

**CODE OF THE  
VILLAGE OF GENOA CITY,  
WISCONSIN**

**OFFICIALS  
OF THE  
VILLAGE OF GENOA CITY**

**Village Offices**

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**2004**

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## **PREFACE**

The Village of Genoa City has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Village, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Village. The recording of local law is an aspect of municipal history and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Village Board ordered the following codification of the Village's legislation.

### **Contents of Code**

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Village Board of the Village of Genoa City, including revisions or amendments to existing legislation deemed necessary by the Village Board in the course of the codification.

### **Division of Code**

The Code is divided into parts. Part I, Administrative Legislation, contains all Village legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains other Village legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Part III, Land Use Legislation, contains Village legislation relating to zoning and land development.

### **Histories**

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

### **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### **Appendix**

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

### **Derivation Table**

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where the chapters and sections of the 1984 Code of Ordinances have been included in the 2004 Code, or the reason for exclusion.

### **Disposition List**

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

### **Index**

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

### **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

**Adding new sections.** . Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

**Adding new chapters.** New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

**Adding new articles.** New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

### **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

### **Acknowledgment**

The assistance of the Village officials is gratefully acknowledged by the editor. The codification of the legislation of the Village of Genoa City reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

## TABLE OF CONTENTS

**Tools for Finding Information-** In Addition to the municipality’s legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

**Chapters-** Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

**Reserved Chapters-** In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the “Instructions for Amending the Code” in the Preface.

**Section Numbering-** A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

**Scheme-** The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

**Page Numbers-** A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter following by a colon and the numeral “1”. Thus, Chapter 6 begins on page 6:1 By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

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## **PART I**

# **ADMINISTRATIVE LEGISLATION**

## **Chapter 1**

### **GENERAL PROVISIONS**

#### **ARTICLE I**

##### **Use and Construction**

- § 1-1. Title; citation**
- § 1-2. Principles of construction**
- § 1-3. Conflicting provisions**
- § 1-4. When effective**
- § 1-5. Violations and penalties**
- § 1-6. Documents incorporated by reference**

#### **ARTICLE II**

##### **Adoption of Code**

- § 1-7. Adoption of Code**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I**

##### **Use and Construction**

**[Adopted as Title 1, Ch. 1 of the 1984 Code]**

##### **§ 1-1. Title; citation.**

These collected ordinances shall be known and referred to as the "Code of the Village of Genoa City, Wisconsin." References to the Code of the Village of Genoa City, Wisconsin, shall be cited as follows: "§ 5-1, Code of the Village of Genoa City, Wisconsin."

##### **§ 1-2. Principles of construction.**

The following rules or meanings shall be applied in the construction and interpretation of ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- A. Acts by agents.** When an ordinance requires an act to be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- B. Code and Code of Ordinances.** The words "Code," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of the Village of Genoa City unless the context of the section clearly indicate otherwise.

- C. Computation of time.** In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven days, Saturdays, Sundays and legal holidays shall be excluded in the computation. as used in this section, "legal holiday" means any statewide legal holiday specified by state law.
- D. Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- E. Gender.** Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- F. General rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.
- G. Joint authority.** All words purporting to give a joint authority to three or more Village officers or employees shall be construed as giving such authority to a majority of such officers or persons.
- H. Person.** The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.
- I. Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- J. Singular and plural.** Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referred to a plural number shall also be construed to apply to one person or thing.
- K. Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- L. Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.
- M. Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these ordinances, the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time<sup>1</sup>.

1. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

**§ 1-3. Conflicting provisions.**

- A.** If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- B.** If provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its applications to the events or persons raising the conflict shall control over the more general provision.

**§ 1-4. When effective.**

- A. Code.** The Code of the Village of Genoa City, Wisconsin, shall take effect as provided by state law<sup>2</sup>.
- B. Subsequent ordinances.** All ordinances passed by the Village Board subsequent to the adoption of the Code, except when otherwise specifically provided, shall take effect from and after their publication.

**§ 1-5. Violations and penalties. (amended 10-13-16)**

- A. General penalty.** Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - (1) First offense.** Any person who shall violate any provision of this Code, shall upon conviction thereof, forfeit not less than \$25 nor more than \$1,000 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
  - (2) Second offense.** Any person found guilty of violating any ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$25 nor more than \$2,000 together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.
- B. Continued violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

2. Editor's Note: See Art. II, Adoption of Code, of this chapter.

**C. Other remedies.** The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above<sup>3</sup>.

3. Editor's Note: Original § 1-1-6(d), Juvenile dispositions, which immediately followed this subsection and was added 9-12-1996, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 62, § 62-6E(2), Juveniles.

**§ 1-6. Documents incorporated by reference.**

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Village Clerk-Treasurer shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk-Treasurer, subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

ARTICLE II,  
**Adoption of Code**

**§ 1-7. Adoption of code.**

Motion to adopt the new ordinance code book with the following changes: Ordinance# 04-08-04 Establishment of Bloomfield Genoa City Fire & Rescue, Ordinance# 03-10-05 Number of Election Officials, Ordinance# 07-14-05 Village Clerk/Village Treasurer, Ordinance# 05-12-05 Standing Committees, Ordinance# 04-14-05 License Fees, Ordinance# 07-14-05 Residential Districts, Ordinance# 02-10-05B M-1 Industrial District, Ordinance# 05-12-05B Agriculture District/Conditional Uses, was passed on 09/08/05.

## **Chapter 5**

### **ADMINISTRATIVE DETERMINATIONS REVIEW**

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| <p><b>§ 5-1. Review of administrative determinations.</b></p> <p><b>§ 5-2. Determinations reviewable.</b></p> <p><b>§ 5-3. Determination not subject review.</b></p> <p><b>§ 5-4. Municipal authority.</b></p> <p><b>§ 5-5. Persons aggrieved.</b></p> <p><b>§ 5-6. Reducing determination to writing.</b></p> | <p><b>§ 5-7. Request for review of determination</b></p> <p><b>§ 5-8. Review of determination</b></p> <p><b>§ 5-9. Administration appeal</b></p> <p><b>§ 5-10. Hearing on administrative appeal.</b></p> <p><b>§ 5-11. Final determination</b></p> <p><b>§ 5-12. Judicial review writing.</b></p> <p><b>§ 5-13. Legislative review</b></p> |
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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 8 of the 1984 Code. Amendments noted where applicable.]**

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#### **§ 5-1. Review of administrative determinations.**

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village or agent acting on its behalf may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

#### **§ 5-2. Determinations reviewable.**

The following determinations are reviewable under this chapter:

- A.** The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except an alcohol beverage license<sup>1</sup>.
- B.** The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in § 5-3D.
- C.** The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- D.** The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- E.** The suspension or removal of a Village officer or employee except as provided in § 5-3B and G.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

### **§ 5-3. Determinations not subject to review.**

The following determinations are not reviewable under this chapter:

- A.** A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
- B.** Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- C.** The denial of a tort or contract claim for money required to be filed with the Village under § 62.25, Wis. Stats.
- D.** The grant, denial, suspension or revocation of an alcohol beverage license under 125.12(1), Wis. Stats<sup>2</sup>.
- E.** Judgments and orders of a court.
- F.** Determinations made during municipal labor negotiations.
- G.** Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

### **§ 5-4. Municipal authority.**

“Municipal authority” includes the Village Board and a commission, committee, agency officer, employee or agent of the Village making a determination under §5-1 and every person, committee or agency of the Village to make an independent review under § 5-8B.

### **§ 5-5. Persons aggrieved.**

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Village whose rights, duties or privileges are adversely affected by a determination of a municipal authority. A department, board, commission, agency, officer or employee of the Village who or which is aggrieved may not initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the Village but may respond or intervene in a review proceeding under this chapter initiated by another.

### **§ 5-6. Reducing determination to writing.**

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed

that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

#### **§ 5-7. Request for review of determination.**

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who or which made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

#### **§ 5-8. Review of determination.**

- A. Initial determination.** If a request for review is made under § 5-7, the determination to be reviewed shall be termed an initial determination.
- B. Who shall make review.** A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who or which made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President without confirmation, shall be provided if practicable.
- C. When to make review.** The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- D. Right to present evidence and argument.** The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- E. Decision on review.** The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom or which notice of appeal shall be filed.



**§ 5-9. Administrative appeal.**

- A.** From initial determination or decision on review.
- (1) If the person aggrieved had a hearing substantially in compliance with § 5-10 when the initial determination was made, he may elect to follow §§ 5-6 through 5-8 but is not entitled to a further hearing under § 5-10 unless granted by the municipal authority. He may, however, seek judicial review under §5-12.
- (2) If the person aggrieved did not have a hearing substantially in compliance with § 5-10 when the initial determination was made, he shall follow §§ 5-6 through 5-8 and may appeal under this section from the decision made under § 5-8
- B.** Time within which appeal may be taken under this section. Appeal from a decision on review under § 5-8 may be taken within 30 days of notice of such decision.
- C.** How appeal may be taken. An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

**§ 5-10. Hearing on administrative appeal.**

- A. Time of hearing.** The Village shall provide the appellant a hearing on an appeal under § 5-9 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom or which a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such an appeal.
- B. Conduct of hearing.** At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision maker, who may be an officer, committee, board or commission of the Village or the Village Board who or which did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decisionmaker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision maker
- C. Record of hearing.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.

- D. Hearing on initial determination.** Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination

**§ 5-11 Final determination**

- A.** Within 20 days of completion of the hearing conducted under § 5-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant his or its written determination stating the reasons therefore. Such determination shall be a final determination.
- B.** A determination following a hearing substantially meeting the requirements of § 5-10 or a decision on review under § 5-8 following such hearing shall be a final determination, judicial review of which may be obtained under § 5-12.

**§ 5-12. Judicial review.**

- A.** Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- B.** The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

**§ 5-13. Legislative review.**

- A.** Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the Village Board or any of its boards, commissions committees or agencies which may have jurisdiction.
- B.** If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Village Board, board, commission, committee or agency shall be made part of the record on review under § 5-12.
- C.** The Village Board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under §5-10.

## **Chapter 9**

### **ASSESSMENTS**

#### **ARTICLE I**

##### **Special Assessments**

- § 9-1. Authority to levy; determination of amount.**
- § 9-2. Special charges for current services.**
- § 9-3. General provisions.**

#### **ARTICLE II**

##### **Public Improvements**

- § 9-4. Developer to finance facility extensions Public Improvements.**
- § 9-5. Assessment for benefits; deferments.**
- § 9-6. Reimbursements.**
- § 9-7. Effect on other requirements.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I**

##### **Special Assessments**

##### **§ 9-1. Authority to levy; determination of amount.**

**A.** The Village of Genoa City by resolution of its Village Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments. The Village Board shall follow State Statute regarding special assessment procedure and requirements.

##### **§ 9-2. Special charges for current services.**

**A.** In addition to all other methods provided by law, special charges for current services may be imposed by the Village Board by allocating all or part of the cost of the service to the property served. Such service may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals and soil conservation work. The provision for notice of such charges shall be optional with the Village Board, except that in the case of sidewalk, curb or gutter repair, 20 days notice shall be given by publication in the Village newspaper or by posting such notice in three places in the Village, and a copy of such notice shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence at least 10 days before the hearing or proceeding. Such notice shall specify that on a

certain date a hearing will be held by the Village Board as to whether the service in question shall be performed.

**B.** Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in State Statute.

**§ 9-3. General provisions.**

**A.** If any assessment or charge levied under this article is invalid because such statutes are found to be unconstitutional, the Village Board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.

**B.** The Village Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing are waived in writing by property owner.

**C.** Notwithstanding any other provision of law, or this article or other ordinance or resolution, it is specifically intended and provided by this article that the Village of Genoa City may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

**ARTICLE II**  
**Public Improvements**

**§ 9-4. Developer to finance facility extensions Public Improvements.**

Whenever a landowner/developer within the Village of Genoa City proposes a development requiring public services, such as sewer mains, lift stations, water mains, meters, over sizing of existing facilities, storm drainage facilities, street extensions or reconstruction, ditches, etc., together with any easements therefore, and it appears that all or any of those public facilities are not in place and ready for connection to the proposed development or user, the developer/landowner will enter into a sub divider's or developer's agreement with the Village and will, prior to any approvals for subdivision or development, escrow with the Village sufficient moneys to finance completely all expenses incurred by the Village to make those facilities available to said developer/landowner. Said escrow funds shall be in cash, bank draft, irrevocable letter of credit or other negotiable instrument in sufficient amount to cover all expenses of the Village, including but not limited to administration, contingencies, engineering, legal, planning, etc. The amount of said financing shall be approved by the Village Board on the recommendation of the Village Engineer.

**§ 9-5. Assessment for benefits; deferments.**

The Village will, upon receipt of the escrow funds as provided in § 9-4, pass a preliminary resolution or resolutions commencing procedures to special assess property owners benefiting from the public facilities being installed.

- A.** Village to perform all planning, engineering and construction. All construction for the public facilities governed by this article shall be planned, engineered, bided and performed by the Village/and all expenses incurred shall be paid from said escrowed funds.
- B.** Properties benefiting to be special assessed benefits. All real estate benefiting from said extension of public services shall be special assessed for those benefits in an amount as determined by the Village Board, but not to exceed the total cost of the project.
- C.** Special assessment deferments. Those parcels not realizing an immediate benefit will be granted a deferment of the special assessment for so long as legally permitted by the Village Board, but in any case deferment shall immediately end and the assessment shall be levied in such terms as ordered upon the happening of any of the following events which shall thereupon vest the benefit:
  - (1)** Sale, gift, devise or other transfer of the property to any person, corporation or association other than a spouse;
  - (2)** Connection of the property to the facility either voluntarily or by order of any governmental body or agency; or
  - (3)** The passage of all legal time for deferments of special assessments.
- C.** Developer/landowner to add to escrow fund if shortages arise. At any stage of the project, if the moneys in escrow are deemed to be insufficient by the Village Board, the developer/landowner shall replenish said escrow with sufficient funds to complete the project.

#### **§ 9-6. Reimbursements.**

If the Village is legally permitted to return to the developer/landowner his moneys advanced as provided above by the collection of said special assessments, then the Village may refund that portion of the special assessment representing the amount expended by the developer/landowner as collected. In the event that a court determines that the developer/landowner is not entitled to reimbursement, then the special assessment will thereupon be voided and the developer/landowner will be deemed to have lost any legal right to reimbursement of development advances.

#### **§ 9-7. Effect on other requirements.**

Nothing herein shall affect the requirement that the developer/landowner shall be legally and financially responsible to the Village for the cost, design, construction and dedication of all public facilities within said development.

## **Chapter 15**

### **BOARDS, COMMITTEES AND COMMISSIONS**

**§ 15-1. Board of Review.**

**§ 15-2. Plan Commission**

**§ 15-3. Cemetery Board**

**§ 15-5. Board of Health.**

**§ 15-6. Police Disciplinary Commission**

**§ 15-7. Bloomfield Genoa City Fire  
and Rescue Commission**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 4 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Ethics -- See Ch. 35

Officers and employees -- See Ch. 62.

Records -- See Ch. 70.

Village Board -- See Ch. 82.

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#### **§ 15-1. Board of Review.**

The Board of Review of the Village of Genoa City shall be composed of six members who are residents of the Village of Genoa City and who shall be appointed to serve for a term of one year by the Village President of the Village of Genoa City. The Board of Review shall have the duties and powers prescribed by § 70.47, Wis. Stats.

#### **§ 15-2. Plan Commission. [Amended 5-11-2017]**

**A.** Composition. The Village Plan Commission shall consist of the Village President, one Trustee, four citizens, and the President of the Board of Park Commissioners. An additional citizen member shall be appointed in the absence of a Park Commission.

**B.** Appointment.

**(1)** Trustee member. The original Trustee member shall be elected by a two-thirds vote of the Village Board upon creation of the Commission, and therefore he shall be elected by the Village Board during the month of April of each year.

**(2) Citizen members.**

The five regular citizen members of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board. The original citizen members shall be appointed upon creation of the Commission, and shall hold office for a period of one, two and three years, respectively from the succeeding first day of May, and thereafter annually during the month of April such member shall be appointed for a

term of three years. Only one member shall be appointed each year, except for the year in which two terms expire.

- C. **Record.** The Plan Commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

D. **Duties.**

(1) **The Comprehensive Plan.**

- (a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the Comprehensive Plan, subject to Village Board confirmation, for the physical development of the Village, including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development and may include, among other things, without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, and sites for public buildings and structures; the general location and extent of sewers, water conduits and other public utilities, whether privately or publicly owned; the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals; the general location, character and extent of community centers and neighborhood units; and a comprehensive zoning plan.
- (b) The Commission may adopt the comprehensive Plan as a whole by a single resolution or, as the work of making the whole Comprehensive Plan progresses, may from time to time by resolution adopt a part of parts thereof, any such part to correspond generally with one or more of the

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II),

functional subdivisions of the subject matter of the plan. The adoption of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The

purpose and effect of the adoption and certifying of the Comprehensive Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (2) **Matters referred to Plan Commission.** The Village Board or officer of the Village having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility, whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Village Board, the Board or other public body or officer may take final action without it.
- (3) **Miscellaneous powers.** The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board.

### **§ 15-3. Cemetery Board.**

- A. **Members.** The Hillside Cemetery in the Village of Genoa City shall be administered by a board of three members which shall be known as the "Cemetery Board" and which members shall be appointed by the Village President, subject to Village Board confirmation. Members shall be appointed for three-year terms, with one member being appointed annually. Vacancies shall be filled by the Village President, and the new members shall serve for the duration of the unexpired term.



- B. Officers; meetings.** The Cemetery Board shall elect one of its members as President, one as Secretary, and one as Treasurer. Such Board shall fix its own time and place for meetings and may hold special meetings any time upon the request of two of its members.
- C. Duties.** The Cemetery Board shall, subject to the control of the Village Board, be in charge of the management of the cemetery and of the sale of cemetery lots and of all funds derived therefrom or appropriated for the benefit of the cemetery by the Village Board and of all moneys or other property in any manner given for keeping in repair or maintaining the cemetery, any cemetery lot or any building on the cemetery property.
- D. Use of funds.** The Cemetery Board shall use and expend all funds derived from the cemetery, from the sale of lots or from other sources and all funds appropriated by the Village Board for the general benefit of the cemetery according to its best discretion in caring for and improving such cemetery and the fences, buildings, and public monuments thereon but shall have no power to create any debt against the Village to be paid from any other fund.
- E. Trust property.** The Cemetery Board may invest or otherwise dispose of, according to the directions of the donor and the conditions of the trust, the moneys or property received by it in trust for any of the purposes aforesaid, and the income thereof, and in all things faithfully discharge such trust according to law.
- F. Accounts.** The Cemetery Board shall keep an accurate account of all moneys received and expended and of all moneys or other property in any manner given, conveyed and devised to the Village in trust for any purpose whatsoever, with a full statement of the conditions of such trust and of the manner of investment of any and all trust funds.
- G. Treasurer's bond.** The member of the Cemetery Board who shall be selected as Treasurer of the Board shall furnish a surety bond to the Village and file the same in the office of the Village Clerk-Treasurer, in a penal sum to be fixed by the Village Board, conditioned that he will faithfully discharge his duties as such Treasurer of the Cemetery Board and justly and truly account for and pay over according to law all moneys and securities which may come into his hands as such Treasurer.
- H. Accounting.** The Cemetery Board shall semiannually render or cause to be rendered to the Village Board a full and correct account of all moneys received by it and of the investment and disbursement of all funds or property which shall have come into its hands during the preceding month.
- I. Record.** The Board shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer.

**§ 15-5. Board of Health.**

- A. Composition.** The Public Welfare and Health Committee of the Genoa City Village Board and the Health Officer shall constitute the Board of Health. The Board of Health shall perform those duties specified in § 251.04, Wis. Stats.
- B. Duties.** It shall be the duty of the Board of Health of the Village of Genoa City to assume the general administration of health and sanitation laws and regulations in the Village, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Board of Health and the ordinances of the Village.
- C. Powers.** The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the Village of Genoa City. All orders and regulations of the Board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation.
- D. Record.** The Board shall keep a written record of its proceedings, to include all action taken, a copy of which shall be filed with the Village Clerk-Treasurer.

**§ 15-6. Police Disciplinary Commission. [Added 4-12-2001]**

- A. Composition.** The Police Disciplinary Commission is hereby created pursuant to §§ 61.65 and 62.13(5), Wis. Stats., as may be amended or renumbered from time to time. The Commission shall consist of three members, none of whom may be an elected or appointed official of the Village or be otherwise employed by the Village. The Commission shall act under § 62.13(5), Wis. Stats., in place of a board of police and fire commissioners.
- B. Payment.** The Village Board may provide for some payment to each member for the member's cost of serving on the Commission at the rates established by the Village Board.
- C. Duties.** In applying § 62.13(5), Wis. Stats., the Village President has the powers and duties specified for a city mayor; the Village Treasurer has the powers and duties specified for a comptroller; the Village Board has the powers and duties specified for a common council; and the Village has the powers and duties specified for a city.
- D. Term of members.** Appointments to the Commission shall be made by the Village President and shall be subject to the approval of a majority of the members of the Village Board. The appointments shall be for a period of three years, except that initially one member shall be appointed for a one-year term, one member shall be appointed for a two-year term and one member shall be appointed to a three-year term, and as those terms

expire one member shall be appointed by the Village President annually to replace that member's expired term. The terms of the members shall commence immediately upon appointment, but for purposes of computing the member's initial term, the members shall serve as though their terms commenced on May 1, 2002. Future appointments shall all be for terms commencing on the first day of May. One member of the Commission shall be designated as the President and one member shall be designated as the Secretary of the Commission.

- D. Purpose.** The purpose of the Police Disciplinary Commission shall be to hear and dispose of charges against the Chief of Police or any officer of the Police Department and to hear appeals requested by any police officer suspended by the Police Chief. If the Police Disciplinary Commission determines after a hearing that the charges are sustained, the accused, by order of the Commission, may be suspended and reduced in rank or removed, as the good of the service may require. All procedures, proceedings and actions taken by the Police Disciplinary Commission shall be in accordance with §§ 61.65 and 62.13(5), Wis. Stats.

**§ 15-7. Bloomfield Genoa City Fire and Rescue Commission. [Added 1-9-2003]**

- A. Joint Fire Commission.** The municipalities hereby create and establish a Joint Fire Commission (the "Commission") as provided by §§ 61.65(2)(b)2 and 60.55(1)(a)2, Wis. Stats.
- B. Commission members and terms of office.** The Commission shall be composed as follows:
- (1) The Commission shall consist of five members who shall be appointed as follows: the Village Board and Town Board shall each appoint two members. The remaining one member shall be appointed by the Board of Directors.
  - (2) No three members may be of the same political party, nor shall they be members of either municipality's elected Board.
  - (3) The five member Commission shall be initially divided into five classes. Initially, one member shall serve for five years, one member shall serve for four years, one member shall serve for three years, one member for two years, and one member shall serve for one year. The Town Board shall appoint a member to a five-year and a two-year term. The Village Board shall appoint a member to a four-year and a three-year term. The Board of Directors shall appoint a member to a one year term. Thereafter, all terms will be for a five-year period.
  - (4) Any vacancies on the Commission shall be filled by appointment for an unexpired term by the appointing authority in the same manner as the original appointments are made.

- C.** A majority of the members of the Commission shall constitute a quorum for the transaction of any business at a meeting of the Commission.
- D.** The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the Commission.
- E.** Meetings of the Commission shall be held as required but at least once during each and every calendar year. Meetings of the Commission shall be held upon the call of the Chair or upon the written request of at least two members of the Commission, including an emergency meeting. Notice shall be given to the members in writing not less than 24 hours prior to the time of the meeting.

## Chapter 21

### CITATIONS

§ 21-1. Election to use citation method of enforcement.

§ 21-2. Issuance of citation.

§ 21-3. Procedure on default.

§ 21-4. Enforcement where statutory counterpart exists.

§ 21-5. Chapter not exclusive.

§ 21-6. Schedule of deposits

[HISTORY: Adopted by the Village Board of the Village of Genoa City as §§ 9-1-2 and 9-1-3 of the 1984 Code. Amendments noted where applicable.]

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#### § 21-1. Election to use citation method of enforcement.

- A. **Authority.** Pursuant to § 66.0113, Wis. Stats., the Village hereby elects to use the citation method of enforcement of sections of this Code other than those for which a statutory counterpart exists.
- B. **Form of citation.** The form of the citation to be used shall be the Wisconsin Uniform Municipal Citation.
- C. **Schedule of deposits established.** A schedule of cash deposits is established for use with citations issued under this chapter and is set forth in § 21-6 of this chapter. Deposits shall be made in cash, money order or certified check to the Municipal Court or the Chief of Police, who shall provide a receipt therefore.

#### § 21-2. Issuance of citation.

Any law enforcement officer may issue citations authorized under this chapter.

#### § 21-3. Procedure on default.

Section 66.0113(3), Wis. Stats., relating to violators' options and procedure on default, is hereby adopted and incorporated herein by reference.

#### § 21-4. Enforcement where statutory counterpart exists.

The procedure to be followed for the enforcement of sections of this Code for which a statutory counterpart exists shall be that as set out in § 66.0114, Wis. Stats.

**§ 21-5. Chapter not exclusive.**

- A. Other ordinances.** The adoption of this chapter does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. Other remedies.** The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other section of this Code or law or by any other enforcement method to enforce any section of this Code, Village regulation or order.

**§ 21-6. Schedule of deposits<sup>1</sup>.**

The current schedule of cash deposits is on file with the Village Clerk-Treasurer. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by § 757.05, Wis. Stats., the jail assessment imposed by § 302.46(1), Wis. Stats., the crime laboratories and drug law enforcement assessment imposed by § 165.755, Wis. Stats., any applicable consumer protection assessment imposed by § 100.261, Wis. Stats., any applicable domestic abuse assessment imposed by § 973.055(1), Wis. Stats., and court costs as imposed by § 800.10, Wis. Stats.

1. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

**Chapter 28**  
**DEPARTMENTS**  
[Amended 11-14-2019]

ARTICLE I  
**Police Department**

- § 28-1. **Personnel.**
- § 28-2. **Appointment and removal.**
- § 28-3. **General powers of police officers.**
- § 28-4. **Chief of Police.**
- § 28-5. **Civilians to assist.**
- § 28-6. **Assisting escape of prisoner.**
- § 28-7. **Personating police officers.**
- § 28-8. **Special peace officers.**
- § 28-9. **Rules and policies.**

- § 28-10. **Personnel records and performance evaluations.**
- § 28-11. **Training.**
- § 28-12. **Uniforms and equipment.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

ARTICLE I  
**Police Department**  
[Adopted as Title 3, Ch. 1 of the 1984 Code]

**§ 28-1. Personnel.**

The Police Department of the Village of Genoa City shall consist of the Chief of Police and such other police officers as the Village Board may prescribe from time to time by ordinance or resolution.

**§ 28-2. Appointment and removal.**

Police officers, other than the Chief, shall be selected by the Chief and the Safety Committee, subject to approval of the Village Board. The Chief, with the approval of the Safety Committee, shall have full authority to demote, suspend temporarily or remove from the force any officer of the Department, subject to any collective bargaining labor contract in force. Said officer may appeal to the Village Board for reinstatement.

**§ 28-3. General powers of police officers.**

The Chief of Police and all police officers of the Village shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on Village marshals and constables. Every member of the Police Department shall have full power and authority and it shall be his duty to:

- A. Arrest with or without process all persons in the Village engaged in any disturbance of the peace or violating any law or ordinance of the state or Village or aiding or abetting in such violation and take all such persons in charge and confine them and within a reasonable time bring them before the Municipal Court of the Village of Genoa City to be dealt with according to law.
- B. Familiarize himself with the ordinances of the Village and attend to the enforcement of such ordinances by all lawful means.
- C. Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- D. Report all street and sidewalk obstructions, unlighted streetlamps, unlawful street signs or signals and defective or dangerous streets and sidewalks.
- E. Assist the Fire Department in maintaining order at the scene of a fire.
- F. See that the necessary permits and licenses issued by the proper authority of the state or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- G. Assist or take into protective custody any intoxicated person in accordance with § 51.45(11) and (12) (prevention and control of alcoholism), Wis. Stats.
- H. Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

**§ 28-4. Chief of Police<sup>1</sup>.**

- A. **Duties.** In addition to the duties imposed upon him by § 28-3, the Chief of Police shall have the following duties. He shall:
  - (1) Keep in his office a record of all arrests made by members of the department, traffic tickets issued, the dates, hours, and places thereof, names of person arrested, arresting officers, offenses charged, actions taken and results.



- (2) Not be absent from duty or leave the Village without first reporting to the Village President, provided that he may leave without such report when discharging his official duties or when in pursuit of a person known to have violated any law or ordinance of the state or Village.
- (3) Submit a written monthly report to the Village Board of all activities and transactions of the Department during the preceding month.
- (4) Have exclusive control of the assignment, hours of duty and transfer of all members of the Department.
- (5) Plan, organize, staff, direct and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village of Genoa City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
- (6) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
- (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property and regulate noncriminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

**B. Custody of Department equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department, and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment and supplies.

1. Editor's Note: See also Ch. 62, Officers and Employees, § 62-3

**C. Custody of Department property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

#### **§ 28-5. Civilians to assist.**

It shall be the duty of all persons in the Village, when called upon by any police officer or peace officer, to promptly aid and assist him in the execution of his duties, and whoever shall neglect

or refuse to give such aid or assistance shall be subject to the general penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code.

**§ 28-6. Assisting escape of prisoner.**

No person shall intentionally aid any prisoner or person to escape from the lawful custody of a police officer or peace officer of the Village.

**§ 28-7. Personating police officers.**

No person shall personate a police officer or peace officer within the Village of Genoa City.

**§ 28-8. Special peace officers.**

The Village President and Trustees shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Village.

**§ 28-9. Rules and policies.**

The Chief of Police may make such further rules, regulations and policies for the government of the Police Department as he may deem necessary, provided that such rules and regulations shall not be inconsistent with the laws of the state or Village ordinances or any collective bargaining or labor contract.

**§ 28-10. Personnel records and performance evaluations.**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and rules of the Department<sup>2</sup>.

2. Editor's Note: See also Ch. 15 § 15-6, Police Disciplinary Commission.

**§ 28-11. Training.**

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures and techniques of their duties and responsibilities. He will ensure that, within budgetary limitations, members of the Department attend training courses, seminars and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their

education in law enforcement through study, special courses, college attendance, extension programs and independent readings.

**§ 28-12. Uniforms and equipment.**

The Chief of Police shall, subject to the approval of the Village President, prescribe the style, design, material and color of uniforms to be worn by the uniformed members of the Department and certain attire to be worn by plainclothes personnel. He shall prescribe the weapons and other police equipment to be carried and used by police personnel and the badges and insignia furnished by the Department.

## **Chapter 35**

### **ETHICS**

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|---|--|
| <b>§ 35-1. Purpose and applicability.</b>                     | <b>§ 35-5. Conflict of interest</b>            |
| <b>§ 35-2. Responsibilities of public office.</b>             | <b>§ 35-6. Specific conflicts of interest.</b> |
| <b>§ 35-3. Dedicated service.</b>                             | <b>§ 35-7. Outside employment.</b>             |
| <b>§ 35-4. Use of public property; treatment of citizens.</b> | <b>§ 35-8. Sanctions</b>                       |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 7 of the 1984 Code. Amendments noted where applicable.]**

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#### **§ 35-1. Purpose and applicability.**

- A.** The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Village.
- B.** The municipal officials and employees of the Village, whether elected or appointed, are "public officials and employees" within the meaning and intent of this chapter.

#### **§ 35-2. Responsibilities of public office.**

- A.** Public officials and employees are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- B.** Public officials are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the law of the nation, state and municipality.

#### **§ 35-3. Dedicated service.**

Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

**§ 35-4. Use of public property; treatment of citizens.**

- A. Use of public property.** No public official or employee shall request, use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- B. Obligation of citizen.** No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**§ 35-5. Conflict of interest.**

No Trustee or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties. "Personal" as distinguished from "financial" interest includes an interest arising from blood or marriage relationships or close business or political association.

