.

244. Defendants intended that Plaintiff and its residents would rely on their misrepresentations and omissions.

245. Plaintiff and its residents reasonably relied upon Defendants’ misrepresentations and omissions.

246. By reason of their reliance on Defendants’ misrepresentations and omissions of material fact Plaintiff and its residents suffered actual pecuniary damage.

247. Defendants’ conduct was willful, wanton, and malicious and was directed at the public generally.

**SIXTH CAUSE OF ACTION
UNJUST ENRICHMENT
(AGAINST ALL DEFENDANTS)**

248. Plaintiff incorporates the allegations within all prior paragraphs within this Complaint as if they were fully set forth herein.

249. As an expected and intended result of their conscious wrongdoing as set forth in this Complaint, Defendants have profited and benefited from opioid purchases made by Plaintiff and its residents.

250. In exchange for the opioid purchases, and at the time Plaintiff and its residents made these payments, Plaintiff and its residents expected that Defendants had provided all of the necessary and accurate information regarding those risks and had not misrepresented any material facts regarding those risks.

251. Defendants have been unjustly enriched at the expense of Plaintiff.

PRAYER FOR RELIEF

WHEREFORE Plaintiff demands judgment against Defendants, jointly and severally, awarding Plaintiff:

- i. compensatory damages in an amount sufficient to fairly and completely compensate Plaintiff for all damages;
- ii. treble damages, penalties, and costs pursuant to Social Services Law § 145-b;

- iii. Treble damages and attorney's fees pursuant to General Business Law §§ 349(h) and 350-3(3);
- iv. punitive damages;
- v. interest, costs, and disbursements; and
- vi. such other and further relief as this Court deems just and proper.

Dated: August 31, 2016



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Attorneys for Plaintiff

TAB 1

Court	Case No.	Plaintiff(s)	Defendant(s)	Date Filed	Firms Representing
Cleveland County, OK	CJ-2017-816	State of Oklahoma; AG Mike Hunter	Purdue Pharma LP; Purdue Pharma Inc; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA Inc.; Cephalon Inc; Johnson & Johnson; Janssen Pharmaceuticals Inc; Ortho-McNeil-Janssen Pharmaceuticals Inc; Jansen pharmaceceutica, Inc.; Allergan PLC; Watson Laboratories Inc; Actavis LLC; Actavis Pharma, Inc.	6/30/2017	Whitten Burrage; Nix Patterson & Roach LLP; Glenn Coffee & Associates, PLLC
CNDC	17-CV-203	Cherokee Nation	McKesson Corp., Cardinal Health, Inc., Amerisourcebergen, CVS Health, Walgreens Boots Alliance, Inc., Wal-Mart Stores, Inc.	4/20/2017	Filed in Tribal Ct.
EDCA	17-CV-1485	County of San Joaquin; City of Stockton; Montezuma Fire Protection District	Purdue Pharma, L.P.; Purdue Pharma, Inc.; Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; McKesson Corporation	7/17/2017	Law Offices Of Francis O. Scarpulla; Parish Guy Castillo, PLC;
EDTN	17-CV-122	Barry Staubus, Tony Clark, Dan Armstrong and Baby Doe	Purdue Pharma LP, Purdue Pharma, Inc., The Purdue Frederick Company, Mallinckrodt PLC, Endo Health Solutions, Inc., Endo Pharmaceuticals, Inc., Center Pointe Medical Clinic, LLC, Elizabeth Ann Bowers Campbell, Pamela Moore and Abdelrahman Hassabu Mohamed	7/27/2017	
Montgomery County, Ohio	17-CV-2647	The City of Dayton	Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Co., Inc.; Teva Pharm. USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharm., Inc.; Ortho-McNeil-Janssen Pharm., Inc.; Janssen Pharmaceutica, Inc.; Endo Pharm., Inc.; Allergan PLC; Actavis, Inc.; Watson Lab., Inc.; Actavis LLC; Actavis Pharma, Inc.; Endo Health Solutions Inc.; McKesson Corp.; Cardinal Health, Inc.; AmerisourceBergen Corp.; Russell Portenoy; Perry Fine; Scott Fishman; and Lynn Webster.	6/5/2017	Napoli Shkolnik, PLLC; Climaco, Wildcox, Peca, & Garofoli, C.O., L.P.A.
NDIL	1:14-cv-04361	City of Chicago	Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Depomed, Inc.; Endo Health Solutions, Inc., Endo Pharmaceuticals, Inc.; Allergan PLC, f/k/a Actavis PLC; Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.	2015	Motley Rice/Wexler Wallace
NY State Court	EFCA2017-252	Broome County NY	Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions, Inc., Endo Pharmaceuticals, Inc.; Russell Portenoy; Perry Fine; Scott Fishman; Lynn Webster	2/1/2017	Simmons Hanly

NY State Court	Dutchess County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	6/6/2017	Simmons Hanly
NY State Court	Erie County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	2/1/2017	Simmons Hanly
NY State Court	Orange County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	5/11/2017	Simmons Hanly
NY State Court	Nassau County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; et al.	6/12/2017	Napoli Shkolnik
NY State Court	Schenectady County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	6/15/2017	Simmons Hanly
NY State Court	Seneca County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	6/7/2017	Simmons Hanly

NY State Court		Suffolk County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	8/31/2016	Simmons Hanly
NY State Court	2017-961	Sullivan County NY	Purdue Pharma LP; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals Inc.; Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals; Endo Health Solutions Inc.; and Endo Pharmaceuticals, Inc.; as well as physicians Russell Portenoy, Perry Fine, Scott Fishman and Lynn Webster	6/7/2017	Simmons Hanly
Ross County, Ohio		State of Ohio & Mike DeWine	Purdue Pharma LP; Purdue Pharma Inc; The Purdue Frederick Company Inc, Teva Pharmaceutical Industries LTD; Teva Pharmaceuticals USA Inc.; Cephalon Inc; Johnson & Johnson; Janssen Pharmaceuticals Inc; Ortho-McNeil-Janssen Pharmaceuticals Inc; Jansen pharmaceuticals Inc; Endo Health Solutions; Endo Pharmaceuticals Inc; Allergan PLC; Watson Pharmaceuticals Inc; Watson Laboratories Inc; Actavis LLC	5/31/2017	Hagen Berman Sobol Shapiro
SDIL	17-CV-616	People of the State of Illinois; St. Clair County, Illinois	Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; Abbott Laboratories; Abbott Laboratories, Inc.	6/9/2017	Cates Mahoney, LLC; Law Office of Christopher Cueto , LTD; Holland, Groves, et al.; Goldenberg Heller & Antognoli PC
SDOH	17-CV-663	Belmont County Board of County Commissioners	AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation	7/28/2017	Hill, Peterson, Carper, Bee & Deitzler, PLLC
SDOH	17-CV-664	Brown County Board of County Commissioners	AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation	7/28/2017	Hill, Peterson, Carper, Bee & Deitzler, PLLC
SDOH	17-CV-662	Clermont County Board Of County Commissioners	AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation	7/28/2017	Hill, Peterson, Carper, Bee & Deitzler, PLLC
St. Louis, MO County Court		The State of Missouri; Joshua D. Hawley	Purdue Pharma, L.P.; Purdue Pharma, Inc.; Purdue Frederick Company; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; Janssen Pharmaceuticals, Inc.; Johnson & Johnson	6/21/2017	
The Superior Court of Orange County, CA	30-2014-00725287	The People of the State of California	Actavis LLC; Actavis Pharma, Inc.; Actavis, Inc.; Actavis, PLC; Cephalon, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc.; Janssen Pharmaceuticals, Inc.; Johnson & Johnson; Ortho-McNeil-Janssen Pharmaceuticals; Purdue Pharma, LP; Purdue Pharma Inc.; Purdue, Inc.; Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.' The Purdue Frederick Company, Inc.; Watson Laboratories, Inc.; Watson Pharmaceuticals, Inc.	5/21/2014	

WDWA	17-CV-209	Snohomish County	Purdue Pharma L.P.; Purdue Pharma Inc.; The Purdue Frederick Company, Inc.; John and Jane Does 1 through 10	2/10/2017	Kelley, Goldfarb; Huck; Roth; & Riojas, PLLC
WDWA	17-CV-209	The City of Everett	Purdue Pharma, L.P.; Purdue Pharma, Inc.; The Purdue Frederick Co., Inc.; John and Jane Does 1 through 10, individuals who are executives, officers, and/or directors of Purdue.		Kelley, Goldfarb, Huck, Roth & Riojas, PLLC
WVSD	17-CV-2028	Boone County Commission	AmerisourceBergen Drug Corporation, Rite Aid of Maryland, Inc., Kroger Limited Partnership II, Cardinal Health, Inc., McKesson Corporation, Kroger Limited Partnership I, H.D. Smith Wholesale Drug Co., Anda, Inc., Generics Bidco I, LLC, Anda Pharmaceuticals, Inc., Belco Drug Corp. and Qualitest Pharmaceuticals, Inc.	3/27/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-1665	Cabell County Commission	AmerisourceBergen Drug Corporation, CVS Indiana, L.L.C., Cardinal Health, Inc., Rite Aid of Maryland, Inc., Wal-Mart Stores East, LP, Kroger Limited Partnership II, McKesson Corporation, Walgreen Eastern Co., Inc., Kroger Limited Partnership I and H.D. Smith Wholesale Drug Co.	3/9/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-1957	Fayette County Commission	Cardinal Health, Inc., CVS Indiana, L.L.C., AmerisourceBergen Drug Corporation, Rite Aid of Maryland, Inc., Wal-Mart Stores East, LP, Kroger Limited Partnership I, Kroger Limited Partnership II, McKesson Corporation and Top Rx, LLC	3/21/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-1666	Kanawha County Commission	AmerisourceBergen Drug Corporation, Rite Aid of Maryland, Inc., Cardinal Health, Inc., Kroger Limited Partnership II, CVS Indiana, L.L.C., Omnicare Distribution Center LLC, McKesson Corporation, Wal-Mart Stores East, LP, Miami-Luken, Inc., Kroger Limited Partnership I, The Harvard Drug Group, L.L.C., Walgreen Eastern Co., Inc., Anda, Inc., Anda Pharmaceuticals, Inc., Masters Pharmaceutical, Inc. and Keysource Medical, Inc.	3/9/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-2296	Logan County Commission	Cardinal Health, Inc., McKesson Corporation, AmerisourceBergen Drug Corporation, Rite Aid of Maryland, Inc., Wal-Mart Stores East, LP, Kroger Limited Partnership II, H. D. Smith Wholesale Drug Co., The Harvard Drug Group, L.L.C., Kroger Limited Partnership I, Miami-Luken, Inc., Anda Pharmaceuticals, Inc., Cedardale Distributors LLC, Anda, Inc., Belco Drug Corp., SAJ Distributors and Masters Pharmaceutical, Inc.	4/11/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-1362	The City of Huntington	AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation and Gregory Donald Chaney	2/23/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-946	The County Commission of McDowell County	AmerisourceBergen Drug Corporation, Cardinal Health, Inc., McKesson Corporation, Harold Anthony Cofer, Jr., & Cardinal Health 110, LLC	1/25/2017	The Bell Law Firm, Morgan & Morgan Complex Litigation Group, and Troy Law Firm
WVSD	17-CV-1962	Wayne County Commission	Rite Aid of Maryland, Inc., CVS Indiana, L.L.C., McKesson Corporation, Cardinal Health, Inc., SAJ Distributors, Wal-Mart Stores East, LP, AmerisourceBergen Drug Corporation and Top Rx, LLC	3/21/2017	Hendrickson & Long/Powell & Majestro (WV firms)
WVSD	17-CV-2311	Wyoming County Commission	AmerisourceBergen Drug Corporation, Rite Aid of Maryland, Inc., McKesson Corporation, H. D. Smith Wholesale Drug Co., Miami-Luken, Inc., J M Smith Corporation, Anda, Inc. and The Harvard Drug Group, L.L.C.	4/12/2017	Hendrickson & Long/Powell & Majestro (WV firms)

Mississippi

**STATEMENT OF EXPLANATION**

Resolution No. 16 - 25

**RES. 16-25: RESOLUTION TO AUTHORIZE THE USE OF SALES TAX FUNDS
TO PAY DEBT SERVICE LIABILITIES AS PART OF THE 2026 CHIPPEWA
COUNTY BUDGET - ANDY ALBARADO**

1 Passage of this resolution approves the use of \$2,105,178 from the Sales Tax Fund and
2 \$86,722 of Fund Balance from bond premiums with the 2024 bond issuance. These sales tax
3 funds in conjunction with the fund balance applied will be used to make the debt service
4 payments of \$2,191,900 in 2026 as part of the 2026 Chippewa County Budget. This resolution is
5 being brought pursuant to Chippewa County Code of Ordinances § 2-361(a)(3)a., which requires
6 the passage of a separate resolution by the County Board to approve the use of any sales tax
7 funds to fund debt service liabilities.

8

Resolution No. 16 - 25

RES. 16-25: RESOLUTION TO AUTHORIZE THE USE OF SALES TAX FUNDS TO PAY DEBT SERVICE LIABILITIES AS PART OF THE 2026 CHIPPEWA COUNTY BUDGET - ANDY ALBARADO

WHEREAS, Chippewa County Code of Ordinances § 2-361(a)(3)a. authorizes using a portion of the 1/2% County Sales Tax funds collected to pay debt service liabilities; and

WHEREAS, § 2-361(a)(3)a. of the Chippewa County Code of Ordinances requires that use of sales tax funds to pay debt service liabilities must be approved by separate County Board resolution; and

WHEREAS, Chippewa County issued general obligation bonds on two occasions in 2018 for a capital improvement radio tower project, for transportation projects, and for refunding a previous bonding, and now that money borrowed is being paid back with two payments made each year on each borrowing; and

WHEREAS, Chippewa County also issued general obligation bonds in 2020 to be used for transportation projects in 2021 and 2022, and now the money borrowed is being paid back with two payments made each year; and

WHEREAS, Chippewa County also issued general obligation bonds in 2022 to be used for transportation projects in 2023, and now the money borrowed is being paid back with two payments made each year; and

WHEREAS, Chippewa County also issued general obligation bonds in 2024 to be used for transportation projects in 2025 and 2026, and now that money borrowed is being paid back with two payments made each year; and

WHEREAS, it is the recommendation of the Finance Director and the County Administrator that a total of \$2,105,178 from the Sales Tax Fund and \$86,722 of fund balance be applied to these debt service liabilities as part of the 2026 Chippewa County Budget as more particularly set out below;

NOW, THEREFORE BE IT RESOLVED, that the sum of Nine Hundred Forty-four Thousand Seven Hundred Dollars (\$944,700) be transferred from the Sales Tax Property Tax Relief Fund to the Debt Service Fund for the 2018 Capital Improvement Project Bonds for payments on the principal and interest on the 2018 Capital Improvement Radio Tower project, Transportation Bonds and refunding the previous bonding, to be included in the 2026 Chippewa County Budget; and

BE IT FURTHER RESOLVED, that the sum of Two Hundred Fifty Thousand Eight Hundred Seventy-five Dollars (\$250,875) be transferred from the Sales Tax Property Tax Relief Fund to

the Debt Service Fund for the 2020 Capital Improvement Project Bonds for payments on the principal and interest on the Transportation Bonds, to be included in the 2026 Chippewa County Budget; and

BE IT FURTHER RESOLVED, that the sum of Four Hundred Twenty-two Thousand Seven Hundred Dollars (\$422,700) be transferred from the Sales Tax Property Tax Relief Fund to the Debt Service Fund for the 2022 Capital Improvement Project Bonds for payments on the principal and interest on the Transportation Bonds, to be included in the 2026 Chippewa County Budget; and

BE IT FURTHER RESOLVED, that the sum of Four Hundred Eighty-six Thousand Nine Hundred Three Dollars (\$486,903) be transferred from the Sales Tax Property Tax Relief Fund to the Debt Service Fund for the 2024 Capital Improvement Project Bonds along with utilizing \$86,722 of fund balance from bond premiums for payments on the principal and interest on the Transportation Bonds, to be included in the 2026 Chippewa County Budget.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

The Sales Tax Fund will be reduced by \$2,105,178 in 2026 by passage of this resolution. The 2024 bond issuance (Fund 318) will be reduced by \$86,722 in 2026 by passage of this resolution.

06/10/2025 County Board

RESULT: APPROVED [UNANIMOUS]

MOVER: James Flater, District 1

SECONDER: Charles Bomar, District 12

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:


Todd A. Pauls, Corporation Counsel

5/5/2025


Lori Zwiefelhofer, Finance Director

5/5/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/5/2025

**STATEMENT OF EXPLANATION**

Resolution No. 17 - 25

**RES. 17-25: RESOLUTION TO APPROVE THE USE OF SALES TAX FUNDS
FOR THE ANNUAL CONTRIBUTION TO THE CHIPPEWA VALLEY
REGIONAL AIRPORT TO BE USED FOR AIRPORT CAPITAL PROJECTS
AND/OR AIRPORT DEBT SERVICE AS PART OF THE 2026 CHIPPEWA
COUNTY BUDGET - ANDY ALBARADO**

1 Passage of this resolution approves the use of \$132,890.00 from the Sales Tax Fund to
2 fund debt service liabilities and capital improvement projects at the Chippewa Valley Regional
3 Airport. These sales tax funds will be used to make Chippewa County's 2026 required
4 contribution to the operation of the Airport, pursuant to the Chippewa Valley Regional Airport
5 Ownership and Operation Agreement. This resolution is also being brought pursuant to
6 Chippewa County Code of Ordinances §§ 2-361(a)(3)a. and b., which require the passage of a
7 separate resolution, prior to the adoption of the annual County Budget, to approve the use of
8 sales tax funds for payment of debt service liabilities and capital improvement projects.

Resolution No. 17 - 25

RES. 17-25: RESOLUTION TO APPROVE THE USE OF SALES TAX FUNDS FOR THE ANNUAL CONTRIBUTION TO THE CHIPPEWA VALLEY REGIONAL AIRPORT TO BE USED FOR AIRPORT CAPITAL PROJECTS AND/OR AIRPORT DEBT SERVICE AS PART OF THE 2026 CHIPPEWA COUNTY BUDGET - ANDY ALBARADO

WHEREAS, Resolution 18-98 was adopted on March 10, 1998, by the Chippewa County Board of Supervisors authorizing a portion of the 1/2% County Sales Tax to be utilized for Long-term Capital Projects and Debt Service; and

WHEREAS, Resolution 14-23 was adopted on April 18, 2023, by the Chippewa County Board of Supervisors approving the Chippewa Valley Regional Airport Ownership and Operation Agreement (Airport Agreement) between Chippewa and Eau Claire Counties; and

WHEREAS, Paragraph 15 in the Airport Agreement entitled "County Funding Participation" sets the amount of the Chippewa County funding participation for years 2024 through 2028 and states that "[T]he Chippewa County contribution shall be applied toward debt service and capital projects"; and

WHEREAS, the County Administrator is requesting approval to use \$132,890.00 from the Sales Tax Fund to be applied toward the debt service and capital projects in the Airport Agreement, with such transfer placed into the 2026 Chippewa County proposed budget; and

WHEREAS, Chippewa County Code of Ordinances §§ 2-361(a)(3)a. and b. require that annually and prior to the adoption of the County Budget, use of sales tax funds to pay for capital improvement projects and to pay off debt service liabilities must be approved by separate County Board resolution;

NOW, THEREFORE BE IT RESOLVED, that the sum of One Hundred Thirty-two Thousand Eight Hundred and Ninety Dollars (\$132,890.00) be transferred from the Sales Tax Property Tax Relief Fund to the Airport budget in the General Fund to pay Chippewa County's 2026 Airport Agreement contribution to be used for capital projects and debt service, as enumerated in the (Airport) budget, all as part of the recommended 2026 Chippewa County Budget.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

2026 - \$132,890 from sales tax funds.

06/10/2025 County Board

RESULT: APPROVED [UNANIMOUS]

MOVER: Joseph Roshell, District 13

SECONDER: Pamela Guthman, District 2

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:

Todd A. Pauls

Todd A. Pauls, Corporation Counsel

5/2/2025

Lori Zwiefelhofer

Lori Zwiefelhofer, Finance Director

5/5/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/5/2025

**STATEMENT OF EXPLANATION**

Resolution No. 18 - 25

**RES. 18-25: RESOLUTION TO AUTHORIZE THE USE OF SALES TAX FUNDS
FOR FACILITIES & PARKS DIVISION CAPITAL IMPROVEMENT PROJECTS
AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY
ALBARADO**

1 This resolution is being brought pursuant to Chippewa County Code of Ordinances § 2-
2 361(a)(3)b., which requires the passage of a separate resolution prior to the adoption of the
3 annual County Budget to approve the use of any sales tax funds to fund capital improvement
4 projects. This resolution is being brought to authorize funding for various Facilities and Parks
5 Division capital improvement projects, pursuant to Ordinance § 2-361(a)(3)b., as part of the
6 2026 Chippewa County Capital Improvement Plan (CIP) and to be included in the 2026 County
7 Budget.
8

Resolution No. 18 - 25

RES. 18-25: RESOLUTION TO AUTHORIZE THE USE OF SALES TAX FUNDS FOR FACILITIES & PARKS DIVISION CAPITAL IMPROVEMENT PROJECTS AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY ALBARADO

WHEREAS, Chippewa County Code of Ordinances § 2-361(a)(3)b. authorizes using a portion of the ½% County sales tax funds collected for long term capital projects; and

WHEREAS, pursuant to Chippewa County Code of Ordinances § 2-361(a)(3)b., use of sales tax funds for capital improvement projects must be approved by separate County Board resolution prior to the adoption of the annual County Budget; and

WHEREAS, a mission of the Facilities & Parks Division is *“maintaining a clean, safe, comfortable and aesthetically pleasing environment for employees and the public we serve and promote appropriate recreational opportunity within our county park system”*; and

WHEREAS, the Facilities and Parks Division of the Department of Administration wishes to complete certain capital improvement projects in 2026 through the use of sales tax funding to meet the above mission statement; and

WHEREAS, the 2026 planned capital improvement projects proposed to be completed by the Facilities and Parks Division are enumerated as follows:

1. **Parking Lot “A” Replacement - Phase II Construction (50% of Lot)** - This project will now be fully funded and allow for Parking Lot “A” to be replaced. The Parking Lot is at / nearing “end-of-life,” as part of it is ~ (24) years old and the other part is ~ (34) years old. The Facilities and Parks Division is requesting to expend \$500,000 in sales tax funds for this project in 2026.
2. **Branch III Jury Box Remodel - Uninterruptible Power Supply Replacement - 3 Units** - This project will remodel the jury box in the Branch III Courtroom. It will attempt to meet all current ADA requirements and change out the “end-of-life” chairs. New chairs have already been purchased in 2022 with grant funds. The Facilities and Parks Division is requesting to expend \$150,000 in sales tax funds for this project in 2026.
3. **Sheriff’s Department Remodel - Phase I - Plan Development** - This funding will allow for master planning for the Sheriff’s Department facility. Some examples of the needs of this facility include updated flooring and wall finishes, adequate conference room space and an improved emergency command center. The Facilities and Parks Division is requesting to expend \$50,000 of sales tax funds for this project in 2026.

