

City of Bayfield

Office of the City Clerk

125 South First Street - P.O. Box 1170

Bayfield, Wisconsin 54814

Phone: 715-779-5712

clerk@ci.bayfield.wi.gov

ORDINANCE #406

AN ORDINANCE TO AMEND CHAPTER 21: BOARDS, COMMISSIONS AND COMMITTEES; CHAPTER 152: BUILDING CONSTRUCTION; CHAPTER 423: HISTORIC PRESERVATION; AND CHAPTER 500: ZONING OF THE CODE OF THE CITY OF BAYFIELD

The Common Council of the City of Bayfield does hereby ordain as follows:

SECTION I.

The following chapters and sections of the Bayfield City Code which are attached hereto will be amended:

- Chapter 21: Boards, Commissions and Committees
- Chapter 152: Building Construction
- Chapter 423: Historic Preservation
- Chapter 500: Zoning

SECTION II.

WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of Common Council.

SECTION III.

CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Code of the City of Bayfield as soon as practicable.

SECTION IV.

PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

Established in 1913.

City of Bayfield is an Equal Opportunity Provider and Employer.

Complaints of discrimination should be sent to USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9410

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CONSIDERED, PASSED, AND APPROVED at a regular meeting of the City Council of Bayfield, Wisconsin, at which a quorum was present on the 20th day of January, 2026.

Acting Mayor: Lynette Cornelius
Lynette Cornelius

Attest: Grace N. Stolen
Grace N. Stolen, Clerk

Public Hearing: 1/20/2026

Readings: 1/20/2026

Adopted: 1/20/2026

Published: 1/29/2026

Established in 1913.

City of Bayfield is an Equal Opportunity Provider and Employer.

Complaints of discrimination should be sent to USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9410

Attachment to Ordinance #406, adopted by the Common Council for the City of Bayfield at its regular meeting of January 20, 2026, for the purpose of amending Chapter 21 of the City's Ordinances to streamline the zoning and building permitting process within the City to provide a more efficient review of zoning and building applications and to update City Ordinances to be consistent with the authority of UDC inspection and permitting being delegated to Bayfield County.

Amend Chapter 21-8 to remove Section 21-8 in its entirety and create Section 21-8.2 as follows:

§ 21-8 ~~Architectural Review Board.~~ [Section Reserved for Future Use]

Architectural review section removed in its entirety.

§ 21-8.2 Historic Preservation Commission.

- A. Establishment. There is hereby established a Historic Preservation Commission for the purpose of protecting and enhancing the City of Bayfield's historic and cultural heritage, as embodied in historic structures, sites, and districts in the City.
- B. Powers. The Historic Preservation Commission shall have authority to designate historic districts, sites, and structures in the City of Bayfield and to approve exterior alterations to designated properties.
- (1) The Historic Preservation Commission shall have the powers set forth in Chapter 423, Historic Preservation, of the Code of the City of Bayfield.
- C. Membership.
- (1) The Historic Preservation Commission shall consist of five members residing in Bayfield or Ashland County that have an interest and knowledge of historic preservation and demonstrated experience, or education in such fields as history, architecture/urban planning, law, real estate, or rehabilitation. Members shall be appointed by the mayor and confirmed by the Common Council. The HPC shall include one member from the Common Council and one member from the Plan Commission.
 - (2) Terms shall be staggered for three-year periods.
 - (3) The Chairman shall be elected by a majority of members of the Commission.
 - (4) Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointments.
 - (5) Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term.
- D. Organization.
- (1) The Historic Preservation Commission shall organize and adopt rules for its own

government in accordance with the provisions of this section.

- (2) Meetings shall be held at the call of the Chairperson and shall be open to the public.
- (3) Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.
- (4) A quorum shall be a majority of members, and all actions shall require the concurring vote of at least a quorum.

Attachment to Ordinance #406, adopted by the Common Council for the City of Bayfield at its regular meeting of January 20, 2026, for the purpose of amending Chapter 152 of the City's Ordinances to streamline the zoning and building permitting process within the City to provide a more efficient review of zoning and building applications and to update City Ordinances to be consistent with the authority of UDC inspection and permitting being delegated to Bayfield County.