**§ 35-6. Specific conflicts of interest.**

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

- A. Incompatible employment.** No Trustee or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Trustee, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Village Board for the records of that authority.
- B. Disclosure of confidential information.** No Trustee, other public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.
- C. Gifts and favors.** No Trustee or other public official or employee shall accept any gift or gifts having an aggregate value of more than \$50, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Village, nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any

improper favor, service or thing of value, Any Trustee or other public official or employee who accepts any gift, favor or thing of value shall, in the case of a Trustee, disclose the matter in the minutes of the next Board meeting and, in the case of other officials or employees, report the matter to the Board for disclosure in the minutes of the next meeting<sup>1</sup>.

**D. Representing private interests before Village agencies or courts.** No Trustee or other public official or employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He shall not represent private interests in any action or proceeding against the interest of the Village in any litigation to which the Village is a party.

**E. Contracts with the Village.** Any Trustee or other public official or employee who has substantial financial interest in any business entity entering into or proposing to enter into any transaction or contract with the Village for the sale of real estate, material supplies or services to the Village shall disclose such interest to the Village Board to be reported in the minutes of the appropriate Board meeting, and in the case of a Trustee he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.

**F. Disclosure of interest in legislation.**

- (1) A Trustee who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Trustee disqualifies himself from voting.
- (2) Any other public official or employee who has a financial or other private interest and who participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

#### **§ 35-7. Outside employment.**

No full-time officer or employee of the Village shall engage in any other remunerative employment within or without the Village, provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

#### **§ 35-8. Sanctions.**

Violation of any provision of this chapter should raise conscientious questions for the Trustees or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Village. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## Chapter 41

### FINANCE

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| § 41-1. Preparation of tax roll.                                       | § 41-6. Fiscal year.                   |
| § 41-2. Treasure's bond.   | § 41-7. Public depositories.           |
| § 41-3. Village in budget.   | § 41-8. Claims against Village.        |
| § 41-4. Changes in budget.   | §41-9. Capital Improvement Referendum. |
| § 41-5. Village funds to be spent in<br>accordance with appropriation. |  |

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 5 of the 1984 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Assessments -- See Ch. 9.

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#### § 41-1. Preparation of tax roll.

Pursuant to § 70.65(2), Wis. Stats., the Treasurer shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied<sup>1</sup>.

#### § 41-2. Clerk-Treasurer's bond.

- A. **Bond eliminated.** The Village of Genoa City elects not to give the bond on the Village Clerk-Treasurer provided for by § 70.67(1), Wis. Stats.
- B. Village liable for default of Clerk-Treasurer. Pursuant to § 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Clerk-Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Clerk-Treasurer to the County Treasurer.

#### § 41-3. Village budget.

- A. **Village Board to prepare budget.** On or before the 20th day of October each year, the Village Board, with the assistance of the Village Clerk-Treasurer, shall prepare a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing year. Before preparing the proposed budget, the Village Board shall consult with the heads of Village departments and with Village officials and shall then determine the total amount to be recommended in the budget for each Village department or activity.

1. Editor's Note: Original § 2-5-1(b), Rates stamped on receipt, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**B. Form of proposed budget.** The proposed budget shall include the following information<sup>2</sup>;

- (1) The actual expenditures of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
- (2) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
- (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
- (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
- (5) Such other information as may be required by the Board and by state law.

**C. Copies of budget.** The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

**D. Hearing.** The Village Clerk-Treasurer shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Board it shall be deemed to have been regularly introduced therein. The Board shall hold a public hearing on the budget and the proposed appropriation ordinance as required by law. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the Board as other ordinances.

#### **§ 41-4. Changes in budget.**

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except upon the recommendation of the Village President and upon a two-thirds vote of the entire membership of the Village Board. Notice of such transfer shall be given by publication within eight days thereafter in the official Village newspaper.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)



**§ 41-5. Village funds to be spent in accordance with appropriation.**

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by § 41-4 of this chapter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation, but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

**§ 41-6. Fiscal year.**

The calendar year shall be the fiscal year.

**§ 41-7. Public depositories.**

The Village Board shall designate the public depository or depositories within this state within which Village funds shall be deposited, and when the money is deposited in such depository in the name of the Village, the Clerk-Treasurer and bondsman shall not be liable for such losses as are defined by state law. The interest arising there from shall be paid into the Village treasury.

**§ 41-8. Claims against Village.**

**A. Claims to be certified.** Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk-Treasurer shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:

- (1) Funds are available therefor pursuant to the budget.
- (2) The item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
- (3) The claim is accurate in amount and a proper charge against the treasury.

**B. Village Board to audit accounts.**

- (1) No account or demand against the Village, except as provided in Subsection C of this section, shall be paid until it has been audited by the Village Board and an order drawn on the Village Clerk-Treasurer therefore. Every such account shall be itemized and certified as provided in Subsection A.
- (2) After auditing, the Village Board shall cause to be endorsed by the Clerk-Treasurer, on each account, the word "allowed" or "disallowed," as the fact is, adding the amount allowed or specifying the items or parts of items

disallowed. The minutes of the proceedings of the Board, or a statement attached thereto, shall show to whom, and for what purpose, every such account was allowed and the amount.

- C. Payment of regular wages or salaries.** Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk-Treasurer in time for payment on the regular payday.
- D. Method of incurring claims.** All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of 3/4 of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

**§ 41-9. Capital Improvement Referendum. [Amended 7-11-2013, 5-07-2015]**

Prior to the start of any physical construction of any municipally financed (in whole or part) project requiring a village capital expenditure which aggregates \$2.5 million or more, the village board shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the village from proceeding with the project. The wording of any referendum shall provide the specific purpose, location and cost of the project. Nothing in this provision shall be construed to preclude the village from exercising its role in the planning or design of such publicly financed projects. The village shall be precluded from intentionally dividing up a project so that the total amount is less than \$2.5 million. Capital expenditures for maintenance, repair or replacement of existing utilities or infrastructure, or pursuant to existing contractual obligations or legal mandates shall be exempt from this section.

## **Chapter 47**

### **GOVERNMENT AND ELECTIONS**

**§ 47-1. Village government.**

**§ 47-3. Number of election officials.**

**§ 47-2. Election poll hours.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 1 of the 1984 Code. Amendments noted where applicable.]**

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**§ 47-1. Village government.**

The Village of Genoa City is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

**§ 47-2. Election Poll Hours.**

The voting polls in the Village of Genoa City, Walworth County, Wisconsin, shall be opened from 7:00 a.m. in the morning to 8:00p. m. in the evening for all elections.

**§ 47-3. Number of Election Officials.**

The Clerk and/or Village Board will determine the number, of election officials to work at each election according to the anticipated voter turnout.

## **Chapter 62**

### **OFFICERS AND EMPLOYEES**

#### **ARTICLE I**

##### **Village Officers.**

- § 62-1. Village Clerk/Treasurer.**
- § 62-2. Village Deputy Clerk/Treasurer.**
- § 62-3. Attorney.**
- § 62-4. Chief of Police.**
- § 62-5. Superintendent of Public Works.**
- § 62-6. Municipal Judge.**
- § 62-7. Assessor.**
- § 62-8. Health Officer.**
- § 62-9. Weed Commissioner.**
- § 62-10. Head of Emergency Government Services.**
- § 62-11. Building Inspector.**
- § 62-11-1. Code Enforcement Officer.**

#### **ARTICLE II**

##### **General Regulations**

- § 62-12. Applicability.**
- § 62-13. Oath of office.**
- § 62-14. Bond.**
- § 62-15. Salaries.**
- § 62-16. Vacancies.**
- § 62-17. Sick Leave.**
- § 62-18. Vacation and overtime.**
- § 62-19. Expenses.**
- § 62-20. Hospital and Dental Insurance**
- § 62-21. Retirement**
- § 62-22. Removal from office.**
- § 62-23. Custody of official property**

**HISTORY:** Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 3 and §§ 6-1-1 to 6-1-3 of the 1984 Code. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Boards, committees and commissions -- See Ch. 15.  
Departments -- See Ch. 28.  
Ethics -- See Ch. 35.

Records -- See Ch. 70.  
Village Board -- See Ch. 82.

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#### **ARTICLE I**

##### **Village Officers**

##### **§ 62-1. Village Clerk/Treasurer**

- A. Exemption from Status.** The Village of Genoa City, pursuant to Sec. 61.195 and 66.01 WI Stats., hereby elects not to be governed by those portions of Sec. 61.19, 61.25, and 61.26 WI Stats., which are in conflict with this Section.
- B. Consolidation.** The offices of the Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Clerk/Treasurer by a majority vote of the Village Board on June 14, 2012 or thereafter.

- C. **Terms.** The Appointed Village Clerk/Treasurer shall hold office for an indefinite term,, subject to removal as provided on Sec.17.13, WI. Stats.
- D. **Duties and Responsibilities.** The Village/Treasurer shall perform all duties required of both the offices of Clerk and Treasurer as provided by law and those other duties as the Village Board directs to be executed by the Clerk/Treasurer from time to time and what is stated on current job descriptions.

#### § 62.2 Village Deputy Clerk/Treasurer

- A. **Exemption from Status.** The Village of Genoa City, pursuant to Secs. 61.195 and 66.01. WI Stats. hereby elects not to be governed by those portions of Secs. 61.19, 61.25 and 61.26 WI. Stats. which are in conflict with this Section.
- B. **Consolidation.** The offices of Village Deputy Clerk and Village Deputy Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Deputy Clerk/Treasurer by a majority vote of the Village Board on June 14, 2012 or there after.
- C. **Terms.** The Appointed Village Deputy Clerk/Treasurer shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, WI. Stats.
- D. **Duties and Responsibilities.** The Village Deputy Clerk/Treasurer shall perform all duties required of both offices of Deputy Clerk/Treasurer as provided by law and those other duties as the Village Board direct to be executed by the Deputy Clerk/Treasurer from time to time and what is stated on current Job Descriptions. The Deputy Clerk/Treasurer who shall act under the Clerk/Treasurer's direction and who during the temporary absence or disability of the Clerk/Treasurer or during a vacancy in such office shall perform the duties of Clerk/Treasurer. The deputy shall receive such compensation as the Village Board shall determine. The acts of such deputy shall be covered by official bond as the Village Board shall direct.

#### § 62-3. Attorney.

- A. **Appointment.** The office of Village Attorney shall be an appointed position. The person appointed as Village Attorney shall be appointed by a majority vote of the Village Board at the organizational meeting of the Village Board in April of odd-numbered years. The term of office of the Village Attorney shall be two years and shall commence on the first day of May following appointment.
- B. **Duties.** The Village Attorney shall be legal advisor to the Village Board and all officers, boards and commissions. He shall represent the Village in all litigation, unless the Village Board, for an indefinite term, subject to removal by a majority vote of the members of the Board, expressly employs special counsel. The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.

**§ 62-4. Chief of Police.**

- A. Offices of marshal and constable abolished.** Pursuant to §§ 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Genoa City elects not to be governed by those portions of §§ 61.19 and 61.23 relating to the selection and tenure of the constable and marshal and hereby abolishes the offices of Village constable and Village marshal.
- B. Office of Chief of Police created.** There is hereby created the office of Chief of Police. The Chief of Police shall be appointed by the Village President and shall be confirmed by four of the six Village Trustees. The Chief of Police may be removed from his office by four out of the seven Village Board members.

**§ 62-5. Superintendent of Public Works.**

- A. Appointment.** The Superintendent of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position. After appointment, the Superintendent of Public Works shall be answerable to the Chairman of the Street and Alley Committee or the Utilities Committee, respectively.
- B. Term.** The Superintendent of Public Works shall hold office for an indefinite term subject to removal for cause after a public hearing by a three-fourths vote of the Village Board.
- C. Duties and powers.** The Superintendent of Public Works shall have the following duties and powers. He shall:
  - (1) Have general charge and supervision of all public works in the Village.
  - (2) Be responsible for the maintenance, repair, and construction of streets, alleys curbs, and gutters, sidewalks, bridges, street signs, storm sewers, culverts, and drainage, facilities, sanitary sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
  - (3) Have charge of all public services, including snow and ice removal, street cleaning and flushing, and other public services
  - (4) Perform such other activities and duties as are imposed upon him from time to time by the Village Board.
  - (5) Be responsible for everything pertaining to the Superintendent of Public Works so stated in this Code

- (6) Have general day-to-day control and direction over the employees working in the Department of Public Works.

**§ 62-6. Municipal Judge. [Amended 11-08-18]**

A. Pursuant to Section 755.01(2), Stats., the Municipal Court of the Village of Genoa City is hereby abolished effective as of the end of the current judicial term in 2019;

B. The Office of the Municipal Judge of the Village of Genoa City is hereby eliminated effective as of the end of the current judicial term in 2019.

**§ 62-7. Assessor.**

A. **Appointment.** The person appointed as Assessor shall be appointed by a majority vote of the Village Board at the organizational meeting of the Village Board in April of odd-numbered years. The term of office of the Assessor shall be two years and shall commence on the first day of May following appointment.

B. **Qualification.** The Assessor shall be certified by the Department of Revenue under § 73.09(3), Wis. Stats., as qualified to perform the functions of an Assessor.

C. **Duties.** The Assessor shall begin under § 70.10, Wis. Stats., to make an assessment of all of the property in the Village liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Village Treasurer at the same time and in the same manner in which town assessors are required to do as required by Ch. 70, Wis. Stats.

**D. Confidentiality of Information, Definition, Severability. [Amended 05-10-2018]**

(1) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor shall be held by the Assessor on a confidentiality basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in the performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

(2) **SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the

specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**§ 62-8. Health Officer.**

**A. Selection.** The person appointed as Health Officer shall be appointed by a majority vote of the Village Board at the organizational meeting of the Village Board in April in odd-numbered years. The term of office of the Health Officer shall be two years and shall commence on the first day of May following appointment. Such Health Officer shall be a physician or, in lieu thereof, a person with training and experience requirements established by the State Department of Health and Family Services. If the Health Officer is not a physician, the Board of Health shall arrange for, and provide in addition, such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefore.

**B. Responsibilities.**

- (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all object detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Village Board by the Health Officer, and if the Board approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
- (2) The Health Officer shall, from time to time, recommend to the Village Board such sanitary measures, to be executed by the Village as seem necessary, and shall discharge such other duties as may be imposed upon him by the Board by ordinance or resolution.

**C. Duties of the Health Officer.**

- (1) **General duties.** The Health Officer shall:
  - (a) Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.
  - (b) Make a periodic sanitary inspection at least every four months of all school buildings, restaurants, dairies, grocery stores, meat markets and places of public assemblage and report thereon to those responsible for the maintenance thereof.



- (c) Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
- (d) Enforce the health laws, rules and regulations of the State Board of Health, the state and the Village, including the laws relating to contagious diseases contained in Ch. 252, Wis. Stats.
- (e) Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
- (f) Keep and deliver to his successor a record of all his official acts.
- (g) Make an annual report to the State Board of Health and to the Village Board and such other reports as they may request.

(2) **Materials and supplies.** The Health Officer shall have the authority to procure, at the expense of the Village, all record books, quarantine cards and other materials needed by the Board of Health, except such as are furnished by the State Board of Health.

**E. Abatement of health nuisances.** The Health Officer, together with the Board of Health, shall have the power to abate health nuisances in accordance with § 254.59, Wis. Stats., which is hereby adopted by reference and made a part of this section as if fully set forth herein.

**E. Right of Health Officer to enter premises.** The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting such foodstuffs for the purpose of enforcing the provisions of this Code.

#### **§ 62-9. Weed Commissioner.**

The Weed Commissioner shall be appointed by the Village President at the organizational meeting of the Village Board, subject to Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the office of the Clerk, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

#### **§ 62-10. Head of Emergency Government Services.**

**A.** The person appointed as Head of Emergency Government Services (Civil Defense Director) shall be appointed by a majority vote of the Village Board at the first regular

meeting of the Village Board in May in odd-numbered years. The term of office of the Head of Emergency Government Services shall be two years and shall commence on the 15th day of May following appointment.

**B.** The Head of Emergency Government Services shall promulgate an effective program of emergency government in pursuit of the state-wide goals of the emergency government organization to:

- (1) Prepare for and minimize the effect of enemy action (civil defense) and natural or man-made disaster upon the civilian population; and
- (2) Effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

**C.** The above duties shall include preparation of emergency government and civil defense plans, as well as the requirements set forth in Ch. 166, Wis. Stats

#### **§ 62-11. Building Inspector.**

The person appointed as Building Inspector shall be appointed by a majority vote of the Village Board at the organizational meeting of the Village Board in April in odd-numbered years. The term of office of the Building Inspector shall be two years and shall commence on the first day of May following appointment. There is hereby vested in the Building Inspector the necessary power and authority to properly execute his duties.

#### **§ 62-11-1. Code Enforcement Officer**

**A. Terms.** The Code Enforcement Officer shall be an At Will Employee. The Code Enforcement Officer shall hold this position for an indefinite term. There is hereby vested in the Code Enforcement Officer the necessary power and authority to properly execute his duties.

**B. Duties and Responsibilities.** The Code Enforcement Officer shall have the following duties and responsibilities.

- (1) Maintain all records in the Code Enforcement shall have the following duties and responsibilities.
- (2) Deal tactfully with the public in seeking compliance with applicable codes.
- (3) Prepare all Permit Applications for the building Inspector and Issue Permits
- (4) Prepare reports and letters regarding related ordinance and code violations.
- (5) Investigate land use complaints and violations.
- (6) Assure that due process is adhered to in all enforcement activities.
- (7) Conduct effective and efficient investigations.
- (8) Issue, violation notices as necessary.
- (9) Issue, when required, court citations and directives to offending parties.

- (10) Inspect dwellings buildings, vacant lots, businesses, commercial properties and building construction projects for violations of applicable Village ordinances and codes.
- (11) Document all official actions and determinations.
- (12) Complete all reports as required.
- (13) Maintain an accurate record of work hours, vehicle mileage and office expenses.
- (14) Provide administrative support to Village Board, Planning Commission and Board of Appeals.
- (15) Attend Village Board, Planning Commission, and Board of Appeals Meetings as needed.
- (16) Assist Public Safety and Licensing Committee in preparation of ordinance amendments.
- (17) Complete all other tasks related to the Code Enforcement Officer.
- (18) Other Duties as assigned by Village Board or Public Safety Committee.

## ARTICLE II, General Regulations

### **§ 62-12. Applicability.**

The provisions of §§ 62-12 through 62-20 shall apply to all officers of the Village of Genoa City, all full-time employees and the Village Clerk and Village Treasurer, regardless of the time of creation of the office or selection of the officer, unless otherwise specifically provided by ordinance or resolution of the Village Board.

### **§ 62-13. Oath of office.**

Every officer of the Village, including members of the Village Board and commissions, shall, before entering upon his duties and within five days after notice of his election or appointment, file said oath in the office of the Village Clerk. Any person reelected or reappointed to the same office shall take and file an official oath for each term of office.

### **§ 62-14. Bond.**

Every officer shall, if required by law or the Village Board, upon entering the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as are oaths as provided in § 62-12.

### **§ 62-15. Salaries.**

- A. All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board as negotiated with the officers. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect. [Amended 2-11-1999]
- B. Payment of regular wages and salaries established by the Village Board shall be by payroll. Payday shall be once a week unless otherwise specified by ordinance or resolution.

**§ 62-16. Vacancies.**

Vacancies in elective offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the remainder of the unexpired term unless the term for such office is indefinite.

**§ 62-17. Sick leave. [Amended 2-11-1999]**

Officers or employees' sick leave benefits shall be provided from time to time by the Village Board as negotiated with the officers and employees.

**§ 62-18. Vacation and overtime.**

- A. Vacation time and overtime shall be negotiated from time to time by the Village Board and the officers and employees. In situations involving employees entitled to vacations of three weeks in duration, the employee will not be allowed to take more than two weeks of his/her vacation in succession, unless otherwise authorized by the Village Board. Double-time compensation in lieu of vacation shall not be allowed. [Amended 2-11-1999]
- B. No two employees shall take their vacation at the same time without Board approval.
- C. All vacation requests shall be submitted to the Clerk office for approval by the Village Board no later than April 1 of each year. Conflicts shall be resolved by the Village Board.
- D. No vacation time will be allowed to accrue from year to year without specific permission from the Village Board.

**§ 62-19. Expenses.**

Village employees, appointed and elected, shall be reimbursed by the Village of Genoa City at the rate as prescribed in the annual budget for all approved work-related expenses.

**§ 62-20. Hospital and dental insurance.**

The Village Board of the Village of Genoa City reserves the right to negotiate with the employees, herein defined in § 62-12, covered by these policies the payment of the premiums, the cost of which can be funded completely by the Village, or the Board may request that the employee defray part of these costs. This item shall be discussed and resolved each year at budget time.

**§ 62-21. Retirement.**

All full-time Village employees, plus the Village Clerk-Treasurer, shall be entitled to the benefits from the State Retirement Fund, the cost of which can be funded completely by the Village, or the Board may request the employee to defray part of these costs. This item shall be discussed and resolved each year at budget time.

**§ 62-22. Removal from office.**

Elected officials may be removed by the Village Board as provided in §§ 17.12(1)(a) and 17.16, Wis. Stats. Appointed officials may be removed as provided in §§ 17.12(1)(c) and 17.16, Wis. Stats.

**§ 62-23. Custody of official property.**

Village officers must observe the standards of care imposed by § 19.21, Wis. Stats., with respect to the care and custody of official property.

## Chapter 70

### RECORDS

§ 70-1. Definitions.

§ 70-2. Duty to maintain records.

§ 70-3. Legal Custodians.

§ 70-4. Public access to records.

§ 70-5. Access procedures.

§ 70-6. Limitations on right to access.

§ 70-7. Destruction of records.

§ 70-8. Preservation through microfilm.

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 2, Ch. 9 of the 1984 Code. Amendments noted where applicable.]

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#### § 70-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AUTHORITY** -- Any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order, or a formally constituted subunit of the foregoing.

**CUSTODIAN** -- That officer, department head, division head, or employee of the Village designated under § 70-3 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office or who is lawfully in possession or entitled to possession of such public records and who is required by this chapter to respond to requests for access to such records.

**RECORD** -- Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale or which are available for inspection at a public library<sup>1</sup>.

#### § 70-2. Duty to maintain records.

- A. Except as provided under § 70-7, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

- B.** Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Village Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

**§ 70-3. Legal custodians.**

- A.** Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- B.** Unless otherwise prohibited by law, the Village Clerk-Treasurer or his designee shall act as legal custodian for the Village Board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Village Board, except that the Superintendent of Public Works may maintain some records at his office.
- C.** For every authority not specified in Subsections A and B, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- D.** Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.
- E.** The Village Clerk-Treasurer or, in his or her absence or disability or in case of vacancy, the Deputy Clerk-Treasurer is hereby designated the legal custodian of all Village records.
- F.** The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subchapter II of Ch. 19, Wis. Stats., and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

**§ 70-4. Public access to records.**

- A.** Except as provided in § 70-6, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.
- B.** Records will be available for inspection and copying during all regular office hours.

- C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- D. A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- F. A requester shall be charged a fee set by the Village Board from time to time by a resolution to defray the cost of locating and copying records as follows:
  - (1) The cost of photocopying shall be charged \$0.25 per page. Said cost shall be calculated not to exceed the actual, necessary and direct cost of reproduction. The cost of vehicle accident reports shall be as set by the Village Board<sup>2</sup>.
  - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, CD's, DVD's, Digital or electronic media shall be charged.
  - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - (5) There shall be no charge for locating a record unless the actual cost therefore exceeds an amount set by the Village Board, in which case the actual cost shall be determined by the Village Treasurer and billed to the requester.
  - (6) The Village Treasurer shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds the amount set by the Village Board
  - (7) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- G. Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the



2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of § 70-4 through §70-6 of this chapter. This subsection does not apply to members of the Village Board.

#### **§ 70-5. Access procedures.**

- A.** A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under § 70-4F(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- B.** Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- C.** A request for a record may be denied as provided in § 70-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under § 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

#### **§ 70-6. Limitations on right to access.**

- A.** As provided by § 19.36, Wis. Stats., the following records are exempt from inspection under this chapter:
  - (1)** Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

- (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
- (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
- (4) Pursuant to § 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. Trade secrets are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials, or information, which are obtained from a person and which are generally recognized as confidential.

**B.** As provided by § 43.30, Wis. Stats., public library circulation records are exempt from inspection under this chapter.

**C.** In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

- (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
- (2) Pursuant to § 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
- (3) Pursuant to § 19.85(1) (b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
- (4) Pursuant to § 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
- (5) Pursuant to § 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Village property, investing of Village funds or other Village business whenever competitive or bargaining reasons require nondisclosure.

- (6) Pursuant to § 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
- (7) Pursuant to § 19.85 (1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under § 905.03, Wis. Stats.
- (8) Pursuant to § 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board and records of advice given by such ethics board on such requests.

**D.** If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

#### **§ 70-7. Destruction of records.**

**A.** Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Legislative Audit Bureau or an auditor licensed under Ch. 442, Wis. Stats., but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such shorter period<sup>3</sup>:

- (1) Bank statements, deposit books, slips and stubs.
- (2) Bonds and coupons after maturity.
- (3) Canceled checks, duplicates and check stubs.
- (4) License and permit applications, stubs and duplicates.
- (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art II)

- (6) Receipt forms.
- (7) Special assessment records.
- (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

**B.** Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Legislative Audit Bureau or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than seven years after the record was effective, unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years<sup>4</sup>:

- (1) Contracts and papers relating thereto.
- (2) Excavation permits.
- (3) Inspection records.

**C.** Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective, unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to § 16.61(3)(e), Wis. Stats., and then after such a shorter period:

- (1) Contracts and papers relating thereto.
- (2) Correspondence and communications.
- (3) Financial reports other than annual financial reports.
- (4) Justice dockets.
- (5) Oaths of office.
- (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings.
- (7) Election notices and proofs of publication.
- (8) Canceled voter registration cards.

4. Editor's Note: Amended at time of adoption of Code (see Ch.I, General Provisions, Art II).

(9) Official bonds.

(10) Police records other than investigative records.

(11) Resolutions and petitions.

**D.** Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given to the State Historical Society prior to the destruction of any record as provided by § 19.21(4)(a), Wis. Stats.

**E.** Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

**§ 70-8. Preservation through microfilm.**

Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of §§ 70-4 through 70-6 of this chapter.

## Chapter 82

### VILLAGE BOARD

- § 82-1. Membership and powers.
- § 82-2. Trustees.
- § 82-3. Village President.
- § 82-4. Standing committees.
- § 82-5. General powers.
- § 82-6. Cooperation with other municipalities.
- § 82-7. Salaries.
- § 82-8. Meetings.
- § 82-9. Special meetings.
- § 82-10. Open meetings.
- § 82-11. Quorum.
- § 82-12. Presiding officer.
- § 82-13. Order of business.
- § 82-14. Introduction of business.
- § 82-15. Conduct of deliberations.
- § 82-16. Reconsideration of questions.
- § 82-17. Call of the board.
- § 82-18. Disturbances and disorderly conduct.
- § 82-19. Amendments.
- § 82-20. Suspension of rules.

[HISTORY: Adopted by the Village Board of the Village of Genoa City Title 2 Ch.2 of the 1984 Code. Amendments noted where applicable.]

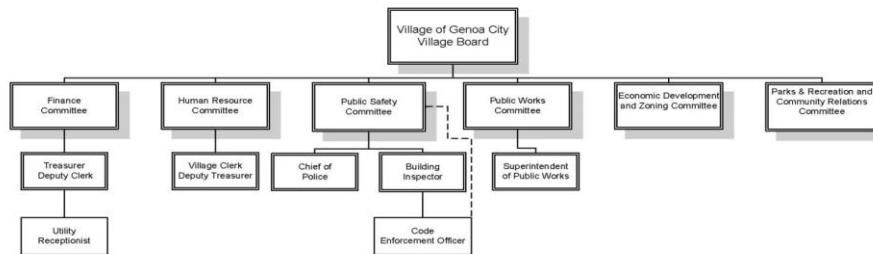
#### GENERAL REFERENCES

Ethics -- See Ch. 35.

Government and elections—See Ch. 47.



### Village Of Genoa City Organizational Chart



#### **§ 82-1. Membership and powers.**

The Trustees of the Village of Genoa City shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

#### **§ 82-2. Trustees.**

- A. Election; term; number.** The Village of Genoa City shall have six Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six Trustees shall constitute the Village Board. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.
- B. Appointment as president.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.
- C. Residency.** Members of the Village Board shall be residents of the Village of Genoa City at the time of their election and during their terms of office.

#### **§ 82-3. Village President. [Amended 5-9-2012]**

- A. Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- B. Duties.** The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed and, in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

#### **§ 82-4 Standing Committees. [Amended 5-11-2017]**

- A. COMMITTEE APPOINTMENTS.** At the organizational meeting of the Village Board the Village President shall appoint three Trustees to each of the following standing committees:
  - (1) Finance.** All matters, as required, pertaining to financial responsibility and financial welfare of the Village, including but not limited to contracts and agreements between any parties and the Village, taxes and levy collection, bond issues, loans, Village indebtedness, purchasing oversight, the fiscal well-being of Village property and assets, grant and monies research, insurance, fiscal budget,

departmental spending reviews, operational efficiencies, and any other matters as deemed necessary.

- (2) **Human Resources.** All matters, as required, pertaining to Village employees and employment, including but not limited to staffing, employee relations, employee policies, annual employee reviews, ethical and disciplinary reviews, guidance for departmental management, procedures for future Village officials, employee handbook, and any other matters as deemed necessary.
- (3) **Parks and Recreation.** All matters, as required, pertaining to recreation programs, Village historical preservation and beautification, including but not limited to the planning and maintenance of Village parks and memorials, the Village Library, Hillside Cemetery, with the exception of properties owned and controlled by the Municipal Water and Sewer Utilities. It shall also be responsible for recreational development, acting as liaison to independent recreations programs, ~~and interfacing with the Park Commission~~ and any other matters deemed necessary.
- (4) **Community Relations and Communications.** All matters, as required, pertaining to the community relations and awareness, including but not limited to Village publicity, Village newsletter, Community Message Board, Village Website, Village Facebook Page, Village Blogs, Education and Honor Roll elections, liaison to School Boards, Intergovernmental relations, promotion of citizen involvement, support and promotion of local businesses, support of community organizations, Village-sponsored events, assistance to senior residents, and any other matters deemed necessary.
- (5) **Public Safety and Licensing Committee.** All matters, as required, pertaining to Public Safety, Licensing and Regulations, and Ordinance/Code Enforcement, including but not limited to the Police Department, Health Officer, Building Inspector, Code Enforcement Officer, Joint Fire Department Representative, public health and wellness, licensing and regulations, ordinances, emergency and disaster plans, animal control, and any other matters deemed necessary.
- (6) **Economic Development and Zoning Committee.** All matters, as required, pertaining to the Planning and Development of the Village, including but not limited to Zoning and Land Use ordinances, property acquisition, planned community growth, Developer's Agreements, prospecting for new businesses, long term planning, vision for the future of the Village and any other matters deemed necessary.
- (7) **Public Works Committee.** All matters, as required, pertaining to the Village Public Works Department and the daily operations of such department, including but not limited to providing public utilities, streets and alleys, sidewalks, curbs, culverts, drainage, weed control, snow and ice control, street lighting,



environmental issues, liaison to the Wisconsin Department of Natural Resources, and any other matters deemed necessary.

- B. President to designate chairmen.** The President shall be ex-officio chairman of the Finance Committee and shall designate the chairmen of other standing committees. He shall appoint all special committees and designate the chairman of each. All committee appointments, except designation of chairmen, shall be subject to confirmation by a majority vote of the Board.
- C. Committee reports.** Each committee shall, at the next regular Board meeting, submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.

**§ 82-5. General powers.**

- A.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. Acquisition and disposal of property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- C. Acquisition of easements and property rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire, by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of

powers granted under §§ 61.35 and 62.23, Wis. Stats., and may sell and convey such easements or property rights when no longer needed for public use or protection.

- D. Village finances.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such Village accordingly and give its note therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding 1/2 of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local school clerk. The rate of interest on any such loan shall be determined by the Village Board.
- E. Construction of powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this section and throughout this Code shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the village and its inhabitants.

#### **§ 82-6. Cooperation with other municipalities.**

The Village Board, on behalf of the Village, may join with other villages or cities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

#### **§ 82-7. Salaries. [Amended 2-9-2017]**

The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board pass a resolution establishing the annual salary to be paid to the President and Trustees. Salaries so established shall remain so until changed by resolution of the Village Board and shall not be increased or diminished during the terms of office.