WHEREAS, it is the recommendation of the Director of the Facilities and Parks Division

and the Facilities and Parks Committee that the projects described above be completed in 2026 as part of the 2026-2030 Capital Improvement Plan (CIP);

NOW, THEREFORE BE IT RESOLVED, that the sum of Five Hundred Thousand Dollars (\$500,000) be transferred from the Sales Tax Fund to the Facilities and Parks Division as part of the 2026 budget to be used to complete the Parking Lot "A" replacement - Phase II; and

BE IT FURTHER RESOLVED, that the sum of One Hundred Fifty Thousand Dollars (\$150,000) be transferred from the Sales Tax Fund to the Facilities and Parks Division as part of the 2026 budget to be used to remodel the Branch III jury box: and

BE IT FURTHER RESOLVED, that the sum of Fifty Thousand Dollars (\$50,000) be transferred from the Sales Tax Fund to the Facilities and Parks Division as part of the 2026 budget to be used on plan development for the Sheriff's Department remodel - Phase I.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

The Sales Tax Fund will be reduced by \$700,000 by passage of this resolution.

06/10/2025 County Board

RESULT: APPROVED [17 TO 1]

MOVER: George Rohmeyer, District 17

SECONDER: Kari Ives, District 21

AYES: Hull, Flater, Guthman, Shoebridge, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

NAYS: Peter Gehring

ABSENT: James Ericksen, Lee Hennick

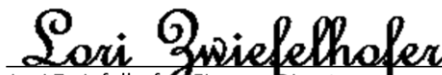
History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:


Todd A. Pauls, Corporation Counsel

5/5/2025


Lori Zwiefelhofer, Finance Director

5/5/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/5/2025



STATEMENT OF EXPLANATION

Resolution No. 19 - 25

RES. 19-25: RESOLUTION TO AUTHORIZE FUNDING OF HIGHWAY DEPARTMENT CAPITAL IMPROVEMENT PROJECTS AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY ALBARADO/CHRIS ELSTRAN

1 This resolution is brought pursuant to Chippewa County Code of Ordinances §2-
2 361(a)(3)b., which requires the passage of a separate resolution prior to the adoption of the
3 annual County Budget to approve the use of any sales tax funds to fund capital improvement
4 projects. In addition, Chippewa County Finance Division Policy 305, “Policy for Use of Fund
5 Balance /Non-Lapsing Accounts”, requires that capital improvement projects funded with non-
6 lapsing fund balance over \$50,000 must be approved by the County Board. This resolution is
7 being brought to authorize funding for various Highway Department projects, pursuant to
8 Chippewa County Code of Ordinances § 2-361(a)(3)b., and Finance Division Policy 305, as part
9 of the 2026 Chippewa County Capital Improvement Plan (CIP) and to be included in the 2026
10 County Budget.

11 Passage of this resolution will authorize the use of \$2,800,000 in sales tax funding and
12 \$1,750,000 of bonding to be included in the 2026 County Highway Department Budget for
13 roadway and bridge CIP projects. These funds will be used to help capture state and federal
14 matching funds. If all state, federal, and other funding sources are captured, which is
15 approximately \$6,823,952, the roadway and bridge CIP projects in 2026 will total approximately
16 \$11,373,952. The specific 2025 CIP Highway Department roadway and bridge projects are
17 enumerated in the “Chippewa County 2026-2030 Capital Improvement Plan Justification Form”
18 for 2026.

19 Passage of this resolution also authorizes the use of \$1,100,000 of fund balance from
20 the Highway Department’s machinery fund for the purchase of County Highway Department
21 machinery in 2026. In addition, passage of this resolution will authorize the use of \$100,000 of
22 fund balance from the Highway Department’s machinery fund for the improvement of County
23 Highway Department buildings in 2026. Finally, passage of this resolution authorizes the
24 transfer of \$300,000 in sales tax revenue funds to the Non-Highway Vehicle Fleet pool for the
25 purchase of replacement vehicles as needed in 2026.

26

Resolution No. 19 - 25

**RES. 19-25: RESOLUTION TO AUTHORIZE FUNDING OF HIGHWAY DEPARTMENT CAPITAL
IMPROVEMENT PROJECTS AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY
ALBARADO/CHRIS ELSTRAN**

WHEREAS, Chippewa County Code of Ordinances §2-361(a)(3)b. authorizes using a portion of the 1/2% County Sales Tax funds collected for Long Term Capital Improvement Projects, but requires that prior to the adoption of the annual County Budget, use of sales tax funds to fund those projects must be approved by separate County Board resolution; and

WHEREAS, Chippewa County Finance Division Policy 305, "Policy for Use of Fund Balance / Non- Lapsing Accounts", requires that capital improvement projects funded with non-lapsing fund balance over \$50,000 must also be approved by the County Board; and

WHEREAS, the Chippewa County Highway Commissioner has identified certain Highway Department capital projects to be included in the Capital Improvement Plan (CIP) and to be completed in 2026; and

WHEREAS, the Highway Department is able to capture state and federal funding by using matching County funds; and

WHEREAS, it is the recommendation of the Highway Commissioner, the Finance Director and the County Administrator that \$2,800,000 of sales tax funds be combined with \$1,750,000 of bonding to help leverage \$6,823,952 of state and federal matching funds and other funding sources to fund the 2026 CIP roadway and bridge projects; and

WHEREAS, the Highway Commissioner, Finance Director, and County Administrator recommend that \$1,100,000 of fund balance be applied for the purchase of County Highway Department machinery in 2026; and

WHEREAS, the Highway Commissioner, Finance Director, and County Administrator recommend that \$100,000 of fund balance be used for the improvement of County Highway Department buildings in 2026; and

WHEREAS, the Highway Commissioner, Finance Director, and County Administrator recommend that \$300,000 of sales tax funds be utilized to fund vehicle replacements in the Non-Highway Vehicle Fleet pool in 2026; and

WHEREAS, the Highway Committee reviewed and prioritized these projects on January 22, 2025 and recommends that these projects be completed as part of the 2026 CIP;

NOW, THEREFORE BE IT RESOLVED, pursuant to § 2-361(a)(3)b. of the Chippewa County

Code of Ordinances, that the sum of \$2,800,000 be transferred from the Sales Tax Fund to be used to fund Highway Department roadway and bridge projects in 2026 as part of the 2026 County Budget; and

BE IT FURTHER RESOLVED, that pursuant to Chippewa County Policy 305 - Fund Balance or Non-Lapsing Account Expenditure Policy, the County Board does hereby authorize the Highway Department to utilize fund balance in the amount of \$1,100,000 from the Highway Department Machinery fund to purchase Highway Department machinery in 2026 as part of the 2026 County Budget; and

BE IT FURTHER RESOLVED, that pursuant to Chippewa County Policy 305 - Fund Balance or Non-Lapsing Account Expenditure Policy, the County Board does hereby authorize the Highway Department to utilize fund balance in the amount of \$100,000 from the Highway Department Machinery fund balance to be used for the improvement of County Highway buildings and grounds projects in 2026 as part of the 2026 County Budget; and

BE IT FURTHER RESOLVED, pursuant to § 2-361(a)(3)b. of the Chippewa County Code of Ordinances, that the sum of \$300,000 be transferred from the Sales Tax Fund to be used to fund replacement of vehicles in the County's Non-Highway Fleet in 2026 as part of the 2026 County Budget.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

The Sales Tax Fund will be reduced by \$3,100,000 in 2026.

Bonding funds will be utilized in the amount of \$1,750,000 in 2026 for roadway and bridge construction.

Highway machinery fund balance will be applied in the amount of \$1,200,000 in 2026.

Grants/Other will be utilized in the amount of \$6,823,952 in 2026.

06/10/2025 County Board

RESULT: APPROVED [UNANIMOUS]

MOVER: James Flater, District 1

SECONDER: George Rohmeyer, District 17

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:



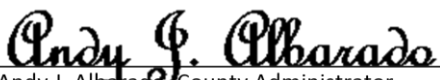
Todd A. Pauls, Corporation Counsel

5/5/2025



Lori Zwiefelhofer, Finance Director

5/5/2025



Andy J. Albarado, County Administrator

5/5/2025

**STATEMENT OF EXPLANATION**

Resolution No. 20 - 25

**RES. 20-25: RESOLUTION TO AUTHORIZE USE OF SALES TAX FUNDS FOR
THE IT DIVISION FOR COMPUTER EQUIPMENT REPLACEMENT AS PART
OF THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY ALBARADO/ANDY
BAUER**

1 Without the proper information technology tools, employees are unable to be proficient
2 in keeping their programs running without causing backlogs for the department. This
3 technology equipment is used 8+ hours per day with some locations running 24/7/365. It is
4 therefore extremely important that the county departments are provided with the appropriate
5 resources to do their jobs.

6 This resolution is being brought pursuant to Chippewa County Code of Ordinances §2-
7 361(a)(3)b., which requires that annually and prior to the adoption of the annual County
8 Budget, use of sales tax funds to fund capital improvement projects must be approved by
9 separate County Board resolution. This resolution is also brought forward as part of the
10 County's Capital Improvement Plan (CIP) to fund the replacement of technology equipment on
11 a regular replacement schedule and to eliminate annual budget spikes due to equipment
12 replacement. These funds will be used to continue the technology equipment replacement
13 program which started in 2004 and consists of, among other things, replacing data center
14 equipment, personal computers, projectors, laptops, tablets, printers/copiers and accessories.
15 Passage of this resolution will authorize the use of \$245,000.00 in sales tax funds to replace
16 information technology equipment in 2026. These funds will be included as part of the 2026
17 Chippewa County Budget.

18

Resolution No. 20 - 25

**RES. 20-25: RESOLUTION TO AUTHORIZE USE OF SALES TAX FUNDS FOR THE IT DIVISION FOR
COMPUTER EQUIPMENT REPLACEMENT AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN
- ANDY ALBARADO/ANDY BAUER**

WHEREAS, Chippewa County Code of Ordinances §2-361(a)(3)b. authorizes using a portion of the 1/2% County Sales Tax funds collected for Long Term Capital Improvement Projects, but requires that annually and prior to the adoption of the annual County Budget, use of sales tax funds to fund those projects must be approved by separate County Board resolution; and

WHEREAS, the County Board has previously identified the need for an annual non-lapsing computer system equipment replacement fund to timely replace and upgrade computers, printers, and server related equipment on a regular annual schedule over varying time intervals; and

WHEREAS, the Chippewa County Executive Committee has reviewed and does concur with this request to put the computer equipment on a regular replacement schedule to eliminate annual budget spikes due to computer equipment replacement; and

WHEREAS, the Executive Committee reviewed and prioritized these projects on January 21, 2025, and recommends that these projects be completed as part of the 2026 CIP; and

WHEREAS, the Information Technology Director, the Finance Director and the County Administrator recommend that \$245,000.00 in sales tax funds be transferred to the non-lapsing computer replacement fund to be included in the 2026 Chippewa County Proposed Budget to be used for computer equipment and other IT equipment replacement;

NOW, THEREFORE BE IT RESOLVED, that the sum of Two Hundred Forty-five Thousand Dollars (\$245,000.00) be transferred from the Sales Tax Fund to the Computer Outlay account to be used for computer system equipment replacement in 2026, as part of the 2026 County Budget.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

2026 - \$245,000.00 in sales tax funds will be used to purchase IT replacement equipment for Data Center equipment upgrades, end user device replacements (laptops, computers, tablets, projectors, monitors, printers, copiers and accessories).

06/10/2025 County Board

RESULT: APPROVED [UNANIMOUS]

MOVER: David Kelly, District 14

SECONDER: Brian Flynn, District 18

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:

Todd A. Pauls

Todd A. Pauls, Corporation Counsel

5/5/2025

Lori Zwiefelhofer

Lori Zwiefelhofer, Finance Director

5/5/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/5/2025



STATEMENT OF EXPLANATION

Resolution No. 21 - 25

RES. 21-25: RESOLUTION TO AUTHORIZE THE USE OF FUNDING FOR DEPARTMENT OF LAND CONSERVATION AND FOREST MANAGEMENT CAPITAL IMPROVEMENT PROJECTS AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY ALBARADO/LYNDA SCHWEIKERT

1 This resolution is being brought pursuant to Chippewa County Code of Ordinances § 2-
2 361(a)(3)b., which requires the passage of a separate resolution, prior to the adoption of the
3 annual County Budget, to approve the use of any sales tax funds to fund capital improvement
4 projects. In addition, Chippewa County Finance Division Policy 305, “Policy for Use of Fund
5 Balance / Non- Lapsing Accounts”, requires that capital improvement projects funded with non-
6 lapsing fund balance over \$50,000 must be approved by the County Board. This resolution is
7 being brought to authorize funding for various Department of Land Conservation and Forest
8 Management projects, pursuant to Chippewa County Code of Ordinances § 2-361(a)(3)b., and
9 Finance Division Policy 305, as part of the 2025 Chippewa County Capital Improvement Plan
10 (CIP) and to be included in the 2026 Chippewa County Budget.

11 The Department of Land Conservation and Forest Management is proposing four (4)
12 capital improvement projects in 2026. The first project is for a total of \$500,000, which includes
13 \$250,000 of State of Wisconsin grant funding and \$250,000 from donations to be used for the
14 Hickory Ridge Warming Shelter and Maintenance Shed. The second project is for \$120,000 of
15 State of Wisconsin grant funding for the construction of one or more snowmobile bridges, per
16 the request of the Chippewa Valley Snowmobile Organization, with locations to be determined.
17 The third project is for \$150,000 of fund balance and \$150,000 of State of Wisconsin grant
18 funding to be used for County Forest land acquisitions. The fourth project is for \$100,000 of
19 fund balance for the County Stewardship Fund.

20

Resolution No. 21 - 25

**RES. 21-25: RESOLUTION TO AUTHORIZE THE USE OF FUNDING FOR DEPARTMENT OF LAND
CONSERVATION AND FOREST MANAGEMENT CAPITAL IMPROVEMENT PROJECTS AS PART OF
THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY ALBARADO/LYNDA SCHWEIKERT**

WHEREAS, Chippewa County Code of Ordinances § 2-361(a)(3)b. authorizes using a portion of the 1/2% County Sales Tax funds collected for Long Term Capital Improvement Projects, but requires that annually and prior to the adoption of the annual County Budget, use of sales tax funds to fund those projects must be approved by separate County Board resolution; and

WHEREAS, Chippewa County Finance Division Policy 305, "Policy for Use of Fund Balance / Non- Lapsing Accounts", requires that capital improvement projects funded with non-lapsing fund balance over \$50,000 must also be approved by the County Board; and

WHEREAS, the County Board has adopted the Capital Improvement Program (CIP) Policy 304, and the County Administrator has issued instructions for preparation of the 2026-2030 CIP Plan; and

WHEREAS, the Friends of Hickory Ridge Trail has requested that the County pursue funding to construct a warming shelter and maintenance shed in 2026, and the Forest and Trails Division of the LCFM will include these projects in its 2026 work plan, not to exceed \$500,000; and

WHEREAS, the Director of the LCFM, Finance Director, and County Administrator recommend that the LCFM use up to \$250,000 of anticipated State of Wisconsin grant funds and \$250,000 of donations, for a total of \$500,000, to be used for the construction of a warming shelter and maintenance shed at the Hickory Ridge Trail in 2026; and

WHEREAS, the Chippewa Valley Snowmobile Organization has requested that the County pursue funding to install one or more snowmobile bridges in 2026, and the Forest and Trails Division of the LCFM will include these projects in its 2026 work plan, not to exceed \$120,000; and

WHEREAS, the Director of the LCFM, Finance Director, and County Administrator recommend that the LCFM use up to \$120,000 of State of Wisconsin grant funds to be used for the construction of one or more snowmobile bridges in 2026; and

WHEREAS, the Department of Land Conservation and Forest Management (LCFM) and the LCFM Committee have followed the policy and process to develop the 2026 CIP plan recommendations for the LCFM; and

65 WHEREAS, Chippewa County Code of Ordinances § 16-4(1) authorizes the County LCFM
66 Committee to acquire lands within or adjacent to the County Forest blocking boundary to
67 improve and enhance the County Forest; and
68

69 WHEREAS, the Director of the LCFM, Finance Director, and County Administrator
70 recommend that \$150,000 of fund balance and \$150,000 of anticipated State of Wisconsin
71 grant funds, for a total of \$300,000, be used for County Forest land acquisitions in 2026; and
72

73 WHEREAS, Resolution 76-98 created the Chippewa County Stewardship Fund, in part, to
74 provide a stable source of matching grant funds to assist local municipalities and non-profit
75 organizations to meet LCFM objectives by purchasing conservation land or easements that
76 conserve land with high environmental value and provide opportunities for public outdoor
77 recreation; and
78

79 WHEREAS, the Director of the LCFM, Finance Director, and County Administrator
80 recommend that \$100,000 of fund balance be used to permanently preserve select working
81 lands and areas of high environmental, and public value in 2026, pursuant to the policies and
82 procedures of the Stewardship Fund;
83

84 NOW, THEREFORE BE IT RESOLVED, that the sum of Five Hundred Thousand Dollars
85 (\$500,000), consisting of approximately \$250,000 from State of Wisconsin grants and \$250,000
86 from donations, be included in the 2026 Capital Improvement Plan as part of the 2026 County
87 budget, to be used to construct a warming shelter and maintenance shed at the Hickory Ridge
88 Trail; and
89

90 BE IT FURTHER RESOLVED, that the sum of One Hundred Twenty Thousand Dollars
91 (\$120,000.00), be applied from the County Snowmobile-State Fund to be included in the 2026
92 Capital Improvement Plan as part of the 2026 County Budget, to be used for construction of
93 snowmobile bridges, if grant funding is approved by the Department of Natural Resources; and
94

95 BE IT FURTHER RESOLVED, that the sum of Three Hundred Thousand Dollars
96 (\$300,000.00), consisting of approximately \$150,000 from State of Wisconsin grants and
97 \$150,000 from the Forest & Trails Special Conservation Fund Balance, be included in the 2026
98 Capital Improvement Plan as part of the 2026 County Budget, to be used to acquire County
99 Forest lands, subject to County Board approval; and
100

101 BE IT FURTHER RESOLVED, that the sum of One Hundred Thousand Dollars
102 (\$100,000.00), consisting of approximately \$100,000 from County Stewardship Fund Balance,
103 be included in the 2026 Capital Improvement Plan as part of the 2026 County Budget, to be
104 administered pursuant to the "Chippewa County Stewardship Fund Policy and Procedures for
105 Program Administration", as previously adopted through Resolution #89-99.
106

107 Forwarded to the County Board by the Executive Committee.
108

FINANCIAL IMPACT:

The following accounts will be affected in 2026 if this resolution is approved as follows:

1. The direct costs of the proposed warming shelter and maintenance shed will not exceed \$500,000; \$250,000 of State of Wisconsin grant funding that is expected to be awarded to the County and \$250,000 received through donations.
2. The direct costs of the proposed snowmobile projects will not exceed the \$120,000 of State of Wisconsin grant funding that is expected to be awarded to the County.
3. The Forest & Trails Special Conservation Projects Fund balance will be reduced by \$150,000 and up to \$150,000 of State of Wisconsin grant funding will be used to acquire County Forest lands.
4. The LCFM Fund balance will be reduced by \$100,000 to be added to the Stewardship Fund.

06/10/2025 County Board

RESULT: APPROVED [UNANIMOUS]

MOVER: Karen Lotts, District 11

SECONDER: Kari Ives, District 21

AYES: Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives

ABSENT: James Ericksen, Lee Hennick

History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:

Todd A. Pauls

Todd A. Pauls, Corporation Counsel

5/5/2025

Lori Zwiefelhofer

Lori Zwiefelhofer, Finance Director

5/5/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/5/2025

**STATEMENT OF EXPLANATION**

Resolution No. 22 - 25

**RES. 22-25: RESOLUTION TO AUTHORIZE THE USE OF SALES TAX FUNDS
FOR SHERIFF'S OFFICE CAPITAL IMPROVEMENT PROJECTS AS PART OF
THE 2026 CAPITAL IMPROVEMENT PLAN - ANDY ALBARADO/CURT
DUTTON**

1 This resolution is being brought pursuant to Chippewa County Ordinance §2-361(a)(3)b.,
2 which requires the passage of a separate resolution, prior to the adoption of the annual County
3 Budget, to approve the use of any sales tax funds to fund capital improvement projects. This
4 resolution is being proposed to authorize sales tax funding for Sheriff's Office capital projects as
5 part of the 2026 Chippewa County Capital Improvement Plan (CIP) and to be included in the
6 2026 County Budget.