Remove and Replace Chapter 152 in its entirety with the following:

Chapter 152. Building Construction

§ 152-1. Title

This chapter shall be known as the "Building Code of the City of Bayfield" and will be referred to in this chapter as "this code," "this chapter" or "this ordinance."

§ 152-2 Purpose.

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

§ 152-3 Scope.

New buildings hereafter erected in, or any building hereafter moved within or into the City, shall conform to all the requirements of this chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted. The provisions of this chapter supplement the laws of the State of Wisconsin pertaining to construction and use and Chapter 500, Zoning, of the Code of the City of Bayfield and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Chapter 500, Zoning.

§ 152-4 Building permits and inspection.

- A. Bayfield County delegated inspection and permitting authority. Pursuant to Bayfield County Ordinances Sec. 13-1-107 and 13-1-108, Bayfield County has been delegated the authority and responsibility for inspecting and issuing building permits under the Wisconsin Uniform Dwelling Code (UDC), and the Wisconsin Electrical Code. [insert link to Bayfield County ordinances]
- B. No owner or contractor may commence construction or alteration of any building or mechanical system prior to obtaining a valid permit from the Bayfield County permitting agency having jurisdiction over such inspection and permitting, unless such construction or alteration is exempt from such inspection and/or permitting under relevant Bayfield County Ordinances or Wisconsin State Statutes.
- C. No zoning permit shall be issued under Ch. 500 of the City's Zoning Code unless the applicant provides proof of inspection and permitting by the relevant Bayfield County building inspector, or else a sworn statement stating that the activity subject to the zoning permit application is exempt from such Bayfield County inspection and/or permitting authority.

§ 152-5 Wisconsin Administrative Codes Adopted.

Wisconsin Admin. Code Ch. SPS 320-325, Uniform Dwelling Code, and SPS 327, Camping Units, their successors, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

Attachment to Ordinance #406, adopted by the Common Council for the City of Bayfield at its regular meeting of January 20, 2026, for the purpose of amending Chapter 423 of the City's Ordinances to streamline the zoning and building permitting process within the City to provide a more efficient review of zoning and building applications and to update City Ordinances to be consistent with the authority of UDC inspection and permitting being delegated to Bayfield County.

Remove and Replace Chapter 423 in its entirety with the following:

Chapter 423: Historic Preservation

§ 423-1 Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is beneficial and in the interest of the property, safety, and welfare of the people of Bayfield. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history.
- B. Safeguard the city's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.
- C. Stabilize and improve property values.
- D. Protect and enhance the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.
- E. Improve and enhance the visual and aesthetic character of the city.
- F. Educate the public regarding the need and desirability of a city historic preservation program and its enhancement of the quality of life.
- G. Strengthen the economy of the City of Bayfield.
- H. Promote the use of historic structures, sites and districts for the education, pleasure, and welfare of the people of the City of Bayfield.

§ 423-2 Definitions.

The following definitions shall be applicable in this chapter:

HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission established by § 21-8.2 of Chapter 21, Boards, Commissions and Committees, of the Code of the City of Bayfield.

IMPROVEMENT

Any building, structure, site, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including lighting fixtures, signs and the like.

§ 423-3 Nomination and designation of historic structures, historic sites and historic

districts.

- A. Criteria. A historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, or cultural significance to the City of Bayfield, such as a structure, site, or district which:
1. Exemplifies or reflects the cultural or architectural history of the community; or
 2. Is identified with historic personages or with important events in national, state or local history; or
 3. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction; or
 4. Is representative of the notable work of a master builder, designer or architect who influenced his or her age.
- B. Procedures.
1. Nomination of historic structures, sites, and districts.
 - a. Nominations of historic structures, sites and districts shall be initiated using a form provided by the Historic Preservation Commission.
 - b. The Historic Preservation Commission shall review the form for completeness and evaluate the nomination using the eligibility criteria in Subsection A above.
 2. Designation of historic structures and historic sites.
 - a. The Historic Preservation Commission may, after notice and public hearing, recommend designation of historic structures and historic sites, or rescission of such designation, after application of the criteria in Subsection A above. At least 30 days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected, including the owner of the affected property. Such owners shall have the right to confer with the Commission at the scheduled public hearing. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes.
 - b. The Historic Preservation Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. The Commission may conduct an independent investigation into the proposed recommendation. Within 10 days after the close of the public hearing, the Commission may recommend designation of the property as either a historic structure or historic site, or recommend rescission. After the recommendation has been made, notification shall be sent to the property owner or owners.
 - c. Such recommendations shall then be sent to the Common Council for approval. Notification shall be sent to the property owner or owners of the Council's decision on the recommendations.
 3. Designation of historic districts.
 - a. The Historic Preservation Commission may select specific geographically defined areas within the City to be recommended to the Common Council for designation

as historic districts. A district may be designated for any geographic area of particular historic, architectural or economic significance to the City in accordance with the criteria in Subsection A above.