#### **§ 82-8. Meetings. [Amended 5-13-2010]**

- A. Regular meetings.** Regular meetings of the Village Board shall be held on the second Thursday of each calendar month at 7:00 p.m. local time or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held the next following secular day at the same time and place. All meetings of the Board shall be held at the Village of Genoa City Municipal Building unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all Board meetings shall be held

within the boundaries of the Village of Genoa City. All seven Trustees must consent to any change in the place of any meeting of the Board.

- B. Annual organizational meeting.** The Village Board shall hold an annual meeting on the third Tuesday of April for the purpose of organization.
- C. Order.** The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance.

#### **§ 82-9. Special meetings.**

Special meetings of the Board may be called by the Village President or by two Trustees by filing a written request with the Clerk-Treasurer at least 24 hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered to each Trustee personally or left at his usual place of abode. The Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Board are present or consent in writing to the holding of said meeting. Unless a quorum of Trustees is in attendance, no business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of § 61.32 and Ch. 19, Subchapter V, Wis. Stats.

#### **§ 82-10. Open meetings.**

All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law<sup>1</sup>.

#### **§ 82-11. Quorum.**

Four members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.

#### **§ 82-12. Presiding officer.**

- A. The Village President shall preside.** In case of absence of the President, the Clerk-Treasurer shall call the meeting to order and preside until the Trustees present select a Trustee to preside temporarily.
- B. Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding

1. Editor's Note: See §19.81et seq., Wis Stats.

officer. Such appeal is not debatable and must be sustained by a majority vote of the members present, excluding the presiding officer.

- C. Participation in debate.** The presiding officer may speak upon any question or make any motion if he vacates the Chair and designates a Trustee to preside temporarily<sup>2</sup>.

**§ 82-13. Order of business.**

- A.** At all meetings, the following order may be observed in conducting the business of the Village Board:

- (1) Call to order by presiding officer.
- (2) Roll call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)
- (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings.
- (4) Communications and miscellaneous business.
- (5) Treasurer's report
- (6) Public forum.
- (7) Committee reports.
- (8) Building Inspector's report.
- (9) Village Attorney's report.
- (10) Old business.
- (11) New business.
- (12) Adjourn.

- B. Order to be followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

- C. Roll call; procedure when quorum not in attendance.** As soon as the Board shall be called to order, the Clerk-Treasurer shall proceed to call the names of the members in

2. Editor's Note: Original § 2-2-13(d), Absence of President, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch.1, General Provisions, Art. II).

alphabetical order, noting who is present and who is absent, and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn, or the presiding officer or, in case of his absence, the Clerk-Treasurer may issue a process to any police officer commanding him forthwith to summon the absentees.

**§ 82-14. Introduction of business.**

All ordinances, resolutions, bylaws or other communications submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter, a title and the name of the Trustee introducing the same and shall be referred to the appropriate committee by the President. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.

**§ 82-15. Conduct of deliberations.**

**A. The deliberations of the Board shall be conducted in the following manner:**

- (1) When a motion is made and seconded, it shall be stated by the President or read by the Clerk-Treasurer previous to debate.
- (2) When the question is under discussion no action shall be in order, except:
  - (a) To adjourn;
  - (b) To lay on the table;
  - (c) To move the previous question;
  - (d) To postpone to a certain day;
  - (e) To refer to a committee;
  - (f) To amend; or
  - (g) To postpone indefinitely.
- (3) These motions shall have precedence in the order listed.
- (4) Any member desirous of terminating the debate may move the previous question, in which event the presiding officer shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate and to bring the Board to a direct vote, first upon any pending amendments and then upon the main question.

(5) A motion to adjourn shall always be in order, and a motion to adjourn or to lay on the table and a call for the previous question shall be decided without debate.

(6) A roll call shall not be necessary on any questions or motions except as follows:

(a) When the ayes and noes are requested by any member.

(b) On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the Village or any fund thereof.

(c) When required by the state statutes of Wisconsin.

(7) All aye and nay votes shall be recorded in the official minutes.

**B.** The Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order Revised, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute<sup>3</sup>.

#### **§ 82-16. Reconsideration of questions.**

When a question has been once decided, any member of the majority or, in case of a tie, any member voting in the affirmative may move a reconsideration thereof, but if a motion to reconsider is made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

#### **§ 82-17. Call of the Board.**

A call of the Board shall be ordered at any time by the request of three or more members and absent members shall be sent for, but a call cannot be made after voting has commenced.

#### **§ 82-18. Disturbances and disorderly conduct.**

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct except the Trustees.

#### **§ 82-19. Amendments.**

The rules of this chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the Board.

#### **§ 82-20. Suspension of rules.**

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

## **PART II**

### **GENERAL LEGISLATION**

## Chapter 93

### ALCOHOLIC BEVERAGES

- |   |  |
|---|--|
| § 93-1. Outside consumption.                                | § 93-5. Defense of sellers.                      |
| § 93-2. Sale to underage or intoxicated persons restricted. | § 93-6. False or altered identification cards.   |
| § 93-3. Underage persons in places of sale.                 | § 93-7. Possession on school grounds.            |
| § 93-4. Actions by underage persons.                        | § 93-8. Possession or consumption in park areas. |

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 9, Ch. 5 of the 1984 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Amusements -- See Ch. 97	Minors -- See Ch. 175.
Intoxicating liquor and fermented malt beverages -- See Ch. 160.	Nuisances -- See Ch. 186.
	Peace and good order -- See Ch. 194.

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#### § 93-1. Outside consumption.

##### A. Alcoholic beverages in public areas. [Amended 3-14-2002]

- (1) **Regulations.** It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, park, municipal building, cemetery or drives or other public area within the Village of Genoa City, or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his/her possession any open container containing an alcoholic beverage upon any public street, public sidewalk, public way, public alley, park, municipal building, or public parking lot within the Village, except as licensed premises.
- (2) **Private property held out for public use.** It shall be unlawful for any person to consume any alcoholic beverages upon any private property held open for public use within the Village, unless the property is specifically named as being part of a licensed premises.
- (3) **Leaving licensed premises with open container.**
  - (a) It shall be unlawful for any licensee, permittee, or operator to permit any patron to leave the licensed premises with an open container containing any alcoholic beverage



- (b) It shall be unlawful for any patron to leave a licensed premises with an open container containing an alcoholic beverage.

**(4) Exceptions.**

- (a) The provisions of this section may be waived by the Village Board for duly authorized events.
- (b) This section shall not apply to any organization which has been issued a temporary fermented malt beverage and/or temporary wine license for a designated area and event pursuant to this Code, provided that the provisions of this chapter and Chapter 97, Article II, Dances, Carnivals and Parades, are fully complied with<sup>1</sup>.

**B. Definitions.** As used in this section, the following terms shall have the meanings indicated:

**ALCOHOLIC BEVERAGE**-- Includes all ardent, spirituous, distilled, or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and de-germinated grains or sugar, which contain 1/2 of 1% or more of alcohol by volume and which are fit for use for beverage purposes.

**PUBLIC AREA** -- Any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.

**§ 93-2. Sale to underage or intoxicated persons restricted.**

**A. Sales of alcohol beverages to underage persons.**

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or procure for, sell, dispense or give away any intoxicating liquor to any underage person.
- (2) No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any under-age person.

**B. Penalties.**

- (1) A person who commits a violation of Subsection A above is subject to a forfeiture of:
  - (a) Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
  - (b) Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.
- (2) In addition to the forfeitures provided in Subsection B(1)(a) and (b) above, a court shall suspend any license issued under Chapters 97, 101, 128, 143, 160, 180, 217, 240, and 246, Article I, of this Code to a person violating this section pursuant to § 125.07(1)(b)3, Wis. Stats.

**C. Sale of alcohol beverages to intoxicated persons.**

- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

**D. Penalties.** Any person who violates Subsection C above shall be subject to a forfeiture of not less than \$100 nor more than \$500 and, on default of payment of such forfeiture, shall be imprisoned until such forfeiture is paid, but not to exceed 60 days<sup>2</sup>.

**§ 93-3. Underage persons in places of sale.**

**A. Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection does not apply to:

- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

- (2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
- (3) Hotels, drugstores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums, or public facilities as defined in §125.51(5)(b)1d, Wis. Stats., which are owned by a county or municipality.
- (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf clubhouses and private tennis clubs.
- (6) Premises operated under both a Class "B" or "Class B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market if the person does not enter or remain in a room where alcohol beverages are sold or furnished<sup>3</sup>.
- (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subsection. An underage person may enter and remain on Class "B" or "Class B" premises under this subsection only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subsection and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" license a written authorization permitting underage persons to be present under this subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- B. Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection A is subject to a forfeiture of not more than \$500.

**§ 93-4. Actions by underage persons.**

- A.** Any underage person who does any of the following is guilty of a violation:
- (1) Procures or attempts to procure alcohol beverages.
  - (2) Knowingly possesses or consumes intoxicating liquor.
  - (3) Enters or is on licensed premises in violation of § 93-3A.
  - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- B.** Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverages is guilty of a violation.
- C.** Any person violating Subsection A or B is subject to the following penalties:
- (1) For a first violation, a forfeiture of not more than \$50, suspension of the person's operating privilege as provided under § 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection D or any combination of these penalties.
  - (2) For a violation committed within 12 months of a previous violation, either a forfeiture of not more than \$100, suspension of the person's operating privilege as provided under § 343.30(6)(b)2, Wis. Stats., participation in a supervised work program under Subsection D or any combination of these penalties.
  - (3) For a violation committed within 12 months of two or more previous violations, either a forfeiture of not more than \$150, revocation of the person's operating privilege under § 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection D or any combination of these penalties.
- D. Supervised work program.**
- (1) If the court orders a person to participate in a supervised work program under Subsection C, the court shall set standards for the program within the budgetary limits established by the County Board. The program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work and shall be administered by the County Department of Public Welfare or a community agency approved by the court.

(2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

E. When a court revokes or suspends a person's operating privilege under Subsection C, the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this subsection may not disclose the information to any other person or agency.

F. A person who is under 18 years of age on the date of disposition is subject to § 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under § 938.344(3), Wis. Stats.

G. Subsections A and B do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.

H. Subsections A and B do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

#### **§ 93-5. Defense of sellers.**

A. **Defenses.** Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:

- (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
- (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
- (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

- B. Book kept by licensees and permittees.** Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this section. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

**§ 93-6. False or altered identification cards.**

- A.** Any person who has attained the legal drinking age who makes, alters or duplicates an official identification card may be fined not less than \$50 nor more than \$500 and, on default of payment of such forfeiture, shall be imprisoned until such forfeiture is paid, but not to exceed 30 days<sup>4</sup>.
- B.** Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than \$50 nor more than \$100 and, on default of payment of such forfeiture, shall be imprisoned until such forfeiture is paid, but not to exceed 10 days<sup>5</sup>.
- C.** Any underage person who does any of the following is subject to the penalties specified under § 93-4C or D:
- (1)** Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this subsection.
  - (2)** Makes, alters or duplicates an official identification card.
  - (3)** Presents false information to an issuing officer in applying for an official identification card.

**§ 93-7. Possession on school grounds.**

- A.** As used in this section, the following terms shall have the meanings indicated:

**MOTOR VEHICLE** -- A motor vehicle owned, rented or consigned to a school.

**SCHOOL** -- A public, parochial or private school which provides an educational program for one or more grades between grades one and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

**SCHOOL ADMINISTRATOR** -- The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

**SCHOOL PREMISES** -- Premises owned, rented or under the control of a school.

- B.** Except as provided by Subsection C no person may possess or consume alcohol beverages:
- (1) On school premises;
  - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  - (3) While participating in a school-sponsored activity.
- C.** Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- D.** A person who violates this section is subject to a forfeiture of not more than \$200, except that § 938.344, Wis. Stats., and § 93-4C and D of this Code provide the penalties applicable to underage persons.

**§ 93-8. Possession or consumption in park areas.**

It shall be unlawful for any person to possess or consume alcoholic beverages within 150 feet of the baseball or softball playing field in any Village park during, or within 1/2 hour before or after, any baseball or softball game at which a licensed vendor offers alcoholic beverages for sale from a concession adjacent to such playing field. This prohibition shall not extend to alcoholic beverages purchased from such a licensed vendor or to alcoholic beverages consumed or possessed in the immediate area of horseshoe pits which may be within 150 feet of such playing field. Any person violating this section shall be subject to immediate removal from the park area and a forfeiture of not more than \$100.00

## **Chapter 97**

### **AMUSEMENTS**

#### **ARTICLE I** **Amusement Parlors**

- § 97-1. Definitions.**
- § 97-2. License required; application for license.**
- § 97-3. Hours of operation**
- § 97-4. General requirements.**
- § 97-5 License revocation.**

#### **ARTICLE II** **Special Community Events**

- § 97-6. Applicability.**
- § 97-7. Permit requirements.**
- § 97-8. Duties of Permittee.**
- § 97-9. Disorderly Conduct Prohibited.**
- § 97-10. Sanitary and Lighting Requirements.**
- § 97-11. Permit Revocation or Cancellation.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Chs. 5 and 6 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Alcoholic beverages -- See Ch. 93.	Minors -- See Ch. 175.
Bicycles, roller skates and skateboards -- See Ch. 108.	Peace and good order -- See Ch. 194.
Fireworks -- See Ch. 143.	

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#### **ARTICLE I** **Amusement Parlors**

- § 97-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:



**AMUSEMENT DEVICE** -- Any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, ski ball, and electronic video games, and shall also include billiard tables and pool tables (whether coin-operated or not). Such definition does not include a bowling alley, jukebox or other coin-operated music machine or a mechanical children's amusement riding device.

**AMUSEMENT PARLOR** -- Any premises or arcade operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing amusement devices to the public at retail and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of amusement devices to the public at retail.

**§ 97-2. License required; application for license.**

**A. License required.** No person, firm, or corporation shall operate or keep an amusement parlor or arcade as defined herein without having obtained and posted on the premises, in plain view, a license to operate such parlor. Application shall be made to the Village Clerk-Treasurer on the form provided by such office, accompanied by an application fee as set by the Village Board which shall cover the cost of processing the application and shall be nonrefundable. The application shall set forth the following information:

- (1) The name and address of the applicant or, if a partnership, the names and addresses of all the partners or, if a corporation, the names and addresses of the principal officers and registered agent thereof and the name and address of the person who will supervise the game room.
- (2) The names and addresses of the owners of the amusement devices to be located on the licensed premises, if such owners are different from the applicant, or if the owner of the amusement devices is a partnership, the names and addresses of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent thereof.
- (3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
- (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within 20 feet of the property lines of the premises to be licensed.

(5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.

(6) Such application shall also contain such additional information as the Village deems necessary to assist it in determining the qualifications of the applicant for such license.

**B. Inspection.** The Village Clerk-Treasurer shall notify the Building Inspector of each new application for a license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. The Building Inspector shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

**C. Public hearing.** The application shall be forwarded to the Village Board, which shall hold a public hearing prior to the granting or denial of any amusement parlor license. In reviewing each application, the Village Board shall find that:

- (1) The establishment, maintenance, or operation of an amusement parlor at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The proposed amusement parlor will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood.
- (3) The establishment of the amusement parlor will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) Adequate measures have been or will be taken to maintain good order surrounding the location thereof.

**D. Issuance of license; term.** The Village Clerk-Treasurer shall issue a license upon approval of the application by the Village Board, upon payment by the applicant of an annual license fee as set by the Village Board. All licenses issued herein shall be for one year ending on the 30<sup>th</sup> day of June and shall not be transferable.

**§ 97-3. Hours of operation.**

- A.** No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.
- B.** No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which school is in regular session.
- C.** For the purpose of this section, the term "school" shall be any institution providing learning facilities for grades K through 12<sup>1</sup>.

**§ 97-4. General requirements.**

The following general requirements shall apply to all amusement parlors licensed in accordance with this article:

- A.** All amusement parlors shall have an adult supervisor on the premises at all times in which the game room is open to the public.
- B.** Every amusement parlor shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as not to occupy any portion of a public sidewalk or otherwise to obstruct pedestrian passage to and from the premises.
- C.** Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.
- D.** All parlors shall post rules of non-acceptable patron conduct and shall order anyone violating the rules to leave the premises. Should the violator refuse to leave, they shall advise the Police Department immediately.

**§ 97-5. License revocation.**

Licenses may be revoked by the Village Board after a hearing, in the event an amusement parlor's location or operation fails to conform to standards provided in this article or violates any other provision of this Code.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II  
**Special Community Events-Private Property**  
**[Amended 03-06-2008]**

**§97-6. Applicability**

- A. This Chapter shall apply to events held on private property that are not sponsored in whole or in part by the Village of Genoa City and that require the Village to provide special services, including but not limited to, the allocation of Village personnel, equipment, rights-of-way or property, street closures requiring police officers to stop or reroute traffic, special police protection, exclusive use of Village streets as a staging area or for event parking, additional street cleaning and garbage removal, special signage, such as temporary no parking signs, the use of any Village building, equipment or other property in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event and for a purpose other than the normal daily operations of the Village;
- B. This Chapter shall not apply to:
- (1) Persons, firms or any other event or activity for which a permit is otherwise required by the Village.
- (2) A governmental agency acting within the scope of its functions.

**§97-7. Permit Requirements**

- A. **Permit Required.** No person, firm, corporation, association, company or organization of any kind shall engage or participate in, conduct, exhibit, operate or maintain any special community event or activity, whether or not admission is charged, upon private property within the Village which requires special services of the Village unless a permit under this Article III is obtained. A permit may be waived by the Village Board.
- B. **Forms.** Any person desiring to procure a permit as required by this chapter shall file a written application on forms available from the Village Clerk.
- C. **Application.** An application for a special community event or activity permit shall be filed with the Village Clerk's office not less than sixty (60) days nor more than twelve (12) months before the date on which it is proposed to conduct the event or activity. These provisions may be waived by the Village Board. If an applicant proposes to conduct a number of identical events, such as a series of baseball games or the like, it is permissible for said applicant to include in his/her application a listing of all proposed event dates which would take place within the twelve (12) month period following the filing of the application.
- D. **Application Contents.** The application for a special community event or activity permit shall contain the following information:

- (1) The name, address, and telephone number of the person, organization, firm, partnership, corporation or association seeking to conduct such event referred to in this Chapter as the applicant
- (2) The name, address and telephone number of the person who will be the event chairman and who will be responsible for the conduct of the event.
- (3) Dates when the event is to be conducted.
- (4) The private place where the event is to be located or conducted.
- (5) The daily hours when such event or activity will start and terminate.
- (6) The specific nature of the event or activity for which the permit is sought.
- (7) A statement as to whether any vehicle, machinery, device, shelter, building or other structure, whether portable, temporary or permanent, or whether publicly or privately owned, will be utilized in conjunction with the event, giving a brief description of the nature and function of each vehicle, piece of machinery, device, shelter, building or other structure.
- (8) A statement as to whether any animals will be employed, displayed or utilized in any way in conjunction with the event, giving the type and number of such animals and a brief statement as to how they will be used.
- (9) A statement as to whether the event chairman has conducted a similar public event and the date and location of the event.
- (10) A statement as to whether the applicant and/or event chairman have previously been convicted of violating any law regulating the conduct of any public event or activity and, if so, the specific offense, date of conviction, and in what court.
- (11) Such other information as either the Village Clerk, Village Board, any individual member of the Village Board, Chief of Police, Genoa City Emergency Services or Village Attorney may, from time to time, require.

**E. Referral; Investigation Report.**

- (1) The Village Clerk's office shall note the date on which the application was filed and shall immediately refer copies of such application to the Village President and members of the Village Board. The Village Clerk shall refer copies of said application to the Chief of Police, Genoa City Emergency Services and Building Inspector who, in the event of a referral, shall inspect or cause to be inspected the application to make a determination as to whether the event which is the subject of the application would comply with all applicable laws,

ordinances, health and fire regulations, and whether, in their opinion, it would be a safe and proper event.

- (2) The Chief of Police, Genoa City Emergency Services and Building Inspector shall, within eight (8) days of the date on which the application was referred to them, separately furnish to the Village Clerk, in writing, the information derived from their investigation, accompanied by a recommendation as to whether a permit should be granted or refused. These reports shall remain on file with the Village Clerk and shall be available to any interested person.

**F. Hold Harmless Agreement and Certificate of Insurance.**

- (1) A properly executed hold harmless and indemnity agreement running to the Village, which agreement shall provide, among other things, that the Village will be indemnified and held safe and harmless from any and all damages which may be asserted against the Village by reason of any damages or injuries sustained by any person or to any property by the event or activity itself, or by the participants therein, shall be required of each applicant. The agreement shall also provide that the Village be reimbursed for any damage or injuries which are sustained by reasons of said event or activity, or by the acts of any participants therein.
- (2) The applicant shall also be required by the Village Board to submit certificate of insurance evidencing contractual coverage for such hold harmless and indemnity agreement. In the event such a certificate is required, the aggregate amount of contractual coverage shall be either two hundred fifty thousand (\$250,000) dollars, five hundred thousand (\$500,000) dollars, seven hundred fifty thousand (\$750,000) dollars, or one million (\$1,000,000) dollars, as determined by the Village Board, depending upon such factors as the public place at which the event is to be conducted, the nature of the event, the nature and number of any animals experience, if any, of the event chairman in conducting a special event, and other like considerations relating to the event for which the permit application has been filed. The Village Board may waive this requirement, exempt events sponsored by Genoa City Community Groups ~~from the insurance requirements of this provision.~~
- (3) The hold harmless and indemnity agreement, and certificate of insurance if one has been required, shall be subject to the approval of the Village Attorney.

**G. Permit Issuance.**

- (1) A permit shall be issued by the Village Board if it is found that the proposed event would comply and conform to all laws, ordinances and health and fire regulations applicable thereto, and that it would be a reasonable, safe and proper event.
- (2) No permit shall be refused except for a specific reason and for the protection of the public's safety, health, or general welfare.

- (3) The Village Board shall act upon each application within forty-five (45) days after filing thereof.
- (4) In the event the Village Board approves the application unconditionally, the Village Clerk's Office shall issue a special event permit in accord with the direction of the Village Board, and with the provisions of Subsection (j).
- (5) If the Village Board disapproves the application, the applicant shall be so notified. Such notice shall be given by certified mail and shall state the reasons for disapproval. Notice shall be deemed given when mailed.
- (6) Conditional approval of a permit may be given by the Village Board, subject to the submittal by the applicant of its hold harmless agreement and certificate of insurance, if one is required.

**H. Notice to Village Officials.** Immediately upon the issuance by the Village Clerk of a special community event permit, the Village Clerk's Office shall send a copy thereof to the following:

- (1) The ~~Joint Village~~ Fire Chief.
- (2) The Village Chief of Police.
- (3) The Village Superintendent of Public Works.
- (4) The Village Park Commission Chair.

**I. Alternative Permit.** The Village Board, in disapproving an application or certain portions of an application may, in its notice of disapproval, authorize the conduct of the event or activity on a date, at a time or under different circumstances from that named by the applicant. An applicant desiring to accept an alternative permit shall, within seven (7) days of the notice of disapproval, as provided in Subsection (g), file a written notice of acceptance of the alternative date, time, etc., with the Village Clerk. The Village Clerk shall then issue a permit conforming to these alternative provisions.

**J. Permit Contents.** Each permit shall state the following:

- (1) Dates of the event or activity.
- (2) The daily hours when such event or activity will start and terminate.
- (3) The location where such event or activity is to be conducted.

- (4) The exact nature of the event or activity, including a description of the vehicles, machinery, animals, devices, shelters, buildings, etc., which are to be used in conjunction with the event.
- (5) Such other information as the Village Board finds necessary for the enforcement of this Chapter.

**K. Permit Fee.**

~~(1) A permit fee of twenty five (\$25.00) dollars per day shall be charged for all days for which a special events permit is issued.~~

(1) For event parking, a permit fee of One (\$1.00 ) Dollar per car or, as set by the Village Board, an amount sufficient to cover all Village expenses related to the event shall be charged for all days for which a special events permit is issued.

(2) For all other special events on private property, a permit fee, set by the Village Board, sufficient to cover Village expenses related to the event for all days for which a special events permit is issued shall be charged.

(3) If the permit is not issued, all fees will be refunded to the applicant.

**L. Permit Non-Transferability.** Any and all permits granted under the provisions of this Chapter shall be non-transferable.

**§ 97-8. Duties of Permittee**

- A.** A permittee under this Chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances
- B.** The event chairman shall immediately post such permit and keep the same posted while in force in a conspicuous place on the location mentioned in the application for such permit. It shall be unlawful for any person to post such permit or to be permitted to post it upon premises other than those mentioned in the application, or knowingly to deface or destroy such permit.
- C.** Whenever a permit is lost or destroyed without fault on the part of the holder or his/her agent or employees, a duplicate permit in lieu thereof, under the original application, may be issued by the Village Clerk's Office at its discretion.

**§ 97-9. Disorderly Conduct Prohibited.**



No recipient of a permit under this Chapter shall allow any disorderly conduct, or the use of any profane or indecent language, or allow the sale, giving away, delivering or use therein of any drugs, or allow such place of event or activity to become and be a place of illegal activities. No intoxicating liquors may be sold or dispensed at such special community activity or event unless a special event permit has been obtained therefore.

~~§ 97-10. Sanitary and Lighting Requirements~~

~~§ 97-11~~10. **Permit Revocation or Cancellation**

- A. Revocation.** The Village Board may, at any time after giving the applicant notice and an opportunity to be heard, revoke any permit granted under the provisions of this Chapter for the violation of any of the rules, regulations, ordinances or laws governing or applying to the public activities or events, or for the protection of the public health, safety, or general welfare. Notice of such hearing and the reasons therefore, in writing, shall be served by the Village Board upon the applicant by mailing the same way of certified mail to the address given on the application.
- B. Cancellation.** If, after issuing a permit, an emergency arises which may threaten the health, comfort or safety of the general public or of the participants of the activity or event, the Village President or, in the Village President's absence, the Chair of the Safety Committee may cancel the permit forthwith and prohibit the proposed activity or event.

ARTICLE III  
**PARKS**

**§ 97-12. The Provisions of this Article III applies to the following Parks:**

- |           |                         |                     |
|-----------|-------------------------|---------------------|
| <b>A.</b> | Veterans Memorial Park: | 700 Fellows Road    |
| <b>B.</b> | Anders Park:            | Southeastern Court  |
| <b>C.</b> | Doctor Miller Park:     | Hunters Ridge Drive |

**§ 97-13. Park Reservation Agreement.**

- A. Reservations Required.** Pavilions may be reserved from the Park Commission at the Clerk's Office for a fee.
- B. Application Form.** Any person desiring to reserve the pavilions shall file a written application on forms available from the Village Clerks Office.
- C. Application Contents.** The application for Park Reservation Agreement shall contain the following information:
- (1) The Name of Organization.
  - (2) Name and /or Title of Authorized Person.

- (3) Address.
- (4) Phone.
- (5) Date of Event.

**D. Hold Harmless Agreement**

- be
- (1) A properly executed hold harmless and indemnity agreement running to the Village, which agreement will provide, among other things, that the Village will indemnified and held safe and harmless from any and all damages which may be asserted against the Village by any reason of any damages or injuries sustained by any person or to any property by the event or activity itself, or by the Village be reimbursed for any damage or injuries which are sustained by reasons of said event or activity, or by the acts of any participants therein.

**E. Reservation Fees set as by Village Board**

**§ 97-14. Rules and Regulations [Amended 5-14-2009]**

- A. The park hours shall be Dawn to Dusk except as otherwise provided on Park Reservation Agreement and or Special Event Permits.
  - (1) Park Hours Exclusions:  
Anyone playing Tennis on lighted court after dusk, Night time softball/baseball games when lighted after dusk, Village Sponsored or authorized events after dusk.
- B. No animals are allowed in any Village Park unleashed with the exception of designated Dog Park Areas or as authorized by a Special Event Permit.
- C. Cooking or grilling allowed only on provided or proper and appropriate devices. Proper disposal of ash and grilling residue required. (i.e. not, dumped on ground)
- D. Fires of any kind allowed only with Park Commission permission.
- E. Camping or overnight use of Park permitted only with Park Commission permission.
- F. Skateboarding, bicycling, skates, roller blades, and scooters permitted only in designated areas.

- G.** No Parking on grassy areas near Skate Park within 50 feet.
- H.** No food, drink, or glass containers on Skate Park surface.
- I.** No boom boxes or amplified music allowed on or near Skate Park surface.
- J.** Spectators or persons not actively skating are not allowed on Skate Park surface.
- K.** No personal ramps, boxes or other devices are allowed on Skate Park surface.
- L.** Disorderly behavior, inappropriate language or profanity are prohibited.
- M.** Littering in Village Parks is not permitted.
- N.** No tree planting, flower planting, landscaping or any such improvements unless approved by Park Commission.

## Chapter 101

### ANIMALS (Amended 4/14/16)

§ 101-1. Definitions.

§ 101-2. License required.

§ 101-3. Control of rabies.

§ 101-4. Regulation of dogs and cats.

§ 101-5. Animal feces.

§ 101-6. Impounding dogs and cats.

§ 101-7. Duty of owner in case of dog bite.

§ 101-8. Keeping of dogs in residential districts.

§ 101-9. Keeping of cats in residential districts.

§ 101-10. Keeping of animals and fowl.

§ 101-11. Collecting officials.

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 1 and § 6-1-9 of the 1984 Code. Amendments noted where applicable.]

#### GENERAL REFERENCE

Nuisances -- See Ch. 186.

Peace and good order -- See Ch. 194.

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#### § 101-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ANIMALS** -- For the purpose of this document meaning any domestic pet such as canine, feline, fowl/ poultry or birds, snakes, lizards, spiders and insect(s).

**AT LARGE** -- To be off the premises/ residence of the owner and not under the control of some person by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of the dog or cat, shall be deemed to be upon the owner's premises. This includes the sidewalk open to the public adjacent to the animal owner's property, commonly referred to as the "terrace".

**CAT** -- Any feline, regardless of age or sex.

**DOG** -- Any canine, regardless of age or sex.

**DOMICILE** -- A "domicile" is a person's true, fixed, and permanent home where a person intends to remain permanently and indefinitely and to which a person has the intention of returning, whenever absent. It is often referred to as "legal residence." A person has only one

domicile at any point in time. Your domicile depends on where you live, where you vote, where you register your vehicles and where you own or rent property.

**EXOTIC DANGEROUS ANIMAL** -- Any animal that is poisonous, venomous or has the ability to constrict its prey.

**FAMILY** -- One or more persons.

**FOSTER DOG** -- A dog being cared for and evaluated in a home by an individual or family until a permanent home can be found for the dog.

**HEN** -- A female chicken. Also referred to as Fowl/ Poultry in this document.

**NEUTERED** -- As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional generative organs.

**OWNER** -- Any person owning, harboring or keeping a dog or cat, and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this chapter. The parent or guardian of any minor claiming ownership of any dog shall nevertheless be deemed to be the owner of such animal and shall be charged for all penalties and pound fees imposed by this chapter.

**RESIDENCE** -- Any structure in the Village zoned for residential living, also referred to as premises. May be owned by resident or rented. Examples: single family home, duplex, townhome or apartment or multi-unit complex.

**RESIDENTIAL LOT** -- A parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or un-platted. For the purpose of this chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

**ROOSTER** -- An adult male chicken.

**SERVICE ANIMAL** -- an animal trained to mitigate the disability of its owner whether the disability is visible, medical, emotional or psychiatric in origin. Service animals can go anywhere the owner goes.

**VICIOUS DOG** -- a dog that is one who inflicts unjustified, serious injury—or poses an imminent threat of unjustified, serious aggression—toward people or other animal(s). A dog that has three documented founded complaints against it or prior documented founded complaints from another jurisdiction that meets the above criteria for classification as vicious.