7 Passage of this resolution will authorize the use of sales tax funding to be used to
8 purchase a Field Services Mobile Command Trailer. The Sheriff's Office currently has a
9 command trailer that was purchased in 2015 and has become increasingly obsolete over the
10 years mainly due to the changes in technology and how the Sheriff's Office conducts business.
11 The Sheriff's Office relies heavily on technology and multimedia and the current command
12 trailer cannot accommodate those needs. If approved, the new command trailer will allow for
13 the increased use of multimedia, the ability to have several workstations within the command
14 trailer, will provide adequate seating for the command team to run an operation, and will
15 house a fully-functioning Telecommunication Center.

16 Passage of this resolution will also authorize sales tax funding to be utilized to refresh all
17 Tasers in a two-phased approach (2026 & 2027) within the Patrol Division and Jail Division. The
18 Sheriff's Office currently utilizes the X26P Taser and has been informed that the model will soon
19 no longer be supported for repairs. The Taser is a critical tool that the Sheriff's Office utilizes to
20 control a violent or potentially violent subject, while minimizing the risk of serious injury to the
21 subject and officer. The Sheriff's Office will refresh all Tasers by replacing the current X26P
22 Tasers with the all new X7 Tasers.

23 If approved, \$330,000.00 in sales tax funding will be included in the 2026 Sheriff's Office
24 budget to complete these capital projects.

25

Resolution No. 22 - 25

**RES. 22-25: RESOLUTION TO AUTHORIZE THE USE OF SALES TAX FUNDS FOR SHERIFF'S OFFICE
CAPITAL IMPROVEMENT PROJECTS AS PART OF THE 2026 CAPITAL IMPROVEMENT PLAN -
ANDY ALBARADO/CURT DUTTON**

WHEREAS, Chippewa County Code of Ordinances §2-361(a)(3)b. authorizes using a portion of the ½% County Sales Tax funds collected for Long Term Capital Improvement Projects, but requires that annually and prior to the adoption of the annual County Budget, use of sales tax funds to fund those projects must be approved by separate County Board resolution: and

WHEREAS, the Chippewa County Sheriff's Office currently utilizes a command trailer that was purchased in 2015; and

WHEREAS, this command trailer has increasingly become obsolete mostly due to changes in technology and the way the Sheriff's Office conducts business; and

WHEREAS, the Sheriff's Office relies heavily on technology and multimedia, and the current command trailer cannot accommodate those needs; and

WHEREAS, if approved, the new command trailer will allow for the use of multimedia, the ability to have several workstations within the command trailer, will provide adequate seating for the command team to run operations, and will house a fully-functioning Telecommunications Center; and

WHEREAS, the Sheriff's Office has been informed that the current X26P Taser will soon no longer be supported for repair; and

WHEREAS, the Sheriff's Office recognizes that the Taser is a critical tool utilized to control a violent or potentially violent subject, while minimizing the risk of serious injury to the subject and officer; and

WHEREAS, the Sheriff's Office will refresh all Tasers within the Patrol Division and Jail Division by replacing the current X26P Tasers with the all new X7 Tasers for an estimated total cost of \$278,956.80 in a two-phased approach over two years (2026 & 2027); and

WHEREAS, the County Administrator, Sheriff, Chief Deputy and Finance Director recommend that \$330,000.00 in sales tax funds be transferred to the Sheriff's Office Equipment Fund to be included in the 2026 Chippewa County Proposed Budget as part of the CIP to fund various capital projects to address the issues noted above;

NOW, THEREFORE BE IT RESOLVED, that the sum of One Hundred Ninety-five Thousand Dollars (\$195,000) be transferred from the Sales Tax Property Relief Fund to the Sheriff's Office

Equipment Fund as part of the 2026 budget to be used to improve, update and enhance the Sheriff Office's Continuity of Operations Plan by purchasing a Field Services Mobile Command Trailer; and

BE IT FURTHER RESOLVED, that the sum of One Hundred Thirty-Five Thousand Dollars (\$135,000) be transferred from the Sales Tax Property Relief Fund to the Sheriff's Office Equipment Fund as part of the 2026 budget to be used to improve, update and enhance the Office's Continuity of Operations Plan by purchasing all new Tasers in Phase I for the Patrol Division and Jail Division.

Forwarded to the County Board by the Executive Committee.

FINANCIAL IMPACT:

\$330,000.00 in sales tax funds to be used as part of the 2026 Sheriff's Office budget.

06/10/2025	County Board
RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Flater, District 1
SECONDER:	Karen Lotts, District 11
AYES:	Hull, Flater, Guthman, Shoebridge, Gehring, Kirby, Goettl, Bergeron, Seidlitz, Peterson, Lotts, Bomar, Roshell, Kelly, Kempe, Rohmeyer, Flynn, Ives
ABSENT:	James Ericksen, Lee Hennick

History:

06/03/25 Executive Committee FORWARD TO COUNTY BOARD

Approved as to Form:

Todd A. Pauls
Todd A. Pauls, Corporation Counsel

5/5/2025

Lori Zwiefelhofer
Lori Zwiefelhofer, Finance Director

5/5/2025

Andy J. Albarado
Andy J. Albarado, County Administrator

5/5/2025

**STATEMENT OF EXPLANATION**

Ordinance No. 05 - 25

**ORD. 05-2025: ORDINANCE TO AMEND SECTIONS 70-8, 70-63, 70-70
THROUGH 70-73, AND 70-76 OF THE CHIPPEWA COUNTY CODE OF
ORDINANCES - FIRST READING - DOUG CLARY**

- 1 SEE ATTACHED LETTER DATED MAY 05, 2025, FROM DOUG CLARY TO TOWNS OF ANSON,
- 2 EAGLE POINT, HALLIE, LAFAYETTE, WHEATON AND WOODMOHR
- 3

Ordinance No. 05 - 25

ORD. 05-2025: ORDINANCE TO AMEND SECTIONS 70-8, 70-63, 70-70 THROUGH 70-73, AND 70-76 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES - FIRST READING - DOUG CLARY

SEE ATTACHMENT

FINANCIAL IMPACT:

There is no fiscal impact to Chippewa County by passage of these ordinance amendments.

06/10/2025	County Board
RESULT:	FIRST READING Next: 7/8/2025 6:00 PM

History:

05/22/25 Planning & Zoning Committee FORWARD TO COUNTY BOARD

Approved as to Form:

Todd A. Pauls

Todd A. Pauls, Corporation Counsel

5/13/2025

Lori Zwiefelhofer

Lori Zwiefelhofer, Finance Director

5/13/2025

Andy J. Albarado

Andy J. Albarado, County Administrator

5/14/2025

CHIPPEWA COUNTY DEPARTMENT OF PLANNING & ZONING

• 711 North Bridge Street, Chippewa Falls, WI 54729 • Phone: 715.726.7940 • Fax: 715.726.4596 • www.co.chippewa.wi.us •

Land Management

Land Planning

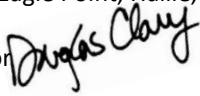
Land Records & G.I.S.

POWTS & Wells

Date: May 5, 2025

To: Town Chairs: Anson, Eagle Point, Hallie, Lafayette, Wheaton and Woodmohr

From: Douglas Clary, Director



Re: Zoning Ordinance Amendments Package (ZOA) - 2025

Dear Town Chairs,

Please find attached the final draft of the amendments to the zoning ordinance (ZO). The red underlines (ex: added text) indicates text that is proposed to be added to the zoning ordinance. The red strikethrough (ex: ~~removed text~~) indicates text that is proposed to be removed from the zoning ordinance. This being said, in some situations, I have removed text from one section and then added it to another section.

Here is a very brief summary for some of the changes:

ZOA #1: 70-8 Definitions: I revised the hotel and motel definitions to align with Wis Stats Admin Code ATPC 72; updated definition for setback, setback lines and definitions for all yards (front, rear and side); and minor spelling corrections.

ZOA #2: 70-63 Zoning Schedule of Dimensional Requirements: Reduced the rear yard setback for accessory structures within the agricultural, local commercial, high commercial and industrial zoning districts to align with the side yard setback.

ZOA #3: 70-70 Residential 3 District (R3): I moved boarding houses from an approved use to a conditional use permit; created a provision that requires a conditional use permit for five (5) or more units in a multi-family dwelling.

ZOA #4: 70-71 Agricultural District (AG): Created a provision for the Outdoor storage of low explosives with certain written approvals from the Town and the ATF.

Note: This provision was created after a request from a Town of Lafayette resident who is looking to store fireworks on a piece of agricultural land. In reviewing the steps necessary to obtain the ATF permit, it was determined that this could be an approved use under defined circumstances.

ZOA #5: 70-72 Local Commercial District (LC): Listed churches, public schools, private schools, animal hospitals, veterinary clinics and kenneling as an approved uses; listed hotels as a conditional use; listed two or more apartments as a secondary use on a non-ground floor level as a conditional use.

Note: The two or more apartments on a non-ground floor commercial structure was in relation to a request from a Town of Lafayette property owner. This would allow for the first floor to remain as commercial, while the upper floors could be utilized for apartments. I felt the most appropriate location for the request was a conditional use permit because this would be a completely new use that we have not seen yet in the zoned towns.

ZON #6: 70-73 Highway Commercial District (HC): Listed all conditional uses except for the two or more apartments as a secondary use as approved uses; listed two or more apartments as a secondary use on a non-ground floor level as a conditional use.

Note: See note under Local Commercial District above.

Attachment: LTR - Doug Clary to Towns of Anson, Eagle Point, Hallie, Lafayette, Wheaton and Woodmohr 05.05.25 (05 - 25 : Ordinance to

ZOA #7: 70-76 Planned Unit Development (PUD): This is the district that we would be able to allow more than one principal structure on the property. This section was modified after I reviewed the request for the commercial/residential structure in the Town of Lafayette. I am recommending additional information be submitted when reviewing a request for a PUD.

Miscellaneous: Spelling corrections within these sections

The following is a tentative schedule for these amendments:

1. Late April/Early May – Final Public Hearing Draft is released to Towns for May meetings.
2. May 22, 2025 – Public Hearing on Proposed Changes
3. June 10, 2025 – County Board First Reading (NOTE: We would request the second reading be waived, so the provisions are effective upon approval.)
4. July 8, 2025 – Second Reading at County Board Meeting. (NOTE: Only If needed)

If you have any questions, please contact me at (715) 726-7941.

ORDINANCE TO AMEND SECTIONS 70-8, 70-63, 70-70 THROUGH 70-73, AND 70-76 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES

1. That Sections 70-8, 70-63, 70-70 through 70-73, and 70-76 of the Chippewa County Code of Ordinances be amended as follows:

Chapter 70 ZONING

ARTICLE I. IN GENERAL

Sec. 70-8 Definitions

For the purposes of this chapter, certain terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies politic and corporate. The word "lot" includes the word "plot" or "parcel." The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

- (1) *Abutting* means having a common property line or district line.
- (2) *Accessory building* means a subordinate building, the use of which is purely incidental to the permitted use of the ~~principle~~principal building,
- (3) *Accessory use*. See *Use, accessory*.
- (4) *Administrator* means the Planning & Zoning Administrator or an agent designated by the Planning & Zoning Administrator.
- (5) *Adult Bookstore* means an establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, video cassettes, DVD's or other electronic media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- (6) *Adult Cabaret* means a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons. An adult cabaret does not include theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers and where the

establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

- (7) *Adult Motion Picture Theater* means an enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as described herein) for observation by patrons therein.
- (8) *Agricultural-related business* means a business which is operated from a property located in an agricultural district which (a) services the local farm community through the repair or servicing of farm machinery or equipment or (b) the sale of products that are grown on the property and additional products as long as the home-grown products represent at least 50% or more of the sales.
- (9) *Airport* means any airport which complies with the definition contained in Wis. Stats. § 114.002(7), or any airport which serves or offers to serve any common carriers engaged in air transport.
- (10) *Alley* means a way which affords only a secondary means of access to abutting property.
- (11) *Animal unit* means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wis. Admin. Code NR § 243.11, table 2, which are fed, confined, maintained or stabled in an animal feeding operation. For the purposes of this chapter, one animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1,000 pounds.
- (12) *Apartment* means a portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (13) *Apartment house*. See *Dwelling, multiple*.
- (14) *Approved use*. See *Use, approved*.
- (15) *Arterial street*. See *Street, arterial*.
- (16) *Automobile wrecking yard* means an establishment or place of business, which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. 2 or more such vehicles constitute an automobile wrecking yard.
- (17) *Basement* means a story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit. The first floor is the floor next above the basement or the lowest floor if there is no basement. A basement shall not be counted as a story for the purposes of story restrictions.

- (18) *Billboard* means an advertising device, either freestanding or attached to a building which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (19) *Block* means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (20) *Board* means the board of adjustment, as provided in section 70-35.
- (21) *Boardinghouse* means a building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six persons.
- (22) *Building* means a structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separate building for the purpose of this chapter.
- (23) *Building, alterations of*, means any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building or movement of a building from one location to another.
- (24) *Building, height of*, means the vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable or gambrel, hip or pitch roof.
- (25) *Building, principal*, means a building in which is conducted the main use of the lot on which such building is located.
- (26) *Building line, front*, means a line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (27) *Business* means a commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (28) *Camping grounds* means a parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers or movable or temporary dwellings, rooms or sleeping quarters of any kind.
- (29) *Carport* means a structure providing shelter, which consists of a roof and support posts with the potential of being either permanently or temporarily enclosed by walls. It may be free-standing or attached to an existing building.
- (30) *Clinic* means an establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises. For purposes of this chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this chapter relating to such office, shall not be considered a clinic; but any doctor's or dentist's

office which is not a part of ~~his~~their own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

- (31) *Club* means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- (32) *Committee* means the Planning & Zoning Committee which is made up of county board members and oversees the policy for planning and zoning as outlined in Wis. Stats. §§ 59.69.
- (33) *Conforming use* means any lawful use of a building or lot which complies with the provisions of this chapter.
- (34) *Department* means the Chippewa County Department of Planning & Zoning.
- (35) *District* means a section or sections of the county for which the regulations governing the use of land and buildings are uniform.
- (36) *Dwelling, multiple*, means a building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels and townhouses.
- (37) *Dwelling, single-family*, means a detached building designed for and occupied exclusively by one family which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (38) *Dwelling, two-family*, means a detached building designed for and occupied exclusively by two families living independently of each other which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (39) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (40) *Emergency shelter* means public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire, flood, windstorm, riots or invasions.
- (41) *Environmental Pollution* has the meaning in Wis. Stats. § 295.22(2).
- (42) *Expressway* means a divided arterial highway with controls on public and private access and, generally, with interchanges at major intersections.
- (43) *Family* means any number of individuals related by blood, adoption or marriage, living together on the premises as a single housekeeping unit.

- (44) *Farm* means an area of land of indeterminate size where animals, produce, plants or bees are raised or maintained for sale or off premise consumption, or where animals are commonly associated with farming are maintained for pleasure.
- (45) *Forest industries* means the cutting and storing of forest products, the operation of portable sawmills, the production of maple syrup and sugar.
- (46) *Forest products* means products obtained from stands of forest trees which have been either naturally or artificially established.
- (47) *Freeway* means an expressway with full control of access and with grade separations at all intersections.
- (48) *Frontage, street,* means the smallest dimension of a lot abutting a public street measured along the street line.
- (49) *Fur farm* means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals including those defined in Wis. Stats. § 29.001(30), and also other fur-bearing animals, if any, whether the animals are kept for breeding, slaughtering or pelting purposes.
- (50) *Garage, private,* means an accessory building or accessory portion used, or intended to be used, for the storage of private motor vehicles and having a capacity of not more than three automobiles or not more than two automobiles per family housed in the building, whichever is greater. The capacity limitations shall not apply in the agricultural district.
- (51) *Garage, public,* means a building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as gasoline stations or service stations.
- (52) *Gasoline service station* means any area of land, including any structure thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil or other lubricating substances, or motor vehicle accessories; and which may include facilities used or designed to be used for polishing, repairing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.
- (53) *Hazardous Waste* means any solid waste as defined by the Wisconsin Department of Natural Resources, in Wis. Stats. § 291.01, and identified as hazardous under §§§ 295.01(1), (2) or (4).
- (54) *Highway* means a public or private thoroughfare which affords a primary means of access to abutting property.
- (55) *Highway corridor* means an area of land marked by state or federal officials where potential highway development is being planned for construction.

- (56) *Home occupation* means any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises, does not exceed 25% of the habitable floor area of the dwelling unit, unless a conditional use permit is issued, and no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such uses as babysitting, millinery, dressmaking, canning, laundering and crafts, and does not include the display of any goods or products nor the storage or sale of explosives or fireworks.
- (57) *Hospital*, unless otherwise specified, shall be deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments. It shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for keeping such patients overnight on the premises.
- (58) *Hotel* means ~~an establishment for transient guests having sleeping rooms without individual cooking facilities for more than six persons for compensation~~ all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.
- (59) *Impervious Surface* means an area that releases as runoff all or a large portion of the precipitation that falls on it, other than frozen soil. Examples of surfaces that typically are impervious are any paved, covered, compacted or structural surface that limits or impedes infiltration or otherwise causes additional runoff of surface water, including roofs of buildings, the surfaces of solid decks and patios, and gravel, paved and crushed stone driveways, parking areas and walkways.
- (60) *Inoperative Motor Vehicle* means any motor vehicle which satisfies one or more of the following criteria:
- That is partially dismantled or wrecked;
 - That is not operable
 - That is not licensed;
 - That could not be safely or legally operated on a highway;
 - That has become a habitat for rodents, vermin or insects;
 - That in any other way constitutes a threat to the public health or safety.
- (61) *Interchange* means a grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.
- (62) *Junked Vehicle* means a vehicle or piece of equipment which is incapable of proper operation or use upon a highway or road.

- (63) *Junkyard* means an open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. The term "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (64) *Licensed* means the proper display of the registration which includes the necessary plates, tags or decals issued by the authority having jurisdiction over such vehicle or equipment licenses.
- (65) *Livestock operation* means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.
- (66) *Loading area* means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (67) *Lot* means a division of land occupied or designed to be occupied by one building and its accessory building or uses, including open spaces required by this chapter. A lot may be a parcel of land designated in a plat laid out prior to the effective date of the ordinance from which this chapter is derived or amendment thereof, or a division described in a conveyance recorded in the office of the register of deeds, or contained in, or a part of a certified survey, approved by the Committee and recorded in the office of the register of deeds, when such parcels comply with the requirements of this chapter as to width and area for the district in which it is located and have frontage on a public street or an approved private street. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (68) *Lot area* means the total area in a horizontal plane within the peripheral boundaries of a lot.
- (69) *Lot coverage* means the percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (70) *Lot lines* means the peripheral boundaries of a lot as defined in this section.
- (71) *Lot width* means, for the purposes of this chapter, the width of a lot shall be the shortest distance between the side lines at the setback line.
- (72) *Meat locker* means an establishment which processes meat or meat food products for human consumption. Processes mean cutting, grinding, manufacturing, compounding, intermixing or preparing.
- (73) *Mobile home* means a vehicular structure manufactured and designed to be transported and towed upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, including any additions, attachments, foundations and appurtenances.

- (74) *Mobile home park* means any lot on which two or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.
- (75) *Motel* means a ~~building or group of buildings containing rooms which are offered for compensation and the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner or his agent or employees~~ hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.
- (76) *Motor Vehicle* means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.
- (77) *Motor Vehicle Accessories* means any part or parts of any motor vehicle.
- (78) *Motor freight terminal* means a building or area in which freight brought by motor truck is assembled or stored for routing in intrastate and interstate shipment by motor truck.
- (79) *Nonconforming building or structure* means any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- (80) *Nonconforming use* means any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendments thereto governing use for the zoning district in which such use is located. Also see subsection 70-7(c).
- (81) *Nonmetallic mineral* means a product, commodity or material consisting principally of natural occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to: stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil
- (82) *Nonmetallic mining* means the following:
- a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

- b. Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to: stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.
- (83) *Nonmetallic mining refuse* means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable byproducts resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.
- (84) ~~Nonmetallic~~ Nonmetallic *mining site* means all contiguous areas of present or proposed mining described as:
- The location where nonmetallic mining is proposed or conducted.
 - Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
 - Areas where nonmetallic mining refuse is deposited.
 - Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining
 - Areas where grading and regarding is necessary.
 - Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots or channels for surface water diversion are located.
- (85) *Nursery* means any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (86) *Nursery school* means any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas, other than the child's home or the homes of relatives or guardians.
- (87) *Park, public*, means an area owned and operated by the state, county or municipality within the county, operated for the convenience and recreation of the public and containing such facilities as the owning government may see fit.
- (88) *Parking lot* means a lot where automobiles are parked or stored temporarily for public use whether free, for compensation or as an accommodation for clients or customers but not

including the wrecking of automobiles or other vehicles or storage for purposes of repair or wrecking.

- (89) *Parking space* means an off-street space available for the parking of a motor vehicle and which is held to be an area containing 200 square feet and nine feet wide (nine feet by 22 feet), exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (90) *Permanent Habitation* means more than 14 days of occupancy within a calendar year.
- (91) *Planned unit development* means a tract of land of at least five acres which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and of substantially different character than that of surrounding areas.
- (92) *Professional home offices* means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and only one nonresident person is employed.
- (93) *Property lines* means the lines bounding a tract of land in single ownership.
- (94) *Public way* means any sidewalk, street, alley, highway or other public thoroughfare.
- (95) *Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.
- (96) *Recreational camp* means an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.
- (97) *Recreational vehicle (RV)* means a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile homes.
- (98) *Recreational vehicle (RV) camp* means any park, court, campsite plot or parcels or tracts of land used to park camping type units of any nature and not used as permanent residence.
- (99) *Recycling drop-off station* means a facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a resource recovery facility or

resource recovery processing facility. Sorting, shredding, crushing, baling or other separation, other than that required by residents using a municipal recycling drop-off station to separate recyclable materials for placement in appropriate containers, shall be prohibited.