- b. The Historic Preservation Commission shall hold a public hearing when considering a recommendation of a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to all Common Council members and the owners of record, as listed in the office of the City Assessor, who are proposed owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice shall be sent at least 30 days prior to the date of the public hearing. Following the public hearing, the Commission shall vote to recommend, reject or withhold action on the proposed district. This recommendation shall be forwarded to the Common Council within 30 days.
- c. The Common Council, upon receipt of the recommendations from the Historic Preservation Commission, must either designate or reject the recommended historic district. Before doing so, the Council reserves the right to hold another public hearing on the matter if it so chooses. However, designation of the historic district shall be accomplished by adoption of the plan for the district in ordinance form. If the Common Council rejects the proposed historic district, it shall be remanded back to the Historic Preservation Commission for further consideration.

4. Rescission of Historic Designation

- a. The procedure for rescission of historic structure designation and historic site designation shall follow the procedure set forth in Subsection B 2 above in all respects, except that the process may be initiated by the Historic Preservation Commission or by a property owner seeking to rescind a historic designation based on undue economic hardship. Any such application for rescission shall be submitted to the Historic Preservation Commission and must include documentation showing the costs of maintaining the historic structure or site, the property owner's financial resources, and other financial resources available to the property owner.
 - b. The procedure for rescission of historic district designation shall follow the procedure set forth in Subsection B 3 above.
- C. Interim control. No building permit shall be issued for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council. In no event shall the delay be for more than 90 days.

§ 423-4 Regulation of alteration of historic properties.

- A. *Certificate of Appropriateness* required. No owner or person in charge of a historic

structure or historic site designated pursuant to § 423-3 of this chapter shall reconstruct, alter or demolish all or any part of the exterior of such structure or any improvement on such site or property unless a *Certificate of Appropriateness* for such work has been granted by the Historic Preservation Commission.

- B. Standards for approval. Upon filing of any application for a *Certificate of Appropriateness* with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless:
1. In the case of an alteration or reconstruction of a designated historic structure or historic site, the proposed work would adversely affect the exterior appearance of the property or would adversely impact the external appearance of other neighboring improvements; or
 2. In the case of a proposed demolition, the building or structure is of such architectural or historical significance that its demolition would be detrimental to the City of Bayfield, or the demolition would adversely affect the external appearance of other neighboring improvements, or any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair, provided, however, that the demolition shall be approved if denial of the application would result in the loss of all economically reasonable and beneficial use of the property.
 3. In addition, in determining whether to issue a *Certificate of Appropriateness*, the Historic Preservation Commission shall consider and may give decisive weight to any or all of the following U.S. Department of Interior's Standards:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

C. Procedures.

1. Upon approval of an application for a *Certificate of Appropriateness*, the Historic Preservation Commission shall issue the *Certificate of Appropriateness*.
2. Should the Historic Preservation Commission fail to issue a *Certificate of Appropriateness* due to the failure of the proposal to conform to the requirements of this chapter, the applicant may appeal such decision to the Common Council within 30 days of denial.
3. If the Historic Preservation Commission fails to issue a *Certificate of Appropriateness*, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a *Certificate of Appropriateness* within the requirements of this chapter.

D. Applicability to Agencies, Utilities and Transportation Companies. Agencies of the City of Bayfield and all public utility and transportation companies undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a *Certificate of Appropriateness* prior to initiating any major changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City of Bayfield.

E. Other Permits, Appeals and Ordinances. The issuance of a *Certificate of Appropriateness* shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the *Certificate of Appropriateness* required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this chapter, any provision of the plumbing code, electrical code, or building or housing codes of the City shall apply, unless waived by the appropriate officials. The Historic Preservation Commission may support or propose such waivers before the appropriate appeals body.