**§ 101-2. License required.**

- A.** It shall be unlawful for any person in the Village of Genoa City to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.09 and 174.15, Wis. Stats., relating to the listing, licensing and tagging of the same.
- B.** The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license.
- C.** The fee for a dog license shall be as set by the Village Board. The Village Board may by resolution increase the amount of the license fee, but the additional fee shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received pursuant to § 174.09(2), Wis. Stats.
- D.** Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 101-3 of this chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. A duplicate copy of the license shall be kept on file by the Village Clerk-Treasurer. The Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- E.** The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times.
- F.** The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Pursuant to § 101-5, any Village police officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- G.** The Village Clerk-Treasurer shall assess and collect a late fee as provided in § 174.05, Wis. Stats., from any owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license on or before the dog reached licensable age.
- H.** Notwithstanding the foregoing, every specifically trained and certified service dog is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license, upon providing proof of vaccination, from the Village Clerk-Treasurer upon application.
- I.** Dogs being fostered in the Village are not required to be licensed provided they are not fostered for more than three months. If the dogs are to be fostered for more than three months, then such dogs must be licensed. Individuals fostering dogs shall provide the Village Clerk with written proof from a shelter or Rescue Organization identifying the dogs being fostered.

### **§ 101-3. Control of rabies.**

The owner of a dog or cat shall have the animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches four months/ sixteen weeks of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog/cat or brings the dog/cat into this Village after the dog/cat has reached four months of age, the owner shall have the dog/cat vaccinated against rabies within 30 days after the dog/cat is obtained or brought into the Village unless the dog/cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of an animal shall have said animal revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. Residents who harbor cats must maintain vaccination records and must produce up to date vaccination records upon the request of a law enforcement/ code enforcement officer investigating any animal bite, animal running at large or complaint of exceeding the number of animals per residence complaint.

### **§ 101-4. Regulation of dogs/cats/ fowl/ poultry.**

- A. Vicious dogs.** A dog is deemed vicious if it is one who inflicts unjustified, serious injury—or poses an imminent threat of unjustified, serious aggression—toward people or other animal(s). Prior documented founded complaints from another jurisdiction that meets the above criteria for classification shall be required for a dog to be considered vicious.
- (1) Euthanizing of Vicious Dog.** Any vicious dog which is found on or off the premises of its owner and has caused substantial serious injury to a person or another animal may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be euthanized in a humane manner by a qualified veterinarian or veterinarian technician, which the cost of the procedure & impoundment be the responsibility of the animal owner.
  - (2) Exemption:** Any Dog on the premises/ residence of the owner who inflicts injury or substantial injury to another who is at said location and is engaging in criminal behavior such as but not limited to burglary, robbery or assault is exempt from being considered vicious.

**B. Violation of animal restrictions.** It shall be unlawful for any person within the Village of Genoa City to own, harbor or keep any dog, cat or poultry which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- (2) Assaults or attacks any person without provocation. No visible injuries need be present.
- (3) Is at large within the limits of the Village. No owner of any dog/ cat or fowl in the Village shall allow such dog/ cat or fowl to run at large within the Village limits except on such owner's premises/ residence or within his immediate presence and under his immediate and effective control. Any dog/ cat or fowl found within the Village limits **not** within the owner's premises or within his immediate presence and control shall be deemed to be running at large, and the owner thereof shall be deemed to have allowed such dog or cat to run at large.
- (4) All dogs within the limits of the Village SHALL be on a leash if not on the animal owner's private property. All dogs on any sidewalk adjacent the animal owner's property and the terrace must be on a leash.
- (4) Habitually barks or howls to the annoyance of any person or persons. The keeping of howling, barking and whining dogs to the continuous annoyance and discomfort of surrounding neighbors, so that their rest is broken, sleep interrupted, and the reasonable use and enjoyment of their property disturbed, is a nuisance. Such dog may be taken into custody and impounded.
- (5) Kills, wounds or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) Vicious dogs may not be brought into the village. Any other dog brought from another city, village, town or county or state that has been declared vicious or prohibited or its equivalent by that jurisdiction may not house, harbor or keep at any location in the Village of Genoa City.
- (8) No vicious dog shall be allowed off the premises of its owner unless muzzled & leashed.
- (9) Posting of warning of dangerous vicious dog on premises. Any resident who harbors a dog that has been deemed by a court official in the State of Wisconsin or by prior contact history with the Village of Genoa City police department per the Chief of police, or a history in another jurisdiction or state that meets the



definition of Viscous dog, shall post one warning sign near the front or most common visible entrance to the animal owners premises/ residence.

- C. **Neglect of animals.** It shall be unlawful for any person owning or responsible for confining any animal to refuse or neglect to supply such animal with a sufficient supply of food and water or fail to provide such animal with proper shelter as prescribed in §§ 951.13 and 951.14, Wis. Stats.

**§ 101-5. Animal feces.**

Any person owning or having control of any dog, cat or other animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any public or private property of another resident.

**§ 101-6. Impounding dogs and cats.**

- A. **Impounding.** Any dog found running at large may be immediately taken into custody by any police or peace officer.
- B. **Disposition of impounded dogs.** Any dog taken in custody pursuant to this section shall be impounded in a suitable place to be provided by the Village. The release of any dog so impounded shall be conditioned upon payment by the owner of such dog of the minimum penalty imposed hereby and an additional penalty of \$25, together with costs of the maintenance of such dog while so impounded. Animals impounded shall be taken to Lakeland Animal Shelter as soon as possible after a reasonable attempt is made to locate the owner of the animal.

**§ 101-7. Duty of owner in case of dog/ cat bite.**

Every owner or person harboring or keeping a dog/cat who knows that such dog/cat has bitten any person shall immediately report such fact to the on duty village police officer and shall keep such animal confined for not less than 14 days or for such period of time as the Health Officer or licensed veterinarian shall direct. The owner or keeper of any such animals shall surrender the animal to the Health Officer or any Village police officer upon demand for examination.

**§ 101-8. Keeping of dogs in residential districts.**

- A. **Purpose.** The keeping of a large number of dogs in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs is, therefore, declared a public nuisance.
- B. **Number of dogs limited.**

- (1) No family shall own, harbor or keep in its possession more than three dogs on any residential lot without the prior approval of the Village Board, except that a litter of pups or a portion of a litter of pups or a portion of a litter may be kept for not more than ten (10) weeks from birth. If more than one family resides on a residential lot, then only two dogs shall be allowed on the residential unit unless prior approval is obtained from the Village Board.
- (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Safety Committee (Protection of Persons and Property Committee) of the Village Board, which shall receive reports from the Health Officer and the Police Department on such application. After deliberation and recommendation, the Safety Committee shall forward the matter to the Village Board for its approval or denial.

**§ 101-9. Keeping of cats in residential districts.**

**A. Purpose.** The keeping of a large number of cats in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of cats is, therefore, declared a public nuisance.

**B. Number of cats limited.**

- (1) No person shall own, harbor or keep in his possession more than two cats on any residential lot without the prior approval of the Village Board, except that a litter of kittens or a portion of a litter may be kept for not more than 10 weeks from birth. If more than one family resides on a residential lot, then only two cats shall be allowed on the residential lot unless prior approval is obtained from the Village Board.
- (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Safety Committee (Protection of Persons and Property Committee) of the Village Board, which shall receive reports from the Health Officer and the Police Department on such application. After deliberation and recommendation, the Safety Committee shall forward the matter to the Village Board for its approval or denial.

**§101-10. Keeping of animals and fowl.**

**A. Sanitary requirements.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, or similar animal kept as a pet, shall be whitewashed or painted annually or more often as the Health Officer shall direct.

- B. Animals excluded from food-handling establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. Exceptions are certified & trained service animals.
- C. Limitations in or adjacent to residential areas.** Household pets are permitted, including animals or fowl ordinarily permitted in the house or kept for company or pleasure, such as birds, canaries, rabbits, mice and the like, provided that not more than two animals of any one kind are kept on any one premises and provided further that no animals, fowl or pets are bred or reared on such premises for commercial purposes or sold therefrom. This subsection does not include or apply to dogs and cats which are governed and regulated in §§ 101-8 and 101-9 of this chapter. Roosters or adult male chickens are prohibited in the Village of Genoa City.
- D. Fowl/ Poultry per residential lot.** Up to four chickens (female hens) may be kept upon any fenced single family residential lot for the purpose of egg production, school or extracurricular activity (4H or Scouts). All food sources shall be stored in metal or appropriate container to reduce vermin from seeking a food source. All waste from residential fowl/ poultry must be collected and disposed of in a sanitary manner. Owner of poultry or fowl are responsible for containment at all times. Two or more complaints to the Village of Genoa City Police for Fowl/ Poultry running at large, after a conviction in municipal court, may be ordered to remove the Fowl/ poultry from the Village for 24 months. The owner of the Fowl/ Poultry shall not slaughter, process or butcher same. Such processing must be conducted outside the village.
- E. Exotic Dangerous Animals Prohibited.** No resident of the Village of Genoa City may possess, own or harbor any animal, as defined in this code that is capable of releasing poison/ venom, is of a constricting snake breed (Boa or Python), arachnid or insect that has a venomous/poisonous sting or bite.
- F. Keeping of wild game prohibited.** No resident of the Village of Genoa City will keep, contain or harbor any native animal considered wild game per WI SS 169.04, to include but is not limited to bears, raccoons, opossum, squirrel(s), bobcat & skunks. Exemption to this is trapping or containing an injured wild animal as defined in the above state statute for not more than 24 hrs. to transport to a licensed rehabilitation facility or to relocate nuisance wild game out of Village limits.

**§ 101-11. Collecting officials. [Added 6-8-1995]**

- A.** Lakeland Animal Welfare Society, Inc., and its authorized employees are hereby designated as collecting officials under § 174.065, Wis. Stats., with full authority to issue dog licenses and collar tags pursuant to § 174.07, Wis. Stats.

- B.** Lakeland Animal Welfare Society, Inc., shall remit all license fees and license blanks to the Village Clerk-Treasurer as directed.

## **Chapter 108**

### **BICYCLES, ROLLER SKATES AND SKATEBOARDS**

#### **ARTICLE I** **Bicycles**

- § 108-1. Definitions.**
- § 108-2. Registration and licensing.**
- § 108-3. Inspection.**
- § 108-4. Operation on sidewalks.**
- § 108-5. Lighting equipment.**
- § 108-6. Applicability of traffic regulations.**
- § 108-7. Restrictions on operation.**
- § 108-8. Parking.**
- § 108-9. Violations and Penalties**

#### **ARTICLE II** **In-Line Skates.**

- § 108-10. Definitions.**
- § 108-11. Restrictions.**
- § 108-12. Violations and penalties.**

#### **ARTICLE III** **Skates and Skateboards in Downtown Area**

- § 108-13. Prohibited acts.**
- § 108-14. Definitions.**
- § 108-15. Violations and penalties.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Minors -- See Ch. 175.	Streets and sidewalks -- See Ch. 234.
Peace and good order -- See Ch. 194.	Vehicles and traffic -- See Ch. 265.

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#### **ARTICLE I** **Bicycles** **[Adopted as Title 8, Ch. 2 of the 1984 Code]**

##### **§ 108-1. Definitions.**

For purposes of this article, the following definitions are made:

**BICYCLE** -- Includes every manually operated vehicle propelled by pedals and chain, whether consisting of two or more wheels.

**DEPARTMENT** -- The Genoa City Police Department.

**OWNER** -- Includes every person, firm or corporation owning a bicycle for private or commercial use, including the renting of bicycles, but shall not include any person, firm or corporation holding bicycles solely for resale.

**§ 108-2. Registration and licensing.**

- A.** No person shall operate a bicycle upon any street within the Village unless said bicycle shall first have been properly registered and licensed as herein provided. The owner shall apply for registration within 10 days of purchase and delivery of the bicycle.
- B. Application.**
  - (1) Every owner or operator of any bicycle within the Village shall file with the Police Department an application for registration and license of such bicycle which shall be in such form as said Department shall adopt and shall include the name and address of the applicant, the name of the owner of the bicycle and the serial number of the same. The owner of any bicycle which does not have a serial number stamped upon it shall cause such a number to be stamped previous to application. The application shall be accompanied by payment of a registration fee as set by the Village Board. Such registration shall be effective for as long as that person continues to own the bicycle.
  - (2) A complete report shall be made to the Village Clerk-Treasurer by the Police Department of all funds received on the registration of bicycle fees, and all such fees shall be paid to the Village Clerk-Treasurer.
- C.** Identification sticker or tag. Upon registration, the Police Department shall issue to the owner of the registered bicycle an identification sticker or tag, numbered to correspond with the registration of the bicycle and bearing the expiration date of registration. The sticker shall be attached to the frame of the bicycle and shall not be removed during the period of registration. In the event of the loss of a sticker, such loss shall be immediately reported to the Department. A duplicate sticker shall be issued for a fee as set by the Village Board.
- C.** Purchase or transfer of bicycle. Any person who shall purchase a bicycle which is not registered shall make application for registration for the same immediately and before operation within said Village. In the event of sale or other transfer of any bicycle which is registered, the new owner shall, within 10 days after said sale or transfer, make application for registration, and a new registration second tag shall be issued for the same. The fee in any of these cases shall be as set by the Village Board.

**§ 108-3. Inspection.**

The Department shall inspect each bicycle presented for registration and shall have the authority to refuse to register any bicycle found to be in an unsafe mechanical condition. A bicycle shall be deemed to be in an unsafe mechanical condition only if the operation of such bicycle should threaten the safety and bodily welfare of the operator or others. If registration is denied by reason of this section, the owner seeking registration shall be informed of the cause of such denial and, where possible, the nature of repairs necessary to put the bicycle in a safe mechanical condition.

**§ 108-4. Operation on sidewalks.**

Operators of bicycles may drive upon any sidewalk area where such operation is not otherwise clearly prohibited. Every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

**§ 108-5. Lighting equipment.**

Every bicycle operated on a street from 1/2 hour after sunset until 1/2 hour before sunrise shall be equipped with a light on the front, exhibiting a white light visible from a distance of at least 500 feet to the front, and with a light on the rear, exhibiting a red light visible from a distance of 500 feet to the rear, except that a red reflector of the type approved by the State Motor Vehicle Department may be used in lieu of a rear light.

**§ 108-6. Applicability of traffic regulations.**

Every person operating a bicycle shall be subject to the provisions of Chapter 265, Vehicles and Traffic, of this Code dealing with the operation of vehicles and the rules of the road contained in Ch. 346, Wis. Stats.

**§ 108-7. Restrictions on operation.**

- A.** No person shall operate any bicycle in the Village with any other vehicle attached thereto, nor with more than one person riding on the bicycle at one time, unless the bicycle has two regulation seats and handle bars, nor shall any person do any trick riding while operating any bicycle upon any street. "Trick riding" shall mean operation without manual control of the handle bars, weaving, jumping and any other method which necessitates the element of unusual and extraordinary skill and involves unnecessary risk voluntarily undertaken.
- B.** Every child under 10 years of age is prohibited from riding or operating a bicycle upon any highway designated for motor vehicle traffic.
- C.** Every vehicle when operated upon a highway shall be equipped with a bell or horn in good working condition, capable of emitting a sound audible under normal conditions for a distance of no less than 100 feet, and it shall be unlawful for any bicycle to be equipped

with a siren or whistle or to use any such bell or horn otherwise than as a reasonable warning to other users of the highway.

- D.** Every bicycle when operated upon a highway shall be kept as close to the right-hand curb as possible.
- E.** It shall be unlawful for any person riding upon a bicycle to cling or attach himself to any other moving vehicle upon a street or highway.
- F.** No person operating a bicycle upon a public highway or sidewalk shall participate in any race or speed or endurance contest with any other vehicle.
- G.** No rider of any bicycle shall remove both hands from the handle bars or feet from the pedals or practice any acrobatic riding on any street.
- H.** Every person operating a bicycle upon a public highway shall stop for all arterial highways and other traffic signals.
- I.** Obedience to traffic control devices. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles unless otherwise directed by a law enforcement officer.
- J.** **Stopping, turning and signaling.**

- (1) Signal required.** No bicycle operator shall suddenly stop, slow down, or turn without giving an arm signal required by state law for the operation of motor vehicles. No person shall turn a bicycle into an intersection unless the bicycle is in proper position upon the roadway or turn to enter a provided roadway or driveway unless the bicycle is in proper position on the roadway as required or suddenly turn a bicycle upon a roadway unless and until such movement can be made with reasonable safety. If other traffic may be affected by such movement no person shall so turn any bicycle without giving an appropriate signal in the manner provided. Such signal shall be given continually during not less than 100 feet before turning. When given by arm and hand signals, such signals shall be given from the left side of the bicycle in the following manner and shall indicate as follows:

- (a)** Left turn: hand and arm extended horizontally.
    - (b)** Right turn: hand and arm extended upward.
    - (c)** Stop or decrease speed: hand and arm extended downward.

- (2) Prohibited turns.** Whenever a uniform traffic control device is erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of such device, except after dismounting from the bicycle to

make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.

- (3) **Right turns.** Every person operating a bicycle intending to turn to the right at an intersection, alley or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
- (4) **Left turns.** Every person operating a bicycle intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in the line of traffic nearest to the center of the roadway and shall pass to the left of the center of the intersection before turning unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above described, he or she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle to the left-hand corner and proceed. A bicycle operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.
- (5) **Use of crosswalks.** Crosswalks shall be used when walking a bicycle through an intersection.

- K. **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- K. **Single-file riding.** Every person when operating a bicycle on a public highway shall ride such bicycle in a single file and at no time shall ride two or more abreast.

#### **§ 108-8. Parking.**

No person shall park any bicycle against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in the upright position parallel to and within 24 inches of the curb.

#### **§ 108-9. Violations and penalties. [Amended 2-8-2001]**

- A. Any person who shall violate any of the provisions of this article shall, upon conviction, be subject to a forfeiture of not less than \$10 nor more than \$500 for each such offense, together with costs of prosecution, in addition to possible remedial action, including but not limited to counseling, a bicycle safety course and suspension of registration for not more than 30 days.
- B. Each violation and each day a violation continues or occurs shall constitute a separate offense.



- C. Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this article may be subject to the provisions of §§ 346.77 and 346.82(1), Wis. Stats.

## ARTICLE II

### In-Line Skates

[Adopted 8-11-1994 (§ 9-2-18 of the 1984 Code)]

#### § 108-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**IN-LINE SKATES** -- Skates with wheels arranged singly in a tandem line rather than in pairs.

#### § 108-11. Restrictions.

- A. No person shall ride upon in-line skates upon Fellows Road, County Trunk Highway "H" or County Trunk Highway "B" within the Village limits of the Village of Genoa City, excepting only for purposes of crossing said highways at a designated intersection or other designated crossing for specific purpose of crossing said highways.
- B. No person riding upon in-line skates may attach the in-line skates or himself or herself to any vehicle upon a roadway.
- C. Any person riding upon in-line skates upon any other roadway within the Village shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the roadway.

#### § 108-12. Violations and penalties.

Any person violating this article shall be subject to a forfeiture of not less than \$10 nor more than \$200.

## ARTICLE III

### Skates and Skateboards in Downtown Area

[Adopted 5-9-1996 (§ 9-2-19 of the 1984 Code)]

#### § 108-13. Prohibited acts.

The use of in-line skates, roller skates, or skateboards or other similar recreational gear shall be prohibited in the downtown area.

#### § 108-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**DOWNTOWN AREA** -- Includes the area within one block of the intersection of Freeman Street and Walworth Street and shall include public streets, sidewalks, alleys, or other public ways and public or private parking lots open to the public, except with the express consent and approval of the owner thereof.

**§ 108-15. Violations and penalties.** Any person who shall violate this article shall be subject to the penalties provided in Chapter 1, General Provisions, § 1-5 of this Code.

## **Chapter 114**

### **BUILDING CONSTRUCTION**

ARTICLE I  
**Building Regulations**

- § 114-1. Permit required; general provisions.**
- § 114-2. Application for permit; plans and fees.**
- § 114-3. Construction standards.**
- § 114-4. New methods and materials.**
- § 114-5. Unsafe buildings.**
- § 114-6. Disclaimer on inspections.**
- § 114-7. Violations and penalties.**

ARTICLE II  
**One- and Two- Family Dwelling Code**

- § 114-9. Title and purpose; repealer.**
- § 114-10. State Uniform Dwelling Code adopted.**
- § 114-11. Definitions.**
- § 114-12. Enforcement.**
- § 114-13. Building Inspector.**
- § 114-14. Building permits.**
- § 114-15. Fees; approval of changes, products or systems.**
- § 114-16. Violations and penalties.**
- § 114-17. Appeals.**
- § 114-18. Liability for damages.**
- § 114-19. Severability.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 10, Chs. 1 and 2 of the 1984 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Numbering of buildings -- See Ch. 118.  
Fire prevention -- See Ch. 139.  
Mobile homes -- See Ch. 180.  
Water and sewers -- See Ch. 270.  
Floodplain zoning -- See Ch. 280.

Shoreland-wetland zoning -- See Ch. 290.  
Subdivision of land -- See Ch. 295.  
Wellhead protection -- See Ch. 305.  
Zoning -- See Ch. 310.

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ARTICLE I  
**Building Regulations**

**§ 114-1. Permit required; general provisions.**

- A. General permit requirements.** No building work shall be performed in the Village of Genoa City unless a permit therefore is obtained as required in the provisions of this article.
- B. Payment of fees.** All fees shall be paid to the Building Inspector. No permit shall be issued to the owner, or his agent, until said fees are paid.
- C. Permit lapses.** A building permit shall lapse and be void unless operations under the permit are commenced within 60 days from the date of issuance thereof.
- D. Revocation.** If the Building Inspector shall find at any time that the ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work. When

any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety or property.

- E. Report of violations.** It shall be the duty of all police officers to report at once to the Building Inspector any building work which is being carried on without a permit as required by this article.
- F. Records.** The Building Inspector shall keep a record of all permits, fees and inspections. He shall submit to the Village Board on the first of each month a report of permits, to whom issued, value of proposed building, fee, and inspections made during previous month.

**§ 114-2. Application for permit; plans and fees.**

- A. Permit required.** No building or any part thereof shall hereafter be erected within the Village of Genoa City or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner or his authorized agent. The term "building" as used in this section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.
- B. Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building, if different, and the legal description of the land upon which the building is to be located and shall contain such other information as the Building Inspector may require for effective enforcement of this section.
- C. Plans.** With each application there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. The original plan must bear the approval of the Building Inspector. Where water or sewer service will be required, it must bear approval of the Utilities Committee. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the State Department of Commerce. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided and the other shall remain on file in the office of the Clerk-Treasurer. All plans and specifications shall be signed by the designer and bear certification by the applicant that all electrical and plumbing work will be installed in compliance with the Wisconsin Administrative Code.
- D. Fees.** The fees for building permits for any construction other than that covered by the One- and Two-Family Dwelling Code of the Village of Genoa City shall be as set forth by the Village Board from time to time.

**§ 114-3. Construction standards. [Amended 08-09-2018]**

- A. Portions of state code adopted.** SPS 301 through SPS 391, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies.
- B. Dwellings.** The term "dwellings" as used in this section includes every building occupied exclusively as a residence by not more than one family in zoned R-1 area or multiple family in zoned R-2, RDU-1, or MFR-1 area.

**§ 114-4. New methods and materials. [Amended 08-09-2018]**

- A.** All materials, methods of construction and devices designed for use in buildings or structures covered by this article and not specifically mentioned in or permitted by this article shall not be so used until approved in writing by the Department of safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- B.** Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Department of Safety and Professional Services. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department of Safety and Professional Services.

**§ 114-5. Unsafe buildings.**

Whenever the Building Inspector and Safety Committee find any building or part thereof within the Village to be in their judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats.

1. Editor's Note: Original § 10-2-3(b), Conflicts, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provision, Art. II)

**§ 114-6. Disclaimer on inspections.**

The purpose of the inspections under this article is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural

elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

**§ 114-7. Violations and penalties.**

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this article shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed, and the violator may also be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this article may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this article.

ARTICLE II

**One- and Two-Family Dwelling Code**

**§ 114-9. Title and purpose; repealer. [Amended 08-09-2018]**

- A. Title.** This article shall be known as the "One- and Two-Family Dwelling Code of the Village of Genoa City."
- B. Purpose.** The purpose and intent of this article are to:
- (1) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions to existing one- and two-family dwellings;
  - (2) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Safety and Professional Services;
  - (3) Establish and collect fees to defray administrative and enforcement costs;
  - (4) Establish remedies and penalties for violations; and
  - (5) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Safety and Professional Services.
- C. Conflicts.** Any existing ordinances pertaining to the construction of new dwellings and additions to existing dwellings that conflict with the Uniform Dwelling Code are hereby repealed.

**§ 114-10. State Uniform Dwelling Code adopted. [Amended 08-09-2018]**

The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. IND 20 to 25, Wis. Adm. Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this article. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this article to secure uniform statewide regulation of one- and two-family dwellings in this Village of the State of Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.

**§ 114-11. Definitions. [Amended 08-09-2018]**

As used in this article, the following terms shall have the meanings indicated:

**ADDITION** -- New construction performed on a dwelling which increases the outside dimensions of the dwelling.

**ALTERATION** -- A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

**DEPARTMENT** -- The Department of Safety and Professional Services.

**DWELLING** --

- A.** Any building, the initial construction of which is commenced on or after the effective date of this article, which contains one or two dwelling units; or
- B.** An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

**MINOR REPAIR** -- Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed a minor repair.

**ONE- OR TWO-FAMILY DWELLING** -- A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

**PERSON** -- An individual, partnership, firm or corporation.

**UNIFORM DWELLING CODE.** Those Administrative provisions, and any future

amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- A. SPS 320, Administration and Enforcement.
- B. SPS 321, Construction Standards.
- C. SPS 322, Energy Conservation Standards.
- D. SPS 323, Heating, Ventilating and Air Conditioning Standards.
- E. SPS 324, Electrical Standards.
- F. SPS 325, Plumbing and Potable Water Standards.

**§ 114-12. Enforcement.**

For the purpose of administering and enforcing the provisions of this article and the Uniform Dwelling Code, the Village shall establish the office of Building Inspector which shall be filled by that method prescribed under § 114-13.

**§ 114-13. Building Inspector. [Amended 08-09-2018]**

- A. **Creation and appointment.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President subject to confirmation by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. SPS 305.60, Wis. Adm. Code.
- B. **Subordinates.** The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Board. Any subordinate hired to inspect buildings shall be certified under Ch. SPS 305, Wis. Adm. Code, by the Department.
- C. **Duties.** The Building Inspector shall administer and enforce all provisions of this article and the Uniform Dwelling Code.
- D. **Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- E. **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a



record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept. The Building Inspector shall make a written annual report to the Village Board relative to these matters.

**§ 114-14. Building permits. [Amended 08-09-2018]**

- A. Building permits required.** No one- or two-family dwelling of which initial construction shall be commenced after June 1, 1980, shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin uniform dwelling permit application, furnished by the Department of Safety and Professional Services.
- B. Repairs and additions requiring permit.** No addition, alteration or repair to an existing one- or two-family dwelling not deemed a minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Inspector.
- C. Submission of plans.** The applicant shall submit two sets of plans for all new or repairs or additions to existing one- or two-family dwellings at the time that the building permit application is filed.
- D. Issuance of permit.** If the Building Inspector finds that the proposed building or repair or addition complies with all Village ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Village Clerk.

**§ 114-15. Fees; approval of changes, products or systems.**

- A.** At the time the application for a permit is filed, the applicant shall pay the fees as set by the Village Board from time to time.
- B.** The recommended approval of amendments, code changes, products, systems or quality control agencies by the Code Committees and the Wisconsin Uniform Code Associations does not constitute an approval or acceptance by any local community. Such acceptance is a function of local government administered by the designated local officials without the necessity of submitting further data because it is supported by factual reports describing the nature and use of the product or system and its performance under designated standard tests by recognized testing agencies.

**§ 114-16. Violations and penalties. [Amended 08-09-2018]**

- A. No person shall erect, use, occupy or maintain any one- or two-family dwelling in violation of any provision of this article or the Uniform Dwelling Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this article shall, upon conviction, be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code<sup>2</sup>.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.II).

- B. If an inspection reveals a noncompliance with this article or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to SPS 320.21, Wis. Adm. Code.
- C. If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- D. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this article or the Uniform Dwelling Code.
- E. If any construction or work governed by the provisions of this article or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

**§ 114-17. Appeals.**

Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

**§ 114-18. Liability for damages.**

This article shall not be construed as an assumption of liability by the Village of Genoa City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

**§ 114-19. Severability. [Amended 08-09-2018]**

If any section, clause, provision or portion of this article or of SPS 320-325, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

## **Chapter 118**

### **BUILDINGS, NUMBERING OF**

**§ 118-1. Numbering system established.**

**§ 118-3. New buildings and structures.**

**§ 118-2. Numbers to be visible from  
street.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 10, Ch. 9 of the 1984 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

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**§ 118-1. Numbering system established.**

- A.** There is hereby established a uniform system of numbering all houses and buildings fronting all streets, avenues, alleys and highways in the Village of Genoa City. All houses and buildings, etc., fronting on all the alleys shall be numbered to correspond with the numbers on parallel streets. In establishing said system, the southern Village limits at the Wisconsin-Illinois state line shall constitute the east and west base line from which the numbers on all streets running north from said street shall be extended upon the basis of one number for each 20 feet of property frontage wherever possible, starting at the base line with the number "0" and continuing with consecutive hundreds at each intersection wherever possible. All even numbers shall be placed upon houses and buildings on the east side of said streets, avenues, alleys and highways, and all odd numbers upon houses and buildings on the west side of said streets, avenues, alleys and highways. State Highway 12 in the Village of Genoa City shall constitute the north and south base line from which the numbers on all houses and buildings running west from said line shall be labeled as west, on all houses and buildings running east from said line shall be labeled as east, and be extended upon the basis of one number for approximately each 20 feet of property frontage, wherever possible, starting at the base line with the number "100" and continuing with consecutive hundreds at each intersection wherever possible, provided that the intersection of Carter Street shall begin with the number 300. All even numbers shall be placed upon houses and buildings on the north side of said streets, avenues, alleys and highways. **[Amended 2-13-2003]**
- B.** Where only one number is available for any home or building, the owner, occupant, or agent of such house or building who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any such house or buildings fronting on any street, such owner, occupant or agent shall use the suffix "A," "B," "C," etc., as may be required.

**§ 118-2. Numbers to be visible from street.**

All numbers placed on houses and buildings shall be not less than three inches, including background, in height and shall be distinctly legible and shall be posted in a conspicuous place on the front of each house or building as to be easily seen and read from the public way. In no event shall the number proper, where a background is used, be less than two inches in height.

**§ 118-3. New buildings and structures.**

Whenever any building or structure shall be erected, it shall be the duty of the owner or his agent to procure the correct number or numbers as designated by the Building Inspector for said property, and said owner or agent shall immediately fasten said number or numbers so assigned upon said house, building or structure in a conspicuous place at the entrance of said house, building or structure, and no building permit shall be issued for any house, building or structure

until the owner or his agent has procured from the Building Inspector the official number of the premises.

## **Chapter 128**

### **DIRECT SELLERS**

- |  |   |
|--|---|
| § 128-1. Registration required.              | § 128-6. Appeals  |
| § 128-2. Definitions.                        | § 128-7. Prohibited practices; disclosure requirements. |
| § 128-3. Exemptions                          | § 128-8. Records  |
| § 128-4. Registration procedure.             | § 128-9. Revocation of registration.                    |
| § 128-5. Investigation; refusal to register. |   |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 4 of the 1984 Code. Amendments noted where applicable.]**

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**§ 128-1. Registration required.**

It shall be unlawful for any direct seller to engage in direct sales within the Village of Genoa City without being registered for that purpose as provided herein.

**§ 128-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**CHARITABLE ORGANIZATION** -- Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

**CLERK-TREASURER** - The Village of Genoa City Clerk-Treasurer.

**DIRECT SELLER** -- Any individual who, for him/herself or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation and shall include but not be limited to peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

**GOODS** -- Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

**PERMANENT MERCHANT** -- A direct seller who, for at least one year prior to the consideration of the application of this chapter to said merchant:

- A. Has continuously operated an established place of business in this Village; or
- B. Has continuously resided in this Village and now does business from his/her residence.

**§ 128-3. Exemptions.**

The following shall be exempt from all provisions of this chapter:

- A. Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.
- B. Any person selling goods at wholesale to dealers in such goods.
- C. Any person selling agricultural products which such person has grown.