- (100) *Registered geologist* means a person who is registered as a professional geologist pursuant to Wis. Stats. §§ 443.037 and 443.09.
- (101) *Registered professional engineer* means a person who is registered as a professional engineer pursuant to Wis. Stats. §§ 443.04 and 443.09.
- (102) *Rendering plant* means a plant for the reduction of dead animals, or slaughtered animals not suitable for human consumption to byproducts such as hide, skin, grease, bones, glue, soap and for the storage of such byproducts.
- (103) *Resource recovery facility* means a building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled or otherwise separated using equipment, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building, including the storage of recyclables. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of putrescible, hazardous or toxic wastes are prohibited.
- (104) *Restaurant* means a space within a suitable building provided with adequate and sanitary kitchen equipment, approved by the state board of health and a dining room of related capacity, having employees for preparing, cooking and servicing suitable food.
- (105) *Right-of-way line* means the dividing line between a highway and the abutting lots or other divisions of land.
- (106) *Roadside stand* means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm or garden products produced on the premises.
- (107) *Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.
- (108) *Rooming house, Tourist* as defined in Wis Stats. § 97.01 (15k) means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. "Tourist rooming house" does not include: (a) a private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients, (b) a hotel, or (c) bed and breakfast establishments.

- (109) Tourist or Transient means a person who travels to a location away from ~~his or her~~their permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
- (110) *School, commercial*, means a school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.
- (111) *Setback* means the minimum horizontal distance, measured at right-angles from ~~the front line of the lot, the right-of-way lines, property lines or buildings or structures of the highway or the centerline of the highway, as designated, to the front wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such front lot line, right-of-way line or centerline of the highway.~~
- (112) *Setback lines* means lines established ~~adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown therein. The phrase "within a setback line" means between the setback line and the highway right-of-way~~parallel to the right-of-way lines, lot lines or water bodies for the purpose of defining limits in which structures, buildings or uses must be constructed, maintained or confined.
- (113) *Shopping center* means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See *Planned unit development*)
- (114) *Sign* means anything erected, hung, suspended, painted or attached to any other structure, carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other devices placed so as to be visible from a street or highway and calling attention to a business, trade, profession, commodity, product, person, firm or corporation.
- (115) *Slaughterhouse* means any building or premises used commercially for the killing, processing or dressing of cattle, sheep, swine, goats or horses for consumption and the storage, freezing and curing of meat and the preparation of meat products.
- (116) *Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- (117) *Story, half*, means a story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
- (118) *Street* means a public or private thoroughfare which may either provide the principal means of pedestrian and vehicular access to abutting property or may provide for the movement of pedestrian or vehicular traffic or both.

- (119) *Street, arterial*, means a public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.
- (120) *Structural alterations* means any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.
- (121) *Structure* means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.
- (122) *Survey, certified* means a certified survey map of not more than four parcels of land which shall be recorded in the office of the register of deeds of the county and which shall meet the requirements of Wis. Stats. § 236.34.
- (123) *Temporary structure* means a movable structure not designed for human occupancy which may be used for protection of goods or chattels.
- (124) *Transportation Standards* means Wisconsin State Statutes, Wisconsin Administrative Codes, Wisconsin Department of Transportation Construction Standards and Facilities Design Manual, American Association of State Highway and Transportation Officials (AASHTO) publications and Institute of Transportation Engineers (ITE) publications.
- (125) *Use* means the use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of standards of this chapter.
- (126) *Use, accessory*, means a use subordinate in nature, extent or purpose to the principal use of a building or lot.
- (127) *Use, approved*, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.
- (128) *Use, Conditional*, means the use of property, including the size, use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this chapter, which is permissible by reasons of special provisions of the chapter, or for which a special permit may be issued by the Committee, under conditions specified in this chapter
- (129) *Use, principal*, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be an approved use or a conditional use.
- (130) *Variance* means a departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the board of adjustment may permit, contrary to the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the board of adjustment finds that a literal application of such regulation will

(131) *Vision clearance* means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines by measurement from their intersection as specified in this chapter.

(132) *Water quality management area* means any of the following:

- a. The area within 1,000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake. The term "water quality management area" means the area within 1,000 feet from the high-water mark of the lake.
- b. The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.
- c. A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.

(133) *Yard* means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

(134) *Yard, front*, means a yard extending across the full width of a lot, ~~having a depth equal to the minimum horizontal distance between the front property line and the nearest point of the principal structure, excluding permitted projections and the nearest point of a building or structure, excluding such projections as are permitted in the this chapter.~~ A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear yard. A lot which is surrounded by public road right-of-ways on three sides will have three front yards.

(135) *Yard, rear*, means a yard, ~~unoccupied except by accessory buildings, extending from the rear line of the main building to the rear lot line for the entire~~ the full width of the lot ~~between the rear lot line to the nearest part of a building or structure,~~ excluding such projections as are permitted in this chapter. On all lots, the rear yard shall be opposite a front yard. A lot which is surrounded by public road right-of-ways on three sides will have three front yards and no rear yard.

(136) *Yard, side*, means a yard ~~or open space on each~~ side of the ~~main building or structure and the side lot line of the lot, and~~ extending from ~~the side lot line the required front yard to the required rear yard,~~ to the side wall of the building or structure, ~~exclusive of permitted~~ excluding ~~such~~ projections ~~and from the front yard to the rear yard, when an accessory building is constructed as part of the main building or constructed on one side of the main building, the~~

~~side yard requirements shall be the same for the accessory building as required for the main building~~as are permitted in this chapter. A lot which is surrounded by public road right-of-ways on three sides shall have three front yards and one side yard.

- (137) *Youth camps*. See *Recreational camps*.
- (138) *Zoning district* means an area or areas for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (139) *Zoning permit* means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located.

(Code 1980, § 17.07, Ord. 10-11, 01-10-12; Ord. 02-18, 06-12-18; Ord. No. 08-24, 07-09-2024)

Secs. 70-9--70-30. Reserved.

ARTICLE III. DISTRICTS

Sec. 70-63 Zoning Schedule of Dimensional Requirements

For buildings hereafter erected, converted in use, enlarged, moved or structurally altered, the building height limit, minimum dimension of yards, minimum area and width of lots shall comply with the following requirements:

(TABLE ON NEXT PAGE)

Zoning Schedule of Dimensional Requirements – TABLE

Dimensional Requirements	CON	REC	R1	R2	R2-TH	R3	AG	LC	HC	IND
Building height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft	45 ft	75 ft	75 ft
Minimum Lot Area										
Without public sewer	5 Acres	30,000 ft ²	20,000 ft ²	20,000 ft ²	10,000 ft ² per side	20,000 ft ²	1.5 acres	20,000 ft ²	20,000 ft ²	1 acre
With public sewer			10,000 ft ²	10,000 ft ²	10,000 ft ² per side	10,000 ft ²		10,000 ft ²	10,000 ft ²	
Minimum Lot Width										
Without public sewer	150 ft	150 ft	100 ft	100 ft	50 ft per side	100 ft	150 ft	100 ft	100 ft	150 ft
With public sewer			70 ft	70 ft	50 ft per side	70 ft		70 ft	70 ft	
Side Yard										
Principal Single side	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	10 ft	10 ft	20 ft
Shared Property Line	NA	NA	NA	NA	0 ft	NA	NA	NA	NA	NA
Accessory building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	10 ft	15 ft
Rear Yard										
Principal Building	40 ft	40 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	25 ft	40 ft
Accessory Building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	~~20~~ 15 ft	~~15~~ 10 ft	~~15~~ 10 ft	~~20~~ 15 ft

Note 1: Road setbacks are found in section 70-109.

Note 2: Non-conforming lot requirements are found in section 70-111.

Note 3: All of the setback requirements are in feet, while the required lot area is square feet, unless duly noted.

Note 4: See the individual zoning districts and 70-106 and 70-107 for additional height and setback restrictions and/or regulations.

See each district section for exceptions to the standards in this section.

(Code 1980, § 17.22) (Ord. 06-15, 01-12-2016)

Sec. 70-70 Residential 3 District (R3)

Specified uses. In the residential 3 district no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the residential 3 district.

(1) Any use permitted in the residential 2 district. The use shall be in keeping with the conditions, if any, set forth in section 70-69 for the residential 2 district.

(2) ~~Multiple-family dwellings~~ with a maximum of four (4) dwelling units. An additional 3,000 square feet of buildable land shall be required for each dwelling unit of a multi-family dwelling that exceeds two (2) dwelling units.

~~a. An additional 3,000 square feet of land shall be provided for each dwelling unit above two.~~

~~(3) Lodging houses and boardinghouses.~~

(43) Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(54) Signs as permitted in article IV, division 3 of this chapter.

(b) *Conditional Uses.* The following uses shall be conditional uses in the Residential 3 District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

(1) ~~Multiple-family dwellings with five (5) or more dwelling units. An additional 3,000 square feet of buildable land shall be required for each dwelling unit of a multi-family dwelling that exceeds two (2) dwelling units.~~

(2) Boarding Houses.

(43) Mobile home parks are permitted if approved by the Committee after public hearing and in keeping with subsection 70-71(b)(10)a.

(24) Hospitals may be permitted if the establishment, having up to ten patients, client or guest rooms, has a lot area of not less than 30,000 square feet and that all yards except the front yard shall be not less than two times the width or depth otherwise required by this section for residential buildings; provided further, that for each five such rooms in addition to the first ten, the area shall be increased by 4,000 square feet, but in no case shall a lot area of more than 100,000 square feet be required.

(c) *Dimensional requirements.* See section 70-63.

(d) *Highway setback lines.* See section 70-109.

(e) *Off-street parking and loading areas.* See section 70-110.

(f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.27)

Sec. 70-71 Agricultural District (AG)

In the agricultural district no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved use.* The following are approved uses in the agricultural district:
- (1) General farming, including dairying livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage and rubbish.
 - a. New or existing livestock operations which will house up to 649 animal units shall not require a zoning permit. However, the following requirements shall be met:
 1. Livestock operations shall be in conformance with provisions of chapter 62, article IV, division 4 of this Code.
 2. Livestock operations shall meet minimum statutory prohibitions for nonpoint source pollution control as follows:
 3. A livestock operation may have no overflow of manure storage structures.
 4. A livestock operation may have no unconfined manure pile in a water quality management area.
 5. A livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.
 6. A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.
 7. Requirements of Wisconsin Administrative Code NR 151 and Wisconsin State Statutes 281.
 - (2) Single Family Dwellings.
 - (3) Additional dwelling units for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling(s) must meet all applicable setback, lot size and spacing requirements in case it is sold in the future.

- (4) Telephone, power transmission towers, poles and lines including transformers, substations, relay stations, equipment and television stations and transmission towers and microwave relay towers.
- (5) Roadside stands provided that there shall not be more than one stand on any single premises.
- (6) Signs as permitted in article IV, division 3 of this chapter.
- (7) Sawmills, provided that the location of any sawmill on the same premises is less than ten days, excluding portable sawmills.
- (8) Single-family mobile homes. Such home shall be connected to an acceptable water supply and separate and individual private wastewater facilities. See section 70-101.
- (9) Accessory structures utilized solely in the business of agriculture, farm or farming, including but not limited to barns, equipment storage sheds, plant greenhouses and stables.
- (10) Any non-commercial activity, which does not last longer than 96 hours, such as but not limited to: graduation parties, family reunions and picnics, and weddings.
- (11) Agricultural-related businesses
- (12) Recycling drop-off Station this is maintained and operated by the township or county.

(13) Outdoor Storage of low explosives, on the condition that all of the following requirements are met:

- a. The outdoor storage is an accessory use to the principal residential structure on the property. The intent is to allow a property owner the ability to store fireworks on their property as long as they are "living" on the property. This provision is not meant to allow a property owner to have a vacant parcel of land whereby they can place a structure for the storage of low explosives.
- b. Written approval from the town in which the storage is proposed is submitted to the Department.
- c. Written approval from the Bureau of Alcohol, Tobacco, Firearms & Explosives detailing the type of structure and the minimum setback requirements to structures and property lines is submitted to the Department.
- d. Setbacks for the placement of any structure for the outdoor storage of low explosives comply with local, county, state and federal law.

- (b) *Conditional uses.* The following uses shall be conditional uses in the Agricultural District when the location of each such use has been approved by the Committee following a public hearing pursuant to Section 70-108).
- (1) Junk or salvage yards. See article IV, division 2 of this chapter.
 - (2) Non-Metallic Mining. See Division 5 of this chapter.
 - (3) Saw mills. See subsection 70-71(a)(7) of this section.
 - (4) Aircraft landing fields. Including the location on such fields of buildings related to the operation, storage or maintenance of aircraft. All aircraft landing fields shall take into consideration safety zones as set forth in subsection 70-106(d).
 - (5) Contractor's storage yards. Any such yard shall be placed or screened by plantings or fences as not to be visible from any public highway or any residential building other than that of the owner of such yard, ~~his~~their agent or employee.
 - (6) Power plants and flowage areas. As allowed upon consideration of the Department of Natural Resources and the soil conservation service.
 - (7) Drive-in theaters. Provided the following requirements are met:
 - a. There shall be no direct entrance to or exit from such drive-in theater and any federal, state or county highway.
 - b. No parking shall be permitted on any street or highway on which a drive-in theater abuts or on any street or highway connecting with an abutting street or highway anywhere within one-half mile of an entrance to or exit from such drive-in theater.
 - c. There shall be a distance of not less than one-quarter mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
 - (8) Fur farms and pea vineries. When located not less than 1,000 feet from any residential building, other than that of the owner of the premises, ~~his~~their agents or employees and not less than 500 feet from the right-of-way line of any federal, state and county trunk highway provided that this regulation shall not apply to portable pea vineries where there is no stacking of the vines.
 - (9) Animal hospitals, veterinary clinics and kennels. When located not less than 500 feet from any residential building other than that of the owner of such kennels, ~~his~~their agent or employee.

(10) Mobile home parks and recreational vehicle camps. The following requirements shall be met:

a. Mobile home park provided as follows:

1. The minimum size of a mobile home park shall be five acres.
2. The maximum number of mobile homes shall be eight per acre.
3. The minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
4. All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and all driveways shall be lighted at night.
5. In addition to the requirements of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other lot lines.
6. The parks shall conform to the requirements of Wis. Admin. Code ATCP125, which shall apply until amended and then apply as amended.
7. No mobile home site shall be rented for a period of less than 30 days.
8. Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
9. There shall be two surfaced automobile parking spaces for each mobile home.
10. Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a planting of fast-growing vegetation, capable of reaching a height of 15 feet or more, the individual trees to be such number and so arranged that within ten years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

b. Recreational Vehicle (RV) camps provided as follows:

1. The minimum size of a RV camp shall be five acres.
2. The maximum number of RVs shall be 15 per acre.
3. Minimum dimensions of a RV site shall be 25 feet wide by 40 feet long.

4. Each RV site shall be separated from other RV sites by a yard not less than 15 feet wide.
 5. There shall be 1 1/2 automobile parking spaces for each RV site.
 6. In addition to the requirement of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other exterior lot lines.
 7. It shall conform to the requirement of Wis. Admin. Code HFS ch. 178 which shall apply until amended and then apply as amended.
 8. The screening provisions for mobile home parks are met.
- (11) Garbage and refuse disposal sites provided as follows:
- a. The sites shall have clearly defined boundaries at the time of issuing a permit.
 - b. The site shall be screened so that the salvage materials are not visible from other property in the vicinity or from a public right-of-way such as roads, streets and highways or waterways.
 - c. The site shall not be located within 5 miles of the boundary of any residential district or any incorporated city or village, nor within 5 miles of any other residences, nor within 1,200 feet of the right-of-way of any federal, state, county or town highway.
 1. All such sites shall have minimum front, side and rear yards of 1,200 feet each.
 2. No location permit shall be issued without approval of the County and Town Board.
- (12) Sale barns. Provided that no sale barn be located within one-half mile of the boundary of any residence district or any incorporated city or village, nor within one-quarter mile of any other residence except that of the owner of the property on which such sale barn is located or ~~his~~their agent, nor within 500 feet of the right-of-way line of any federal, state or county trunk highway.
- (13) Slaughterhouses shall be located not less than 1,000 feet from any residential building other than that of the owner of the premises, ~~his~~their agent or employee.
- (14) Creameries, dairies, cheese factories.
- (15) Mixing construction materials. Mixing of concrete, asphalt hot mix or other related materials.

- (16) A new or existing livestock operation, which houses or expands to house 650 or more animal units.
- (17) Manmade ponds. Construction/use of manmade ponds over one acre or combined to be over one acre, except agricultural activities, including, but not limited to, cranberry bogs, commercial fish farming, livestock watering holes, and ponds established by non-metallic mining activities, are exempt. It shall be the responsibility of the petitioner to submit sufficient evidence to satisfy the following concerns: pollution to groundwater, drainage and flood protection, and depletion of groundwater, safety, aesthetics, traffic, noise and restoration of the site. The Committee may require documentation of other concerns which may be brought up during the public hearing.
 - a. Facilities that are approved in stormwater management plans are exempt from the provisions of this section.
 - b. The property owner must retain ownership of a minimum of 10 adjacent acres of property for every one acre of water and the property required shall be located around the entire manmade pond.
- (18) Hatcheries

- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.29; Ord. No. 08-02, § 2(17.29), 07-09-2002; Ord. No. 01-04, § 1, 03-09-2004)

Sec. 70-72 Local Commercial District (LC)

In the local commercial district, no building or premises shall be used and no building shall be moved, erected or structurally altered after the effective date of the ordinance from which this chapter is derived unless otherwise provided in this chapter except for one or more of the following specified uses:

- (a) *Approved uses.* The following are approved uses in the local commercial district:
 - (1) One dwelling unit on the premises in connection with a permitted use for the owner or his-their agent.
 - (2) Small retail stores and shops such as: art shops, clothing, drug, grocery, fruit, meat, vegetables, confectionery, hardware, sporting goods, stationery, music, variety and notion stores, household appliances and small service businesses such as stores and

shops for barbers, beauticians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, photographers.

- (3) Signs as permitted in article IV, division 3 of this chapter.
- (4) Offices and office buildings for business and professional firms including banks, medical and dental offices and public and public utility offices.

(5) Churches.

(6) Public and private schools.

- ~~(57)~~ Cleaning, dyeing and laundry pickup stations and self-service laundries and cleaning shops.

- ~~(68)~~ Bakeries, confectioneries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale and consumption.

- ~~(79)~~ Restaurants.

- ~~(810)~~ Frozen food or meat lockers for service to families and individuals.

- ~~(911)~~ Liquor stores selling only packaged goods.

- ~~(1012)~~ Radio (AM or FM) or television broadcasting stations and transmitters and microwave radio relay structures.

- ~~(1113)~~ Clubs, lodges, and meeting rooms with seating capacities less than 300 persons.

- ~~(1214)~~ Telephone exchanges and accessory service garage and storage yards.

(15) Animal Hospitals or Veterinary Clinics and kenneling for patients.

- ~~(1316)~~ Telephone, electric power and oil and gas distribution lines and necessary appurtenant equipment housings.

- ~~(1417)~~ Other retail stores and shops and small service businesses catering to neighborhood patronage, including only those deemed to be as appropriately located in local commercial districts as those enumerated above and only those not dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare and not impairing the use, enjoyment or value of any property.

- (b) *Conditional Uses.* The following uses shall be conditional uses in the Local Commercial District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

- (1) Hotels and Motels.
- (2) Drive-in restaurants and refreshment stands.
- (3) Gasoline service stations, repair garages and shops for motor vehicles, including parking, storage, repair, maintenance and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles and parts.
- (4) Auto-wash, except steam.
- (5) Commercial recreation uses.
- (6) Two (2) or more apartments as a secondary use on a non-ground floor level and providing each apartment has a minimum residential floor area of 400 square feet.

(c) *Dimensional requirements.* See section 70-63.

- (1) Additional standards for side yards are as follows:
 - a. There shall be a side yard of not less than 15 feet wide along the side of any lot in the local commercial district which abuts the side lot line of a lot in a residential district and is not separated there from by a street or alley.
 - b. Buildings on abutting lots may be constructed with a common wall or with walls contiguous to one another.

(d) *Highway setback lines.* See section 70-109.

(e) *Off-street parking and loading areas.* See section 70-110.

(f) *Substandard lots.* See section 70-111.

(g) *Commercial Screening Regulations.* See section 70-113.

(h) *Commercial Lighting Regulations.* See section 70-114.

(Code 1980, § 17.30)

Sec. 70-73 Highway Commercial District (HC)

In the highway commercial district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved uses.* The following are approved uses in the highway commercial district:

- (1) Uses permitted in the local commercial district, including ~~those requiring approval of the Committee in such district~~ the conditional uses as listed in 70-72 (B)(1) through (B)(5).
- (2) Automobile display and salesroom, parking lots and structures and when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing and servicing of automobiles, including minor adjustments, repairs, overhauling and rebuilding, but not demolition.
- (3) Bars, taverns, nightclubs.
- (4) Boat and mobile home salesrooms and lots.
- (5) Cleaning, laundering and dyeing plants.
- (6) Department stores.
- (7) Engraving, photoengraving, photofinishing, lithographing, printing, publishing and bookbinding plants.
- (8) Household appliance and equipment repair shops.
- (9) Laboratories; medical, dental and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
- (10) Loft buildings and mini-warehouses.
- (11) Music conservatories, dancing studios.
- (12) Paint shops, including sign and other painting.
- (13) Retail, wholesale and jobbing businesses.
- (14) Tire repair shops.
- (15) Used car, farm implement sales lots.
- (16) Signs as permitted in article IV, division 3 of this chapter.
- (17) Other retail, wholesale or services considered to be as appropriate and desirable for inclusion within the highway commercial district as those permitted above and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof or to the public welfare and will not impair the use, enjoyment or value of any property.
- (18) Any of the following uses are excluded from the highway commercial district:

- a. Any use permitted in only the industrial district, including uses permitted only with Committee approval.
 - b. Automobile wrecking yards, junkyards, public dumping grounds.
 - c. Manufacturing and processing other than accessory uses customarily incidental to permitted retail, wholesale and service uses.
 - d. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Highway Commercial District only when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Bottling works bottling nonalcoholic beverages.
 - (2) Bottle gas storage for local distribution.
 - (3) Bus, taxi and truck terminals, and storage; railroad lines, spurs and passenger terminals.
 - (4) Dairies, ice cream plants.
 - (5) Drive-in movies.
 - (6) Ice plants, cold storage plants.
 - (7) Mortuaries.
 - (8) Recycling drop-off station.
 - (9) Resource Recovery Facility.
 - (10) Two (2) or more apartments as a secondary use on a non-ground floor level and providing each apartment has a minimum residential floor area of 400 square feet.
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.
- (g) *Commercial Screening Regulations.* See section 70-113.