F. Compliance with *Certificate of Appropriateness*. Work authorized by a *Certificate of Appropriateness* shall be started within 12 months following said issuance of the certificate or the certificate shall expire and require reissuance. The work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a *Certificate of Appropriateness* or failure to obtain a *Certificate of Appropriateness* shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop-work order. Once a stop-

work order has been issued, work on that portion of the project must cease immediately. However, work on other portions of the project may continue provided they comply with the other provisions in this chapter.

- G. Ordinary Maintenance and Repairs. Ordinary maintenance and repairs as defined by the Historic Preservation Commission may be undertaken without a *Certificate of Appropriateness* provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces similar in appearance and provided that the work does not substantially change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- H. Emergency Conditions. In any case where the City determines that there are emergency conditions dangerous to life, health or property affecting a historic structure or historic site, the City may order the remedying of these conditions without the approval of the Historic Preservation Commission. The Zoning Administrator shall promptly notify the Historic Preservation Commission of the action being taken. When the emergency conditions do not require demolition, the City shall make every effort to carry out the intent of this chapter and to use the design guidelines of the Historic Preservation Commission when remedying the emergency conditions.

§ 423-5 Maintenance of Historic Properties:

- A. Every owner or person in charge of a historic structure or historic site designated pursuant to § 423-3 of this chapter, shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter.
 - 1. The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.
 - 2. The Common Council may appoint an inspector to enforce this chapter. The duties of the Inspector may include periodic inspections at the direction of the Common Council, of designated historic structures and historic sites.
- B. Every owner or person in charge of a historic structure or historic site designated pursuant to § 423-3 of this chapter shall keep in good repair all of the exterior portions of all structures and improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:
 - 1. The deterioration of exterior walls or other vertical supports;
 - 2. The deterioration of roofs or other horizontal members;
 - 3. The deterioration of external chimneys;
 - 4. The deterioration or crumbling of exterior plasters or mortar;
 - 5. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
 - 6. The excessive peeling of paint, rotting, holes, and other forms of decay;
 - 7. The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
 - 8. The deterioration of any features so as to create or permit the creation of any hazardous

or unsafe condition or conditions.

9. All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

C. Exceptions for economic hardships.

1. An owner or person in charge of a historic structure or historic site designated pursuant to § 423-3 of this chapter may seek an exception to the requirements of Subsections A and B above on grounds that compliance would cause undue economic hardship and that the granting of an exception would not unduly interfere with the intent and purpose of this chapter.
2. A written request for an exception for economic hardship may be submitted to the Historic Preservation Commission, which shall approve or deny the request within 90 days. Should the Historic Preservation Commission deny an request for economic hardship, the applicant may appeal such decision to the Common Council within 30 days of denial. .
3. In determining whether the grounds stated in Subsection C(1) above have been met, the Historic Preservation Commission and Common Council shall consider the following factors:
 - a. The financial resources of the applicant.
 - b. Other financial resources available to the applicant.
 - c. The costs of compliance.
 - d. The impact of the exception on the historic structure, site, or district in question.

§ 423-6 Regulation of new construction in a Historic District or on a Historic Site.

- A. *Certificate of Appropriateness* required. No owner or person in charge of a historic site designated pursuant to § 423-3 of this chapter or a property within a historic district designated pursuant to § 423-3 of this chapter shall construct a new improvement thereon unless a *Certificate of Appropriateness* for such work has been granted by the Historic Preservation Commission.
- B. Criteria for Approval. Upon filing of any application for a *Certificate of Appropriateness* with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless the exterior of such improvement would adversely affect the external appearance of other neighboring improvements and shall consider the following guidelines where applicable:
 1. All new structures should be constructed to a height visually compatible with the building and environment with which they are visually related.
 2. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
 3. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.
 4. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is

visually related.

5. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
6. The existing rhythm created by existing building masses and spaces between them should be preserved.
7. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
8. The texture inherent in the facade should be compatible with the buildings and environment with which it is visually related.
9. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
10. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
11. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
12. The street facades should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
13. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

C. Procedures.

1. Upon approval of an application for a *Certificate of Appropriateness*, the Historic Preservation Commission shall issue the *Certificate of Appropriateness*.
2. Should the Historic Preservation Commission fail to issue a *Certificate of Appropriateness* due to the failure of the proposal to conform to the requirements of this chapter, the applicant may appeal such decision to the Common Council within 30 days of denial.
3. If the Historic Preservation Commission fails to issue a *Certificate of Appropriateness*, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a *Certificate of Appropriateness* within the requirements of this chapter.