- D. Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in his regular course of business.
- E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with, and specifically requested a home visit by, said person.
- F. Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- G. Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- H. Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- I. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under § 440.42, Wis. Stats. Any charitable organization not registered under § 440.42, Wis. Stats., or which is exempt from that statute's registration requirements shall be required to register under this chapter.
- J. Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Clerk-Treasurer proof that such person has leased for at least one year, or purchased, the premises from which he/she is conducting business or proof that such person has conducted such business in this Village for at least one year prior to the date complaint was made.

**§ 128-4. Registration procedure.**

- A. Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
  - (1) Name, permanent address and telephone number, and temporary address, if any.
  - (2) Age, height, weight, and color of hair and eyes.

- (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by or whose merchandise is being sold.
- (4) Temporary address and telephone number from which business will be conducted, if any.
- (5) Nature of business to be conducted and a brief description of the goods offered and any services offered.
- (6) Proposed method of delivery of goods, if applicable.
- (7) Make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business.
- (8) Last cities, villages, and towns, not to exceed three, where the applicant conducted similar business.
- (9) Place where the applicant can be contacted for at least seven days after leaving this Village.
- (10) Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction.

**B. Applicants shall present to the Clerk-Treasurer for examination:**

- (1) A driver's license or some other proof of identity as may be reasonably required.
- (2) A state certificate of examination and approval from the Sealer of Weights and Measures where the applicant's business requires use of weighing and measuring devices approved by state authorities.
- (3) A State Health Officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law, such certificate to state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for registration is made.

**C. Registration fee and statement.**

- (1) At the time the registration is returned, a fee as set by the Village Board shall be paid to the Clerk-Treasurer to cover the cost of processing said registration.



- (2) The applicant shall sign a statement appointing the Clerk-Treasurer his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fee and the signing of said statement, the Clerk-Treasurer shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in § 128-5B below.

**§ 128-5. Investigation; refusal to register.**

- A. Upon receipt of each application, the Clerk-Treasurer may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such application.
- B. The Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that:
  - (1) The application contains any material omission or materially inaccurate statement;
  - (2) Complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business;
  - (3) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or
  - (4) The applicant failed to comply with any applicable provision of § 128-4B above.

**§ 128-6. Appeals.**

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board<sup>1</sup> or, if none has been adopted, under the provisions of §§ 68.07 through 68.16, Wis. Stats.

**§ 128-7. Prohibited practices; disclosure requirements.**

**A. Prohibited practices.**

- (1) A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.
- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No direct seller shall make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred-foot radius of the source.
- (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

**B. Disclosure requirements.**

- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.
- (2) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel

Editor's Note: See Ch 5., Administrative Determinations Review

said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in § 423.203, Wis. Stats. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of § 423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

- (3) If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement

containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

**§ 128-8. Records.**

The Chief of Police shall report to the Clerk-Treasurer all convictions for violation of this chapter, and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

**§ 128-9. Revocation of registration.**

- A.** Registration may be revoked by the Village Board, after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- B.** Written notice of the hearing shall be served personally on the registrant at least 12 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

## **Chapter 129 (adopted 02-13-2020)**

### **GENERAL BUSINESS LICENSE**

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|--|---|
| <b>§ 129-1. Registration required.</b>           | <b>§ 129-6. Exhibition.</b>                 |
| <b>§ 129-2. General Business License.</b>        | <b>§ 129-7. Terms.</b>                      |
| <b>§ 129-3. Insurance.</b>                       | <b>§ 129-8. Transfer.</b>                   |
| <b>§ 129-4. Approval or Denial.</b>              | <b>§ 129-9. Inspection of Premises.</b>     |
| <b>§ 129-5. Certificate – contents; records.</b> | <b>§ 129-10. Revocation and Suspension.</b> |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 9 of the 1984 Code. Amendments noted where applicable.]**

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#### **129-1. Registration required.**

It shall be unlawful for any retail, service or manufacturing business located in zoning districts B-1, B-2, M-1, M-2 and BP to commence business without first obtaining a license, therefore.

#### **129-2. General Business License.**

- A. Application.** Application for a general business license shall be made in writing to the Village Clerk upon forms provided by the Village. The applicant shall state the location, type of activity to be conducted, the contact person in case of emergency, and such facts as may be required for or be applicable to granting of such license. A copy of the application shall be forwarded to the Building Inspector, Zoning Administrator and Fire Inspector for review and recommendation.
- B. Payment of fee.** A fee of Twenty-five and no/100 (\$25.00) Dollars shall accompany the application and shall be paid the Village Clerk at the time the application is submitted. No application shall be accepted or acted upon until such fee is paid. No fee shall be refunded. Any payment after July 1 annually, shall be subject to a late fee of Ten and no/100 (\$10.00) Dollars.
- C. Approvals Required Prior to Issuance.** No license shall be issued under this chapter until the Building Inspector, Zoning Administrator and Fire Inspector have reviewed and made recommendations for approval of the application.
- D. Terms.** The General Business License shall expire each year on June 30. A renewal license application must be filed with the Village clerk.

**129-3. Insurance.**

Where policies of insurance are required, such policies shall be approved as to substance and form by the Village Attorney. Satisfactory evidence of coverage by insurance shall be filed with Village before the license is issued.

**129-4. Approval or Denial.**

Where the approval of any Village or state officer is required prior to the issuance of any license such approval shall be presented to the Village clerk before any license is issued.

**129-5. Certificate – Contents; Records.**

General Business License shall show the name of the licensee, the date of issue, the activity licensed and the term of the license and shall be signed in the name of the Village by the President and Village Clerk. The Village Clerk shall keep a record of all licenses issued.

**129-6. Exhibition.**

The license shall be exhibited at the place where the activity is conducted at all times in a conspicuous place.

**129-7. Term.**

The license year shall end on June 30 of each year. The effective date of such license shall commence with the date of issuance.

**129-8. Transfer.**

No General Business License shall be transferable or assignable.

**129-9. Inspection of the Premises.**

Village officials may enter upon the premises where any licensed activity is being conducted for the purpose of inspection at any reasonable time.

**129-10. Revocation and Suspension.**

- A. Any General Business License may be revoked for cause by the Village Board. No licenses shall be revoked except upon written verified complaint filed with the Village Board by the President, a Village Trustee, the Chief of Police or a resident of the Village. The Licensee shall be served with a written copy of the charges and shall be given an opportunity to be heard before the Village Board. The licensee shall be given notice of such hearing which shall not be more than 45 nor less than 5 days after notice, unless otherwise agreed by the parties.

- B.** Such hearing shall be subject to the provisions of Chapter 5 of this Code, **Administration Determinations Review.**
- C.** Suspension and or revocation can be imposed for any but not limited to the following violations of Village Ordinances, County Ordinance Violations or State Statutes.
  - (1.)** Excessive calls for service. If the business in question creates a nuisance that disrupts the normal day to day function of the surrounding properties (3 calls for service in 6 months), a review for suspension or revocation of the issued license may be warranted.
  - (2.)** Failure to display license in business. Any business issued a license or permit shall make the licenses available and displayed in a manner that is easily accessible for inspection.
  - (3.)** Failure to cooperate with Village assigned inspectors. Refusal to be available at reasonable hours for any inspection from the building inspector, fire department or police department and or failure to provide proper documentation during inspection may lead to a suspension or revocation hearing.

**129-11. Violations and penalties.**

Reference Chapter 1 GENERAL PROVISIONS; Subsection 1-5 Violations and penalties of the Village Municipal Code.

**Chapter 139**  
**FIRE & RESCUE**  
[Amended 11-14-2019]

- § 139-1. Village Incorporation Reference
  - § 139-2. Administrative Code Provisions Adopted
  - § 139-3. Establishment of Bloomfield Genoa City Fire and Rescue
  - § 139-4. Organization
  - § 139-5. Powers and Duties of Fire Chief
  - § 139-6. Control and Care of Apparatus
  - § 139-7. Authority of Department at Fires
  - § 139-8. Misconduct
  - § 139-9. Fire Inspectors
  - § 139-10. Reimbursement for Fire Calls
  - § 139-11. Hazardous Materials
  - § 139-12. Charges for Rescue Services
  - § 139-13. Penalty
  - § 139-14. Reimbursement for Copies
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**§ 139-1. VILLAGE INCORPORATION REFERENCE**

All provisions of this Chapter shall reflect a 3-party Intergovernmental Agreement between the Village of Genoa City, Town of Bloomfield, and Village of Bloomfield as of the date of incorporation of the Village of Bloomfield on 12/2011.

**§ 139-2. ADMINISTRATIVE CODE PROVISIONS ADOPTED**

The Village of Bloomfield, Town of Bloomfield and Village of Genoa City does hereby adopt SPS 314 of the Wisconsin Administrative Code and as it is hereafter amended.

**§ 139-3. ESTABLISHMENT OF BLOOMFIELD GENOA CITY FIRE AND RESCUE**

VILLAGE FIRE & RESCUE ESTABLISHED. Pursuant to Sections 60.139139(1)(a)2, 61.6139(2)(a)3. and 66.0301, Wis. Stats., the Village of Bloomfield, Town of Bloomfield and Village of Genoa City hereby establishes the Board of Directors for the Bloomfield Genoa City Fire and Rescue to oversee the function of the joint department, which will provide fire and rescue services and general emergency services to the Village of Bloomfield, Town of Bloomfield and Village of Genoa City.

- A. The Village of Bloomfield, Town of Bloomfield and Village of Genoa City with the Town of Bloomfield and Village of Genoa City hereby authorized the creation of a Joint Fire and Rescue Commission to oversee the hiring, firing and administration of other disciplinary action employed by the Joint Department.

- B.**     **RATIFICATION OF PRIOR ACTS.** All actions of the Bloomfield Genoa City Fire and Rescue or its predecessors that occurred prior to the passage of this ordinance are hereby ratified by the Village Board.
- C.**     The fire and rescues services agreement between the Village of Bloomfield, Town of Bloomfield and Village of Genoa City is hereby ratified and approved by the Village Board of the Village of Bloomfield, Town of Bloomfield and Village of Genoa City and is incorporated herein by reference.

#### **§ 139-4. ORGANIZATION**

- A.**     **GENERAL.** The organization and internal regulation of the Fire and Rescue Departments shall be governed by the Board of Directors of the Bloomfield Genoa City Fire and Rescue, and by the provisions of this chapter, except as it is otherwise provided by law or ordinance.
- B.**     **COMPOSITION.** The Bloomfield Genoa City Fire and Rescue shall consist of a Fire Chief and as many assistants and officers and other fire and rescue personnel as may be appointed by the Chief and approved by the Bloomfield Genoa City Fire and Rescue Commission. However, at no time shall the Department have 50 or more members and employees.
- C.**     **MEMBERSHIP.** Membership shall be established by policies drafted by the Fire Chief and approved by The Bloomfield Genoa City Fire and Rescue Board of Directors.

#### **§ 139-5. POWERS AND DUTIES OF FIRE CHIEF**

- A.**     **APPOINTMENT OF CHIEF.** The Bloomfield Genoa City Fire and Rescue Commission shall appoint a Fire Chief.
- B.**     **APPLICABILITY.** Appointments made prior to the enactment of this ordinance shall not be affected by this ordinance.
- C.**     **GENERAL SUPERVISION.** The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the policies and guidelines of the Department and shall enforce a rigid observance of this chapter and the policies and guidelines. The Chief shall be responsible for the personnel and general efficiency of the Department.
- D.**     **PRESIDING OFFICER.** The Chief should preside at all meetings, call special meetings, preserve order and decide all points of order that may arrive.
- E.**     **REPORTS.** The Chief shall submit a written report to the Bloomfield/Genoa City Fire and Rescue Board of Directors no later than April 1<sup>st</sup> of each year and at such other times as the Chief deems desirable relating to the condition of various pieces of apparatus and appurtenances, the number of fires occurring since the previous report and the loss



occasioned thereby, the number of members of each company and the total number of active members in the Department. The Chief shall also report upon the drill and training program of the Department, together with such other pertinent information, including recommendations for improvements, as the Chief deems proper and necessary for the operation of the Department.

- F. ENFORCEMENT OF FIRE PREVENTION ORDINANCES.** The Chief shall enforce all fire prevention ordinances of the Town, Villages and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- G. FIRE RECORD.** The Chief shall keep records as required by sec. SPS 314.01(11) of the Wisconsin Administrative Code or as thereafter amended of every fire to which the Department was called.
- H. EQUIPEMENT INVENTORY AND TESTING.** The Chief shall keep an inventory of all equipment. The Chief or the Chief's designee shall test said equipment as follows:
  - (1) Engines every year
  - (2) ladders every year
  - (3) SCBA as recommended by the manufacturer
  - (4) hoses, showing dates and results of tests on each length, which shall be individually numbered.
- I. DUTIES OF COMMANDING OFFICER.** The Chief shall perform such other duties as are usually incumbent on the commanding officer of a Fire Department.
- J. OTHER DUTIES.** The Chief shall be responsible for the promulgation of policies and guidelines for the Department and shall mandate compliance with all required training for members/employees of the Department.

#### **§ 139-6. CONTROL AND CARE OF EQUIPMENT**

- A. CHIEF RESPONSIBLE.** The Fire Chief shall have control of all equipment used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.
- B. USE.** Department equipment shall only be used for normal firefighting and rescue operations and other extracurricular activities that support the character of the department approved by the Fire Chief, unless specifically denied by the Board of Directors.

#### **§ 139-7. AUTHORITY OF DEPARTMENT AT FIRES**

- A. COMMAND AT FIRES.** The highest ranking Bloomfield Genoa City Fire and Rescue officer, or in the event no officer is present the most senior Bloomfield Genoa City Fire and Rescue firefighter shall have complete command of, and entire responsibility for, all firefighting operations and plan the control of the same, direct the action of the

Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when it is deemed proper and see that the firefighting apparatus is kept in proper condition at all times.

- B. CONTROL AT FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no person except firefighters and police officers and those admitted by order of any officer of the Department may enter. The Chief may cause the removal of any property from a fire or to prevent the spread of the fire or to protect the adjoining property, and during the progress of any fire, the Chief may order the removal or destruction of any property necessary to prevent the further spread of fire. The Chief may also cause the removal of all wires during the progress of a fire.
- C. ENTERING PREMISES.** Any firefighter acting under the direction of the Fire Chief or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire to extinguish such fire and, if any person hinders, resists or obstructs a firefighter in the discharge of the Chief's duties as herein provided, the person so offending shall be guilty of resisting a firefighter in the discharge of their duties.

#### **§ 139-8. MISCONDUCT**

Any member, employee or officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination may appear before the Bloomfield Genoa City Fire and Rescue Commission and state why such penalty should not be confirmed. The Bloomfield Genoa City Fire and Rescue Commission may affirm, modify, or reverse the action of the Department.

#### **§ 139-9. FIRE INSPECTORS**

- A. FIRE INSPECTOR GENERALLY.** The Fire Chief and/or the Fire Chief's assign shall act as the Fire Inspector for the Village of Bloomfield, Town of Bloomfield and Village of Genoa City.
- B. DUTY OF INSPECTION.**
  - (1) **INSPECTIONS REQUIRED.** Inspections shall be conducted in accordance with the state law within the jurisdictions of the Department.
  - (2) **SPECIAL INSPECT WARRANT.** If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under Sec. 66.0119 Wis. Stat or as thereafter amended.
- C. RECORD AND REPORTS OF INSPECTIONS.** The Fire Chief shall keep records as required by state law.

- D. CORRECTION OF FIRE HAZARDS.** When any inspection by a Fire Inspector reveals a fire hazard, an Inspector may serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Inspector may have the same removed by the Village of Bloomfield, Town of Bloomfield or Village of Genoa City, and the costs of such removal shall be recovered in an action by the Village of Bloomfield, Town of Bloomfield or Village of Genoa City against the owner of the property and may also be entered in the tax roll as a special charge against the property.
- E. COMPLIANCE WITH FIRE INSPECTOR.** No person shall deny the Fire Inspector's free access to any public and commercial buildings within the Village of Bloomfield, Town of Bloomfield and Village of Genoa City at any reasonable time to make fire inspections. No person shall hinder or obstruct a fire inspector in the performance of their duty or refuse to observe any lawful direction given by them.

#### **§ 139-10. REIMBURSEMENT FOR FIRE CALLS**

If the Department incurs costs for a fire call by responding to a vehicle fire on any County, State, Town or Village road, street or highway, the Department may charge the person to whom the fire call was provided a fee equal in amount to the actual out-of-pocket costs incurred by the Department in extinguishing the fire pursuant to sec 60.1391397 Wis. Stats.

#### **§ 139-11. HAZARDOUS MATERIALS**

- A. COMPLIANCE REQUIRED.** Every person using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of state law and as thereafter amended.
- B. LIABILITY IMPOSED.** Every person using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Village of Bloomfield, Town of Bloomfield or Village of Genoa City, for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar materials or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.

## § 139-12. CHARGES FOR RESCUE SERVICES

- A. **REIMBURSEMENT FOR SERVICES REQUIRED.** Any person who receives medical/rescue services from the Bloomfield Genoa City Fire and Rescue Department, or ambulance or other services from such departments shall be required to reimburse the Bloomfield Genoa City Fire and Rescue for such services at the rates as stated herein.
- B. **DEFINITIONS.**

For the purposes of this section, the following words have the following meanings:

1. **ALS** means Advanced Life Support. The pre-hospital and inter-facility emergency medical care consisting of basic life support procedures and invasive lifesaving procedures including the placement of advance airway adjuncts, intravenous infusions, manual defibrillation, electrocardiogram interpretation, administration of approved drugs and other advanced skills identified in the Wisconsin scopes of practice as provided by DHS 110.04 Admin Code.
2. **ALS Assessment** is an assessment performed by an ALS crew as part of an emergency response that was necessary because the patient's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in a determination that the patient requires an ALS level of service.
3. **ALS Intervention** is a procedure that is in accordance with State and local laws, required to be done by an Emergency Medical Technician-Intermediate (EMT-Intermediate) or EMT-Paramedic.
4. **ALS level 1** is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention which can include invasive techniques such as IV therapy, intubation and/or other drug administration, defibrillation, and airway management.
5. **ALS level 2** includes the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:
  - a) Manual defibrillation/cardioversion;
  - b) Endotracheal intubation;
  - c) Central venous line;
  - d) Cardiac pacing;
  - e) Chest decompression;

- f) Surgical airway; or
- g) Interosseous line

6. **BLS** means Basic Life Support. The emergency medical care that is rendered to a sick, disabled or injured individual, based on signs, symptoms or complaints, prior to the individual's hospitalization or while transporting the individual between health care facilities and that is limited to use of the knowledge, skills and techniques received from training required for licensure as an emergency medical technician — basic, or for certification as a first responder as defined by § 21396.1139 Wis. Stat.

7. **Standby Service** means an ambulance with two medical technicians, will locate themselves at a function or event and will remain dedicated to that event, and will not be available for other routine EMS calls in the area. Dedicated standbys are subject to the availability of “EMS” crews and resources, however, are subject to removal at the discretion of the acting chief for immediate life-threatening emergencies.

8. **Treat/Non-Transport** means any treatment performed by emergency medical technicians but no transportation is provided to a medical facility. On rare occasion these services will not be billed as the services provided were nominal.

**C. RATES FOR SERVICES.**

The rates for medical/rescue services provided by the Bloomfield Genoa City Fire and Rescue shall be as follows.

**Service—Resident and Non-Resident**

<b>BLS</b>	<b>\$850</b>
<b>ALS level 1</b>	<b>\$1000</b>
<b>ALS level 2</b>	<b>\$1125</b>
<b>Mileage Charge (per mile)</b>	<b>\$15</b>
<b>Treat/non-transport</b>	<b>\$150</b>

**D. AUTHORIZATION TO ESTABLISH ADDITIONAL SERVICE FEES.** The Bloomfield Genoa City Fire and Rescue is hereby authorized to establish flat fees not incorporated with the above listed fees.

**E. WAIVER OF FEES.** All fees collected shall be payable to Bloomfield Genoa City Fire and Rescue. Each respective community shall be permitted to waive the fees for its respective residents, businesses or individuals when incidents arise in their respective communities.

**F. EXTRATERRITORIAL CHARGES.** Subject to any contrary provision of any Mutual Aid Agreement entered into between Bloomfield Genoa City Fire and Rescue and any other unit of local government, the charges provided for herein shall be charged by Bloomfield Genoa City Fire and Rescue for services rendered to all persons who receive care, treatment or transportation by Bloomfield Genoa City Fire and Rescue for

emergencies occurring within or without the Village of Bloomfield, Town of Bloomfield and Village of Genoa City without regard to whether those services are performed by personnel manning units owned by Bloomfield Genoa City Fire and Rescue or by personnel manning units owned or controlled by other units of local government, pursuant to the provisions of Mutual Aid Agreements to which said unit of government and Bloomfield Genoa City Fire and Rescue are a party.

**§ 139-13. PENALTY**

Any person who shall violate any provision of the chapter or any order, rule or regulation made hereunder, and any person who shall neglect or refuse to perform any duty required hereunder shall be subject to a penalty as prescribed in sec. 1-5 under Chapter 1 Article I of this code.

**§ 139-14. REIMBURSEMENT FOR COPIES.**

- A. The Bloomfield Genoa City Fire and Rescue Department is hereby authorized to levy and receive the following charges set by resolution from time to time by the Genoa City Village Board for requested copies of Fire and EMS Reports which are authorized to be released by Current Public Records Law.
- B. For any public record that must be copied professionally, the actual cost charged to the Bloomfield Genoa City Fire and Rescue Department will be charged to the requestor.
- C. All charges must be paid before copies will be made.

## **Chapter 140**

### **OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE**

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#### **§ 140-1. PURPOSE**

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Genoa City due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

#### **§ 140-2. APPLICABILITY**

This ordinance applies to all outdoor burning and refuse burning within the Village of Genoa City.

- A. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in 140-4 of this ordinance.
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

#### **§140-3. SEVERABILITY**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

#### **§140-4. DEFINITIONS**

- A. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- B. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- C. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- D. "Fire Chief" means the Chief of the Bloomfield Genoa City Fire Department or other person authorized by the Fire Chief.
- E. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
- F. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- G. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- H. "Refuse" means any waste material except clean wood.

#### **§ 140-5. GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING**

Open burning, outdoor burning and refuse burning are prohibited in the Village of Genoa City unless the burning is specifically permitted by this ordinance.

#### **§ 140-6. MATERIALS THAT MAY NOT BE BURNED**

- A. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.
- B. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- C. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- D. Asphalt and products containing asphalt.



- E. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- F. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- G. Rubber including tires and synthetic rubber-like products.
- H. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in 140-10 of this ordinance.

**§140-7. OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

- A. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- B. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- C. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
- D. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
- E. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
- F. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- G. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

- H. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.
- I. Open burning under this section shall only be conducted at a location at least 25 feet from the nearest building which is not on the same property
- J. Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours and when no drought conditions exist.
- K. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- L. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- M. Except for barbecue, fire pit, fire ring, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- N. No open burning may be conducted on days when the Department of Natural Resources has declared an Air Quality Watch or Air Quality Advisory for ozone or fine particle pollution applicable to the Village of Genoa City.

#### **§ 140-8. BURN BARRELS**

A burn barrel may be used in the Village of Genoa City only in accordance with the following provisions:

- A. The burn barrel shall not be used to burn any of the prohibited materials listed in 140-6 of this ordinance and may only be used in accordance with the provisions of 140-7 of this ordinance.
- B. The burn barrel shall be located at least 25 feet from the nearest building that is not on the same property as the burn barrel.
- C. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- D. The burn barrel shall not serve a commercial enterprise.

#### **§ 140-9. FIRE DEPARTMENT PRACTICE BURNS**

Notwithstanding sections 140-5 and 140-6 of this ordinance, the Bloomfield Genoa City Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

- A. An existing building may be burned only by the Bloomfield Genoa City Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of fire fighters or firefighting equipment.
- B. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
- C. A demolition notification shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.
- D. All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.
- E. At least 48 hours before a planned practice burn the Fire Chief or designee shall notify residents within 1000 feet of the site of the proposed burn.

#### **§ 140-10. EXEMPTION FOR BURNING CERTAIN PAPERS**

- A. Notwithstanding 140-6H of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- B. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
- C. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
- D. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 140-7A, B, C, F, K, L, M, and N of this ordinance.

#### **§ 140-11. LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

#### **§ 140-12. RIGHT OF ENTRY AND INSPECTION**

The Fire Chief or any authorized officer, agent, employee or representative of the Village of Genoa City who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

#### **§140-13. ENFORCEMENT AND PENALTIES**

- A. The Fire Chief, Village President and their designee are authorized to enforce the provisions of this ordinance.
- B. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

## **Chapter 143**

### **FIREWORKS**

**§ 143-1. Definition.**

**§ 143-2. Restrictions on sale.**

**§ 143-3. Restrictions on use.**

**§ 143-4. Storage and handling.**

**§ 143-5. Parental Liability.**

[ **HISTORY:** Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 10 of the 1984 Code. Amendments noted where applicable.] [Amended 03-14-2019]

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**§ 143-1. Definition<sup>1</sup>.**

- A.** In this chapter, the term "fireworks" shall be defined as provided in § 167.10(1)(a-p), Wis. Stat. or as hereafter may be amended.
- B.** A permanent structure is defined as a building designed, planned and constructed so as to remain in one location

**§ 143-2. Restrictions on sale.**

- A.** All sales of fireworks must be from a permanent structure
- B.** No person may sell or possess with intent to sell fireworks, except:
  - (1.)** To a person holding a permit under § 143-3C;
  - (2.)** To a city, village or town; or
  - (3.)** For a purpose specified under § 143-3B(2) to (6).

**§ 143-3. Restrictions on use.**

- A. Permit required.** No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under § 167.10(1)(e) to (g) and (i) to (n), Wis. Stats., while attending a fireworks display for which a permit has been issued to a person listed under Subsection C(1) to (5) or under Subsection C(6) if the display is open to the general public.
- B. Permit exceptions. Subsection A above does not apply to:**
  - (1)** The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.

- (2) The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Safety and Professional Services.
- (3) The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.

1. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

- (4) The possession or use of explosive or combustible materials in any manufacturing process.
- (5) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (6) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (7) Except as provided in par. (bm), the possession of fireworks in the village while transporting the fireworks to a city, town, or village where the possession of the fireworks is authorized by permit or ordinance.
- (8) The possession of fireworks by a person who is not a resident of the state if the person does not use the fireworks in this state.
- (bm) Paragraph (A) applies to a person transporting fireworks under par. (B) 7. If, in the course of transporting the fireworks through a city, town, or village, the person remains in that city, town, or village for a period of at least 72 hours.

**C. Who permit may be issued to.** A permit under this section may be issued only to the following:

- (1) A public authority.
- (2) A fair association.
- (3) An amusement park.
- (4) A park board.
- (5) A civic organization.
- (6) A group of resident or nonresident individuals.
- (7) An agricultural producer for the protection of crops from predatory birds or animals.

**D. Crop protection signs.** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

- E. Bond.** The Village President or person designated by the president issuing a permit under this section may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk-Treasurer.
- F. Required information for permit.** A permit under this section shall specify all of the following:
- (1) The name and address of the permit holder.
  - (2) The date on and after which fireworks may be purchased.
  - (3) The kind and quantity of fireworks which may be purchased.
  - (4) The date and location of permitted use.
  - (5) Other special conditions prescribed by ordinance.
- G. Copy of permit.** A copy of a permit under this sub-section shall be given to the Fire Chief and Chief of Police at least two days before the date of authorized use.
- H. Minors prohibited.** A permit under this section may not be issued to a minor.

**§ 143-4. Storage and handling.**

- A. Fire extinguishers required.** No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises is equipped with fire extinguishers approved by the Fire Chief.
- B. Smoking prohibited.** No person may smoke where fireworks are stored or handled.
- C. Fire Chief to be notified.** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- D. Storage distance.** No wholesaler, dealer or jobber may store fireworks within 50 feet of a dwelling.
- E. Restrictions on storage.** No person may store fireworks within 50 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

**§ 143-5. Parental liability.**

A parent, foster parent, legal guardian, or other out-of-home care provider, as defined in s. 48.02 (12r), of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.



## Chapter 149

### FOOD-HANDLING ESTABLISHMENTS

**§ 149-1. Milk and milk products.**  
**§ 149-2. Covering and display of food  
and dairy products.**

**§ 149-3. Sale of unwholesome or tainted  
food.**  
**§ 149-4. Restaurant regulations.**

**HISTORY:** Adopted by the Village Board of the Village of Genoa City as §§ 6-1-5 to 6-1-8 of the 1984 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Alcoholic beverages -- See Ch. 93.

Nuisances -- See Ch. 186.

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#### **§ 149-1. Milk and milk products.**

No person shall sell, offer or expose for sale any milk or milk product other than Grade "A" milk and milk products as those terms are defined in Ch. AG 80, Wis. Adm. Code, issued by the State Department of Agriculture, Trade and Consumer Protection and State Board of Health, which is hereby incorporated in this chapter by reference as if fully set forth herein. The Clerk-Treasurer is directed to file a certified copy of such regulations in his office for public inspection.

#### **§ 149-2. Covering and display of food and dairy products.**

The provisions of Ch. 97, Wis. Stats., relating to covering and display of food and dairy products are hereby adopted by reference and incorporated in this chapter as if fully set forth herein.

#### **§ 149-3. Sale of unwholesome or tainted food.**

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which are not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The Health Officer is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption.

#### **§ 149-4. Restaurant regulations.**

- A. Definition.** The term "restaurant" as used in this section shall mean any place, kitchen or conveyance where meals or lunches are prepared for sale, sold or served to transients or the general public.
- B. General sanitation.** All restaurant premises shall be kept clean and free of litter or rubbish. All garbage and rubbish shall be kept in suitable, airtight containers so as not to become a nuisance and shall be disposed of daily in a sanitary manner. No living or sleeping room, urinal, water closet, ash pit or coal bin shall connect directly with any

room used for preparation, storing or serving of food. Between May 1 and October 1, all doors, windows and apertures shall be effectively screened and doors shall be self-closing to prevent the entrance of flies. All equipment shall be kept clean and free from dust, dirt, insects and other contaminating material.

**C. Cleanliness and health of employees.**

- (1) **Clothing and conduct.** All restaurant employees or workers shall wear clean clothing, hair nets or caps and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees or workers shall not expectorate, or use tobacco in any form, in any area in which food is prepared.
- (2) **Disease.** No person infected with any disease in a communicable form, or who is a carrier of any contagious disease, shall work in any restaurant and no restaurant owner or operator shall employ any such person to work in any restaurant.
- (3) **Duty of Health Officer.** If the Health Officer shall suspect that an employee or worker in any restaurant is afflicted with any disease in communicable form, he shall notify such employee to cease working in any restaurant in the Village until he shall present a certified statement of a reputable physician or other satisfactory evidence that he is free from communicable disease.

**D. Water supply and plumbing.** In every restaurant, adequate safe water, under pressure, shall be convenient and available in any room where food is prepared or utensils washed. Private water supplies shall be tested for purity not less than once every six months, in the manner directed by the Health Officer. Plumbing shall be so designed, installed and maintained to prevent contamination of the water supply, food, drink or equipment.

**E. Cleansing of utensils and equipment.** In order to ensure proper cleansing and disinfection of glasses, cups, dishes and other eating utensils in restaurants, they shall be thoroughly washed and sanitized after each use by one of the methods described in Secs. H 96.01, 1902, and 96.06, Wis. Adm. Code, which are incorporated in this section by reference as if fully set forth herein. Glasses or utensils may be chilled in cold running water or dry cold chests but shall not be chilled in a stationary container of cold or ice water.

**F. Responsibility for compliance.** It shall be the duty of the restaurant owner or operator to comply with the provisions of this section. Restaurant employees and workers shall also be personally responsible for compliance with Subsection C of this section.

**Chapter 160**  
**INTOXICATING LIQUOR AND FERMENTED MALT**  
**BEVERAGES**

ARTICLE I

**General Provisions**

- § 160-1. State statutes adopted.
- § 160-2. Definitions
- § 160-3. License required.
- § 160-4. Classes of licenses.
- § 160-5. License fees.
- § 160-6. Application for license.
- § 160-7. Qualifications of applicants and premises.
- § 160-8. Investigation.
- § 160-9. Approval of application.
- § 160-10. Granting of license.
- § 160-11. Transfer and lapse of license.
- § 160-12. Numbering of license.
- § 160-13. Posting of licenses.
- § 160-14. Conditions of license.
- § 160-15. Closing hours.
- § 160-16. Special Class “B” fermented malt beverage license

- § 160-17. Revocation and suspension of licenses.