Cross references: Businesses, ch. 14.

Sec. 70-76 Planned Unit Development District (PUD)

The PUD district is intended to provide for large-scale mixture of residential or ~~residential/recreational-commercial~~ development on a parcel or parcels of land. This district shall have no definite boundaries until such are approved by the County Board on the recommendation of the Committee in accordance with ~~procedures prescribed for zoning amendments by Wis. Stats. § 59.69~~section 70-36 of this ordinance. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multifamily development as well as related commercial uses, provided that the plans indicate that: All buildings and lots in the PUD district shall conform to the appropriate underlying zoning district requirements, including the requirement for applying for and receiving approval for conditional use permits.

- (a) To protect the value of neighboring buildings or uses, the Committee may attach reasonable conditions and safeguards that are consistent with the general purpose and intent of this chapter when approving the Final Development Plan.
- (b) The approved zoning classification or classifications of the land included within the PUD shall be recognized by the addition of “PUD” to the applicable zoning classifications. As an example, the residential zoning districts of R1, R2 and R3, if included within a PUD, would be labeled as PUD-R1, PUD-R2 and PUD-R3. The commercial zoning districts of LC and HC, if included within the PUD, would be labeled as PUD-LC and PUD-HC. Each approved zoning classification shall be on individual lots within the PUD.
- (c) A Development plan shall be submitted a part of the request to rezone the parcel or parcels of land into a PUD. At a minimum, the Development Plans shall show the following:

 - (a) A single area of at least five acres is involved.
 - (b1) Each residential building and lot in the district shall conform to the appropriate residential district requirements and each commercial building and lot shall conform to the appropriate commercial district requirements. The location, size and proposed use of all structures and land to be included in the PUD district.
 - (2) Sufficient information to indicate that all applicable zoning ordinance requirements shall be met.
 - (c3) Adequate improvements to existing public streets as determined to serve the needs of the area involved shall be provided, if required.

- (d4) Adequate access to existing public streets and proper internal circulation ~~shall be provided~~ for the development and emergency services.
- (e5) Adequate ~~sewer-septic, and drinking water, stormwater or other applicable~~ facilities ~~shall be provided.~~
- (6) Any additional items as requested by the town or the Committee to be incorporated into the Final Development Plan.
- (e) The property owner shall record the Final Approved Development Plan, including all approved conditions, in the Chippewa County Register of Deeds Office within 30 days of final approval. If the Final Development Plan is not recorded within said timeframe, the Final Development Plan shall be voided.
- (f) Amendments to Final Development Plan.
 - (1) After approval of the Final Development Plan by the Committee, the property owner may seek amendments to the Final Development Plan as recorded, only if difficulties or significant changes in circumstances are encountered in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other physical complications, or changing market conditions, new technologies or emerging design ideas.
 - (2) Minor changes in the location, siting, and height of buildings and structures, or reductions in project density or intensity may be authorized by the Committee without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development.
 - b. An increase in overall coverage of structures.
 - c. An increase in the intensity of use.
 - d. An increase in the problems of traffic circulation and public utilities.
 - e. A reduction in approved open space.
 - f. A reduction of off-street parking and loading space.
 - g. A reduction in required pavement widths.
 - (3) All other proposed changes in use, or rearrangement of lots, blocks, and building tracts, or any proposed changes in the provision of common open spaces and changes other than listed above, must be approved by the Committee subject to the procedures

specified in section 70-36. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved.

(g) Enforcement.

- (1) Violations of the Final Development Plan shall be subject to enforcement under the provisions of section 70-31.
- (2) The property owner shall begin construction of the PUD within 12 months following the date of the recording of the Final Development Plan. The Committee may grant, in writing, an extension of this time period of up to 12 months upon demonstration of good cause by the property owner. If the property owner fails to commence construction of the PUD within the specified time, the Committee shall proceed with actions as specified in subsection 4. hereinbelow.
- (3) If the PUD is to be developed in stages, then the property owner must begin the construction of each stage within the time limits specified in the Final Development Plan. Construction in each phase shall include all the elements of that phase specified in the Final Development Plan.
- (4) The Administrator shall periodically monitor the construction of the PUD, with respect to conformance with the Final Development Plan, start of construction and development phasing. If the Administrator finds that the property owner has failed or is failing to develop the PUD in conformance with the Final Development Plan; or that the property owner has failed to begin development within the specified time period; or that the property owner is not proceeding in accordance with the approved development phasing, with respect to either timing of construction or an approved mix of project elements, then the Administrator shall give written notice to the developer to appear before the Committee within 30 days to report on the status of the PUD. Upon review of the PUD, the Committee may extend the time for start of construction or the length of the time needed to complete a phase, recommend that the property owner amend the Final Development Plan subject to the procedures specified in section 70-36, or terminate the project and repeal the PUD.
- (5) In the event the Committee deems it necessary to terminate the project and repeal the PUD Final Development Plan, the termination shall be subject to the procedures in section 70-36.

(Code 1980, § 17.34)

Secs. 70-77--70-100. Reserved.

2. That these ordinance amendments shall take effect upon passage and publication.

Forwarded to the County Board by the Planning & Zoning Committee.

ORDINANCE TO AMEND SECTIONS 70-8, 70-63, 70-70 THROUGH 70-73, AND 70-76 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES

1. That Sections 70-8, 70-63, 70-70 through 70-73, and 70-76 of the Chippewa County Code of Ordinances be amended as follows:

Chapter 70 ZONING

ARTICLE I. IN GENERAL

Sec. 70-8 Definitions

For the purposes of this chapter, certain terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies politic and corporate. The word "lot" includes the word "plot" or "parcel." The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

- (1) *Abutting* means having a common property line or district line.
- (2) *Accessory building* means a subordinate building, the use of which is purely incidental to the permitted use of the ~~principle~~principal building,
- (3) *Accessory use*. See *Use, accessory*.
- (4) *Administrator* means the Planning & Zoning Administrator or an agent designated by the Planning & Zoning Administrator.
- (5) *Adult Bookstore* means an establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, video cassettes, DVD's or other electronic media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- (6) *Adult Cabaret* means a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons. An adult cabaret does not include theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers and where the

establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

- (7) *Adult Motion Picture Theater* means an enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as described herein) for observation by patrons therein.
- (8) *Agricultural-related business* means a business which is operated from a property located in an agricultural district which (a) services the local farm community through the repair or servicing of farm machinery or equipment or (b) the sale of products that are grown on the property and additional products as long as the home-grown products represent at least 50% or more of the sales.
- (9) *Airport* means any airport which complies with the definition contained in Wis. Stats. § 114.002(7), or any airport which serves or offers to serve any common carriers engaged in air transport.
- (10) *Alley* means a way which affords only a secondary means of access to abutting property.
- (11) *Animal unit* means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wis. Admin. Code NR § 243.11, table 2, which are fed, confined, maintained or stabled in an animal feeding operation. For the purposes of this chapter, one animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1,000 pounds.
- (12) *Apartment* means a portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (13) *Apartment house*. See *Dwelling, multiple*.
- (14) *Approved use*. See *Use, approved*.
- (15) *Arterial street*. See *Street, arterial*.
- (16) *Automobile wrecking yard* means an establishment or place of business, which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. 2 or more such vehicles constitute an automobile wrecking yard.
- (17) *Basement* means a story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit. The first floor is the floor next above the basement or the lowest floor if there is no basement. A basement shall not be counted as a story for the purposes of story restrictions.

- (18) *Billboard* means an advertising device, either freestanding or attached to a building which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (19) *Block* means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (20) *Board* means the board of adjustment, as provided in section 70-35.
- (21) *Boardinghouse* means a building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six persons.
- (22) *Building* means a structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separate building for the purpose of this chapter.
- (23) *Building, alterations of*, means any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building or movement of a building from one location to another.
- (24) *Building, height of*, means the vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable or gambrel, hip or pitch roof.
- (25) *Building, principal*, means a building in which is conducted the main use of the lot on which such building is located.
- (26) *Building line, front*, means a line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (27) *Business* means a commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (28) *Camping grounds* means a parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers or movable or temporary dwellings, rooms or sleeping quarters of any kind.
- (29) *Carport* means a structure providing shelter, which consists of a roof and support posts with the potential of being either permanently or temporarily enclosed by walls. It may be free-standing or attached to an existing building.
- (30) *Clinic* means an establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises. For purposes of this chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this chapter relating to such office, shall not be considered a clinic; but any doctor's or dentist's

office which is not a part of ~~his~~their own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

- (31) *Club* means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- (32) *Committee* means the Planning & Zoning Committee which is made up of county board members and oversees the policy for planning and zoning as outlined in Wis. Stats. §§ 59.69.
- (33) *Conforming use* means any lawful use of a building or lot which complies with the provisions of this chapter.
- (34) *Department* means the Chippewa County Department of Planning & Zoning.
- (35) *District* means a section or sections of the county for which the regulations governing the use of land and buildings are uniform.
- (36) *Dwelling, multiple*, means a building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels and townhouses.
- (37) *Dwelling, single-family*, means a detached building designed for and occupied exclusively by one family which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (38) *Dwelling, two-family*, means a detached building designed for and occupied exclusively by two families living independently of each other which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (39) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (40) *Emergency shelter* means public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire, flood, windstorm, riots or invasions.
- (41) *Environmental Pollution* has the meaning in Wis. Stats. § 295.22(2).
- (42) *Expressway* means a divided arterial highway with controls on public and private access and, generally, with interchanges at major intersections.
- (43) *Family* means any number of individuals related by blood, adoption or marriage, living together on the premises as a single housekeeping unit.

- (44) *Farm* means an area of land of indeterminate size where animals, produce, plants or bees are raised or maintained for sale or off premise consumption, or where animals are commonly associated with farming are maintained for pleasure.
- (45) *Forest industries* means the cutting and storing of forest products, the operation of portable sawmills, the production of maple syrup and sugar.
- (46) *Forest products* means products obtained from stands of forest trees which have been either naturally or artificially established.
- (47) *Freeway* means an expressway with full control of access and with grade separations at all intersections.
- (48) *Frontage, street*, means the smallest dimension of a lot abutting a public street measured along the street line.
- (49) *Fur farm* means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals including those defined in Wis. Stats. § 29.001(30), and also other fur-bearing animals, if any, whether the animals are kept for breeding, slaughtering or pelting purposes.
- (50) *Garage, private*, means an accessory building or accessory portion used, or intended to be used, for the storage of private motor vehicles and having a capacity of not more than three automobiles or not more than two automobiles per family housed in the building, whichever is greater. The capacity limitations shall not apply in the agricultural district.
- (51) *Garage, public*, means a building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as gasoline stations or service stations.
- (52) *Gasoline service station* means any area of land, including any structure thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil or other lubricating substances, or motor vehicle accessories; and which may include facilities used or designed to be used for polishing, repairing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.
- (53) *Hazardous Waste* means any solid waste as defined by the Wisconsin Department of Natural Resources, in Wis. Stats. § 291.01, and identified as hazardous under §§ 295.01(1), (2) or (4).
- (54) *Highway* means a public or private thoroughfare which affords a primary means of access to abutting property.
- (55) *Highway corridor* means an area of land marked by state or federal officials where potential highway development is being planned for construction.

- (56) *Home occupation* means any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises, does not exceed 25% of the habitable floor area of the dwelling unit, unless a conditional use permit is issued, and no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such uses as babysitting, millinery, dressmaking, canning, laundering and crafts, and does not include the display of any goods or products nor the storage or sale of explosives or fireworks.
- (57) *Hospital*, unless otherwise specified, shall be deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments. It shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for keeping such patients overnight on the premises.
- (58) *Hotel* means ~~an establishment for transient guests having sleeping rooms without individual cooking facilities for more than six persons for compensation~~ all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.
- (59) *Impervious Surface* means an area that releases as runoff all or a large portion of the precipitation that falls on it, other than frozen soil. Examples of surfaces that typically are impervious are any paved, covered, compacted or structural surface that limits or impedes infiltration or otherwise causes additional runoff of surface water, including roofs of buildings, the surfaces of solid decks and patios, and gravel, paved and crushed stone driveways, parking areas and walkways.
- (60) *Inoperative Motor Vehicle* means any motor vehicle which satisfies one or more of the following criteria:
- That is partially dismantled or wrecked;
 - That is not operable
 - That is not licensed;
 - That could not be safely or legally operated on a highway;
 - That has become a habitat for rodents, vermin or insects;
 - That in any other way constitutes a threat to the public health or safety.
- (61) *Interchange* means a grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.
- (62) *Junked Vehicle* means a vehicle or piece of equipment which is incapable of proper operation or use upon a highway or road.

- (63) *Junkyard* means an open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. The term "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (64) *Licensed* means the proper display of the registration which includes the necessary plates, tags or decals issued by the authority having jurisdiction over such vehicle or equipment licenses.
- (65) *Livestock operation* means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.
- (66) *Loading area* means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (67) *Lot* means a division of land occupied or designed to be occupied by one building and its accessory building or uses, including open spaces required by this chapter. A lot may be a parcel of land designated in a plat laid out prior to the effective date of the ordinance from which this chapter is derived or amendment thereof, or a division described in a conveyance recorded in the office of the register of deeds, or contained in, or a part of a certified survey, approved by the Committee and recorded in the office of the register of deeds, when such parcels comply with the requirements of this chapter as to width and area for the district in which it is located and have frontage on a public street or an approved private street. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (68) *Lot area* means the total area in a horizontal plane within the peripheral boundaries of a lot.
- (69) *Lot coverage* means the percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (70) *Lot lines* means the peripheral boundaries of a lot as defined in this section.
- (71) *Lot width* means, for the purposes of this chapter, the width of a lot shall be the shortest distance between the side lines at the setback line.
- (72) *Meat locker* means an establishment which processes meat or meat food products for human consumption. Processes mean cutting, grinding, manufacturing, compounding, intermixing or preparing.
- (73) *Mobile home* means a vehicular structure manufactured and designed to be transported and towed upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, including any additions, attachments, foundations and appurtenances.

- (74) *Mobile home park* means any lot on which two or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.
- (75) *Motel* means a ~~building or group of buildings containing rooms which are offered for compensation and the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner or his agent or employees~~ hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.
- (76) *Motor Vehicle* means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.
- (77) *Motor Vehicle Accessories* means any part or parts of any motor vehicle.
- (78) *Motor freight terminal* means a building or area in which freight brought by motor truck is assembled or stored for routing in intrastate and interstate shipment by motor truck.
- (79) *Nonconforming building or structure* means any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- (80) *Nonconforming use* means any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendments thereto governing use for the zoning district in which such use is located. Also see subsection 70-7(c).
- (81) *Nonmetallic mineral* means a product, commodity or material consisting principally of natural occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to: stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil
- (82) *Nonmetallic mining* means the following:
- a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

- b. Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to: stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(83) *Nonmetallic mining refuse* means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable byproducts resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(84) ~~Nonmetallic~~ Nonmetallic *mining site* means all contiguous areas of present or proposed mining described as:

- a. The location where nonmetallic mining is proposed or conducted.
- b. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
- c. Areas where nonmetallic mining refuse is deposited.
- d. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining
- e. Areas where grading and regading is necessary.
- f. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots or channels for surface water diversion are located.

(85) *Nursery* means any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

(86) *Nursery school* means any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas, other than the child's home or the homes of relatives or guardians.

(87) *Park, public*, means an area owned and operated by the state, county or municipality within the county, operated for the convenience and recreation of the public and containing such facilities as the owning government may see fit.

(88) *Parking lot* means a lot where automobiles are parked or stored temporarily for public use whether free, for compensation or as an accommodation for clients or customers but not

including the wrecking of automobiles or other vehicles or storage for purposes of repair or wrecking.

- (89) *Parking space* means an off-street space available for the parking of a motor vehicle and which is held to be an area containing 200 square feet and nine feet wide (nine feet by 22 feet), exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (90) *Permanent Habitation* means more than 14 days of occupancy within a calendar year.
- (91) *Planned unit development* means a tract of land of at least five acres which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and of substantially different character than that of surrounding areas.
- (92) *Professional home offices* means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and only one nonresident person is employed.
- (93) *Property lines* means the lines bounding a tract of land in single ownership.
- (94) *Public way* means any sidewalk, street, alley, highway or other public thoroughfare.
- (95) *Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.
- (96) *Recreational camp* means an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.
- (97) *Recreational vehicle (RV)* means a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile homes.
- (98) *Recreational vehicle (RV) camp* means any park, court, campsite plot or parcels or tracts of land used to park camping type units of any nature and not used as permanent residence.
- (99) *Recycling drop-off station* means a facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a resource recovery facility or

resource recovery processing facility. Sorting, shredding, crushing, baling or other separation, other than that required by residents using a municipal recycling drop-off station to separate recyclable materials for placement in appropriate containers, shall be prohibited.

- (100) *Registered geologist* means a person who is registered as a professional geologist pursuant to Wis. Stats. §§ 443.037 and 443.09.
- (101) *Registered professional engineer* means a person who is registered as a professional engineer pursuant to Wis. Stats. §§ 443.04 and 443.09.
- (102) *Rendering plant* means a plant for the reduction of dead animals, or slaughtered animals not suitable for human consumption to byproducts such as hide, skin, grease, bones, glue, soap and for the storage of such byproducts.
- (103) *Resource recovery facility* means a building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled or otherwise separated using equipment, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building, including the storage of recyclables. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of putrescible, hazardous or toxic wastes are prohibited.
- (104) *Restaurant* means a space within a suitable building provided with adequate and sanitary kitchen equipment, approved by the state board of health and a dining room of related capacity, having employees for preparing, cooking and servicing suitable food.
- (105) *Right-of-way line* means the dividing line between a highway and the abutting lots or other divisions of land.
- (106) *Roadside stand* means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm or garden products produced on the premises.
- (107) *Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.
- (108) *Rooming house, Tourist* as defined in Wis Stats. § 97.01 (15k) means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. "Tourist rooming house" does not include: (a) a private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients, (b) a hotel, or (c) bed and breakfast establishments.

- (109) Tourist or Transient means a person who travels to a location away from ~~his or her~~their permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
- (110) *School, commercial*, means a school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.
- (111) *Setback* means the minimum horizontal distance, measured at right-angles from ~~the front line of the lot, the~~ right-of-way lines, property lines or buildings or structures of the highway or the centerline of the highway, as designated, to the front wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such front lot line, right-of-way line or centerline of the highway.
- (112) *Setback lines* means lines established ~~adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown therein. The phrase "within a setback line" means between the setback line and the highway right-of-way~~ parallel to the right-of-way lines, lot lines or water bodies for the purpose of defining limits in which structures, buildings or uses must be constructed, maintained or confined.
- (113) *Shopping center* means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See *Planned unit development*)
- (114) *Sign* means anything erected, hung, suspended, painted or attached to any other structure, carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other devices placed so as to be visible from a street or highway and calling attention to a business, trade, profession, commodity, product, person, firm or corporation.
- (115) *Slaughterhouse* means any building or premises used commercially for the killing, processing or dressing of cattle, sheep, swine, goats or horses for consumption and the storage, freezing and curing of meat and the preparation of meat products.
- (116) *Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- (117) *Story, half*, means a story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
- (118) *Street* means a public or private thoroughfare which may either provide the principal means of pedestrian and vehicular access to abutting property or may provide for the movement of pedestrian or vehicular traffic or both.

- (119) *Street, arterial*, means a public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.
- (120) *Structural alterations* means any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.
- (121) *Structure* means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.
- (122) *Survey, certified* means a certified survey map of not more than four parcels of land which shall be recorded in the office of the register of deeds of the county and which shall meet the requirements of Wis. Stats. § 236.34.
- (123) *Temporary structure* means a movable structure not designed for human occupancy which may be used for protection of goods or chattels.
- (124) *Transportation Standards* means Wisconsin State Statutes, Wisconsin Administrative Codes, Wisconsin Department of Transportation Construction Standards and Facilities Design Manual, American Association of State Highway and Transportation Officials (AASHTO) publications and Institute of Transportation Engineers (ITE) publications.
- (125) *Use* means the use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of standards of this chapter.
- (126) *Use, accessory*, means a use subordinate in nature, extent or purpose to the principal use of a building or lot.
- (127) *Use, approved*, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.
- (128) *Use, Conditional*, means the use of property, including the size, use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this chapter, which is permissible by reasons of special provisions of the chapter, or for which a special permit may be issued by the Committee, under conditions specified in this chapter
- (129) *Use, principal*, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be an approved use or a conditional use.
- (130) *Variance* means a departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the board of adjustment may permit, contrary to the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the board of adjustment finds that a literal application of such regulation will

affect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare.