D. Applicability to Agencies, Utilities and Transportation Companies. Agencies of the City of Bayfield and all public utility and transportation companies undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a *Certificate of Appropriateness* prior to initiating any major changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the City of Bayfield.

E. Other Permits, Appeals and Ordinances. The issuance of a *Certificate of Appropriateness* shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the *Certificate of Appropriateness* required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this chapter, any provision of the plumbing code, electrical

code, or building or housing codes of the City shall apply, unless waived by the appropriate officials. The Historic Preservation Commission may support or propose such waivers before the appropriate state or City appeals body.

- F. Compliance with *Certificate of Appropriateness*. Work authorized by a *Certificate of Appropriateness* shall be started within 12 months following said issuance of the certificate or the certificate shall expire and require reissuance. The work shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a *Certificate of Appropriateness* or failure to obtain a certificate of appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop-work order. Once a stop-work order has been issued, work on that portion of the project must cease immediately. However, work on other portions of the project may continue provided they comply with the other provisions in this chapter.

§ 423-7 Violations and Penalties.

- A. Any person or persons violating any provision of this chapter may be fined in accordance with the fee schedule established by the City Council, and a stop-work order shall be issued if necessary or appropriate. Each and every day which a violation continues may be deemed to be a separate offense. Notice of violations may be issued by the Zoning Administrator. If the violations remain uncorrected after the time specified in the notice, the City may, at its election, impose fines and/or have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

§ 423-8 Other Duties of the Historic Preservation Commission.

In addition to those duties already specified in this section, the Historic Preservation Commission:

- A. Work cooperatively with other entities to ensure the continuing education of the citizens about the historical heritage of the City and the historic properties designated under the provisions of this chapter.
- B. Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
- C. Make recommendations for designation of historic sites, structures, or districts:

As it deems advisable, may receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

Attachment to Ordinance #406, adopted by the Common Council for the City of Bayfield at its regular meeting of January 20, 2026, for the purpose of amending Chapter 500 of the City's Ordinances to streamline the zoning and building permitting process within the City to provide a more efficient review of zoning and building applications and to update City Ordinances to be consistent with the authority of UDC inspection and permitting being delegated to Bayfield County. Deletions are in ~~strikeout~~, additions are in red. Any sections not expressly changed by this ordinance remain as previously written

Amend Chapter 500 as follows:

§ 500-38. Conditions and guaranties.

D. Architectural treatment. Proposed architectural treatment will be in general harmony with the surrounding uses and the landscape. To this end, the Plan Commission may require the approval of the ~~Architectural Review Board~~ **Historic Preservation Commission**.

§ 500-44. Existing nonconforming uses and structures.

A. The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. An owner of an existing nonconforming structure will be allowed to extend, enlarge, reconstruct, move or structurally alter the building, so long as the new construction does not increase the extent of the nonconformity of the structure in any respect and does not create any new nonconformity. The owner of a nonconforming structure shall submit site and elevation plans to the ~~Architectural Review Board~~ **Plan Commission** for approval, along with a land survey in cases where the lot lines are questionable (to be determined by the City).

§ 500-46. Existing nonconforming structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. An owner of an

existing nonconforming structure will be allowed to extend, enlarge, reconstruct, move or structurally alter the building, so long as the new construction does not increase the extent of the nonconformity of the structure in any respect and does not create any new nonconformity. The owner of a nonconforming structure shall submit site and elevation plans to the ~~Architectural Review Board~~ **Plan Commission** for approval, along with a land survey in cases where the lot lines are questionable (to be determined by the City).

§ 500-54. General sign requirements.

- B. Sign permits. No sign shall hereafter be located, erected, moved, constructed, extended, converted, or structurally altered without a permit and without being in conformity with the provisions of this article. These permits are available from the ~~Building Inspector~~ **Zoning Administrator**, unless otherwise indicated herein.

§ 500-59. Permits and fees.