ARTICLE II

**Operators License**

- § 160-18. License required.
- § 160-19. Application for license.
- § 160-20. Duration.
- § 160-21. Fee.
- § 160-22. Issuance of license.
- § 160-23. Display of license.
- § 160-24. Revocation of license.

ARTICLE III

**Enforcement**

- § 160-25. Violations and penalties

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 2 of the 1984 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Ch. 93.

Peace and good order -- See Ch. 194.

Food-handling establishments -- See Ch. 149.

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ARTICLE I

**General Provisions**

- § 160-1. State statutes adopted.

The provisions of Ch. 125 and §§ 938.344 and 778.25, Wis. Stats., relating to the sale of alcohol beverages, except §§ 125.66(3), 125.04(5), 125.09(6), 125.69(1)(b), (3), (5) and (7),

125.11(1), and 125.12(2)(ag) and (ar), exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this chapter by reference. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter.

#### **§ 160-2. Definitions.**

As used in this chapter, the terms "alcohol beverages," "intoxicating liquors," "sell," "sold," "sale," "restaurant," "club," "retailer," "person," "fermented malt beverages," "wholesalers" and "operators" shall have the meaning given them by Ch. 125, Wis. Stats.

#### **§ 160-3. License required.**

No person, firm or corporation shall, except as provided by § 160-1, vend, sell, deal or traffic in or have in his or its possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this chapter nor without complying with all the provisions of this chapter, and all statutes and regulations applicable thereto, except as provided by §§ 125.06, 125.25, 125.26, 125.27, 125.28 and 125.51, Wis. Stats.

#### **§ 160-4. Classes of licenses.**

- A. Retail "Class A" intoxicating liquor license.** A retail "Class A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- B. Retail "Class B" intoxicating liquor license.** A retail "Class B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- C. Class "A" fermented malt beverage retailer's license.** A Class "A" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles.
- D. Class "B" fermented malt beverage retailer's license.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the

authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than 1/2 of a percentum of alcohol by volume without obtaining a special license to sell such beverages.

**E. Club or special Class "B" fermented malt beverage picnic license.**

- (1) A club or special Class "B" picnic license, when issued by the Village Clerk-Treasurer under authority of the Village Board, as provided for in § 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Village Board.
- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. The license shall specify the hours and dates of license validity.

**B. Wholesaler's license.** A wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

**§ 160-5. License fees. [Amended 4-14-05]**

There shall be the following classes and denominations of licenses which, when issued by the Village Clerk-Treasurer under the authority of the Village Board after payment of the fee as set by the Village Board, shall permit the holder to sell, deal or traffic in alcohol beverages as provided in § 125.04(5), (6) and (10), 125.12(2)(ag) and (ar), 125.17, 125.28(1), (2) and (4), 125.25(1), (2) and (4), 125.26(1), (2), (4), (5) and (6), 125.27(1), 125.32(2), (5) and (6)(a), 125.33(2) and (3), 125.68(2), or 125.51(2) and (3), Wis. Stats.:

- A.** Retail "Class A" intoxicating liquor licenser.
- B.** Retail "Class B" intoxicating liquor license.
- C.** Class "A" fermented malt beverage retailer's license.
- D.** Class "B" fermented malt beverage retailer's licenses.

- E. Wholesaler's license.
- F. Special Class "B" fermented malt beverage picnic license.

**§ 160-6. Application for license.**

- A. **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the State Treasurer and shall be sworn to by the applicant and shall be filed with the Village Clerk-Treasurer not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- B. **Corporations.** Such application shall be filed and sworn to by the applicant, if an individual, or by the president and secretary, if a corporation.
- C. **Publication.** The application shall be published at least once in the official Village newspaper, and the costs of publication shall be paid by the applicant.
- B. **Amending application.** Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within 10 days after the occurrence thereof.

**§ 160-7. Qualifications of applicants and premises.**

- A. **Residence requirements.** A retail Class "A" or retail Class "B" fermented malt beverage license or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and residents of the State of Wisconsin continuously for at least one year prior to date of filing the application.
- B. **Applicant to have malt beverage license.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- C. **Right to premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. **Age of applicant.** No Class "A," Class "B," "Class A" or "Class B" licenses shall be granted to any person deemed underage by the Wisconsin Statutes.
- E. **Corporate restrictions.**
  - (1) No license shall be granted to any corporation which does not comply with the provisions of § 125.04(6), Wis. Stats., which does not have an agent eligible for a

license under this chapter or under state law, or which has more than 50% of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter or under the state law.

- (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk a statement of transfers of stock within 48 hours after such transfer of stock.
- (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in § 125.12, Wis. Stats., when more than 50% of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this chapter or under the state law.

**F. Separate licenses.** A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

**C. Effect of revocation of license.** No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to application. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

#### **§ 160-8. Investigation.**

The Village Clerk-Treasurer shall notify the Chief of Police, Health Officer, and Building Inspector of each new application for license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

#### **§ 160-9. Approval of application.**

- A.** In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.
- B.** No license shall be granted for operation on any premises or with any equipment for which taxes or assessments or other financial claims of the Village are delinquent and unpaid.

- C. No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Department of Commerce and the regulations of the State Board of Health and Village Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the Village.

**§ 160-10. Granting of license.**

Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The Village. The full license fee shall be charged for the whole or fraction of any year. The fee shall be paid to the Village Clerk-Treasurer, who shall deposit the same in the general fund.

**§ 160-11. Transfer and lapse of license.**

- A. In accordance with the provisions of § 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be set by the Village Board. Whenever a license is transferred, the Village Clerk-Treasurer shall forthwith notify the State Treasurer of such transfer.
- B. Whenever the agent of a corporate holder of a license is, for any reason, replaced, the licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefore and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting or the Village Board until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.
- C. Whenever any licensee under this chapter shall not conduct his licensed business at the authorized location for a period of six consecutive months, the license issued to him shall lapse and become void, unless such six-month period shall be extended by the Village Board.

**§ 160-12. Numbering of license<sup>1</sup>.**

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee. The Village Clerk-Treasurer shall affix to the license his affidavit.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II)



**§ 160-13. Posting licenses.**

- A.** Every person licensed in accordance with the provisions of this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- B.** It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

**§ 160-14. Conditions of license.**

All retail Class "A," Class "B," "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the Village applicable thereto:

- A. Consent to entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. Employment of minors.** No retail Class "B" licensee shall employ any person under 18 years of age, but this shall not apply to hotels and restaurants. Notwithstanding the foregoing, a member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.
- C. Disorderly conduct prohibited.** Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at anytime on any licensed premises.
- D. Licensed operator on premises.** There shall be upon premises operated under a Class "B" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of 18 years shall serve as a waiter, or in any other manner, any fermented malt beverages to customers unless an operator 18 years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he possesses an operator's license, who is at the time of such service upon said premises.
- E. Health and sanitation regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses

issued under this chapter. No Class "B" license shall be issued unless the premises to be licensed conforms to such rules and regulations.

- F. Restrictions near schools and churches.** No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.
- G. Licenses prohibited in residence districts.**
- (1) No retail Class "B" license shall be issued in any residence district. Any premises shall be deemed to be included within a residence district if 2/3 of the buildings within a radius of 300 feet are used exclusively for residence purposes or uses incidental thereto.
  - (2) This subsection shall not apply to a bona fide club or hotel
- H.** Beverages not purchased at licensed premises. No person shall have in his or her possession or consume on the premises any fermented malt beverages or intoxicating liquors not purchased under the Class "A," Class "B," "Class A" or "Class B" licenses issued for the premises.

**§ 160-15. Closing hours.**

Closing hours for a retail "Class B" license shall be between 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday, except on January 1 when there shall be no closing hours

**§ 160-16. Special Class "B" fermented malt beverage license.**

Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of license:

- A.** There shall be at least one person properly licensed as an operator under the provisions of Article II of this chapter on the premises at all times to supervise the service of beverages.
- B.** Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the state statutes.

- C. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.

**§ 160-17. Revocation and suspension of licenses.**

- A. **Procedure.** Except as hereinafter provided, the provisions of § 125.12(2) (ag), (ar), (b) and (c), Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this chapter. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution.
- B. **Suspension of licenses.** The Village President or the Chief of Police, upon obtaining reasonable information that any licensee has violated any provision of this chapter or any state or federal alcohol beverage law or committed any felony, may suspend the license or permit of such person for a period not to exceed 10 days pending hearing by the Village Board pursuant to Subsection A.
- C. **Automatic revocation.** Any license or permit issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his employee, agent or representative of a second offense under this chapter or Ch. 125, Wis. Stats., or any other state or federal alcohol beverage law or any felony.
- D. **Repossession of license or permit.** Whenever any license or permit under this chapter shall be revoked or suspended by the Village Board, Village President, Chief of Police or action of any court or Subsection C, it shall be the duty of the Clerk-Treasurer to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police, who shall take physical possession of the license or permit wherever it may be found and file it in the Clerk-Treasurer's office.

ARTICLE II  
**Operator's License**

**§ 160-18. License required.**

There shall be upon the premises operated under a "Class A" or "Class B" intoxicating liquor license or Class "B" fermented malt beverage license, at all times, the licensee or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the "Class A," "Class B" or Class "B" license unless he shall possess an operator's license or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service.

**§ 160-19. Application for license.**

The Village Board may issue an operator's license, which license shall be granted only upon application in writing on blanks to be obtained from the Village Clerk-Treasurer only to persons 18 years of age. Operators' licenses shall be operative only within the limits of the Village.

**§ 160-20. Duration.**

Licenses issued under the provisions of this article shall be valid for a period of one year and shall expire on the 30th day of June of each calendar year.

**§ 160-21. Fee. [Amended 4-13-2000]**

The initial fee for an operator's license and any annual renewal thereof shall be as set by the Village Board, prepaid at the time of application or renewal.

**§ 160-22. Issuance of license.**

After the Village Board approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

**§ 160-23. Display of license.**

Each license issued under the provisions of this article shall be posted on the premises whenever the operator dispenses beverages.

**§ 160-24. Revocation of license.**

Violation of any of the terms or provisions of the state law or of this chapter relating to operators' licenses by any person holding such operator's license shall be cause for revocation of the license.

**ARTICLE III  
Enforcement**

**§ 160-25. Violations and penalties<sup>2</sup>.**

- A.** The penalty for violation of any of the provisions of this chapter shall be the general penalty as provided in Chapter 1, § 1-5 of this Code, provided that no penalty imposed shall exceed the maximum allowed by §§ 125.10(1) and (3), 125.11(1), 125.12(2)(ag), (ar), (b) and (c), and 125.07(1)(b), Wis. Stats. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

- B.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

## **Chapter 175**

### **MINORS**

#### **ARTICLE I**

##### **Curfew**

**§ 175-1. Curfew established; exceptions.**

**§ 175-2. Responsibility of parents and guardians.**

**§ 175-3. Violations and penalties.**

#### **ARTICLE II**

##### **Truancy**

**§ 175-4. Statutory authority.**

**§ 175-5. Definitions.**

**§ 175-6. Prohibited acts.**

**§ 175-7. Preconditions to issuance of citation.**

**§ 175-8. Dispositions.**

**§ 175-9. Required school attendance.**

**§ 175-10. Contributing to truancy.**

**§ 175-11. Citation process.**

**§ 175-12. Violations and penalties.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Alcoholic beverages -- See Ch. 93.  
Amusements -- See Ch. 97.

Bicycles, roller skates and skateboards -- See Ch. 108.  
Tobacco products -- See Ch. 246.

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#### **ARTICLE I**

##### **Curfew**

**[Adopted as § 9-2-15 of the 1984 Code]**

**§ 175-1. Curfew established; exceptions.**

No minor person under the age of 18 years shall loiter, idle, wander or play either on foot or in a vehicle of any nature upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places of the Village of Genoa City between the hours of 10:30 p.m. and 4:00 a.m. on Sunday through Thursday and the hours of 12:00 midnight and 4:00 a.m. on Friday and Saturday, unless accompanied by a parent, guardian or other adult person having care and custody of the minor; provided, however, that this section shall not apply to minors returning home from functions authorized by the governing body of any public or parochial school or church in the Village of Genoa City which shall have been officially registered with the Police Department by a responsible officer of the governing body of the school or church prior to the event. Each such minor attending such registered function shall carry on his or her person a means of identification in such form as shall be approved by the Chief of Police and the governing body of the school or church. This section shall not apply to minors returning home from work, provided that any such minor shall carry on his or her person a pass issued by the Chief of Police.

**§ 175-2. Responsibility of parents and guardians.**

No parent, guardian or other adult person having the care and custody of a minor person under 18 years of age shall knowingly permit such minor to loiter, idle, wander or play either on foot or in a vehicle of any nature whatsoever upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places of the Village of Genoa City between the hours and on the days specified in § 175-1 above unless the minor is accompanied by his or her parent, guardian or other adult person having care and custody of the minor, or unless such minor is returning from an approved school or church function or work as provided in § 175-1.

**§ 175-3. Violations and penalties.**

- A.** Any minor found violating the provisions of § 175-1 for the first time shall be warned of the penalty for second and subsequent violations by any police officer of the Village and, where possible, shall be taken and delivered by such officer to the custody of the person having legal custody over the minor. A record of such violation shall be made and filed in the records of the Police Department. Any minor found violating the provisions of § 175-1 a second or subsequent time shall be dealt with in accordance with the provisions of Ch. 48, Wis. Stats.
- B.** Any person who shall violate the provisions of § 175-2 shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code<sup>1</sup>.
- C.** Each violation of any of the provisions of this article shall constitute a separate offense.

**ARTICLE II**

**Truancy**

**[Adopted 1-10-2002 (§ 9-2-18 of the 1984 Code)]**

**§ 175-4. Statutory authority.**

The authority for adoption of this article is § 118.163, Wis. Stats.

**§ 175-5. Definitions.**

For purposes of this article, the following definitions shall be applicable:

**ACCEPTABLE EXCUSE** -- The meaning as defined in §§ 118.15 and 118.16(4), Wis. Stats.

**ACT OF COMMISSION OR OMISSION** -- Anything that contributes to the truancy of a juvenile, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.II)

**DROPOUT** -- A child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school, is not enrolled in a program leading to high school graduation or a high school equivalency diploma, and does not have an acceptable excuse for being absent from school.

**HABITUAL TRUANT** -- A pupil who is absent from school without an acceptable excuse for part or all of five or more days in which school is held during a school semester.

**OPERATING PRIVILEGE** -- Has the meaning given in § 340.01(40), Wis. Stats.

**TRUANCY** -- Any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating the intent of § 118.15, Wis. Stats., shall also be considered truancy.

**TRUANT** -- A pupil who is absent from school without an acceptable excuse under §§ 118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.

**§ 175-6. Prohibited acts.**

- A. Prohibition of truancy.** A person under 18 years of age is prohibited from being truant.
- B. Prohibition against habitual truant.** Any person attending school in the Village, between the ages of six and 18 years, subject to the exceptions found under § 118.15, Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this article. Any police officer in this Village is authorized to issue a citation to any such person who is determined to be a habitual truant under the terms of this article.
- C. Prohibition of dropout.** A person under 18 years of age is prohibited from being a dropout.

**§ 175-7. Preconditions to issuance of citation.**

- A.** Prior to the issuance of any citation, the district school attendance officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled have, within the school year during which the truancy occurred:
  - (1)** Met with or attempted to meet with the juvenile's parent or legal guardian to discuss the juvenile's truancy.
  - (2)** Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.



- (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
- (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.

**B. Form of citation.** Any citation issued shall be returnable in the Municipal Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation, and no forfeiture amount is to be written on the face of the citation.

**§ 175-8. Dispositions.**

**A. Truant.** Upon finding a child to be truant, the Court shall impose one or more of the following dispositions:

- (1) **Attendance order.** An order for the person to attend school.
- (2) **Forfeiture.** A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to § 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of not more than \$500 plus costs for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the child, the parents or legal guardians of the child, or both.

**B. Habitual truant.** Upon finding the juvenile is habitually truant, the following dispositions are available to the Court:

- (1) **Suspension of operating privileges.** Suspend the juvenile's operating privileges as defined in § 340.01(40), Wis. Stats., for not less than 30 days nor more than 365 days. The Judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.
- (2) **Counseling, service or work program.** Order the juvenile to participate in counseling, community service or a supervised work program under § 938.34(5g), Wis. Stats. The costs of such counseling, supervised work program or other community service may be assessed against the child, the parents or legal guardians of the child, or both.
- (3) **In-house restraint.** Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship.

The order may permit a juvenile to leave home if the juvenile is accompanied by a parent or legal guardian.

- (4) **Education programs.** Order the juvenile to attend an educational program as set forth in § 938.34(7d), Wis. Stats.
- (5) **Revocation of work permits.** Order the Wisconsin Department of Workforce Development to revoke a work permit to the juvenile<sup>2</sup>.
- (6) **Teen court program.** Order the juvenile to be placed in a teen court program if all of the following conditions apply:
  - (a) The chief judge of the judicial administrative district has approved a teen court program established in the juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community.
  - (b) The juvenile admits or pleads no contest to the allegations that the juvenile was truant, in open court, with the juvenile's parent, guardian or legal custodian present.
  - (c) The juvenile has not successfully completed participation in a teen court program during the two years before the date of the alleged violation.
- (7) **Parental counseling.** Order the parent, guardian or legal custodian of a habitually truant juvenile to participate in counseling at his/her own expense.
- (8) **Attendance order.** Order the child to attend school.
- (9) **Forfeiture.** A forfeiture of not more than \$500 plus costs, subject to § 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the child, the parents or legal guardians of the child, or both.
- (10) **Other conditions.** Any other reasonable conditions consistent with this section, including a curfew, restrictions as to giving or remaining on specified premises, and restrictions on associating with other children or adults.
- (11) **Supervision placements.** An order placing the child under formal or informal supervision as described in § 938.34(2), Wis. Stats., for up to one year.

**§ 175-9. Required school attendance.**

- A. Violations.** Any person having under his/her control a juvenile who is between the ages of six and 18, subject to the exceptions found in § 118.15, Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes 18 years of age.

**B. Exceptions.**

- (1) A person will not be found in violation of this section if that person can prove that he/she is unable to comply with the provisions of this section because of the disobedience of the juvenile. The juvenile shall be referred to the court assigned to exercise jurisdiction under Ch. 48 or 938, Wis. Stats.
- (2) A person will not be found in violation of this section if he/she has a juvenile under his/her control and the child has been sanctioned under § 49.26(1)(h), Wis.Stats.

**C. Proof required for exacting a penalty.** Before a person may be found guilty of violating this section, the school attendance officer must present evidence to the court that the activities under § 118.16(5), Wis. Stats., have been completed by the school system. If that evidence has been presented to the court and if the court finds a person guilty of violating this section, a forfeiture may be assessed as hereinafter provided.

**D.** A person found to have violated this section shall be subject to a forfeiture pursuant to Chapter 1, General Provisions, § 1-5 of this Code<sup>3</sup>.

**§ 175-10. Contributing to truancy.**

- A.** Except as provided in Subsection B below, any person 18 years of age or older who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in § 175-5, of a juvenile shall be subject to a forfeiture pursuant to Chapter 1, General Provisions, § 1-5 of this Code.
- B.** Subsection A above does not apply to a person who has under his/her control a juvenile who has been sanctioned under § 49.26(1)(h), Wis. Stats.
- C.** An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be truant<sup>4</sup>.

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art.II).

4. Editor's Note: The definition of "truancy" and the section titled "Parent or guardian liability for truancy" which immediately followed this subsection were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 175-11. Citation process.**

For violations of this article, juveniles may be cited by the citation process on a form approved by the Village Attorney, which shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.

**§ 175-12. Violations and penalties<sup>5</sup>.**

Violations by a person under the age of 18 shall be punishable according to Chapter 1, General Provisions, § 1-5 of this Code and §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this article shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office

<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## **Chapter 180**

### **MOBILE HOMES**

#### **ARTICLE I**

##### **Administration and Enforcement**

- § 180-1. Short title.
- § 180-2. Findings and policy.
- § 180-3. Definitions.
- § 180-4. Permits for mobile home developments.
- § 180-5. Licenses for mobile
- § 180-6. Inspections; right of entry.
- § 180-7. Notice of violation; hearings and appeals.
- § 180-8. Exemptions.
- § 180-9. Violations and penalties.
- § 180-10. Location outside mobile home parks.

#### **ARTICLE II**

##### **Development Standards.**

- § 180-11. General requirements.
- § 180-12. Objectives.
- § 180-13. Density.
- § 180-14. Recreation area.
- § 180-15. Required setbacks, buffer strips and screening.
- § 180-16. Streets.
- § 180-17. Walks.
- § 180-18. Mobile home lots.
- § 180-19. Water supply and distribution system.
- § 180-20. Sewage disposal.

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 10, Ch. 7 and Title 7, Ch. 8 of the 1984 Code. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Building construction -- See Ch. 114.  
Subdivision of land -- See Ch. 295.

- § 180-21. Solid waste disposal.
- § 180-22. Electrical distribution system.
- § 180-23. Gas distribution system.
- § 180-24. Fuel oil distribution system
- § 180-25. Telephone and television service.
- § 180-26. Service buildings and other park facilities.

#### **ARTICLE III**

##### **Park Maintenance Regulations**

- § 180-27. Responsibilities of management.
- § 180-28. Responsibilities of residents.
- § 180-29. Accessory structures.
- § 180-30. Mobile home placement and anchorage.
- § 180-31. Solid waste storage and collection.
- § 180-32. Insect and rodent control.
- § 180-33. Fuel supply and storage.
- § 180-34. Fire protection.

#### **ARTICLE IV**

##### **Monthly Parking Fees**

- § 180-35. State statute adopted.
- § 180-36. Fee imposed.
- § 180-37. Determination and payment of fee.

Zoning -- See Ch. 310.

ARTICLE I  
**Administration and Enforcement**

**§ 180-1. Short title.**

This chapter shall be known and may be cited as the "Village of Genoa City, Wisconsin, Mobile Home Park Ordinance."<sup>1</sup>

**§ 180-2. Findings and policy.**

- A.** The Village Board, hereafter referred to as the "governing body," of the Village of Genoa City, Wisconsin, hereinafter referred to as the "municipality," finds that properly planned and operated mobile home parks:
- (1) Promote the safety and health of the residents of such parks and of other nearby parks.
  - (2) Encourage economical and orderly development of such parks and other nearby parks.
- B.** It is, therefore, declared to be the policy of this Village to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the standards and regulations necessary to accomplish these purposes.

**§ 180-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURE** -- Any structural addition to the mobile home, which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.

**BUILDING** -- A roofed structure erected for permanent use.

**COMMON AREA** -- Any area or space designed for joint use of tenants occupying mobile home developments.

**COMMON MANAGEMENT** -- The person who owns or has charge, care or control of the mobile home development.

**DENSITY** -- The number of mobile homes or mobile home stands per gross acre.

**DRIVEWAY** -- A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots of common facilities.

1. Editor's Note: Throughout this chapter, "mobile home community" was amended to "mobile home park" at time of adoption of Code (see Ch. 1, General Provisions, Art.II)

**DWELLING** -- Same as "living unit."

**EASEMENT** -- A vested or acquired right to use land, other than as a tenant, for specific purposes, such right being held by someone other than the owner who holds title to the land.

**ENFORCING AGENCY** -- The health authority or other authorized representative of the Village charged with the duty to enforce the provisions of this chapter. (See "health authority.")

**HEALTH AUTHORITY** -- The Building Inspector or other authorized representative appointed by the Village.

**HOUSING** -- Living units, dwellings and/or other structures that shelter or cover.

**LICENSE** -- A written document issued by the enforcing agency allowing a person to operate and maintain a mobile home development under the provisions of this chapter.

**LIVING UNIT** -- A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**LOT AREA** -- The total area reserved for exclusive use of the occupants of a mobile home.

**LOT LINE** -- A line bounding the lot as shown on the accepted plot plan.

**MOBILE HOME** -- A mobile home as defined by § 66.0435, Wis. Stats.

**MOBILE HOME DEVELOPMENT** -- A contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of developments intended for the sale of individual lots or parcels for the placement of mobile homes shall not be included within the definition of a mobile home development and shall not be subject to the provisions of this chapter but shall conform to other applicable land use control measures of the Village.

**MOBILE HOME LOT** -- A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**MOBILE HOME PARK** -- A mobile home development and related utilities and facilities, including the mobile home and all of the people living within the development.

**MOBILE HOME STAND** -- That part of an individual mobile home lot which has been reserved for the placement of a mobile home.

**OCCUPIED AREA** -- That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

**PARK SYSTEM (WATER OR SEWERAGE)** -- A central system which serves all living units and is not publicly owned.

**PERMIT** -- A written document issued by the enforcing agency permitting the construction, alteration or expansion of a mobile home development.

**PERMANENT BUILDING** -- A building, except a mobile home accessory structure.

**PERSON** -- Any individual, firm, trust, partnership, public or private association or corporation.

**PLAT** -- Any map, plan or chart of a city, town, section or subdivision indicating the location and boundaries of individual properties.

**PLOT** -- A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

**POWER SUPPLY ASSEMBLY** -- The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plugs, caps and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.

**PRIVATE STREET** -- A private way which affords the principal means of access to abutting individual mobile home lots and auxiliary buildings.

**PROPERTY** -- A plot with any buildings or other improvements located thereon.

**PROPERTY LINE** -- A recorded boundary of a plot.

**PUBLIC STREET** -- A public way which affords the principal means of access to abutting properties.

**PUBLIC SYSTEM (WATER OR SEWERAGE)** -- A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of a state.

**RIGHT-OF-WAY** -- The area, either public or private, over which the right of passage exists.

**SERVICE BUILDING** -- A building housing toilet, lavatory and such other facilities as may be required by this chapter.

**SERVICE EQUIPMENT** -- The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories, located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply to that mobile home or building.



**SEWER CONNECTION** -- A connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home development.

**SEWER RISER PIPE** -- That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

**SHALL** -- Indicates that which is required.

**SHOULD** -- Indicates that which is recommended but not required.

**SITE** -- A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**WATER CONNECTION** -- A connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

**WATER RISER PIPE** -- That portion of the water supply system serving the mobile home development which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

**§ 180-4. Permits for mobile home developments.**

**A. Permit required.** It shall be unlawful for any person to construct, alter or extend any mobile home development within the Village unless he holds a valid permit issued by the enforcing agency in the name of such person for the specific construction, alteration or extension proposed.

**B. Permit applications.** All applications for permits shall contain the following:

- (1) Name and address of applicant.
- (2) Location and legal description of the mobile home development.
- (3) Complete engineering plans and specifications of the proposed development showing but not limited to the following:
  - (a) The area and dimensions of the tract of land;
  - (b) The number, location, and size of all mobile home lots;
  - (c) The location and width of roadways and walkways;
  - (d) The location of water and sewer lines and riser pipes;

- (e) Plans and specifications of the water supply and refuse and sewage disposal facilities;
  - (f) Plans and specifications of all buildings constructed or to be constructed within the mobile home development; and
  - (g) The location and details of lighting and electrical systems.
- C. **Fee.** All applications shall be accompanied by the deposit of a fee as set by the Village Board.
- D. **Issuance of permit.** When, upon review of the application, the Village Board is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued.
- E. **Denial of permit.** Any person whose application for a permit under this chapter has been denied may request and shall be granted a hearing on the matter before the enforcing agency under the procedure provided by this chapter.

**§ 180-5. Licenses for mobile home parks.**

- A. It shall be unlawful for any person to administer any mobile home park in the Village unless he holds a valid license issued annually by the enforcing agency in the name of such person for the specific mobile home park. All applications for licenses shall be made to the Building Inspector, who shall issue a license upon compliance by the applicant with provisions of this chapter and upon the approval of the Village Board.
- B. Every person holding a license shall give notice in writing to the Building Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a fee as set by the Village Board, the license shall be transferred if the mobile home park is in compliance with the applicable provisions of this chapter<sup>2</sup>.
- C. **Applications.**
  - (1) Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by deposit of a fee as set by the Village Board and shall contain the name and address of the applicant and the location and legal description of the mobile home park showing all mobile home stands, structures, roads, and other service facilities.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

(2) Applications for renewal of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee as set by the Village Board and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

- D. Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on the matter before the Village Board under the procedure provided by § 180-7B of this chapter.
- E. Whenever, upon inspection of any mobile home park, the Building Inspector finds that conditions or practices exist which are in violation of this chapter, the Building Inspector shall give notice in writing in accordance with § 180-7A to the person to whom the license was issued that, unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Building Inspector, the license shall be suspended. At the end of such period the Building Inspector shall re-inspect such mobile home park and, if such conditions or practices have not been corrected, shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension such person shall cease administration of such mobile home park except as provided in § 180-7B.

**§ 180-6. Inspections; right of entry.**

- A. The Building Inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.
- B. The Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.
- C. The Building Inspector shall have the power to inspect the register containing a record of all residents of the mobile home park.
- D. It shall be the duty of every resident of a mobile home park to give the management thereof or its designated agent access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

**§ 180-7. Notice of violation; hearings and appeals.**

- A. Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Building Inspector shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

(1) Be in writing.

- (2) Include a statement of the reasons for its issuance.
- (3) Allow a reasonable time for the performance of any act it requires.
- (4) Be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address or when he has been served with such notice by any method authorized or required by the laws of this state.
- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

**B.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter shall take the remedial action required to effect compliance with the provisions of this chapter. In the event that such action is not taken in the period provided for in the notice issued pursuant to Subsection A herein, the license or permit shall be subject to revocation or suspension pursuant to § 66.0435(2)(d), Wis. Stats. The holder of the license or permit shall be entitled to a public hearing before the Village Board on the issue of revocation or suspension, shall be given 10 days' notice in writing of such hearing, and shall be entitled to appear and be heard as to why such license shall not be revoked. The holder of such permit or license shall have such rights to appeal revocation or suspension of his permit or license as shall be provided by law.

**§ 180-8. Exemptions.**

- A.** Where the Building Inspector finds that compliance with provisions of this chapter would result in undue hardship, an exemption may be granted by the enforcing agency without impairing the intent and purpose of this chapter. Deviations from design, construction and installation provisions shall be brought into compliance within one of two periods of time, either a period of time hereinafter referred to as a "minimum period" not to exceed one year or a period of time hereinafter referred to as a "maximum period" not to exceed five years. Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include but not be limited to the economic feasibility of improvement, nature, significance and extent of the deviation, depreciation of materials, improvements, the existing layout, and other similar factors.
- B.** Such period shall begin after the Building Inspector has given notice of a certain and specific deviation from this chapter to the person to whom the permit or certification was issued.
- C.** Gradual improvements to a higher degree of conformity shall be permissive, provided that there shall be complete conformity at the end of a period prescribed by the Building Inspector.

**§ 180-9. Violations and penalties<sup>3</sup>.**

Except as otherwise specifically provided for herein, any person who violates any provision of this chapter shall, upon conviction, be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code, and each day's failure to comply shall constitute a separate violation. The imposition of any such fine shall not bar any other relief or penalties otherwise applicable.

**§ 180-10. Location outside mobile home parks.**

- A.** It shall be unlawful for any person to park any mobile home or trailer on any street, alley, or highway, or other public place, or any tract of land owned by any person, firm or corporation within the Village of Genoa City, Walworth County, Wisconsin, provided that emergency or temporary stopping or parking is permitted on any street, alley or highway subject to other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances of the Village of Genoa City<sup>4</sup>.
- B.** A mobile home located outside of an approved mobile home park shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time.

**ARTICLE II  
Development Standards**

**§ 180-11. General requirements.**

- A.** A mobile home development shall be located only upon property designated for that use by the appropriate public planning agency.
- B.** No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park. Nothing contained in this section shall be deemed as prohibiting the sale of the mobile home located on a mobile home stand and connected to the pertinent utilities.
- C.** Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion which would expose persons or property to hazards.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

4. Editor's Note: See Ch. 265, Vehicles and Traffic

**§ 180-12. Objectives.**

Site planning improvements shall provide for:

- A. Facilities and amenities appropriate to the needs of the occupants.
- B. Safe, comfortable and sanitary use by the occupants under all weather conditions.
- C. Practical and efficient operation and maintenance of all facilities at reasonable costs.