- (131) *Vision clearance* means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines by measurement from their intersection as specified in this chapter.
- (132) *Water quality management area* means any of the following:
- The area within 1,000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake. The term "water quality management area" means the area within 1,000 feet from the high-water mark of the lake.
 - The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.
 - A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
- (133) *Yard* means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.
- (134) *Yard, front*, means a yard extending across the full width of a lot, ~~having a depth equal to the minimum horizontal distance between the front property line and the nearest point of the principal structure, excluding permitted projections and the nearest point of a building or structure, excluding such projections as are permitted in the this chapter.~~ A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear yard. A lot which is surrounded by public road right-of-ways on three sides will have three front yards.
- (135) *Yard, rear*, means a yard, ~~unoccupied except by accessory buildings, extending from the rear line of the main building to the rear lot line for the entire~~ across the full width of the lot ~~between the rear lot line and the nearest part of a building or structure, excluding such projections as are permitted in this chapter.~~ On all lots with access to one street, the rear yard shall be opposite a front yard. A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear yard. ~~A lot which is surrounded by public road right-of-ways on three sides will have three front yards and no rear yard.~~
- (136) *Yard, side*, means a yard ~~or open space on each~~ side of the main building or structure and the side lot line of the lot, and extending from ~~the side lot line the required front yard to the required rear yard,~~ to the side wall of the building or structure, exclusive of permitted ~~excluding such projections and from the front yard to the rear yard, when an accessory building is~~

~~constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building~~as are permitted in this chapter. A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear year. A lot which is surrounded by public road right-of-ways on three sides shall have three front yards and one side yard.

- (137) *Youth camps.* See *Recreational camps.*
- (138) *Zoning district* means an area or areas for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (139) *Zoning permit* means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located.

(Code 1980, § 17.07, Ord. 10-11, 01-10-12; Ord. 02-18, 06-12-18; Ord. No. 08-24, 07-09-2024)

Secs. 70-9--70-30. Reserved.

ARTICLE III. DISTRICTS

Sec. 70-63 Zoning Schedule of Dimensional Requirements

For buildings hereafter erected, converted in use, enlarged, moved or structurally altered, the building height limit, minimum dimension of yards, minimum area and width of lots shall comply with the following requirements:

(TABLE ON NEXT PAGE)

Zoning Schedule of Dimensional Requirements – TABLE

Dimensional Requirements	CON	REC	R1	R2	R2-TH	R3	AG	LC	HC	IND
Building height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft	45 ft	75 ft	75 ft
Minimum Lot Area										
Without public sewer	5 Acres	30,000 ft ²	20,000 ft ²	20,000 ft ²	10,000 ft ² per side	20,000 ft ²	1.5 acres	20,000 ft ²	20,000 ft ²	1 acre
With public sewer			10,000 ft ²	10,000 ft ²	10,000 ft ² per side	10,000 ft ²		10,000 ft ²	10,000 ft ²	
Minimum Lot Width										
Without public sewer	150 ft	150 ft	100 ft	100 ft	50 ft per side	100 ft	150 ft	100 ft	100 ft	150 ft
With public sewer			70 ft	70 ft	50 ft per side	70 ft		70 ft	70 ft	
Side Yard										
Principal Single side	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	10 ft	10 ft	20 ft
Shared Property Line	NA	NA	NA	NA	0 ft	NA	NA	NA	NA	NA
Accessory building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	10 ft	15 ft
Rear Yard										
Principal Building	40 ft	40 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	25 ft	40 ft
Accessory Building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	~~20~~ 15 ft	~~15~~ 10 ft	~~15~~ 10 ft	~~20~~ 15 ft

Note 1: Road setbacks are found in section 70-109.

Note 2: Non-conforming lot requirements are found in section 70-111.

Note 3: All of the setback requirements are in feet, while the required lot area is square feet, unless duly noted.

Note 4: See the individual zoning districts and 70-106 and 70-107 for additional height and setback restrictions and/or regulations.

See each district section for exceptions to the standards in this section.

(Code 1980, § 17.22) (Ord. 06-15, 01-12-2016)

Sec. 70-70 Residential 3 District (R3)

Specified uses. In the residential 3 district no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the residential 3 district.

(1) Any use permitted in the residential 2 district. The use shall be in keeping with the conditions, if any, set forth in section 70-69 for the residential 2 district.

(2) ~~Multiple-family dwellings with a maximum of four (4) dwelling units. An additional 3,000 square feet of buildable land shall be required for each dwelling unit of a multi-family dwelling that exceeds two (2) dwelling units.~~

~~a. An additional 3,000 square feet of land shall be provided for each dwelling unit above two.~~

~~(3) Lodging houses and boardinghouses.~~

(43) Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(54) Signs as permitted in article IV, division 3 of this chapter.

(b) *Conditional Uses.* The following uses shall be conditional uses in the Residential 3 District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

(1) ~~Multiple-family dwellings with five (5) or more dwelling units. An additional 3,000 square feet of buildable land shall be required for each dwelling unit of a multi-family dwelling that exceeds two (2) dwelling units.~~

(2) ~~Boarding Houses.~~

(43) Mobile home parks are permitted if approved by the Committee after public hearing and in keeping with subsection 70-71(b)(10)a.

(24) Hospitals may be permitted if the establishment, having up to ten patients, client or guest rooms, has a lot area of not less than 30,000 square feet and that all yards except the front yard shall be not less than two times the width or depth otherwise required by this section for residential buildings; provided further, that for each five such rooms in addition to the first ten, the area shall be increased by 4,000 square feet, but in no case shall a lot area of more than 100,000 square feet be required.

(c) *Dimensional requirements.* See section 70-63.

(d) *Highway setback lines.* See section 70-109.

(e) *Off-street parking and loading areas.* See section 70-110.

(f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.27)

Sec. 70-71 Agricultural District (AG)

In the agricultural district no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved use.* The following are approved uses in the agricultural district:
- (1) General farming, including dairying livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage and rubbish.
 - a. New or existing livestock operations which will house up to 649 animal units shall not require a zoning permit. However, the following requirements shall be met:
 1. Livestock operations shall be in conformance with provisions of chapter 62, article IV, division 4 of this Code.
 2. Livestock operations shall meet minimum statutory prohibitions for nonpoint source pollution control as follows:
 3. A livestock operation may have no overflow of manure storage structures.
 4. A livestock operation may have no unconfined manure pile in a water quality management area.
 5. A livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.
 6. A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.
 7. Requirements of Wisconsin Administrative Code NR 151 and Wisconsin State Statutes 281.
 - (2) Single Family Dwellings.
 - (3) Additional dwelling units for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling(s) must meet all applicable setback, lot size and spacing requirements in case it is sold in the future.

- (4) Telephone, power transmission towers, poles and lines including transformers, substations, relay stations, equipment and television stations and transmission towers and microwave relay towers.
- (5) Roadside stands provided that there shall not be more than one stand on any single premises.
- (6) Signs as permitted in article IV, division 3 of this chapter.
- (7) Sawmills, provided that the location of any sawmill on the same premises is less than ten days, excluding portable sawmills.
- (8) Single-family mobile homes. Such home shall be connected to an acceptable water supply and separate and individual private wastewater facilities. See section 70-101.
- (9) Accessory structures utilized solely in the business of agriculture, farm or farming, including but not limited to barns, equipment storage sheds, plant greenhouses and stables.
- (10) Any non-commercial activity, which does not last longer than 96 hours, such as but not limited to: graduation parties, family reunions and picnics, and weddings.
- (11) Agricultural-related businesses
- (12) Recycling drop-off Station this is maintained and operated by the township or county.
- (13) Outdoor Storage of ~~low explosives~~1.3g Display Fireworks (formerly known as Class B), on the condition that all of the following requirements are met:
 - a. The outdoor storage is an accessory use to the principal residential structure on the property. The intent is to allow a property owner the ability to store fireworks on their property as long as they are "living" on the property. This provision is not meant to allow a property owner to have a vacant parcel of land whereby they can place a structure for the storage of ~~low explosives~~1.3g Display Fireworks.
 - b. Written approval from the town in which the storage is proposed is submitted to the Department.
 - c. Written approval from the Bureau of Alcohol, Tobacco, Firearms & Explosives detailing the type of structure and the minimum setback requirements to structures and property lines is submitted to the Department.
 - d. Setbacks for the placement of any structure for the outdoor storage of ~~low explosives~~1.3g Display Fireworks comply with local, county, state and federal law.

- (b) *Conditional uses.* The following uses shall be conditional uses in the Agricultural District when the location of each such use has been approved by the Committee following a public hearing pursuant to Section 70-108).
- (1) Junk or salvage yards. See article IV, division 2 of this chapter.
 - (2) Non-Metallic Mining. See Division 5 of this chapter.
 - (3) Saw mills. See subsection 70-71(a)(7) of this section.
 - (4) Aircraft landing fields. Including the location on such fields of buildings related to the operation, storage or maintenance of aircraft. All aircraft landing fields shall take into consideration safety zones as set forth in subsection 70-106(d).
 - (5) Contractor's storage yards. Any such yard shall be placed or screened by plantings or fences as not to be visible from any public highway or any residential building other than that of the owner of such yard, ~~his~~their agent or employee.
 - (6) Power plants and flowage areas. As allowed upon consideration of the Department of Natural Resources and the soil conservation service.
 - (7) Drive-in theaters. Provided the following requirements are met:
 - a. There shall be no direct entrance to or exit from such drive-in theater and any federal, state or county highway.
 - b. No parking shall be permitted on any street or highway on which a drive-in theater abuts or on any street or highway connecting with an abutting street or highway anywhere within one-half mile of an entrance to or exit from such drive-in theater.
 - c. There shall be a distance of not less than one-quarter mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
 - (8) Fur farms and pea vineries. When located not less than 1,000 feet from any residential building, other than that of the owner of the premises, ~~his~~their agents or employees and not less than 500 feet from the right-of-way line of any federal, state and county trunk highway provided that this regulation shall not apply to portable pea vineries where there is no stacking of the vines.
 - (9) Animal hospitals, veterinary clinics and kennels. When located not less than 500 feet from any residential building other than that of the owner of such kennels, ~~his~~their agent or employee.

(10) Mobile home parks and recreational vehicle camps. The following requirements shall be met:

a. Mobile home park provided as follows:

1. The minimum size of a mobile home park shall be five acres.
2. The maximum number of mobile homes shall be eight per acre.
3. The minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
4. All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and all driveways shall be lighted at night.
5. In addition to the requirements of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other lot lines.
6. The parks shall conform to the requirements of Wis. Admin. Code ATP125, which shall apply until amended and then apply as amended.
7. No mobile home site shall be rented for a period of less than 30 days.
8. Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
9. There shall be two surfaced automobile parking spaces for each mobile home.
10. Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a planting of fast-growing vegetation, capable of reaching a height of 15 feet or more, the individual trees to be such number and so arranged that within ten years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

b. Recreational Vehicle (RV) camps provided as follows:

1. The minimum size of a RV camp shall be five acres.
2. The maximum number of RVs shall be 15 per acre.
3. Minimum dimensions of a RV site shall be 25 feet wide by 40 feet long.

4. Each RV site shall be separated from other RV sites by a yard not less than 15 feet wide.
5. There shall be 1 1/2 automobile parking spaces for each RV site.
6. In addition to the requirement of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other exterior lot lines.
7. It shall conform to the requirement of Wis. Admin. Code HFS ch. 178 which shall apply until amended and then apply as amended.
8. The screening provisions for mobile home parks are met.

(11) Garbage and refuse disposal sites provided as follows:

- a. The sites shall have clearly defined boundaries at the time of issuing a permit.
- b. The site shall be screened so that the salvage materials are not visible from other property in the vicinity or from a public right-of-way such as roads, streets and highways or waterways.
- c. The site shall not be located within 5 miles of the boundary of any residential district or any incorporated city or village, nor within 5 miles of any other residences, nor within 1,200 feet of the right-of-way of any federal, state, county or town highway.
 1. All such sites shall have minimum front, side and rear yards of 1,200 feet each.
 2. No location permit shall be issued without approval of the County and Town Board.

(12) Sale barns. Provided that no sale barn be located within one-half mile of the boundary of any residence district or any incorporated city or village, nor within one-quarter mile of any other residence except that of the owner of the property on which such sale barn is located or ~~his~~their agent, nor within 500 feet of the right-of-way line of any federal, state or county trunk highway.

(13) Slaughterhouses shall be located not less than 1,000 feet from any residential building other than that of the owner of the premises, ~~his~~their agent or employee.

(14) Creameries, dairies, cheese factories.

(15) Mixing construction materials. Mixing of concrete, asphalt hot mix or other related materials.

- (16) A new or existing livestock operation, which houses or expands to house 650 or more animal units.
- (17) Manmade ponds. Construction/use of manmade ponds over one acre or combined to be over one acre, except agricultural activities, including, but not limited to, cranberry bogs, commercial fish farming, livestock watering holes, and ponds established by non-metallic mining activities, are exempt. It shall be the responsibility of the petitioner to submit sufficient evidence to satisfy the following concerns: pollution to groundwater, drainage and flood protection, and depletion of groundwater, safety, aesthetics, traffic, noise and restoration of the site. The Committee may require documentation of other concerns which may be brought up during the public hearing.
 - a. Facilities that are approved in stormwater management plans are exempt from the provisions of this section.
 - b. The property owner must retain ownership of a minimum of 10 adjacent acres of property for every one acre of water and the property required shall be located around the entire manmade pond.
- (18) Hatcheries

- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.29; Ord. No. 08-02, § 2(17.29), 07-09-2002; Ord. No. 01-04, § 1, 03-09-2004)

Sec. 70-72 Local Commercial District (LC)

In the local commercial district, no building or premises shall be used and no building shall be moved, erected or structurally altered after the effective date of the ordinance from which this chapter is derived unless otherwise provided in this chapter except for one or more of the following specified uses:

- (a) *Approved uses.* The following are approved uses in the local commercial district:
 - (1) One dwelling unit on the premises in connection with a permitted use for the owner or his-their agent.
 - (2) Small retail stores and shops such as: art shops, clothing, drug, grocery, fruit, meat, vegetables, confectionery, hardware, sporting goods, stationery, music, variety and notion stores, household appliances and small service businesses such as stores and

shops for barbers, beauticians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, photographers.

- (3) Signs as permitted in article IV, division 3 of this chapter.
- (4) Offices and office buildings for business and professional firms including banks, medical and dental offices and public and public utility offices.

(5) Churches.

(6) Public and private schools.

- ~~(57)~~ Cleaning, dyeing and laundry pickup stations and self-service laundries and cleaning shops.

- ~~(68)~~ Bakeries, confectioneries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale and consumption.

- ~~(79)~~ Restaurants.

- ~~(810)~~ Frozen food or meat lockers for service to families and individuals.

- ~~(911)~~ Liquor stores selling only packaged goods.

- ~~(1012)~~ Radio (AM or FM) or television broadcasting stations and transmitters and microwave radio relay structures.

- ~~(1113)~~ Clubs, lodges, and meeting rooms with seating capacities less than 300 persons.

- ~~(1214)~~ Telephone exchanges and accessory service garage and storage yards.

(15) Animal Hospitals or Veterinary Clinics and kenneling for patients.

- ~~(1316)~~ Telephone, electric power and oil and gas distribution lines and necessary appurtenant equipment housings.

- ~~(1417)~~ Other retail stores and shops and small service businesses catering to neighborhood patronage, including only those deemed to be as appropriately located in local commercial districts as those enumerated above and only those not dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare and not impairing the use, enjoyment or value of any property.

- (b) *Conditional Uses.* The following uses shall be conditional uses in the Local Commercial District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

- (1) Hotels and Motels.
- (2) Drive-in restaurants and refreshment stands.
- (3) Gasoline service stations, repair garages and shops for motor vehicles, including parking, storage, repair, maintenance and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles and parts.
- (4) Auto-wash, except steam.
- (5) Commercial recreation uses.
- (6) Two (2) or more apartments as a secondary use on a non-ground floor level and providing each apartment has a minimum residential floor area of 400 square feet.

(c) *Dimensional requirements.* See section 70-63.

- (1) Additional standards for side yards are as follows:
 - a. There shall be a side yard of not less than 15 feet wide along the side of any lot in the local commercial district which abuts the side lot line of a lot in a residential district and is not separated there from by a street or alley.
 - b. Buildings on abutting lots may be constructed with a common wall or with walls contiguous to one another.

(d) *Highway setback lines.* See section 70-109.

(e) *Off-street parking and loading areas.* See section 70-110.

(f) *Substandard lots.* See section 70-111.

(g) *Commercial Screening Regulations.* See section 70-113.

(h) *Commercial Lighting Regulations.* See section 70-114.

(Code 1980, § 17.30)

Sec. 70-73 Highway Commercial District (HC)

In the highway commercial district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved uses.* The following are approved uses in the highway commercial district:

- (1) Uses permitted in the local commercial district, including ~~those requiring approval of the Committee in such district~~ the conditional uses as listed in 70-72 (B)(1) through (B)(5).
- (2) Automobile display and salesroom, parking lots and structures and when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing and servicing of automobiles, including minor adjustments, repairs, overhauling and rebuilding, but not demolition.
- (3) Bars, taverns, nightclubs.
- (4) Boat and mobile home salesrooms and lots.
- (5) Cleaning, laundering and dyeing plants.
- (6) Department stores.
- (7) Engraving, photoengraving, photofinishing, lithographing, printing, publishing and bookbinding plants.
- (8) Household appliance and equipment repair shops.
- (9) Laboratories; medical, dental and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
- (10) Loft buildings and mini-warehouses.
- (11) Music conservatories, dancing studios.
- (12) Paint shops, including sign and other painting.
- (13) Retail, wholesale and jobbing businesses.
- (14) Tire repair shops.
- (15) Used car, farm implement sales lots.
- (16) Signs as permitted in article IV, division 3 of this chapter.
- (17) Other retail, wholesale or services considered to be as appropriate and desirable for inclusion within the highway commercial district as those permitted above and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof or to the public welfare and will not impair the use, enjoyment or value of any property.
- (18) Any of the following uses are excluded from the highway commercial district:

- a. Any use permitted in only the industrial district, including uses permitted only with Committee approval.
 - b. Automobile wrecking yards, junkyards, public dumping grounds.
 - c. Manufacturing and processing other than accessory uses customarily incidental to permitted retail, wholesale and service uses.
 - d. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Highway Commercial District only when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Bottling works bottling nonalcoholic beverages.
 - (2) Bottle gas storage for local distribution.
 - (3) Bus, taxi and truck terminals, and storage; railroad lines, spurs and passenger terminals.
 - (4) Dairies, ice cream plants.
 - (5) Drive-in movies.
 - (6) Ice plants, cold storage plants.
 - (7) Mortuaries.
 - (8) Recycling drop-off station.
 - (9) Resource Recovery Facility.
 - (10) Two (2) or more apartments as a secondary use on a non-ground floor level and providing each apartment has a minimum residential floor area of 400 square feet.
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.
- (g) *Commercial Screening Regulations.* See section 70-113.

(h) *Commercial Lighting Regulations*. See section 70-114.

(Code 1980, § 17.31)

Cross references: Businesses, ch. 14.

Sec. 70-76 Planned Unit Development District (PUD)

The PUD district is intended to provide for ~~large-scale~~ mixture of residential or ~~residential/recreational-commercial~~ development on a parcel or parcels of land. This district shall have no definite boundaries until such are approved by the County Board on the recommendation of the Committee in accordance with ~~procedures prescribed for zoning amendments by Wis. Stats. § 59.69~~ section 70-36 of this ordinance. ~~Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multifamily development as well as related commercial uses, provided that the plans indicate that:~~ All buildings and lots in the PUD district shall conform to the appropriate underlying zoning district requirements, including the requirement for applying for and receiving approval for conditional use permits.

- (a) To protect the value of neighboring buildings or uses, the Committee may attach reasonable conditions and safeguards that are consistent with the general purpose and intent of this chapter when approving the Final Development Plan.
- (b) The approved zoning classification or classifications of the land included within the PUD shall be recognized by the addition of "PUD" to the applicable zoning classifications. As an example, the residential zoning districts of R1, R2 and R3, if included within a PUD, would be labeled as PUD-R1, PUD-R2 and PUD-R3. The commercial zoning districts of LC and HC, if included within the PUD, would be labeled as PUD-LC and PUD-HC. Each approved zoning classification shall be on individual lots within the PUD.
- (c) A Development plan shall be submitted a part of the request to rezone the parcel or parcels of land into a PUD. At a minimum, the Development Plans shall show the following:
 - (a) ~~A single area of at least five acres is involved.~~
 - (b1) Each residential building and lot in the district shall conform to the appropriate residential district requirements and each commercial building and lot shall conform to the appropriate commercial district requirements. The location, size and proposed use of all structures and land to be included in the PUD district.
 - (2) Sufficient information to indicate that all applicable zoning ordinance requirements shall be met.
 - (c3) Adequate improvements to existing public streets as determined to serve the needs of the area involved shall be provided, if required.

- (d4) Adequate access to existing public streets and proper internal circulation ~~shall be provided~~ for the development and emergency services.
- (e5) Adequate ~~sewer-septic, and drinking water, stormwater or other applicable~~ facilities ~~shall be provided.~~
- (6) Any additional items as requested by the town or the Committee to be incorporated into the Final Development Plan.
- (e) The property owner shall record the Final Approved Development Plan, including all approved conditions, in the Chippewa County Register of Deeds Office within 30 days of final approval. If the Final Development Plan is not recorded within said timeframe, the Final Development Plan shall be voided.
- (f) Amendments to Final Development Plan.
 - (1) After approval of the Final Development Plan by the Committee, the property owner may seek amendments to the Final Development Plan as recorded, only if difficulties or significant changes in circumstances are encountered in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other physical complications, or changing market conditions, new technologies or emerging design ideas.
 - (2) Minor changes in the location, siting, and height of buildings and structures, or reductions in project density or intensity may be authorized by the Committee without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development.
 - b. An increase in overall coverage of structures.
 - c. An increase in the intensity of use.
 - d. An increase in the problems of traffic circulation and public utilities.
 - e. A reduction in approved open space.
 - f. A reduction of off-street parking and loading space.
 - g. A reduction in required pavement widths.
 - (3) All other proposed changes in use, or rearrangement of lots, blocks, and building tracts, or any proposed changes in the provision of common open spaces and changes other than listed above, must be approved by the Committee subject to the procedures

specified in section 70-36. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved.

(g) Enforcement.