- A. Applications. The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings, showing the design, size and location of the sign and such other pertinent information as the ~~Building Inspector~~ **Zoning Administrator** may require to ensure compliance with the ordinances of the City.

§ 500-60. Inspections; removal; abandoned signs.

- A. Inspections. Signs for which a permit is required may be inspected periodically by the ~~Building Inspector~~ **Zoning Administrator** for compliance with this and other codes of the City.
- B. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. Compliance shall be made within five days.
- C. Removal of sign. The ~~Building Inspector~~ **Zoning Administrator** may order the removal of any sign erected in violation of this article. He shall give five days' notice in writing to the owner of such sign, or of the building, structure or premises on which the sign is

located, to remove the sign or to bring it into compliance. The ~~Building Inspector~~ **Zoning Administrator** may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. If the sign owner does not comply with the orders of the ~~Building Inspector~~ **Zoning Administrator**, the ~~Inspector~~ **Zoning Administrator** is authorized to have the sign removed and the removal charged to the owner of the sign.

D. Abandoned signs.

- (1) A sign, on or off premise, shall be removed by the owner or lessee of the business, when the business which it advertises is no longer conducted. If the owner or lessee fails to remove it, the ~~Building Inspector~~ **Zoning Administrator** shall give the owner a five-day written notice to remove it. Upon failure to comply with this notice, the ~~Building Inspector~~ **Zoning Administrator** may remove the sign at cost to the owner.
- (2) If the sign owner cannot be located, the ~~Building Inspector~~ **Zoning Administrator** shall have the authority to remove the sign, and cost shall be borne by the City.

§ 500-69. Solar energy systems.

No solar energy system, including solar panels or other equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy, shall be installed, either as or upon a freestanding structure, or upon another structure, without a permit having been issued therefor under [§500-94](#) following site plan approval under [§500-95](#), and ~~Architectural Review Board~~ **Plan Commission** review under [§500-96](#), provided that an application for a permit may be denied only if (1) the denial is necessary to preserve or protect the public health or safety, or (2) an alternative system of comparable cost and efficiency would be permitted; and provided further that conditions may be imposed upon a permit only if they (1) serve to preserve or protect the public health or safety, or (2) do not significantly increase the cost of the system or significantly decrease its efficiency.

§ 500-73. Fences and hedges.

- E. Prohibited fences. No fence shall be constructed which is in a dangerous condition, as determined by the ~~Building Inspector~~ **Zoning Administrator**, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.

§ 500-74 Swimming pools.

- A. Definition. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 1 1/2 feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs
- B. Exempt pools. Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section.
- C. **Zoning** Permit required. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the ~~Building Inspector~~ **Zoning Administrator**. Plans and specifications and pertinent explanatory data should be submitted to the ~~Building Inspector~~ **Zoning Administrator** at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee as set by the Common Council shall accompany such application.
- D. Construction requirements. ~~In addition to such other requirements as may be reasonably imposed by the Building Inspector, The Building Inspector~~ **Zoning Administrator** shall not issue a **zoning** permit for construction as provided for in ~~Subsection B~~, unless the **applicant confirms that the proposed construction complies with all applicable plumbing, electrical, and building codes and obtains any necessary state inspections and/or permits required for construction of such swimming pool. This shall be satisfied either by (i) the applicant providing proof of inspection and permitting from the applicable state agency, or (ii) the applicant providing a statement from a state permitting agency confirming that no state inspection or permitting is required for the proposed construction. following** ~~construction requirements are observed:~~
- (1) ~~All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the City now in effect or hereafter enacted.~~

- (2) ~~All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.~~
- (3) ~~All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.~~

§ 500-75. Accessory dwelling units.

B. Requirements. . .

- (12) ~~The property must front on an adequate water main and be adequately served by a meter sized for single-family use.~~ **The accessory unit may utilize the existing water connection and meter for the primary residence if it has the capacity to accommodate the additional unit.**
- (13) ~~The property must front on an adequate sewer line with capacity to serve the accessory unit.~~ **The accessory unit may utilize the existing sewer connection for the primary residence if it has the capacity to accommodate the additional unit.**

C. Deed restrictions.

- (1) Before obtaining a **building zoning** permit for an accessory dwelling unit, the property owner shall file with the County Register of Deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

§ 500-82. Requirements for mobile home parks and modifications to existing parks.