**§ 180-13. Density.**

- A. The maximum density of mobile homes shall be regulated by separation requirements, occupied lot area ratios and recreation area requirements as set forth in this chapter. Density will vary considerably in accommodating different sizes of mobile home units with their accessory structures used in the locality and in the type of layout proposed.
- B. Each mobile home site shall be separated from other mobile home spaces by a yard not less than 15 feet.
- C. Mobile home stands shall not occupy an area in excess of 1/4 of the respective lot area. The accumulated occupied area of the mobile home and its accessory structures on a mobile home lot shall not exceed 1/2 of the respective lot area.

**§ 180-14. Recreation area.**

Not less than 8% of the gross site area shall be devoted to recreational facilities, generally provided in a central location; provided, however, that this requirement shall not be less than 1/2 acre for each 100 sites, and the minimum area in any development shall be not less than 1/2 acre. In larger developments recreation facilities can be decentralized with at least one area large enough for a small softball park (2/3 of an acre). Recreation areas may include space for park buildings and park use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops, and service buildings.

**§ 180-15. Required setbacks, buffer strips and screening.**

- A. All mobile homes shall be located at least 40 feet from the exterior property boundary line except where greater distances are required by Chapter 310, Zoning, of this Code. All mobile homes shall be set back at least 25 feet from the right-of-way line of any internal public or private street system of the park (development).
- B. There shall be a minimum distance of 25 feet between the mobile home stand and the abutting street.
- C. All mobile home developments shall be provided with screening such as fences or natural growth having a minimum height of five feet along the property boundary line separating the development and adjacent land uses.

#### § 180-16. Streets.

- A. General.** All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
- B. Entrance streets.** Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.
- C. Circulation.** The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 1,000 feet and their closed end shall be provided with an adequate turnaround (eighty-foot diameter cul-de-sac).
- D. Pavement widths.** Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street, with fourteen-foot minimum moving lanes for collector streets, ten-foot minimum moving lanes for minor streets, and seven-foot minimum lane for parallel parking, and in all cases shall meet the minimum requirements of Chapter 295, Subdivision of Land, of this Code and the Master Plan or Master Plan component.
- E. Street grades.** Grades of all streets shall be sufficient to ensure adequate surface drainage and shall further be in conformance with Chapter 295, Subdivision of Land.
- F. Intersections.** Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point shall not be allowed.
- G. Extent of improvements.** All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes and its edges shall be protected by suitable means to prevent traveling and shifting of the base.
- H. Streetlights.** Lighting shall be designed to produce a minimum of 0.1 footcandle throughout the street system. Potentially hazardous locations, such as major street intersections and steps or stepped ramps, shall be individually illuminated with a minimum of 0.3 footcandle.

#### § 180-17. Walks.

- A. **General requirements.** All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.
- B. **Common walk system.** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet.
- C. **Individual walks.** All mobile home stands should be connected to common walks, or to streets, or to driveways or to parking spaces. Such individual walks shall have a minimum width of three feet.

**§ 180-18. Mobile home lots.**

- A. **General.** The limits of each mobile home lot should be marked on the ground by suitable means. Location of lot limits on the ground should be the same as shown on accepted plans.
- B. **Mobile home stands.** The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs shall be provided, such as cast-in-place concrete "dead men," eyelets imbedded in concrete screw augers or arrowhead anchors, placed at each corner of the mobile home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds.
- C. **Driveways.** Improved driveways should be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be 10 feet.
- D. **Parking spaces.** The design criteria for automobile parking shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem.
- E. **Outdoor living area.** Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than 300 square feet with a least dimension of 15 feet.

**§ 180-19. Water supply and distribution system.**

- A. **General requirements.** An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development. When a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection will be made thereto and its supply used exclusively. When a satisfactory



public water supply is not available, a private water supply system may be developed and used as approved by the Village Board.

**B. Source and volume of supply.**

- (1) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.
- (2) Every well or suction line of the water supply system shall comply with appropriate regulations of state law.
- (3) No well casings, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- (4) The treatment of a private water supply shall be in accordance with applicable laws and regulations.

**C. Water storage facilities.** All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

**D. Water distribution system.**

- (1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the health authority.
- (2) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.
- (3) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds and not more than 80 pounds per square inch under all normal operating conditions at each mobile home stand. Also the system shall be capable of supplying 50 mobile homes with a demand load of 100 gallons per minute, 100 mobile homes with 180 gallons per minute, and 300 mobile homes with 370 gallons per minute. Greater design values may be required when the system is to provide fire hydrants. In such event the water supply system shall permit the operation of a minimum of two one-and-one-half-inch hose streams. Each of two nozzles, held four feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 20 pounds per square inch at the highest elevation point of the development.

- (4) Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building or other structure in the development.
- (5) Water mains, if installed parallel to sewer lines, shall be separated, whenever possible, at least 10 feet horizontally from any sanitary sewer, storm sewer or sewer manhole. In case of unusual conditions, separation requirements can be waived, provided the sewer is constructed of materials and with joints that are equivalent to water main standards of construction and shall be pressure tested to assure water-tightness prior to backfilling.

**E. Individual water riser pipes and connections.**

- (1) Individual water riser pipes shall be located within the area of the mobile home stand and approximately 30 feet from the front of such stand.
- (2) Water riser pipes shall extend at least four inches above ground elevation. The pipe diameter shall be at least 3/4 inch. The water outlet shall be capped when a mobile home does not occupy the lot.
- (3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- (4) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot.
- (5) Underground stop and waste valves shall not be installed on any water service.

**§ 180-20. Sewage disposal.**

- A. General requirements.** An adequate and safe sewerage system shall be provided in all mobile home developments for conveying and disposing of all sewage. Wherever feasible and where required by the Village Board, connection shall be made to a public system. All new improvements shall be designed, constructed and maintained in accordance with state and local laws.
- B. Sewer lines.** All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the development water supply system at a safe distance [see § 180-19D(5)]. Sewers shall be at a grade which will ensure a velocity of two feet per second when flowing full. The system shall be designed adequate for a minimum flow of 150 gallons per day per mobile home lot. All sewer lines shall be constructed of materials approved by the enforcing agency, shall be adequately vented and shall have watertight joints.

**C. Individual sewer connections.**

- (1) Each mobile home stand shall be provided with a four-inch-diameter sewer riser pipe. The sewer riser pipe shall be located within the area of the mobile stand and approximately 40 feet from the front of such stand.
- (2) The sewer connection (see definition) shall have a nominal inside diameter of three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. The sewer connection shall consist of one pipeline without any branch fittings. All joints shall be watertight.
- (3) All materials used for sewer connections shall be semi-rigid, corrosive-resistant, nonabsorbent and durable. The inner surface shall be smooth.
- (4) Provisions shall be made for adequately sealing the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

**D. Sewage treatment and/or discharge.** Where the sewer lines of the mobile home development are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Building Inspector prior to construction. Effluents from sewage treatment facilities shall be discharged only as permitted by the enforcing agency.

**§ 180-21. Solid waste disposal.**

- A.** Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- B.** Solid waste incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the enforcing agency or other authority having jurisdiction.

**§ 180-22. Electrical distribution system.**

- A. Definition.** "Mobile home electrical wiring system" shall mean all of the electrical wiring, fixtures, equipment and appurtenances related to electrical installations within a mobile home development, up to the mobile home service entrance conductor, or, if none, the mobile home service equipment.
- B.** All electrical installations in mobile home developments shall be designed and constructed in accordance with the applicable electrical code adopted by the enforcing agency (National Electrical Code, Section 550).

**C. Distribution system.** The mobile home development secondary electrical distribution system to mobile home lots shall be single phase, 120/240 volts.

**D. Calculated load.**

- (1) Mobile home development electrical wiring systems shall be calculated on the basis of not less than 16,000 watts (at 120/240 volts) per each mobile home service. The demand factors which are set forth in the following table are the minimum allowable demand factors which may be used in calculating load on feeders and service.

Number of Mobile Home Lots	Demand Factor (percent)
1	100
2	55
5	33
10	27
20	25
50	23
100 and over	22

- (2) For the purpose of this section, where the development service exceeds 240 volts, transformers and secondary distribution panel boards shall be treated as services.
- (3) Mobile home lot feeder circuit conductors shall have adequate capacity for the loads supplied and shall be rated at not less than 100 amperes at 120/240 volts.

**E. Mobile home service equipment.**

- (1) Mobile home service equipment shall be rated at not less than 100 amperes. Provision may be made for connecting a mobile home power supply assembly by a permanent wiring method which may have fifty-ampere receptacles conforming to applicable electrical codes.
- (2) Mobile home service equipment may also be provided with a means for connecting a mobile home accessory building or structure or additional electrical equipment located outside a mobile home by a permanent wiring method.
- (3) Additional receptacles may be provided for connection of electrical equipment located outside the mobile home.
- (4) The point of the electrical connection for the mobile home shall be within the area of the mobile home stand and approximately 40 feet from the front of such stand.

**§ 180-23. Gas distribution system.**

- A. General.** Gas equipment and installations within a mobile home development shall be designed and constructed in accordance with the appropriate provisions of the American National Standards Institute, ANSI Z 21.30 and Z 106.1.
- B. Required gas supply.** The minimum hourly volume of gas required at each mobile home lot outlet or any section of the mobile home development gas piping system shall be calculated as follows:
- (1) For the most remote mobile home lot outlet on any branch or main:
    - (a) **Natural gas:** 125 cubic feet per hour.
    - (b) **Liquefied petroleum gas:** 50 cubic feet per hour.
  - (2) For the second most remote outlet on any branch or main:
    - (a) **Natural gas:** 100 cubic feet per hour.
    - (b) **Liquefied petroleum gas:** 40 cubic feet per hour.
  - (3) For the third most remote outlet on any branch or main:
    - (a) **Natural gas:** 75 cubic feet per hour.
    - (b) **Liquefied petroleum gas:** 30 cubic feet per hour.
  - (4) After the third most remote outlet, subsequent branch or main line loadings may be computed using a value of 50 cubic feet per hour for natural gas and 20 cubic feet per hour for liquefied petroleum gas.
- C. Installation.** All gas piping installed below ground shall have a minimum earth cover of 18 inches. Gas piping shall not be installed under any mobile home.
- D. System shutoff valve.** A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near the point of connection to the service piping or supply connection of the liquefied petroleum gas tank.
- E. Mobile home lot shutoff valve.** Each mobile home lot shall have an approved gas shutoff valve installed upstream of the mobile home lot gas outlet and located on the outlet riser at the height of not less than four inches above grade. Such valve shall not be located under any mobile home. Whenever the mobile home lot outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

- F. Mobile home connector.** Each mobile home shall be connected to the mobile home lot outlet by an approved three-quarter-inch mobile home connector not more than six feet in length. Approved pipe and fittings may be used between the flexible connector and the mobile home lot gas outlet when the distance between the mobile home gas outlet and the mobile home gas service connection exceeds that required to make a safe installation with only a mobile home connector.
- G. Mechanical protection.** All gas outlet risers, regulators, meters, valves or other exposed equipment shall be protected from mechanical damage by vehicles or other causes.
- H. Location.** The mobile home gas connection shall be installed at the edge of the mobile home stand, approximately 30 feet from the front of such stand, and located so as not to terminate beneath the mobile home.

**§ 180-24. Fuel oil distribution system.**

- A.** Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Piping installed below ground shall have a minimum earth cover of 18 inches.
- B.** All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
- C.** All fuel oil storage tanks or cylinders should be installed underground and shall not be located inside or beneath any mobile home or accessory structure or less than five feet from any mobile home exit.
- D.** Every tank shall be vented by a vent not less than 1 1/4 inches iron pipe size, so designed and installed to prevent entrance of rain or debris.
- E.** A shutoff valve located immediately adjacent to the feed connection of a tank shall be installed in the supply line to the mobile home.
- F.** Fuel oil connectors from the tank to the mobile home shall be brass or copper tubing or approved flexible metal hose, not smaller than 3/8 inch iron pipe size or tubing, and shall be protected from physical damage. Aluminum tubing shall not be used.
- G.** Valves and connectors shall be listed standard fittings maintained liquid tight to prevent spillage of fuel oil on the ground.

**§ 180-25. Telephone and television service.**

- A.** When telephone service to mobile home stands is provided, the distribution systems shall be underground.

- B.** Where central television antenna systems are to be installed as part of the property to be covered by mortgage insurance, a warranty shall be obtained to assure satisfactory service. Distribution to mobile home stands may be overhead or underground but shall be in general accord with the placement of the electrical distribution system.

**§ 180-26. Service buildings and other park facilities.**

- A. General.** The requirements of this section shall apply to service buildings, recreation buildings and other park service facilities such as:

- (1) Management offices, repair shops and storage areas.
- (2) Sanitary facilities.
- (3) Laundry facilities.
- (4) Indoor recreation areas.
- (5) Commercial uses supplying essential goods or services for the exclusive use of development occupants.

- B. Park sanitary facilities.** Every development shall be provided with the following emergency sanitary facilities: for each 100 mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.

- C. Permanent buildings.**

- (1) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- (2) All rooms containing sanitary or laundry facilities shall:
  - (a) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.
  - (b) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them.

- (3) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (4) Illumination levels shall be maintained as follows:
  - (a) General seeing tasks: five footcandles.
  - (b) Laundry room work area: 40 footcandles.
  - (c) Toilet room, in front of mirrors: 40 footcandles.
- (5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

ARTICLE III  
**Park Maintenance Regulations**

**§ 180-27. Responsibilities of management.**

- A. The person to whom a license for a mobile home park is issued shall provide adequate supervision to maintain the park in compliance with this chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The management shall notify the park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
- C. The management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.
- D. The management shall maintain a register containing the names of all park residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
- E. The management shall notify the enforcing agency immediately of any suspected communicable or contagious disease within the park.

**§ 180-28. Responsibilities of residents.**

- A. The resident shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.
- B. The resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the management.



- C. Pets, if permitted in the park, shall be governed by appropriate Village ordinances<sup>5</sup>.
- D. Skirting, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:
  - (1) The storage area shall be provided with a base of impervious material.
  - (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - (3) The storage area shall be enclosed by skirting.
- E. The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof and watertight.
- F. First aid fire extinguishers for Class A, B and C fires shall be kept at the premises and maintained in working condition.

**§ 180-29. Accessory structures.**

- A. Accessory structures remain as per definition dependent upon the mobile home and shall not be used as complete, independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed and occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable state or local standards and as specified in this chapter.
- B. Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development.
- C. Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.
- D. Construction and electrical installations shall comply with the applicable regulations of the municipality.
- E. Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.

5. Editor's Note: See Ch. 101, Animals

**§ 180-30. Mobile home placement and anchorage.**

- A. The mobile home shall be properly placed on its foundation and its stability shall be affirmed.
- B. The mobile home shall be properly secured against high wind velocities. Overturning, sliding or uplift shall be prevented through anchors, tie-downs or similar devices.
- C. Placement and anchorage shall be provided in accordance with §§ 180-18B, 180-27C and 180-28B of this chapter.

**§ 180-31. Solid waste storage and collection.**

- A. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- B. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
- C. Where municipal or private disposal service is not available, the management shall dispose of the refuse by incineration or transporting to a disposal site approved by the Village Board.
- D. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the health authority or other authority having jurisdiction.
- E. Incinerators shall be operated only when attended by some person specifically authorized by the management.

**§ 180-32. Insect and rodent control.**

- A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Village Board.
- B. The park shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- C. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building material shall be stored at least one foot above the ground.
- D. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

- E. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The park shall be so maintained by management as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

**§ 180-33. Fuel supply and storage.**

- A. Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 25 nor more than 500 gallons liquefied petroleum gas capacity.
- B. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the enforcing agency.
- C. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

**§ 180-34. Fire protection.**

- A. Mobile home parks shall be kept free of litter, rubbish and other flammable materials.
- B. Portable fire extinguishers rated for Classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their UL or Factory Mutual rating shall not be less than six.
- C. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.
- D. Fire hydrants, if provided, shall comply with § 180-19D(4).

ARTICLE IV  
**Monthly Parking Fees**

**§ 180-35. State statute adopted.**

The provisions of § 66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

**§ 180-36. Fee imposed.**

There is hereby imposed on each occupied, nonexempt mobile home located in the Village of Genoa City a monthly parking fee as determined in accordance with § 66.0435, Wis. Stats. Said fees shall be paid to the Village Clerk-Treasurer on or before the 10th day of the month following the month for which such fees are due.

**§ 180-37. Determination and payment of fee.**

- A. How determined.** Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk-Treasurer and Village Assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the Village Clerk-Treasurer in accordance with § 66.0435(3)(c) and (e), Wis. Stats.
- B. Payment of fees.** Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Clerk-Treasurer as provided in § 180-36.
- C. Deposits required.** Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Village Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the Village Clerk-Treasurer a cash deposit of \$25 to guarantee payment of such fees when due to the Village Clerk-Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied nonexempt mobile home therein and remit such deposits to the Village Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Village Clerk-Treasurer shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

## Chapter 186

### NUISANCES

§ 186-1. Public nuisances prohibited.

§ 186-2. Public nuisance defined.

§ 186-3. Public nuisances affecting health

§ 186-4. Public nuisances offending  
morals and decency.

§ 186-5. Public nuisances affecting peace  
and safety.

§ 186-6. Abatement of public nuisances.

§ 186-7. Recovery of abatement costs.

§ 186-8. Regulation of Smoking

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 9, Ch. 6 of the 1984 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Alcoholic beverages -- See Ch. 93.

Animals -- See Ch. 101.

Fire prevention -- See Ch. 139.

Food-handling establishments -- See Ch. 149.

Pollution -- See Ch. 200.

Property maintenance -- See Ch. 205.

Solid waste -- See Ch. 228.

Trees and shrubs -- See Ch. 251.

Abandoned and junked vehicles -- See Ch. 261.

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#### § 186-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

#### § 186-2. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.
- C. Greatly offend the public morals or decency.
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### **§ 186-3. Public nuisances affecting health.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 186-2:

- A. Adulterated food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans.** Privy vaults and garbage cans which are not fly-tight.
- F. Noxious weeds.** All noxious weeds and other rank growth of vegetation. All weeds shall be kept cut to a height of not to exceed one foot.
- G. Water pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc.** Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- I. Street pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.

### **§ 186-4. Public nuisances offending morals and decency.**

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 186-2:

- A. Disorderly houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- B. Gambling devices.** All gambling devices and slot machines.
- C. Unlicensed sale of liquor and beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village<sup>1</sup>.
- D. Continuous violation of Village ordinances.** Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Illegal drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

**§ 186-5. Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 186-2:

- A. Signs, billboards, etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. Illegal buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- C. Unauthorized traffic signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree limbs.** All limbs of trees which project over any public sidewalk, street or other public place and present a safety hazard.

1. Editor's Note: See Ch. 160, Intoxicating Liquore and Fermented Malt Beverages

- F. Dangerous trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village<sup>2</sup>.
- H. Dilapidated buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets.** All wires over streets, alleys, or public grounds which are strung less than 20 feet above the surface thereof.
- J. Noisy animals or fowl.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- K. Obstructions of streets; excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village<sup>3</sup>, or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.

**§ 186-6. Abatement of public nuisances.**

- A. Enforcement.** The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- B. Summary abatement.** If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement after notice.** If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.

2. Editor's Note: See Ch. 143, Fireworks

3. Editor's Note: See Ch. 234, Streets and Sidewalks



- D. Other methods not excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

**§ 186-7. Recovery of abatement costs.**

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

**§ 186-8. Regulation of Smoking.**

- A.** State Statutes Adopted: Section 101.123.Stats., is hereby adopted.

- B .** Definitions:

- (1) Person in charge means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.
- (2) Prohibited place means any place or location in the Village of Genoa City as described in ss. 101.123 (2) (a) , (d) and (e) , Stats.
- (3) Enclosed indoor area means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes a retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

- C.** No person may smoke in or at any prohibited place or location.

- D.** A person in charge:

- (1) May not allow any person to smoke in or at any prohibited place or location under the control or direction of the person in charge.
- (2) May not provide matches, ashtrays, or other equipment where smoking is prohibited.
- (3) Shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

- (a) Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
- (b) Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
- (c) Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

4. Shall immediately notify an appropriate law enforcement agency of a violation if a person refuses to leave a place or location after being requested to do so.

- E.** If the person in charge has not previously received a warning notice for a violation of subs. (3) (b) through (3) (c), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
- F.** All definitions and other provisions of Section 101.123 of the Wisconsin Statutes consistent with the foregoing, and as may be amended from time to time, are hereby adopted by reference.
- G.** A violation of this sub-section 186-8 of the Municipal Code relating to the prohibition of smoking in various places shall be \$100 for each violation except that the forfeiture for a person in charge cannot exceed \$100 per day.

## **Chapter 194**

### **PEACE AND GOOD ORDER**

#### **ARTICLE I**

##### **General Provisions**

§ 194-1. Offences against state laws subject to forfeiture.

#### **ARTICLE II**

##### **Offences against Public Safety and Peace**

§ 194-2. Firearms.

§ 194-3. Throwing or shooting arrows. Stones and other missiles.

§ 194-4. Defecating or urinating in public places.

§ 194-5. Obstructing streets and sidewalks.

§ 194-6. Loitering.

§ 194-7. Loud and unnecessary noise.

§ 194-8. Injury to public monuments and structures.

§ 194-9. Depositing snow on streets.

§ 194-10. Possession and use of marijuana.

§ 194-11. Unauthorized presence on school property.

§ 194-12. Damaging or tampering with coin machines.

§ 194-13. Damage to public property.

§ 194-14. Vandalism.

§ 194-15. Fires in public parks.

§ 194-16. Harassing or obscene telephone

[HISTORY: Adopted by the Village Board of the Village of Genoa City as §§ 9-1-1, 9-2-1 to 9-2-14, 9-2-16 and 9-2-17 and Title 9, Ch. 3 of the 1984 Code. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Alcoholic beverages -- See Ch. 93.

Amusements -- See Ch. 97.

calls.

#### **ARTICLE III**

##### **Offenses Against Property**

§ 194-17. Destruction of property.

§ 194-18. Littering.

§ 194-19. Open cisterns, wells, basements or other dangerous excavations.

§ 194-20. Abandoned refrigerators.

§ 194-21. Retail theft.

§ 194-22. Storage of junked or discarded property.

§ 194-23. Issuance of worthless checks.

§ 194-24. Theft of library material.

§ 194-25. Operation of mini-bikes and all-terrain vehicles.

§ 194-26. Damaging utilities; posting notices.

§ 194-27. Unlawful financial transaction with a child.

#### **ARTICLE IV**

##### **Sex Offender Regulations**

§ 194-30. Purpose and Intent.

§ 194-31. Definitions.

§ 194-32. Residency Restrictions.

§ 194-33. Child Safety Zones.

§ 194-34.

§ 194-35. Appeal.

§ 194-36. Penalties and Remedies.

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ARTICLE I  
General Provisions

**§ 194-1. Offenses against state laws subject to forfeiture. [Amended 10-10-1991]**

The following statutes defining offenses against the state are adopted to define offenses against this municipality. Except for § 134.66, Wis. Stats., the penalties for which shall strictly conform to those provided in such section, the penalty provided herein for commission of the following offenses shall be limited to a forfeiture imposed under the general penalty provisions of this Code<sup>1</sup>. Any amendments, revisions or modifications of the following statute sections are intended to be made a part of this Code.

134.66	Restrictions on sale or gift of cigarettes or tobacco products
167.10	Fireworks regulated
175.25	Illegal storage of junked vehicles
254.76	Careless smoking
939.05	Aiding and abetting
939.22	Words and phrases defined
940.19(1)	Battery
941.01	Negligent operation of a vehicle off highway
941.10	Negligent handling of burning materials
941.12	Interfering with or failing to assist in fire fighting
941.13	False alarms and interference with fire fighting
941.20(1)	Reckless use of weapon
941.23	Carrying concealed weapon
941.235	Carrying a firearm in a public building
941.24	Possession of switchblade knife
941.35	Emergency telephone calls
941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
943.01(1)	Criminal damage to property
943.06	Molotov cocktails
943.11	Entry into locked vehicle
943.13	Criminal trespass to land
943.14	Criminal trespass to dwellings
943.20	Theft of property
943.21	Fraud on innkeeper
943.23	Operating vehicle without owner's consent
943.24	Worthless checks
943.34	Receiving stolen property
943.37	Alteration of property identification marks
943.38(3)	Forgery
943.41	Credit card crimes
943.50	Retail theft

944.20 Lewd and lascivious behavior

1. Editor's Note: See Ch. 1, General Provisions, § 1-5

944.21 Lewd, obscene, or indecent matter, pictures and performances  
944.23 Making lewd, obscene or indecent drawings  
944.30 Prostitution  
944.31 Patronizing prostitutes  
944.33 Pandering  
944.34 Keeping place of prostitution  
945.01 Definitions relating to gambling  
945.02 Gambling  
945.03 Commercial gambling  
945.04 Permitting premises to be used for commercial gambling  
946.40 Refusing to aid officer  
946.41 Resisting or obstructing officer  
946.42 Escape  
946.65 Obstructing justice  
946.69 Falsely assuming to act as public officer or employee  
946.70 Impersonating peace officer  
946.72 Tampering with public records and notices  
947.01 Disorderly conduct  
947.012 Unlawful use of telephone  
947.015 Bomb scares  
947.06 Unlawful assemblies  
951.01 Definitions  
951.015 Construction and application  
951.02 Mistreating animals  
951.03 Dog-napping or cat-napping  
951.04 Leading animal from motor vehicle  
951.05 Transportation of animals  
951.06 Use of poisonous and controlled substances  
951.07 Use of certain devices prohibited  
951.08 Instigating fights between animals  
951.09 Shooting at caged or staked animals  
951.10 Sale of baby rabbits, chicks and other fowl  
951.11 Artificially colored animals; sale  
951.13 Providing proper food and drink to confined animals  
951.14 Providing proper shelter  
951.15 Animals, neglected or abandoned; police powers

## ARTICLE II Offenses Against Public Safety and Peace

### § 194-2. Firearms.

- A. No person, except a sheriff, constable, police officer or their deputies, shall fire or discharge any firearm, rifle, or spring or air gun within the Village or have any firearm, rifle, or spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container.
- B. No person shall, in the territory adjacent to the Village, discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- C. Possession of firearms in public buildings and business establishments prohibited.
  - (1) Definitions. As used in this Subsection C, the following terms shall have the meanings indicated:

**FIREARM** -- Any rifle, shotgun, handgun, spring gun, air gun or bow and arrow device.

**LAW ENFORCEMENT OFFICER** -- Any person employed by the state, county or Village for the purpose of detecting and preventing crime and enforcing laws or ordinances he or she is employed to enforce.
  - (2) No person, except a law enforcement officer, shall have in his or her possession, carry or bear any firearms within any publicly owned building or business establishment open to the public within the Village.
  - (3) This Subsection C shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

**§ 194-3. Throwing or shooting arrows, stones and other missiles.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

**§ 194-4. Defecating or urinating in public places.**

It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

**§ 194-5. Obstructing streets and sidewalks.**

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free

passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

**§ 194-6. Loitering.**

- A.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- B. Obstruction of highway by loitering.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- C. Obstruction of traffic by loitering.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, street crossings and bridges or other public places by persons passing along and over the same.
- D. Loitering after being requested to move.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such place.
- E. Loitering in public places.** No person shall loiter, lounge, or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

**§ 194-7. Loud and unnecessary noise.**

- A.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.

**B.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) **Horns and signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
- (2) **Radios, phonographs and similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) **Loudspeakers and amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) **Animals and birds.** The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
- (5) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (7) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays.



(8) **Schools, courts, churches and hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

(9) **Motor vehicles.** The making of unnecessary noises with a motor vehicle, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.

C. The provisions of this section shall not apply to:

(1) Any vehicle of the Village while engaged in necessary public business.

(2) Excavations or repairs of streets or other public construction by or on behalf of the Village at night when public welfare and convenience render it impossible to perform such work during the day.

D. The Village Board shall have the authority to grant a permit for a period necessary within which time such work, operation, or activity may take place within the hours of 10:00 p.m. to 7:00 a.m.

#### **§ 194-8. Injury to public monuments and structures.**

No person shall deface, throw down, injure, mutilate, destroy or unlawfully remove any tombstone or monument for the dead, any landmark, public monument, statue, fountain or work of art, or any public seat, rustic or ornamental building or any bridge, building, guide board, streetlamp, lamppost, electric light apparatus, or other useful or ornamental structure lawfully erected within this Village.

#### **§ 194-9. Depositing snow on streets<sup>2</sup>.**

It shall be unlawful for any private person, firm or corporation to throw, shovel, place or deposit any snow or ice from private parking lots, driveways or sidewalks upon the streets, sidewalks, or alleys within the Village of Genoa City.

#### **§ 194-10. Possession and use of marijuana.**

A. **Definitions.** "Marijuana" means all parts of the plant *Cannabis Sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions Art II). See also Ch. 265 § 265-12D, Moving snow into streets

- B. Prohibited.** It shall be unlawful for any person to possess, deliver, sell, or use marijuana or a marijuana derivative. This section shall include but not be limited to those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- C. Exception.** This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

#### **§ 194-10A. Possession, Manufacture and Delivery of Drug Paraphernalia**

- A. State Statutes Adopted.** The provisions of Sections 961.571, 961.572, 961.573, 961.574, 961.575, 961.576, Wis. Stats., and the definitions therein are adopted by reference.
- B. Definitions.** In this Section, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance, as defined in Chapter 961, Wis. Stats., in violation of this section. It includes, but is not limited to:
- (1) Kits used, designed for use, or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
  - (2) Kits used, designed for use, or primarily intended for use in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing or preparing controlled substances.
  - (3) Isomerization devices used, designed for use, or primarily intended for use in increasing the potency of any species of plant which is a controlled substance.
  - (4) Testing equipment used, designed for use, or primarily intended for use in identifying or in analyzing the strength, effectiveness or purity of a controlled substances.
  - (5) Scales and balances used, designed for use, or primarily intended for use in weighing or measuring controlled substances.
  - (6) Dilutents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use, or primarily intended for use in cutting controlled substances.

- (7) Separation gins and sifters used, designed for use, or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used, designed for use, or primarily intended for use in compounding controlled substances.
- (9) Capsules, balloons, envelopes or other containers used, designed for use, or primarily intended for use, or packaging small quantities of controlled substances.
- (10) Containers and other objects used, designed for use, or primarily intended for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles or other objects used, intended for use, or designed for use in parentally injecting controlled substances into the human body.
- (12) Objects used, designed for use, or primarily intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body including, but not limited to:
  - (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured bowls.
  - (b) Water pipes.
  - (c) Carburetion tubes and devices.
  - (d) Smoking and carburetion masks.
  - (e) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
  - (f) Miniature cocaine spoons and cocaine vials.
  - (g) Chamber pipes.
  - (h) Carburetor pipes.
  - (i) Electric pipes.
  - (j) Air driven pipes.
  - (k) Chilams, chillums.
  - (l) Bongs.

(m) Ice pipes or chillers.

C. **Drug Paraphernalia excludes:** The following items are not considered to be drug paraphernalia:

- (1) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.
- (2) Any items, including pipes papers and accessories that are designed for use, or primarily intended for use, with tobacco products.

D. **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) The proximity of the object in time and space to a direct violation of this Section.
- (3) The proximity of the object to controlled substances.
- (4) The existence of any residue of controlled substance on the object.
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- (6) Instructions, oral or written, provided with the object concerning its use.
- (7) Descriptive materials accompanying the object which explain or depict its use.
- (8) Local advertising its use.
- (9) The manner in which the object is displayed for sale.
- (10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- (11) The existence and scope of legitimate uses for the object in the community.
- (12) Expert testimony concerning its use.

**E. Prohibited Uses.**

- (1) **Possession of Drug Paraphernalia.** No person may use or possess with the sole intent to use drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Subsection.
- (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver or possess with intent to deliver drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Subsection.
- (3) **Delivery of Drug Paraphernalia by a Minor to a Minor.** Any person who is under eighteen (18) years of age, who violates this Subsection (e) by delivering drug paraphernalia to a person under eighteen (18) years of age, who is at least three (3) years younger than the violator, is guilty of a special offence.
- (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Chapter 961, Wis. Stats.