- (1) Violations of the Final Development Plan shall be subject to enforcement under the provisions of section 70-31.
- (2) The property owner shall begin construction of the PUD within 12 months following the date of the recording of the Final Development Plan. The Committee may grant, in writing, an extension of this time period of up to 12 months upon demonstration of good cause by the property owner. If the property owner fails to commence construction of the PUD within the specified time, the Committee shall proceed with actions as specified in subsection 4. hereinbelow.
- (3) If the PUD is to be developed in stages, then the property owner must begin the construction of each stage within the time limits specified in the Final Development Plan. Construction in each phase shall include all the elements of that phase specified in the Final Development Plan.
- (4) The Administrator shall periodically monitor the construction of the PUD, with respect to conformance with the Final Development Plan, start of construction and development phasing. If the Administrator finds that the property owner has failed or is failing to develop the PUD in conformance with the Final Development Plan; or that the property owner has failed to begin development within the specified time period; or that the property owner is not proceeding in accordance with the approved development phasing, with respect to either timing of construction or an approved mix of project elements, then the Administrator shall give written notice to the developer to appear before the Committee within 30 days to report on the status of the PUD. Upon review of the PUD, the Committee may extend the time for start of construction or the length of the time needed to complete a phase, recommend that the property owner amend the Final Development Plan subject to the procedures specified in section 70-36, or terminate the project and repeal the PUD.
- (5) In the event the Committee deems it necessary to terminate the project and repeal the PUD Final Development Plan, the termination shall be subject to the procedures in section 70-36.

(Code 1980, § 17.34)

Secs. 70-77--70-100. Reserved.

2. That these ordinance amendments shall take effect upon passage and publication.

Forwarded to the County Board by the Planning & Zoning Committee.

ORDINANCE TO AMEND SECTIONS 70-8, 70-63, 70-70 THROUGH 70-73, AND 70-76 OF THE CHIPPEWA COUNTY CODE OF ORDINANCES

1. That Sections 70-8, 70-63, 70-70 through 70-73, and 70-76 of the Chippewa County Code of Ordinances be amended as follows:

Chapter 70 ZONING

ARTICLE I. IN GENERAL

Sec. 70-8 Definitions

For the purposes of this chapter, certain terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies politic and corporate. The word "lot" includes the word "plot" or "parcel." The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

- (1) *Abutting* means having a common property line or district line.
- (2) *Accessory building* means a subordinate building, the use of which is purely incidental to the permitted use of the ~~principle~~principal building,
- (3) *Accessory use*. See *Use, accessory*.
- (4) *Administrator* means the Planning & Zoning Administrator or an agent designated by the Planning & Zoning Administrator.
- (5) *Adult Bookstore* means an establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, video cassettes, DVD's or other electronic media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).
- (6) *Adult Cabaret* means a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons. An adult cabaret does not include theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers and where the

establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

- (7) *Adult Motion Picture Theater* means an enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as described herein) for observation by patrons therein.
- (8) *Agricultural-related business* means a business which is operated from a property located in an agricultural district which (a) services the local farm community through the repair or servicing of farm machinery or equipment or (b) the sale of products that are grown on the property and additional products as long as the home-grown products represent at least 50% or more of the sales.
- (9) *Airport* means any airport which complies with the definition contained in Wis. Stats. § 114.002(7), or any airport which serves or offers to serve any common carriers engaged in air transport.
- (10) *Alley* means a way which affords only a secondary means of access to abutting property.
- (11) *Animal unit* means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wis. Admin. Code NR § 243.11, table 2, which are fed, confined, maintained or stabled in an animal feeding operation. For the purposes of this chapter, one animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1,000 pounds.
- (12) *Apartment* means a portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (13) *Apartment house*. See *Dwelling, multiple*.
- (14) *Approved use*. See *Use, approved*.
- (15) *Arterial street*. See *Street, arterial*.
- (16) *Automobile wrecking yard* means an establishment or place of business, which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. 2 or more such vehicles constitute an automobile wrecking yard.
- (17) *Basement* means a story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit. The first floor is the floor next above the basement or the lowest floor if there is no basement. A basement shall not be counted as a story for the purposes of story restrictions.

- (18) *Billboard* means an advertising device, either freestanding or attached to a building which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (19) *Block* means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (20) *Board* means the board of adjustment, as provided in section 70-35.
- (21) *Boardinghouse* means a building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six persons.
- (22) *Building* means a structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separate building for the purpose of this chapter.
- (23) *Building, alterations of*, means any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building or movement of a building from one location to another.
- (24) *Building, height of*, means the vertical distance from the average elevation of the finished grade at the building line to the highest point of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable or gambrel, hip or pitch roof.
- (25) *Building, principal*, means a building in which is conducted the main use of the lot on which such building is located.
- (26) *Building line, front*, means a line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (27) *Business* means a commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (28) *Camping grounds* means a parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers or movable or temporary dwellings, rooms or sleeping quarters of any kind.
- (29) *Carport* means a structure providing shelter, which consists of a roof and support posts with the potential of being either permanently or temporarily enclosed by walls. It may be free-standing or attached to an existing building.
- (30) *Clinic* means an establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises. For purposes of this chapter, a doctor's or dentist's office in a residence, when it complies with the requirements of this chapter relating to such office, shall not be considered a clinic; but any doctor's or dentist's

office which is not a part of ~~his~~their own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

- (31) *Club* means an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- (32) *Committee* means the Planning & Zoning Committee which is made up of county board members and oversees the policy for planning and zoning as outlined in Wis. Stats. §§ 59.69.
- (33) *Conforming use* means any lawful use of a building or lot which complies with the provisions of this chapter.
- (34) *Department* means the Chippewa County Department of Planning & Zoning.
- (35) *District* means a section or sections of the county for which the regulations governing the use of land and buildings are uniform.
- (36) *Dwelling, multiple*, means a building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, apartment hotels and townhouses.
- (37) *Dwelling, single-family*, means a detached building designed for and occupied exclusively by one family which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (38) *Dwelling, two-family*, means a detached building designed for and occupied exclusively by two families living independently of each other which is a minimum of 24 feet in width and 24 feet in length and has a roof with a minimum slope of 3:12. The dwelling shall be erected on a permanent, state code approved foundation.
- (39) *Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (40) *Emergency shelter* means public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire, flood, windstorm, riots or invasions.
- (41) *Environmental Pollution* has the meaning in Wis. Stats. § 295.22(2).
- (42) *Expressway* means a divided arterial highway with controls on public and private access and, generally, with interchanges at major intersections.
- (43) *Family* means any number of individuals related by blood, adoption or marriage, living together on the premises as a single housekeeping unit.

- (44) *Farm* means an area of land of indeterminate size where animals, produce, plants or bees are raised or maintained for sale or off premise consumption, or where animals are commonly associated with farming are maintained for pleasure.
- (45) *Forest industries* means the cutting and storing of forest products, the operation of portable sawmills, the production of maple syrup and sugar.
- (46) *Forest products* means products obtained from stands of forest trees which have been either naturally or artificially established.
- (47) *Freeway* means an expressway with full control of access and with grade separations at all intersections.
- (48) *Frontage, street,* means the smallest dimension of a lot abutting a public street measured along the street line.
- (49) *Fur farm* means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals including those defined in Wis. Stats. § 29.001(30), and also other fur-bearing animals, if any, whether the animals are kept for breeding, slaughtering or pelting purposes.
- (50) *Garage, private,* means an accessory building or accessory portion used, or intended to be used, for the storage of private motor vehicles and having a capacity of not more than three automobiles or not more than two automobiles per family housed in the building, whichever is greater. The capacity limitations shall not apply in the agricultural district.
- (51) *Garage, public,* means a building or portion thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired for remuneration or kept for hire or sale. This may include premises commonly known as gasoline stations or service stations.
- (52) *Gasoline service station* means any area of land, including any structure thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil or other lubricating substances, or motor vehicle accessories; and which may include facilities used or designed to be used for polishing, repairing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.
- (53) *Hazardous Waste* means any solid waste as defined by the Wisconsin Department of Natural Resources, in Wis. Stats. § 291.01, and identified as hazardous under §§ 295.01(1), (2) or (4).
- (54) *Highway* means a public or private thoroughfare which affords a primary means of access to abutting property.
- (55) *Highway corridor* means an area of land marked by state or federal officials where potential highway development is being planned for construction.

- (56) *Home occupation* means any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises, does not exceed 25% of the habitable floor area of the dwelling unit, unless a conditional use permit is issued, and no article is sold or offered for sale except such as is produced by such home occupation. A household occupation includes such uses as babysitting, millinery, dressmaking, canning, laundering and crafts, and does not include the display of any goods or products nor the storage or sale of explosives or fireworks.
- (57) *Hospital*, unless otherwise specified, shall be deemed to include sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments. It shall be limited to places for the diagnosis, treatment or other care of human ailments with provisions for keeping such patients overnight on the premises.
- (58) *Hotel* means ~~an establishment for transient guests having sleeping rooms without individual cooking facilities for more than six persons for compensation~~ all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.
- (59) *Impervious Surface* means an area that releases as runoff all or a large portion of the precipitation that falls on it, other than frozen soil. Examples of surfaces that typically are impervious are any paved, covered, compacted or structural surface that limits or impedes infiltration or otherwise causes additional runoff of surface water, including roofs of buildings, the surfaces of solid decks and patios, and gravel, paved and crushed stone driveways, parking areas and walkways.
- (60) *Inoperative Motor Vehicle* means any motor vehicle which satisfies one or more of the following criteria:
- That is partially dismantled or wrecked;
 - That is not operable
 - That is not licensed;
 - That could not be safely or legally operated on a highway;
 - That has become a habitat for rodents, vermin or insects;
 - That in any other way constitutes a threat to the public health or safety.
- (61) *Interchange* means a grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.
- (62) *Junked Vehicle* means a vehicle or piece of equipment which is incapable of proper operation or use upon a highway or road.

- (63) *Junkyard* means an open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. The term "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (64) *Licensed* means the proper display of the registration which includes the necessary plates, tags or decals issued by the authority having jurisdiction over such vehicle or equipment licenses.
- (65) *Livestock operation* means a feedlot or other facility or a pasture where animals are fed, confined, maintained or stabled.
- (66) *Loading area* means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (67) *Lot* means a division of land occupied or designed to be occupied by one building and its accessory building or uses, including open spaces required by this chapter. A lot may be a parcel of land designated in a plat laid out prior to the effective date of the ordinance from which this chapter is derived or amendment thereof, or a division described in a conveyance recorded in the office of the register of deeds, or contained in, or a part of a certified survey, approved by the Committee and recorded in the office of the register of deeds, when such parcels comply with the requirements of this chapter as to width and area for the district in which it is located and have frontage on a public street or an approved private street. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
- (68) *Lot area* means the total area in a horizontal plane within the peripheral boundaries of a lot.
- (69) *Lot coverage* means the percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (70) *Lot lines* means the peripheral boundaries of a lot as defined in this section.
- (71) *Lot width* means, for the purposes of this chapter, the width of a lot shall be the shortest distance between the side lines at the setback line.
- (72) *Meat locker* means an establishment which processes meat or meat food products for human consumption. Processes mean cutting, grinding, manufacturing, compounding, intermixing or preparing.
- (73) *Mobile home* means a vehicular structure manufactured and designed to be transported and towed upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, including any additions, attachments, foundations and appurtenances.

- (74) *Mobile home park* means any lot on which two or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.
- (75) *Motel* means a ~~building or group of buildings containing rooms which are offered for compensation and the temporary accommodation of transients, and where there is no permanent occupancy of any unit, except by the owner or his agent or employees~~ hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.
- (76) *Motor Vehicle* means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, and tractors.
- (77) *Motor Vehicle Accessories* means any part or parts of any motor vehicle.
- (78) *Motor freight terminal* means a building or area in which freight brought by motor truck is assembled or stored for routing in intrastate and interstate shipment by motor truck.
- (79) *Nonconforming building or structure* means any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- (80) *Nonconforming use* means any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendments thereto governing use for the zoning district in which such use is located. Also see subsection 70-7(c).
- (81) *Nonmetallic mineral* means a product, commodity or material consisting principally of natural occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to: stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil
- (82) *Nonmetallic mining* means the following:
- a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

- b. Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to: stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(83) *Nonmetallic mining refuse* means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable byproducts resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(84) ~~Nonmetallic~~ *Nonmetallic mining site* means all contiguous areas of present or proposed mining described as:

- a. The location where nonmetallic mining is proposed or conducted.
- b. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
- c. Areas where nonmetallic mining refuse is deposited.
- d. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining
- e. Areas where grading and regading is necessary.
- f. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots or channels for surface water diversion are located.

(85) *Nursery* means any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

(86) *Nursery school* means any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas, other than the child's home or the homes of relatives or guardians.

(87) *Park, public*, means an area owned and operated by the state, county or municipality within the county, operated for the convenience and recreation of the public and containing such facilities as the owning government may see fit.

(88) *Parking lot* means a lot where automobiles are parked or stored temporarily for public use whether free, for compensation or as an accommodation for clients or customers but not

including the wrecking of automobiles or other vehicles or storage for purposes of repair or wrecking.

- (89) *Parking space* means an off-street space available for the parking of a motor vehicle and which is held to be an area containing 200 square feet and nine feet wide (nine feet by 22 feet), exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- (90) *Permanent Habitation* means more than 14 days of occupancy within a calendar year.
- (91) *Planned unit development* means a tract of land of at least five acres which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and of substantially different character than that of surrounding areas.
- (92) *Professional home offices* means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and only one nonresident person is employed.
- (93) *Property lines* means the lines bounding a tract of land in single ownership.
- (94) *Public way* means any sidewalk, street, alley, highway or other public thoroughfare.
- (95) *Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.
- (96) *Recreational camp* means an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.
- (97) *Recreational vehicle (RV)* means a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile homes.
- (98) *Recreational vehicle (RV) camp* means any park, court, campsite plot or parcels or tracts of land used to park camping type units of any nature and not used as permanent residence.
- (99) *Recycling drop-off station* means a facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a resource recovery facility or

resource recovery processing facility. Sorting, shredding, crushing, baling or other separation, other than that required by residents using a municipal recycling drop-off station to separate recyclable materials for placement in appropriate containers, shall be prohibited.

- (100) *Registered geologist* means a person who is registered as a professional geologist pursuant to Wis. Stats. §§ 443.037 and 443.09.
- (101) *Registered professional engineer* means a person who is registered as a professional engineer pursuant to Wis. Stats. §§ 443.04 and 443.09.
- (102) *Rendering plant* means a plant for the reduction of dead animals, or slaughtered animals not suitable for human consumption to byproducts such as hide, skin, grease, bones, glue, soap and for the storage of such byproducts.
- (103) *Resource recovery facility* means a building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled or otherwise separated using equipment, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building, including the storage of recyclables. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of putrescible, hazardous or toxic wastes are prohibited.
- (104) *Restaurant* means a space within a suitable building provided with adequate and sanitary kitchen equipment, approved by the state board of health and a dining room of related capacity, having employees for preparing, cooking and servicing suitable food.
- (105) *Right-of-way line* means the dividing line between a highway and the abutting lots or other divisions of land.
- (106) *Roadside stand* means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm or garden products produced on the premises.
- (107) *Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.
- (108) *Rooming house, Tourist* as defined in Wis Stats. § 97.01 (15k) means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. "Tourist rooming house" does not include: (a) a private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients, (b) a hotel, or (c) bed and breakfast establishments.

- (109) Tourist or Transient means a person who travels to a location away from ~~his or her~~their permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
- (110) *School, commercial*, means a school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.
- (111) *Setback* means the minimum horizontal distance, measured at right-angles from ~~the front line of the lot, the right-of-way lines, property lines or buildings or structures of the highway or the centerline of the highway, as designated, to the front wall of the building, exclusive of permitted projections. The setback shall be measured at right angles to such front lot line, right-of-way line or centerline of the highway.~~
- (112) *Setback lines* means lines established ~~adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown therein. The phrase "within a setback line" means between the setback line and the highway right-of-way~~parallel to the right-of-way lines, lot lines or water bodies for the purpose of defining limits in which structures, buildings or uses must be constructed, maintained or confined.
- (113) *Shopping center* means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See *Planned unit development*)
- (114) *Sign* means anything erected, hung, suspended, painted or attached to any other structure, carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other devices placed so as to be visible from a street or highway and calling attention to a business, trade, profession, commodity, product, person, firm or corporation.
- (115) *Slaughterhouse* means any building or premises used commercially for the killing, processing or dressing of cattle, sheep, swine, goats or horses for consumption and the storage, freezing and curing of meat and the preparation of meat products.
- (116) *Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- (117) *Story, half*, means a story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
- (118) *Street* means a public or private thoroughfare which may either provide the principal means of pedestrian and vehicular access to abutting property or may provide for the movement of pedestrian or vehicular traffic or both.

- (119) *Street, arterial*, means a public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.
- (120) *Structural alterations* means any change in the supporting members of a structure such as bearing walls, columns, beams or girders, foundations and poles.
- (121) *Structure* means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground but not including utility lines and their normal accessory equipment.
- (122) *Survey, certified* means a certified survey map of not more than four parcels of land which shall be recorded in the office of the register of deeds of the county and which shall meet the requirements of Wis. Stats. § 236.34.
- (123) *Temporary structure* means a movable structure not designed for human occupancy which may be used for protection of goods or chattels.
- (124) *Transportation Standards* means Wisconsin State Statutes, Wisconsin Administrative Codes, Wisconsin Department of Transportation Construction Standards and Facilities Design Manual, American Association of State Highway and Transportation Officials (AASHTO) publications and Institute of Transportation Engineers (ITE) publications.
- (125) *Use* means the use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of standards of this chapter.
- (126) *Use, accessory*, means a use subordinate in nature, extent or purpose to the principal use of a building or lot.
- (127) *Use, approved*, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.
- (128) *Use, Conditional*, means the use of property, including the size, use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this chapter, which is permissible by reasons of special provisions of the chapter, or for which a special permit may be issued by the Committee, under conditions specified in this chapter
- (129) *Use, principal*, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be an approved use or a conditional use.
- (130) *Variance* means a departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the board of adjustment may permit, contrary to the regulations of this chapter for the district in which such building, structure or parcel of land is located, when the board of adjustment finds that a literal application of such regulation will

affect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare.

- (131) *Vision clearance* means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines by measurement from their intersection as specified in this chapter.
- (132) *Water quality management area* means any of the following:
- The area within 1,000 feet from the ordinary high-water mark of navigable waters that consists of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake. The term "water quality management area" means the area within 1,000 feet from the high-water mark of the lake.
 - The area within 300 feet from the ordinary high-water mark of navigable waters that consist of a river or stream.
 - A site that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
- (133) *Yard* means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.
- (134) *Yard, front*, means a yard extending across the full width of a lot, ~~having a depth equal to the minimum horizontal distance~~ between the front property line and the nearest point of the principal structure, excluding permitted projections and the nearest point of a building or structure, excluding such projections as are permitted in the this chapter. A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear year. A lot which is surrounded by public road right-of-ways on three sides will have three front yards.
- (135) *Yard, rear*, means a yard, ~~unoccupied except by accessory buildings,~~ extending ~~from the rear line of the main building to the rear lot line for the entire~~ across the full width of the lot ~~between the rear lot line to and the nearest part of a building or structure,~~ excluding such projections as are permitted in this chapter. On all lots with access to one street, the rear yard shall be opposite a front yard. A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear year. A lot which is surrounded by public road right-of-ways on three sides will have three front yards and no rear yard.
- (136) *Yard, side*, means a yard ~~or open space on each~~ side of the main building or structure and the side lot line of the lot, and extending from ~~the side lot line the required front yard to the required rear yard,~~ to the side wall of the building or structure, exclusive of permitted ~~excluding such~~ projections ~~and from the front yard to the rear yard, when an accessory building is~~

~~constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building as are permitted in this chapter. A lot abutting two intercepting or intersecting streets shall have two front yards, one side yard and one rear yard. A lot which is surrounded by public road right-of-ways on three sides shall have three front yards and one side yard.~~

- (137) *Youth camps. See Recreational camps.*
- (138) *Zoning district* means an area or areas for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (139) *Zoning permit* means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is located.

(Code 1980, § 17.07, Ord. 10-11, 01-10-12; Ord. 02-18, 06-12-18; Ord. No. 08-24, 07-09-2024)

Secs. 70-9--70-30. Reserved.

ARTICLE III. DISTRICTS

Sec. 70-63 Zoning Schedule of Dimensional Requirements

For buildings hereafter erected, converted in use, enlarged, moved or structurally altered, the building height limit, minimum dimension of yards, minimum area and width of lots shall comply with the following requirements:

(TABLE ON NEXT PAGE)

Zoning Schedule of Dimensional Requirements – TABLE

Dimensional Requirements	CON	REC	R1	R2	R2-TH	R3	AG	LC	HC	IND
Building height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft	45 ft	75 ft	75 ft
Minimum Lot Area										
Without public sewer	5 Acres	30,000 ft ²	20,000 ft ²	20,000 ft ²	10,000 ft ² per side	20,000 ft ²	1.5 acres	20,000 ft ²	20,000 ft ²	1 acre
With public sewer			10,000 ft ²	10,000 ft ²	10,000 ft ² per side	10,000 ft ²		10,000 ft ²	10,000 ft ²	
Minimum Lot Width										
Without public sewer	150 ft	150 ft	100 ft	100 ft	50 ft per side	100 ft	150 ft	100 ft	100 ft	150 ft
With public sewer			70 ft	70 ft	50 ft per side	70 ft		70 ft	70 ft	
Side Yard										
Principal Single side	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	20 ft	10 ft	10 ft	20 ft
Shared Property Line	NA	NA	NA	NA	0 ft	NA	NA	NA	NA	NA
Accessory building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	10 ft	15 ft
Rear Yard										
Principal Building	40 ft	40 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	25 ft	40 ft
Accessory Building	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	~~20~~ 15 ft	~~15~~ 10 ft	~~15~~ 10 ft	~~20~~ 15 ft

Note 1: Road setbacks are found in section 70-109.