- C. Attachments and/or accessory structures shall be designed and constructed so that they will blend in with and not detract from the appearance of the mobile home units. No such attachments or accessory structures shall be constructed without first securing a **building zoning** permit from the Zoning Administrator

§ 500-94. Zoning permit.

A. Zoning permit required.

- (1) No vacant land shall be occupied or used, and no building shall be hereafter erected, structurally altered, relocated, used or occupied until a zoning permit has been issued certifying that any such building, use or occupancy complies with the provisions of this chapter. Such permit shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, changed, extended or granted conditional use status.
- (2) A zoning ~~and occupant~~ permit is required in the following situations:
 - (a) Before any building or other structure which is the principal permitted use is erected, moved or structurally altered so as to change its use or increase its floor area.
 - (b) Before any land use is substantially altered.
 - (c) Before any building or structure is erected or substantially altered which would be a conditional use or require a variance regardless of whether principal or accessory use.
 - (d) Before building an accessory structure, even though not intended for human occupancy.

§ 500.95. Site plan approval.

- A. Site plan approval. All applications for permits for any construction, reconstruction, expansion or conversion shall require site plan approval by the Plan Commission ~~and the Architectural Review Board~~ in accordance with the requirements of this section. **A Certificate of Appropriateness may also be required from the Historic Preservation Commission under Ch. 423.**
- B. Application. The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the ~~Architectural Review Board~~ **Plan Commission** or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.
- C. Administration. The Zoning Administrator shall make a preliminary review of the application, ~~and plans,~~ **and the adequacy of the application** and refer them, along with a report of his findings, to the ~~Architectural Review Board~~ **Plan Commission** within ~~10~~ **14**

days. If a Certificate of Appropriateness is required under Ch. 423, that Certificate of Appropriateness must be obtained prior to the Zoning Administrator forwarding the application for Plan Commission review. The ~~Architectural Review Board~~ **Plan Commission** shall review the application and the Zoning Administrator's report and may refer the application and plans to any expert consultants selected by the Common Council to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 30 days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a zoning permit.

- D. Requirements. In acting on any site plan, the ~~Architectural Review Board~~ **Plan Commission** shall consider the following:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The landscaping and appearance of the completed site. The ~~Architectural Review Board~~ **Plan Commission** may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- E. Effect on municipal services. Before granting any site approval, the ~~Architectural Review Board~~ **Plan Commission** may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the City Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the ~~Architectural Review Board~~ **Plan Commission** shall forward its recommendations to the Common Council and shall not issue final approval until the Common Council has entered into an agreement with the applicant regarding the development of such facilities.

§ 500-96. ~~Architectural review~~ [Section Reserved for Future Use]

Architectural review section removed in its entirety.

§ 500-97. Fees

D. ~~Building permit application.~~ [See Chapter 152 for Building Permit Procedures and Fees]

Delete Building Permit Application section from the Zoning code in its entirety.

§ 500-98. Violations and penalties.

- A. Violations. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this chapter. In case of any violation, the Common Council, the Zoning Administrator, ~~the Architectural Review Board~~ or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this chapter or cause a structure to be vacated or removed.

§ 500-103. Appeals to the Zoning Board of Appeals.

- C. Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in the City Code, the Zoning Board of Appeals shall have the following powers:
- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator ~~or Building Inspector~~.

CITY OF BAYFIELD
NOTICE OF PUBLIC HEARING – COMMON COUNCIL

The City of Bayfield **Common Council** will hold a public hearing on **Tuesday, January 20, 2026, at 4:30 p.m.**, at the Old Bayfield City Hall, which is located at 125 South First Street, Bayfield, Wisconsin, on proposed revisions to the City Code pertaining to building and development approvals.

The public hearing will be on a proposed ordinance to amend the City of Bayfield Zoning Ordinance (Ch. 500), Building Construction Ordinance (Ch. 152), Historic Preservation Ordinance (Ch. 423), and the operations of the Architectural Review Board (Ch. 21-8). The purpose of this ordinance revision is to streamline the zoning and building permitting process within the City to provide a more efficient review of zoning and building applications and to update City Ordinances to be consistent with the authority of UDC inspection and permitting being delegated to Bayfield County. A full copy of the proposed ordinance is available for review at the new City of Bayfield Administrative Office, which is located at 34 South Broad Street Unit 101, Bayfield, Wisconsin, during its open hours (Mon-Thu, 10 a.m.-4 p.m.) and on the City website at www.cityofbayfield.com. A copy can also be obtained by emailing the city clerk at clerk@ci.bayfield.wi.gov.