Note 2: Non-conforming lot requirements are found in section 70-111.

Note 3: All of the setback requirements are in feet, while the required lot area is square feet, unless duly noted.

Note 4: See the individual zoning districts and 70-106 and 70-107 for additional height and setback restrictions and/or regulations.

See each district section for exceptions to the standards in this section.

(Code 1980, § 17.22) (Ord. 06-15, 01-12-2016)

Sec. 70-70 Residential 3 District (R3)

Specified uses. In the residential 3 district no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following specified uses:

- (a) *Approved use.* The following are approved uses in the residential 3 district.

(1) Any use permitted in the residential 2 district. The use shall be in keeping with the conditions, if any, set forth in section 70-69 for the residential 2 district.

(2) ~~Multiple-family dwellings~~ with a maximum of four (4) dwelling units. An additional 3,000 square feet of buildable land shall be required for each dwelling unit of a multi-family dwelling that exceeds two (2) dwelling units.

~~a. An additional 3,000 square feet of land shall be provided for each dwelling unit above two.~~

~~(3) Lodging houses and boardinghouses.~~

(43) Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.

(54) Signs as permitted in article IV, division 3 of this chapter.

(b) *Conditional Uses.* The following uses shall be conditional uses in the Residential 3 District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

(1) ~~Multiple-family dwellings with five (5) or more dwelling units. An additional 3,000 square feet of buildable land shall be required for each dwelling unit of a multi-family dwelling that exceeds two (2) dwelling units.~~

(2) Boarding Houses.

(43) Mobile home parks are permitted if approved by the Committee after public hearing and in keeping with subsection 70-71(b)(10)a.

(24) Hospitals may be permitted if the establishment, having up to ten patients, client or guest rooms, has a lot area of not less than 30,000 square feet and that all yards except the front yard shall be not less than two times the width or depth otherwise required by this section for residential buildings; provided further, that for each five such rooms in addition to the first ten, the area shall be increased by 4,000 square feet, but in no case shall a lot area of more than 100,000 square feet be required.

(c) *Dimensional requirements.* See section 70-63.

(d) *Highway setback lines.* See section 70-109.

(e) *Off-street parking and loading areas.* See section 70-110.

(f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.27)

Sec. 70-71 Agricultural District (AG)

In the agricultural district no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved use.* The following are approved uses in the agricultural district:
- (1) General farming, including dairying livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage and rubbish.
 - a. New or existing livestock operations which will house up to 649 animal units shall not require a zoning permit. However, the following requirements shall be met:
 1. Livestock operations shall be in conformance with provisions of chapter 62, article IV, division 4 of this Code.
 2. Livestock operations shall meet minimum statutory prohibitions for nonpoint source pollution control as follows:
 3. A livestock operation may have no overflow of manure storage structures.
 4. A livestock operation may have no unconfined manure pile in a water quality management area.
 5. A livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.
 6. A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.
 7. Requirements of Wisconsin Administrative Code NR 151 and Wisconsin State Statutes 281.
 - (2) Single Family Dwellings.
 - (3) Additional dwelling units for a parent or child of a farmer, or persons earning a substantial part of their livelihood on the farm. The additional dwelling(s) must meet all applicable setback, lot size and spacing requirements in case it is sold in the future.

- (4) Telephone, power transmission towers, poles and lines including transformers, substations, relay stations, equipment and television stations and transmission towers and microwave relay towers.
- (5) Roadside stands provided that there shall not be more than one stand on any single premises.
- (6) Signs as permitted in article IV, division 3 of this chapter.
- (7) Sawmills, provided that the location of any sawmill on the same premises is less than ten days, excluding portable sawmills.
- (8) Single-family mobile homes. Such home shall be connected to an acceptable water supply and separate and individual private wastewater facilities. See section 70-101.
- (9) Accessory structures utilized solely in the business of agriculture, farm or farming, including but not limited to barns, equipment storage sheds, plant greenhouses and stables.
- (10) Any non-commercial activity, which does not last longer than 96 hours, such as but not limited to: graduation parties, family reunions and picnics, and weddings.
- (11) Agricultural-related businesses
- (12) Recycling drop-off Station this is maintained and operated by the township or county.
- (13) Outdoor Storage of ~~low explosives~~ 1.3g Display Fireworks (formerly known as Class B), on the condition that all of the following requirements are met:
 - a. The outdoor storage is an accessory use to the principal residential structure on the property. The intent is to allow a property owner the ability to store fireworks on their property as long as they are "living" on the property. This provision is not meant to allow a property owner to have a vacant parcel of land whereby they can place a structure for the storage of ~~low explosives~~ 1.3g Display Fireworks.
 - b. Written approval from the town in which the storage is proposed is submitted to the Department.
 - c. Written approval from the Bureau of Alcohol, Tobacco, Firearms & Explosives detailing the type of structure and the minimum setback requirements to structures and property lines is submitted to the Department.
 - d. Setbacks for the placement of any structure for the outdoor storage of ~~low explosives~~ 1.3g Display Fireworks comply with local, county, state and federal law.

- (b) *Conditional uses.* The following uses shall be conditional uses in the Agricultural District when the location of each such use has been approved by the Committee following a public hearing pursuant to Section 70-108).
- (1) Junk or salvage yards. See article IV, division 2 of this chapter.
 - (2) Non-Metallic Mining. See Division 5 of this chapter.
 - (3) Saw mills. See subsection 70-71(a)(7) of this section.
 - (4) Aircraft landing fields. Including the location on such fields of buildings related to the operation, storage or maintenance of aircraft. All aircraft landing fields shall take into consideration safety zones as set forth in subsection 70-106(d).
 - (5) Contractor's storage yards. Any such yard shall be placed or screened by plantings or fences as not to be visible from any public highway or any residential building other than that of the owner of such yard, ~~his~~their agent or employee.
 - (6) Power plants and flowage areas. As allowed upon consideration of the Department of Natural Resources and the soil conservation service.
 - (7) Drive-in theaters. Provided the following requirements are met:
 - a. There shall be no direct entrance to or exit from such drive-in theater and any federal, state or county highway.
 - b. No parking shall be permitted on any street or highway on which a drive-in theater abuts or on any street or highway connecting with an abutting street or highway anywhere within one-half mile of an entrance to or exit from such drive-in theater.
 - c. There shall be a distance of not less than one-quarter mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
 - (8) Fur farms and pea vineries. When located not less than 1,000 feet from any residential building, other than that of the owner of the premises, ~~his~~their agents or employees and not less than 500 feet from the right-of-way line of any federal, state and county trunk highway provided that this regulation shall not apply to portable pea vineries where there is no stacking of the vines.
 - (9) Animal hospitals, veterinary clinics and kennels. When located not less than 500 feet from any residential building other than that of the owner of such kennels, ~~his~~their agent or employee.

(10) Mobile home parks and recreational vehicle camps. The following requirements shall be met:

a. Mobile home park provided as follows:

1. The minimum size of a mobile home park shall be five acres.
2. The maximum number of mobile homes shall be eight per acre.
3. The minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
4. All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and all driveways shall be lighted at night.
5. In addition to the requirements of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other lot lines.
6. The parks shall conform to the requirements of Wis. Admin. Code ATCP125, which shall apply until amended and then apply as amended.
7. No mobile home site shall be rented for a period of less than 30 days.
8. Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
9. There shall be two surfaced automobile parking spaces for each mobile home.
10. Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a planting of fast-growing vegetation, capable of reaching a height of 15 feet or more, the individual trees to be such number and so arranged that within ten years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

b. Recreational Vehicle (RV) camps provided as follows:

1. The minimum size of a RV camp shall be five acres.
2. The maximum number of RVs shall be 15 per acre.
3. Minimum dimensions of a RV site shall be 25 feet wide by 40 feet long.

4. Each RV site shall be separated from other RV sites by a yard not less than 15 feet wide.
 5. There shall be 1 1/2 automobile parking spaces for each RV site.
 6. In addition to the requirement of highway setback of this chapter, there shall be a minimum setback of 40 feet from all other exterior lot lines.
 7. It shall conform to the requirement of Wis. Admin. Code HFS ch. 178 which shall apply until amended and then apply as amended.
 8. The screening provisions for mobile home parks are met.
- (11) Garbage and refuse disposal sites provided as follows:
- a. The sites shall have clearly defined boundaries at the time of issuing a permit.
 - b. The site shall be screened so that the salvage materials are not visible from other property in the vicinity or from a public right-of-way such as roads, streets and highways or waterways.
 - c. The site shall not be located within 5 miles of the boundary of any residential district or any incorporated city or village, nor within 5 miles of any other residences, nor within 1,200 feet of the right-of-way of any federal, state, county or town highway.
 1. All such sites shall have minimum front, side and rear yards of 1,200 feet each.
 2. No location permit shall be issued without approval of the County and Town Board.
- (12) Sale barns. Provided that no sale barn be located within one-half mile of the boundary of any residence district or any incorporated city or village, nor within one-quarter mile of any other residence except that of the owner of the property on which such sale barn is located or ~~his~~their agent, nor within 500 feet of the right-of-way line of any federal, state or county trunk highway.
- (13) Slaughterhouses shall be located not less than 1,000 feet from any residential building other than that of the owner of the premises, ~~his~~their agent or employee.
- (14) Creameries, dairies, cheese factories.
- (15) Mixing construction materials. Mixing of concrete, asphalt hot mix or other related materials.

- (16) A new or existing livestock operation, which houses or expands to house 650 or more animal units.
- (17) Manmade ponds. Construction/use of manmade ponds over one acre or combined to be over one acre, except agricultural activities, including, but not limited to, cranberry bogs, commercial fish farming, livestock watering holes, and ponds established by non-metallic mining activities, are exempt. It shall be the responsibility of the petitioner to submit sufficient evidence to satisfy the following concerns: pollution to groundwater, drainage and flood protection, and depletion of groundwater, safety, aesthetics, traffic, noise and restoration of the site. The Committee may require documentation of other concerns which may be brought up during the public hearing.
 - a. Facilities that are approved in stormwater management plans are exempt from the provisions of this section.
 - b. The property owner must retain ownership of a minimum of 10 adjacent acres of property for every one acre of water and the property required shall be located around the entire manmade pond.
- (18) Hatcheries

- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.

(Code 1980, § 17.29; Ord. No. 08-02, § 2(17.29), 07-09-2002; Ord. No. 01-04, § 1, 03-09-2004)

Sec. 70-72 Local Commercial District (LC)

In the local commercial district, no building or premises shall be used and no building shall be moved, erected or structurally altered after the effective date of the ordinance from which this chapter is derived unless otherwise provided in this chapter except for one or more of the following specified uses:

- (a) *Approved uses.* The following are approved uses in the local commercial district:
 - (1) One dwelling unit on the premises in connection with a permitted use for the owner or his-their agent.
 - (2) Small retail stores and shops such as: art shops, clothing, drug, grocery, fruit, meat, vegetables, confectionery, hardware, sporting goods, stationery, music, variety and notion stores, household appliances and small service businesses such as stores and

shops for barbers, beauticians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, photographers.

- (3) Signs as permitted in article IV, division 3 of this chapter.
- (4) Offices and office buildings for business and professional firms including banks, medical and dental offices and public and public utility offices.

(5) Churches.

(6) Public and private schools.

- ~~(57)~~ Cleaning, dyeing and laundry pickup stations and self-service laundries and cleaning shops.

- ~~(68)~~ Bakeries, confectioneries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale and consumption.

- ~~(79)~~ Restaurants.

- ~~(810)~~ Frozen food or meat lockers for service to families and individuals.

- ~~(911)~~ Liquor stores selling only packaged goods.

- ~~(1012)~~ Radio (AM or FM) or television broadcasting stations and transmitters and microwave radio relay structures.

- ~~(1113)~~ Clubs, lodges, and meeting rooms with seating capacities less than 300 persons.

- ~~(1214)~~ Telephone exchanges and accessory service garage and storage yards.

(15) Animal Hospitals or Veterinary Clinics and kenneling for patients.

- ~~(1316)~~ Telephone, electric power and oil and gas distribution lines and necessary appurtenant equipment housings.

- ~~(1417)~~ Other retail stores and shops and small service businesses catering to neighborhood patronage, including only those deemed to be as appropriately located in local commercial districts as those enumerated above and only those not dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare and not impairing the use, enjoyment or value of any property.

- (b) *Conditional Uses.* The following uses shall be conditional uses in the Local Commercial District when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.

- (1) Hotels and Motels.
- (2) Drive-in restaurants and refreshment stands.
- (3) Gasoline service stations, repair garages and shops for motor vehicles, including parking, storage, repair, maintenance and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles and parts.
- (4) Auto-wash, except steam.
- (5) Commercial recreation uses.
- (6) Two (2) or more apartments as a secondary use on a non-ground floor level and providing each apartment has a minimum residential floor area of 400 square feet.

(c) *Dimensional requirements.* See section 70-63.

- (1) Additional standards for side yards are as follows:
 - a. There shall be a side yard of not less than 15 feet wide along the side of any lot in the local commercial district which abuts the side lot line of a lot in a residential district and is not separated there from by a street or alley.
 - b. Buildings on abutting lots may be constructed with a common wall or with walls contiguous to one another.

(d) *Highway setback lines.* See section 70-109.

(e) *Off-street parking and loading areas.* See section 70-110.

(f) *Substandard lots.* See section 70-111.

(g) *Commercial Screening Regulations.* See section 70-113.

(h) *Commercial Lighting Regulations.* See section 70-114.

(Code 1980, § 17.30)

Sec. 70-73 Highway Commercial District (HC)

In the highway commercial district, no building or premises shall be used and no building shall be erected, moved or structurally altered after the effective date of the ordinance from which this chapter is derived, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) *Approved uses.* The following are approved uses in the highway commercial district:

- (1) Uses permitted in the local commercial district, including ~~those requiring approval of the Committee in such district~~ the conditional uses as listed in 70-72 (B)(1) through (B)(5).
- (2) Automobile display and salesroom, parking lots and structures and when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing and servicing of automobiles, including minor adjustments, repairs, overhauling and rebuilding, but not demolition.
- (3) Bars, taverns, nightclubs.
- (4) Boat and mobile home salesrooms and lots.
- (5) Cleaning, laundering and dyeing plants.
- (6) Department stores.
- (7) Engraving, photoengraving, photofinishing, lithographing, printing, publishing and bookbinding plants.
- (8) Household appliance and equipment repair shops.
- (9) Laboratories; medical, dental and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
- (10) Loft buildings and mini-warehouses.
- (11) Music conservatories, dancing studios.
- (12) Paint shops, including sign and other painting.
- (13) Retail, wholesale and jobbing businesses.
- (14) Tire repair shops.
- (15) Used car, farm implement sales lots.
- (16) Signs as permitted in article IV, division 3 of this chapter.
- (17) Other retail, wholesale or services considered to be as appropriate and desirable for inclusion within the highway commercial district as those permitted above and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof or to the public welfare and will not impair the use, enjoyment or value of any property.
- (18) Any of the following uses are excluded from the highway commercial district:

- a. Any use permitted in only the industrial district, including uses permitted only with Committee approval.
 - b. Automobile wrecking yards, junkyards, public dumping grounds.
 - c. Manufacturing and processing other than accessory uses customarily incidental to permitted retail, wholesale and service uses.
 - d. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.
- (b) *Conditional Uses.* The following uses shall be conditional uses in the Highway Commercial District only when the location of each shall have been approved by the Committee following a public hearing pursuant to Section 70-108.
- (1) Bottling works bottling nonalcoholic beverages.
 - (2) Bottle gas storage for local distribution.
 - (3) Bus, taxi and truck terminals, and storage; railroad lines, spurs and passenger terminals.
 - (4) Dairies, ice cream plants.
 - (5) Drive-in movies.
 - (6) Ice plants, cold storage plants.
 - (7) Mortuaries.
 - (8) Recycling drop-off station.
 - (9) Resource Recovery Facility.
 - (10) Two (2) or more apartments as a secondary use on a non-ground floor level and providing each apartment has a minimum residential floor area of 400 square feet.
- (c) *Dimensional requirements.* See section 70-63.
- (d) *Highway setback lines.* See section 70-109.
- (e) *Off-street parking and loading area.* See section 70-110.
- (f) *Substandard lots.* See section 70-111.
- (g) *Commercial Screening Regulations.* See section 70-113.

(h) *Commercial Lighting Regulations*. See section 70-114.

(Code 1980, § 17.31)

Cross references: Businesses, ch. 14.

Sec. 70-76 Planned Unit Development District (PUD)

The PUD district is intended to provide for ~~large-scale~~ mixture of residential or ~~residential/recreational-commercial~~ development on a parcel or parcels of land. This district shall have no definite boundaries until such are approved by the County Board on the recommendation of the Committee in accordance with ~~procedures prescribed for zoning amendments by Wis. Stats. § 59.69~~ section 70-36 of this ordinance. ~~Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multifamily development as well as related commercial uses, provided that the plans indicate that:~~ All buildings and lots in the PUD district shall conform to the appropriate underlying zoning district requirements, including the requirement for applying for and receiving approval for conditional use permits.

- (a) To protect the value of neighboring buildings or uses, the Committee may attach reasonable conditions and safeguards that are consistent with the general purpose and intent of this chapter when approving the Final Development Plan.
- (b) The approved zoning classification or classifications of the land included within the PUD shall be recognized by the addition of "PUD" to the applicable zoning classifications. As an example, the residential zoning districts of R1, R2 and R3, if included within a PUD, would be labeled as PUD-R1, PUD-R2 and PUD-R3. The commercial zoning districts of LC and HC, if included within the PUD, would be labeled as PUD-LC and PUD-HC. Each approved zoning classification shall be on individual lots within the PUD.
- (c) A Development plan shall be submitted a part of the request to rezone the parcel or parcels of land into a PUD. At a minimum, the Development Plans shall show the following:
 - (a) ~~A single area of at least five acres is involved.~~
 - (b1) Each residential building and lot in the district shall conform to the appropriate residential district requirements and each commercial building and lot shall conform to the appropriate commercial district requirements. The location, size and proposed use of all structures and land to be included in the PUD district.
 - (2) Sufficient information to indicate that all applicable zoning ordinance requirements shall be met.
 - (c3) Adequate improvements to existing public streets as determined to serve the needs of the area involved shall be provided, if required.

- (d4) Adequate access to existing public streets and proper internal circulation ~~shall be provided~~ for the development and emergency services.
- (e5) Adequate ~~sewer-septic, and drinking water, stormwater or other applicable~~ facilities ~~shall be provided.~~
- (6) Any additional items as requested by the town or the Committee to be incorporated into the Final Development Plan.
- (e) The property owner shall record the Final Approved Development Plan, including all approved conditions, in the Chippewa County Register of Deeds Office within 30 days of final approval. If the Final Development Plan is not recorded within said timeframe, the Final Development Plan shall be voided.
- (f) Amendments to Final Development Plan.
 - (1) After approval of the Final Development Plan by the Committee, the property owner may seek amendments to the Final Development Plan as recorded, only if difficulties or significant changes in circumstances are encountered in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other physical complications, or changing market conditions, new technologies or emerging design ideas.
 - (2) Minor changes in the location, siting, and height of buildings and structures, or reductions in project density or intensity may be authorized by the Committee without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development.
 - b. An increase in overall coverage of structures.
 - c. An increase in the intensity of use.
 - d. An increase in the problems of traffic circulation and public utilities.
 - e. A reduction in approved open space.
 - f. A reduction of off-street parking and loading space.
 - g. A reduction in required pavement widths.
 - (3) All other proposed changes in use, or rearrangement of lots, blocks, and building tracts, or any proposed changes in the provision of common open spaces and changes other than listed above, must be approved by the Committee subject to the procedures

specified in section 70-36. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved.

(g) Enforcement.

- (1) Violations of the Final Development Plan shall be subject to enforcement under the provisions of section 70-31.
- (2) The property owner shall begin construction of the PUD within 12 months following the date of the recording of the Final Development Plan. The Committee may grant, in writing, an extension of this time period of up to 12 months upon demonstration of good cause by the property owner. If the property owner fails to commence construction of the PUD within the specified time, the Committee shall proceed with actions as specified in subsection 4. hereinbelow.
- (3) If the PUD is to be developed in stages, then the property owner must begin the construction of each stage within the time limits specified in the Final Development Plan. Construction in each phase shall include all the elements of that phase specified in the Final Development Plan.
- (4) The Administrator shall periodically monitor the construction of the PUD, with respect to conformance with the Final Development Plan, start of construction and development phasing. If the Administrator finds that the property owner has failed or is failing to develop the PUD in conformance with the Final Development Plan; or that the property owner has failed to begin development within the specified time period; or that the property owner is not proceeding in accordance with the approved development phasing, with respect to either timing of construction or an approved mix of project elements, then the Administrator shall give written notice to the developer to appear before the Committee within 30 days to report on the status of the PUD. Upon review of the PUD, the Committee may extend the time for start of construction or the length of the time needed to complete a phase, recommend that the property owner amend the Final Development Plan subject to the procedures specified in section 70-36, or terminate the project and repeal the PUD.
- (5) In the event the Committee deems it necessary to terminate the project and repeal the PUD Final Development Plan, the termination shall be subject to the procedures in section 70-36.

(Code 1980, § 17.34)

Secs. 70-77--70-100. Reserved.

2. That these ordinance amendments shall take effect upon passage and publication.

Forwarded to the County Board by the Planning & Zoning Committee.



**STATEMENT OF EXPLANATION
COUNTY BOARD CHAIR APPOINTMENT - CCEDC BOARD**

10.1

I, Chuck Hull, appoint, subject to County Board confirmation, the individual listed below to the following standing and special committees. The term of office will expire as indicated.

Chippewa County Economic Development Corporation Board

Kenneth Pearson (replaced Deb Chilson) Term expires 05/01/2028

Dated this 10th day of June, 2025

Chuck Hull
County Board Chair