You are welcome to join this meeting in person or virtually on a computer, tablet, or smartphone at meet.goto.com/482655517. You may also join by phone by calling +1 (224) 501-3412 and using access code 482-655-517.

Any person may appear at this hearing and testify in person, virtually, or by an agent. For more information, please contact City Hall at 715-779-1201.

Grace Stolen, City of Bayfield Clerk

Printers Affidavit of Publication

(State of Wisconsin)
ss.
(County of Ashland)

Erin Brunke

, being duly sworn, on oath, says that they are the Advertising Manager of the newspaper known as **The Ashland Daily Press** and published at Ashland, WI in Ashland County and the State of Wisconsin, says that the annexed printed copy of:

PN HPO and Bldg Ordinance 2026-1-20

Which forms part of this affidavit, was published in the said newspaper on the following dates:

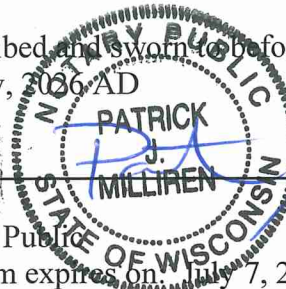
January 1, 8 & 15, 2026

And further, that the said printed notice so annexed was taken from the said **The Ashland Daily Press**, the newspaper in which the same was published.

By: 

Title: Advertising Manager

Subscribed and sworn to before me on this 15th day of January, 2026 AD



Notary Public
My term expires on: July 7, 2027

ES: \$122.66 Ad# 230415

CITY OF BAYFIELD

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Grace Stolen, City of Bayfield Clerk

CITY OF BAYFIELD – NEW ORDINANCE ADOPTED

On January 20, 2026, the City of Bayfield Common Council duly adopted Ordinance #406: An Ordinance to Amend Chapter 21: Boards, Commissions and Committees; Chapter 152: Building Construction; Chapter 423: Historic Preservation; and Chapter 500: Zoning of the Code of the City of Bayfield. The purpose of these revisions is to streamline the zoning and building permitting process within the City to provide a more efficient review of zoning and building applications and to update City Ordinances to be consistent with the authority of UDC inspection and permitting being delegated to Bayfield County. While certain inspection and permitting functions are being delegated to the County, most permit applications that were administered by the City prior to the passage of this ordinance should still start with the City of Bayfield. A public hearing regarding the ordinance was held on January 20, 2026, and it has been approved for codification into the City's Code of Ordinances.

A complete copy of this ordinance has been permanently placed on file in the Office of the City Clerk and is available for open inspection during regular business hours at the City Administrative Office at 34 South Broad Street, Unit 101, Bayfield, Wisconsin. A copy may also be obtained by contacting the city clerk at clerk@ci.bayfield.wi.gov or 715-779-1201.

This ordinance shall take effect upon passage and publication.

Grace N. Stolen, City Clerk

Printers Affidavit of Publication

(State of Wisconsin)

ss.

(County of Ashland)

Erin Brunke

, being duly sworn, on oath, says that they are the Advertising Manager of the newspaper known as **The Ashland Daily Press** and published at Ashland, WI in Ashland County and the State of Wisconsin, says that the annexed printed copy of:

New Ordinance Adopted

Which forms part of this affidavit, was published in the said newspaper on the following dates:

January 29, 2026

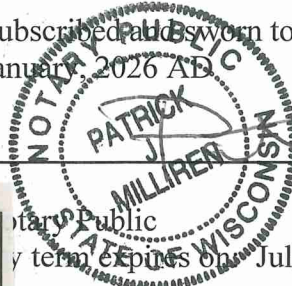
And further, that the said printed notice so annexed was taken from the said The Ashland Daily Press, the newspaper in which the same was published.

By: _____

Title: Advertising Manager

Subscribed and sworn to before me on this 29th day of January, 2026 AD

Notary Public
My term expires on July 7, 2027



ES: \$60.90 Ad# 232781

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Grace N. Stolen,
City Clerk

WNAXLP