**F. Prohibited Advertisement of Drug Paraphernalia.** No person may place in any newspaper, magazine, handbill or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed for use or primarily intended for use, as drug paraphernalia in violation of this Section.

**G. Penalties.** Any person who violates Subsection (e)(1), (2) or (3) shall, upon conviction, be subject to disposition under Section 938.344, Wis. Stats.

**§194-10(B) Loitering for the Purpose of Engaging In Unlawful Drug Activities**

- A.** No person shall loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of Chapter 961, Wis. Stats.
- B.** Among the circumstances which may be considered in determining whether such purpose is manifested are:

- (1) Such person is a known unlawful drug user, possessor, or seller. For purposes of this subsection, a "known unlawful drug user, possessor, or seller" is a person:
  - (a) Who has, within one year previous to the date of arrest for violation of this subsection, has, within the knowledge of the arresting officer, been convicted in this state of any violation of Chapter 961, Wis. Stats., or any ordinance adopting any portion of Chapter 961 by reference; or
  - (b) Who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or
  - (c) Who possesses drug paraphernalia as defined in §961.571, Wis. Stats.
- (2) Such person is currently subject to an order prohibiting his presence in a high drug activity geographic area;
- (3) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";
- (4) Such person is physically identified by the officer as an active member of a gang or association which is engaged in illegal drug activity;
- (5) Such person transfers small objects or packages for currency in a furtive fashion;
- (6) Such person takes flight upon the appearance of a police officer;
- (7) Such person manifestly endeavors to conceal him or herself or any object which could reasonably be believed to be involved in an unlawful drug-related activity;
- (8) The area involved is by public repute known to be an area of unlawful drug use and trafficking;
- (9) The premises involved are known to have been reported to law enforcement as a place suspected of drug activity;
- (10) Any vehicle involved is registered to a known convicted unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity. [Historical Note: City of Tacoma v. Luvene, 118 Wash. 2d 826, 827 P 2d 1374 (1992).]

**§194-10(C) Synthetic Marijuana Possession, Sale and Use Prohibited**

- A.** It shall be unlawful to possess, purchase, display for sale, attempt to sell, sell, give, barter use or distribute, synthetic cannabis, or any other substances designed to mimic the physical, psychological, intoxicating, narcotic, or other effects of marijuana,

including but not limited to synthetic cannabinoids, including cannabicyclohexanol, salviadinorum or salvinorum A.

- B.** All parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds there of, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, seeds or extracts.
- C.** Some trade or other names; all commonly referred to as K2, Spice, Genie, Yucatan Fire, Blaze, Red X Dawn, Zobia, Spike, Diamond, Route 69, Smoke XXXX, Citron, fake or new marijuana, or by any other name, label or description.

**§ 194-11. Unauthorized presence on school property.**

- A.** It shall be unlawful for any person, except as provided in Subsection B below, to be present in any public school building or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof.
- B.** This section shall not apply to:
  - (1)** Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds.
  - (2)** Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof.
  - (3)** Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- C.** The exceptions set forth in Subsection B shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.

**§ 194-12. Damaging or tampering with coin machines.**

No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine,

coin telephone or other vending machine dispensing goods or services within the limits of the Village of Genoa City.

**§ 194-13. Damage to public property.**

- A. Damaging of drinking fountains.** All persons are hereby prohibited from breaking or otherwise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street, sidewalk or ground, or any public building, schoolhouse, hall, museum, library or branch library, in the Village of Genoa City.
- B. Damaging of public property.** All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant, breaking, soiling or defacing any fountain, statue or other ornamental structure, or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village of Genoa City, whether the same shall be owned or held in trust by said Village or held in trust for the use of any district of said Village.
- C. Breaking of streetlamps or windows.** No person shall break glass in any streetlamps or windows of any building owned or occupied by the Village of Genoa City.

**§ 194-14. Vandalism.**

No person within the limits of the Village of Genoa City shall intentionally cause damage to any physical property of another without his or her consent.

**§ 194-15. Fires in public parks.**

It shall be unlawful for any person to construct or otherwise cause a fire for any purpose within a public park except in containers provided by the Village for that purpose.

**§ 194-16. Harassing or obscene telephone calls.**

Whoever does any of the following shall be subject to the general penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code:

- A.** Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
- B.** Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers.
- C.** Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers.



- D. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers.
- E. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section.
- F. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

ARTICLE III  
**Offenses Against Property**

**§ 194-17. Destruction of property.**

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the Genoa City School District, or to any private person, without the consent of the owner or proper authority.

**§ 194-18. Littering.**

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village, or upon property within the Village owned by the Genoa City School District or any private person, or upon the surface of any body of water within the Village.

**A. Handbills;**

- (1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the Village, except by being handed to the recipient, placed on the porch, stoop or entranceway of the building, or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
- (3) **Non-Applicability.** The provisions of this section do not apply to newspapers to which the home owner, guest, or tenant have subscribed and/or paid for such as the Milwaukee-Journal-Sentinel, Chicago Tribune, Lake Geneva Regional News or Janesville Gazette.

**B. Responsibility of owner or occupant.**

- (1) It shall be unlawful for the owner or occupant of any lot or land within the Village of Genoa City to leave any handbills, advertising material or newspapers unattended upon any public street along the line of which a sidewalk, street, alley, public building or other public place is located. So as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

Violation of this section shall be punishable by the forfeiture called for in Chapter 21, Citations, of this Code, and the Village Board may require by written order any premises violating this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

**§ 194-19. Open cisterns, wells, basements or other dangerous excavations.**

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person, and any cover shall be of a design, size and weight that the same cannot be removed by small children.

**§ 194-20. Abandoned refrigerators.**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

**§ 194-21. Retail theft.**

- A. Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection D.
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

- C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- D. Penalty. If the value of the merchandise does not exceed \$100, any person violating this section shall forfeit not more than \$200. If the value of the merchandise exceeds \$100, this section shall not apply and the matter shall be referred to the Walworth County District Attorney for criminal prosecution.

**§ 194-22. Storage of junked or discarded property<sup>3</sup>. [Amended 12-8-1988<sup>4</sup>]**

No person shall store, accumulate or allow to be placed on the premises which he or she owns, rents, leases or resides in any junked or discarded property, except in a garage, storage shed or similar permanent enclosure which keeps such property from public view, unless a permit exempting such person from the provisions of this section, in whole or in part, is issued by the Village Board. For the purposes of this section, "property" shall mean all items of personal property, including but not limited to refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, or cement blocks, but shall exclude wood kept for firewood. Violation of this section shall be punishable by the forfeiture called for in Chapter 21, Citations, of this Code, and the Village Board may require by written order any premises violating this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

**§ 194-23. Issuance of worthless checks.**

- A. Whoever issues any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this section.
- B. Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that at the time of issuance the person did not have an account with the drawee;

- (2) Proof that at the time of issuance the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
  - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.
- C. This section does not apply to a postdated check or to a check given in past consideration, except a payroll check.
- D. Any person violating any provisions of this section shall forfeit not less than \$50 if the worthless check is for an amount equal to or less than \$150 and shall forfeit not less than \$100 if the worthless check is an amount greater than \$150 and less than \$500, together with the costs of prosecution, and in default of payment shall be imprisoned in the Walworth County Jail until forfeiture and costs are paid, but not to exceed 60 days.

3. Editor's Note: See also Ch. 261, Vehicles, Abandoned, Stored and Junked.

4. Editor's Note: Amended at time of adoption of Code (see Ch. I General Provisions, Art. II).

#### **§ 194-24. Theft of library material.**

- A. **Definitions.** For the purposes of this section, certain words and terms are defined as follows:

**ARCHIVES** -- A place in which public or institutional records are systematically preserved.

**LIBRARY** -- The Genoa City Public Library.

**LIBRARY MATERIAL** -- Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. **Possession without consent prohibited.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code<sup>5</sup>.
- C. **Concealment.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the

material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

- D. Detention based on probable cause.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

5. Editor's Note: See Ch. 1 General Provisions, § 1-5

- E. Damaging material prohibited.** No person shall mar, deface or in any other way damage or mutilate any library material.
- F. Return demanded.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

#### **§ 194-25. Operation of mini-bikes and all-terrain vehicles.**

No person shall operate a mini-bike, go-kart, all-terrain vehicle or other motor vehicle within the Village except on the property of the owner of the vehicle or on other property with the owner's permission, nor shall any such vehicles be operated in any Village parks, except on designated trails.

#### **§ 194-26. Damaging utilities; posting notices.**

It shall be unlawful for any person to tamper with, injure, break, cut, take down, or disarrange any telegraph, telephone or electric light tower, mast or pole, fire alarm pole or box, or any wire, cord, lamp or other apparatus, appendage or appurtenance used in operating or maintaining any telegraph, telephone, electric light or fire alarm system, or any lamp or glass used in connection with any such pole, mast or tower, or post any bills or posters upon any such poles or posts within the Village. This section shall not apply to the owners of any such poles and apparatus, or their agents or servants, or to the officers or employees of the Village of Genoa City in pursuance of any resolution, ordinance or regulation of the Village relating to such matters.

#### **§ 194-27 Unlawful Financial Transaction with a Child.**

No person over the age of eighteen (18) shall buy or sell any used or new household item or article including, but not limited to bicycle(s), electronic devices or any property with a monetary value, to or purchase from anyone under the age of eighteen (18), unless the minor's custodial parent or guardian is present. This subsection does not apply to licensed stores, vendors, or professionally organized fund raisers.

ARTICLE IV [Added 11-13-2014]

**Sex Offender Regulations**

**§ 194-30 Purpose and Intent.**

- (A) The Village of Genoa City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders re-enter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools and daycare centers. The Village finds and declares that, in addition to schools and daycare centers, children congregate or play in a number of public places, including public parks and other facilities for children.
- (B) This section is a regulatory measure aimed at protecting the health and safety of children in Genoa City from the risk that convicted sex offenders may re-offend in locations close to their residences. It is the intent of this Section not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence; and by creating child safety zones where children regularly congregate in concentrated numbers wherein access by certain sexual offenders and sexual predators to such zones shall be restricted or excluded.

**§ 194-31 Definitions.** As used in this Section and unless the context otherwise requires:

(A) **Crime Against Children:** means any of the following offenses set forth within the Wisconsin Statutes, as amended, or laws of this or any other state or the federal government, having like elements necessary for conviction and involving a person under the age of eighteen (18) years, respectively:

Wisconsin Statute Sections

940.225(1) First Degree Sexual Assault;  
940.225(2) Second Degree Sexual Assault;  
940.225(3) Third Degree Sexual Assault;  
940.22(2) Sexual Exploitation by Therapist  
940.30 False Imprisonment-victim was a minor and not the offender's child;  
940.31 Kidnapping-victim was minor and not the offender's child;  
944.01 Rape (prior statute);  
944.06 Incest;

944.10 Sexual Intercourse with a Child (prior statute);  
 944.11 Indecent Behavior with a Child (prior statute);  
 944.12 Enticing Child for Immoral Purposes (prior statute);  
 948.02(1) First Degree Sexual Assault of a Child;  
 948.02(2) Second Degree Sexual Assault of a Child;  
 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;  
 948.05 Sexual Exploitation of a Child;  
 948.055 Causing a Child to View or Listen to Sexual Activity;  
 948.06 Incest with a Child;  
 948.07 Child Enticement;  
 948.075 Use of a Computer to Facilitate a Child Sex Crime;  
 948.08 Soliciting a Child for Prostitution;  
 948.095 Sexual Assault of a Student by School Instructional Staff;  
 948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;  
 948.12 Possession of Child Pornography;  
 948.13 Convicted Child Sex Offender Working with Children;  
 971.17 Not Guilty by Reason of Mental Disease-of an included offense; and  
 975.06 Sex Crimes Law Commitment

**(B) Facility For Children:** means a public or private school, a *group home*, as defined in Wis. Stats. §48.02(7), a *residential care center for children and youth*, as defined in Wis. Stats. §48.02(15d), a *shelter care facility* as defined in Wis. Stats. 48.02(17), a *foster home*, as defined in Wis. States. §48.02(6), a *treatment foster home*, as defined in Wis. Stats. §48.02(17q), a *daycare center licensed under Wis. Stats. §48.65*, a *daycare program established under Wis. Stats. §120.13(14)*, a *daycare provider certified under Wis. Stats. §48.651*, or a *youth center*, as defined in Wis. Stats. §961.01(22).

**(C) Offender:** means a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

**(D) Permanent Residence:** means a place where the person sleeps, abides, lodges or resides for fourteen or more consecutive days.

**(E) Sexually Violent Offense:** shall have the meanin as set forth in Wis. Stats. §980.01(6), as amended from time to time.

**(F) Temporary Residence:** means residence or premise meeting either of the following criteria:

- (1) A place where the person sleeps, abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendear year and which is not that person's Permanent Residence as defined in 194.29 D above; or
- (2) A place where the person routinely sleeps, abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not that person's Permanent Residence as defined in 194.28 D above.

**§ 194-32      Residency Restrictions**

(A) An offender shall not reside within 1,200 feet of real property that supports or which there exists any of the following uses, but not limited to:

- (1) Any facility for children;
- (2) A public park, parkway, parkland, park facility;
- (3) Public / Private beaches or pools;
- (4) A public library;
- (5) A recreational trail;
- (6) A school for children;
- (7) A public playground;
- (8) Athletic fields used by children;
- (9) A daycare center;
- (10) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; or private athletic organization for youth sports.

(B) **Prohibited Activity.** It is unlawful for any designated offender to participate in a holiday event involving children under the age of eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familiar children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

(C) **Measurement of Distance.** The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in 194.29 A above.

(D) **Residency Restriction Exceptions.** An offender residing within one thousand two hundred (1,200) feet of real property that supports or upon which there exists any of the uses enumerated in 194.29 A above does not commit a violation of this Section if any of the following apply:

- (1) The offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.



(2) The offender has established a Permanent or Temporary Residence and reported and registered that residence pursuant to Wis. Stats. §301.45 prior to the effective date of this Section.

(3) The use enumerated in 194.30 A above began after the offender established a Permanent or Temporary Residence and reported and registered that residence pursuant to Wis. Stats. §301.45.

(4) The offender is a minor or ward under guardianship.

(E) **Original Domicile Restriction.** Subject to 194.30 C above, no offender shall be permitted to reside in the Village of Genoa City, unless that person was domiciled in the Village of Genoa City at the time of the most recent offense giving rise to that person's status as an offender.

#### **§ 194-33 Child Safety Zones**

(A) No offender shall enter or be present upon any real property that supports or upon which there exists any facility used for or that supports any one or more of the following uses:

- (1) A public park, parkway, parkland, park facility;
- (2) A public library;
- (3) A recreational trail;
- (4) A public playground;
- (5) A school for children;
- (6) Athletic fields used by children;
- (7) A daycare center;
- (8) Any specialized school for children, including but not limited to a gymnastics academy, dance academy, or music school;
- (9) Any facility for children;

(B) **Child Safety Zone Exceptions.** An offender does not commit a violation of 194.30 A above, and may be allowed on the property used for or supporting a use enumerated in 194.30 A above if any of the following apply:

- (1) The property used for or supporting a use enumerated in 194.30 A above also supports a church, synagogue, mosque, temple or other house of religious worship (collectively “church”), subject to all of the following conditions:
  - (a) The offender’s entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
  - (b) The offender sends advance written notice to an individual designated by the church to be in charge and receives advance approval from that individual allowing the offender’s attendance; and
  - (c) The offender shall not participate in any religious education programs which include individuals under the age of eighteen (18).
- (2) The property used for or supporting a use enumerated in 194.30 A above also supports a use lawfully attended by an offender’s natural or adopted child, which child’s use reasonably requires the attendance of the offender as the child’s parent upon the property, subject to all of the following conditions:
  - (a) The offender’s entrance and presence by the offender upon the property occurs only during hours of activity related to the use as posted to the public; and
  - (b) The offender sends advance written notice to an individual designated by the property owner to be in charge of the property’s enumerated use, and receives advance approval from that individual allowing the offender’s attendance.
- (3) The property used for or supporting a use enumerated in 194.30 A above also supports a polling location in a local, state, or federal election; subject to all of the following conditions:
  - (a) The offender is eligible to vote;
  - (b) The designated polling place for the person is an enumerated use; and
  - (c) The offender enters the polling place, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and vacates the property immediately after voting.
- (4) The property used for or supporting a use enumerated in 194.30 A also supports an elementary school lawfully attended by an offender as a student, subject to the condition that the offender may only enter upon the property supporting the

school at which the person is enrolled for such purposes and at such times as are reasonably required for the educational purposes of the school.

**§ 194-34**      **Property Owners Prohibited From Renting Real Estate Property To Certain Sexual Offenders and Sexual Offenders.** It shall be unlawful for any property owner to lease or rent any place, room, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a restricted area as defined in 194.29. Notwithstanding the exception set forth in 194.29 D, it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

**§ 194-35**      **Appeal.** The above requirements may be waived upon approval of the Village Board through appeal by the affected. Such appeal shall be made in writing to the Village Clerk's office who shall forward the request to the Village Board. The Board of Trustees shall convene and consider the public interest as well as the affected party's presentation and concerns. The Village Board may consider such information as it deems appropriate including, but not limited to, reports from the Genoa City Police Department or other department as appropriate, reports from the Department of Corrections or any other relevant material. After deliberation, the Board shall forward its decision in writing to the affected party. Copies of such decisions shall be provided to the Genoa City Police Department and to other persons or entities as the Village Board may desire.

**§ 194-36      Penalties and Remedies**

**(A)      Forfeiture.** Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed one thousand (\$1000.00), together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

**(B)      Injunction**

**(1)      Violation of Residency Restrictions.** If an offender establishes a permanent or temporary residence in violation of 194.29 above, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this Section, such violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such violations as a public nuisance.

- (2) **Violation of Child Safety Zones.** If an offender violates subsection 194.30 Above more than once in any twelve-month (12) period, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this Sections, such violations interfere substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such violations as a public nuisance.

## **Chapter 200**

### **WATER POLLUTION**

#### **ARTICLE I**

##### **Water Pollution**

#### **§ 200-1. Intent; prohibited discharges.**

#### **§ 200-2. Cleanup of spilled or accidentally discharged wastes.**

#### **§ 200-3. Storage of polluting substances**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Nuisances -- See Ch. 186  
Solid waste -- See Ch. 228.

Water and sewers -- See Ch. 270.

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#### **ARTICLE I**

##### **Water Pollution**

**[Adopted as Title 6, Ch. 2 of the 1984 Code]**

#### **§ 200-1. Intent; prohibited discharges.**

- A. Legislative intent.** This chapter is designed to prevent polluting or spilled material from reaching lakes or streams where it can create a hazard to health or a nuisance or produce ecological damage and to assess responsibility and costs of cleanup to the responsible party.
- B. Discharge or release prohibited.** It shall be unlawful for any person, firm or corporation to release, discharge, or permit the escape of domestic sewage, industrial wastes or any potential polluting substance into the waters adjacent to or within the boundaries of the Village of Genoa City, or into any stream within the jurisdiction of the Village, or into any street, sewer, ditch or drainage-way leading into any lake or stream or to permit the same to be so discharged to the ground surface without authorization from the Village Board.

#### **§ 200-2. Cleanup of spilled or accidentally discharged wastes.**

- A. Cleanup required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as but not limited to the following, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution of the lakes and streams under the jurisdiction of the Village of Genoa City: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch basin wastes, oil or petroleum wastes.

- B. Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Genoa City Police Department and Fire Department so that assistance can be given by the proper agency.
- C. Financial liability.** The party or parties responsible for the release, escape or discharge of wastes may be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village of Genoa City, or its designated agent, in an effort to minimize the polluting effects of the discharged waste.

**§ 200-3. Storage of polluting substances.**

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage-way, lake or stream within the jurisdiction of the Village of Genoa City.

## **Chapter 205**

### **PROPERTY MAINTENANCE**

#### **ARTICLE I** **General Regulations**

- § 205-1. Findings and purpose**
- § 205-2. Definitions.**
- § 205-3. Responsibility of occupants.**
- § 205-4. Responsibility of owners.**
- § 205-5. Enforcement.**

#### **ARTICLE II** **Lawn Maintenance**

- § 205-6. Purpose.**
- § 205-7. Public nuisance declared.**
- § 205-8. Inspection.**
- § 205-9. Abatement of nuisance.**
- § 205-10. Recovery of abatement costs.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Fire prevention -- See Ch. 139.  
Nuisances -- See Ch. 186.  
Pollution -- See Ch. 200.

Solid waste -- See Ch. 228.  
Trees and shrubs -- See Ch. 251.  
Vehicles, abandoned and junked -- See Ch. 261.

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#### **ARTICLE I** **General Regulations** **[Adopted as Title 9, Ch. 7 of the 1984 Code]**

##### **§ 205-1. Findings and purpose.**

- A.** It is hereby found and declared that premises exist within the Village of Genoa City which are blighted because there exist thereon blighted buildings or structures either due to faulty design or construction, or to failure to maintain them in a proper state of repair or to improper management, or due to the accumulation thereon of junk, wood, brick, cement block, or other unsightly debris, refrigerators, furnaces, appliances, machinery, or parts thereof, structurally unsound fences, and other such items which tend to depreciate property values and to jeopardize or be detrimental to the health, safety, morals or welfare of the people of the Village.
- B.** It is hereby further found and declared that such blighted premises, buildings or structures contribute to the development of, or increase in, disease, infant mortality, crime and juvenile delinquency; that conditions existing on such blighted premises are dangerous to the public health, safety, morals and general welfare of the people; that conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection, and

other public services; and that the conditions existing on such blighted premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

- C. It is hereby further found and declared that the elimination of blighted premises and the prevention of occurrence of blighted premises in the future is in the best interests of the citizens of this Village and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this chapter, which is hereby declared to be essential to the public interest, and it is intended that this chapter be liberally construed to effectuate the purpose heretofore stated.

#### **§ 205-2. Definitions.**

The following definitions shall only apply in the interpretation and enforcement of this chapter:

**DWELLING** -- Any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances thereto.

**DWELLING UNIT** -- Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.

**EXTERMINATION** -- The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other approved pest control methods.

#### **NUISANCE -**

- A. Any public nuisance known in common law or in equity jurisprudence.
- B. Any attractive nuisance which may prove detrimental to children, whether in a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements and excavations; any abandoned refrigerators, furnaces, machinery or parts thereof; structurally unsound fences and structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
- C. Whatever is dangerous to human life or is detrimental to health.
- D. Dwelling or non-dwelling structures which tend to depreciate property values and jeopardize or be detrimental to the health, safety, morals or welfare of the people of the Village due to faulty design or construction or to failure to maintain them in a proper state of repair or to improper management.



**OCCUPANT** -- Any person living, sleeping or eating in or having actual possession of a dwelling, dwelling unit or rooming unit.

**OPERATOR** -- Any person who has charge, care or control of a building or part thereof in which dwelling or rooming units are let.

**OWNER** -- Any person who alone or jointly or severally with others shall be the legally recorded holder of the title, with or without actual possession thereof, or who has charge, care or control of any dwelling or dwelling unit as agent or owner, or as executor, administrator, trustee or guardian of the estate of the owner. The term "owner" under this chapter shall also include the legally recorded holder of a land contract vendee interest.

**PERSON** -- Includes any individual, firm, corporation, partnership or association.

**PREMISES** -- Any lot, plot or parcel of land either occupied or unoccupied by any dwelling or non-dwelling structure.

**§ 205-3. Responsibility of occupants.**

**A. The responsibilities of the occupant are as follows:**

- (1) To keep the exterior of the dwelling and non-dwelling structures and premises he controls and occupies in a clean and sanitary condition.
- (2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by this Code<sup>1</sup>.
- (3) To exterminate in the following cases:
  - (a) The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.
  - (b) The occupant of a dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents, or other pests if his unit is the only unit infested.

**B. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonably insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.**

1. Editor's Note: See Ch. 228, Solid Waste

**§ 205-4. Responsibility of owners.**

**A. The responsibilities of the owners are as follows:**

- (1) To exterminate in the following cases:
  - (a) When infestation exists in two or more units of a multiple-unit structure.
  - (b) When infestation exists in shared or public areas of a multiple-unit structure.
  - (c) When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition.
- (2) To perform the responsibilities of the occupant when premises are vacant.

**B. In addition to the above, no owner shall permit any premises to exist or any dwelling or non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:**

- (1) **Maintenance of structures.** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every dwelling or non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rats and shall be kept in a reasonably good state of maintenance and repair.
- (2) **Protection of exterior wood surfaces.** All exterior wood surfaces of all dwelling or non-dwelling structures shall be properly protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner.
- (3) **Maintenance of fences.** Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.
- (4) **Pest control.** Every premises shall be so maintained as to prevent the premises from becoming a harborage for rats and insect pests. Whenever infestation with rodents or pests exists in any premises upon which no structure or non-dwelling structures are located, extermination thereof shall be the responsibility of the owner.

**C. General cleanliness.** The accumulation or storage of junk, wood, brick, cement block or other unsightly debris, old automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, such as may tend to depreciate property values in the area or to create a nuisance or hazard, shall not be allowed on any lot or parcel or land within the corporate limits of the Village of Genoa

City except as may be allowed by permit approved by the Village Board or except when such materials are properly housed and out of public view<sup>2</sup>.

**§ 205-5. Enforcement.**

When the Building Inspector, Health Officer and/or Fire Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision which affects the safety of any such occupants or the safety of the general public, he shall give notice of such alleged violation to the person or persons responsible therefore and to any known agent of such persons, as hereinafter provided.

**A. Such notice shall:**

- (1) Be put in writing.
- (2) Include a statement of the reasons why it is being issued.
- (3) Allow a reasonable time for the performance of any act it requires.
- (4) Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

**B. Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.**

ARTICLE II  
**Lawn Maintenance**  
[Adopted as Title 10, Ch. 8 of the 1984 Code]

**§ 205-6. Purpose.**

This article is adopted due to the unique nature of the problems associated with lawns being allowed to grow to excessive length in the Village of Genoa City.

**§ 205-7. Public nuisance declared.**

- A.** The Village Board finds that lawns on residential lots or parcels of land which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard

2. Editor's Note: See also Ch.194, § 194-22, Storage of junked or discarded property, and ch. 261, Vehicles, Abandoned, Stored or Junked.

and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Village. For that reason, any lawn on a residential lot or parcel of land which exceeds eight inches in length is hereby declared to be a public nuisance.

- B.** No person, firm or corporation shall permit any public nuisance as defined in Subsection A above to remain on any premises owned or controlled by him within the Village of Genoa City.

**§ 205-8. Inspection.**

The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in § 205-7A above exists.

**§ 205-9. Abatement of nuisance. [Amended 7-8-1999]**

If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in § 205-7A above exists, he shall serve or cause to be served notice to the owner of the property, if he can be found, or upon the occupant thereof, a written notice to abate the nuisance within five days of the service of the notice. If the owner does not abate the nuisance with the specified time limit, the inspecting officer shall cause the same to be abated. Service of one written notice on the owner of the property in any one calendar year shall serve notice for any and all subsequent abatements in that calendar year and no further notice shall be required.

**§ 205-10. Recovery of abatement costs.**

The entire cost of abating any public nuisance as defined in § 205-7A above shall be chargeable to and assessed against the parcel or lot affected.

## **Chapter 217**

### **SAUNA AND MASSAGE ESTABLISHMENTS**

**§ 217-1. Definitions.**

**§ 217-2. License required**

**§ 217-3. Application process and fee.**

**§ 217-4. Application information.**

**§ 217-5. Issuance of license.**

**§ 217-6. Construction maintenance requirements.**

**§ 217-7. Hours of operation.**

**§ 217-8. Enforcement; violations and penalties.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 7 of the 1984 Code. Amendments noted where applicable.]**

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#### **§ 217-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

**EMPLOYEE** -- Any and all persons other than masseurs or masseuses who render any service for the licensee and who receive compensation directly from the licensee but have no physical contact with customers or clients.

**LICENSEE** -- The operator of a massage establishment.

**MASSAGE** -- Any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating, or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, creams, lotions, soaps, ointments, or other similar preparations commonly used in this practice.

**MASSAGE ESTABLISHMENT** -- Any establishment having its place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in the definition of "massage."

**MASSAGE SERVICES** -- The providing of a massage or massages by any person, firm, association or corporation.

**MASSEUR or MASSEUSE** -- Any person who, for any consideration whatever, engages in the practice of massage as above defined.

**PERSON** -- Any individual, co-partnership, firm, association, joint-stock company, corporation, or any combination of individuals of whatever form or character.

**SAUNA** -- A steam bath or heated bathing room used for the purpose of bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing or reducing agent.

**§ 217-2. License required.**

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the Village of Genoa City, the operation of a massage establishment as herein defined without first having obtained a license from the Village Clerk-Treasurer, which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided.

**§ 217-3. Application process and fee.**

- A.** Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application in triplicate, under oath, with the Village Clerk, upon a form provided by the Village Clerk-Treasurer, and pay a refundable filing fee as set by the Village Board to the Village, who shall issue a receipt which shall be attached to the application filed with the Clerk-Treasurer and the Chief of Police. The Village Clerk-Treasurer shall forthwith refer copies of such application and all additional information to the Health Officer and Fire Department. These agencies shall, within 30 days, inspect the premises proposed to be operated as a massage establishment and make recommendations to the Village Board concerning compliance with Village ordinances. Upon receipt of the recommendations of the respective agencies, the Village Clerk-Treasurer shall notify the applicant as to whether his application has been granted, denied, or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. At the conclusion of such period, or such longer period if agreed to, the Village Clerk-Treasurer shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Village Clerk-Treasurer shall advise the applicant in writing of the reason for such denial.
- B.** The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this chapter, shall be grounds for denial of the application.

**§ 217-4. Application information.**

The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information:

- A.** Written proof that each individual is at least 18 years of age.

- B.** Current residential addresses.
- C.** Whether the individual has had any license denied, revoked, or suspended elsewhere for a massage establishment, the reason therefore, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.
- D.** Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one year and of the county for at least 90 days.

**§ 217-5. Issuance of license.**

- A.** Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Village Board shall direct the issuance of the license by the Village Clerk-Treasurer to the applicant to maintain, operate, or conduct a massage establishment unless the Chief of Police shall find that:
  - (1)** The operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the Village of Genoa City, including but not limited to the building, health, planning, housing, fire prevention, and zoning codes of the Village of Genoa City.
  - (2)** The applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
  - (3)** The operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this chapter.
- B.** The license provided herein shall be for a period of one year from date of application, unless sooner suspended or revoked. Such license must be renewed annually.

**§ 217-6. Construction and maintenance requirements.**

Any sauna or massage establishment as defined herein shall construct its facilities and maintain the same in accordance with the following regulations:

- A.** All sauna rooms, massage parlors and all rest rooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacteria, mold, or fungus growth.
- B.** Shower rooms must be finished in tile or equal material with proper floor drains.
- C.** Each sauna establishment having two or more massage rooms shall be required to have a separate rest room for men and women and provided with mechanical ventilation with two cubic feet per minute per square foot of floor area, a minimum of 15 foot-candles of

illumination, a hand-washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.

- D.** Each sauna or massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
- E.** Floors, walls and equipment in sauna rooms, massage parlors, rest rooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
- F.** Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
- G.** Doors on massage rooms shall not be locked but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
- H.** Each sauna or massage establishment shall have approved fire extinguishers and fire exits designated by fire exit signs.
- I.** If any provision of this section is inconsistent with a comparable and applicable provision of the Building Code, the provision of the Building Code shall govern to the extent of such inconsistency<sup>1</sup>.
- J.** The establishment shall permit inspection of the premises at any time during business hours by building inspectors, fire inspectors, health inspectors, and law enforcement officers.
- K.** Entrance doors during business hours shall be open to the public the same as any other business<sup>2</sup>.

#### **§ 217-7. Hours of operation<sup>3</sup>.**

No massage establishment in the Village of Genoa City shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced, when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

#### **§ 217-8. Enforcement; violations and penalties.**

- A. Interference.** No person shall prevent, resist or interfere with any of the officers or employees of the Village in the entering of any premises or the carrying out of their duties.

1. Editor's Note: See Ch. 114, Building Construction.

2. Editor's Note: Original §§ 7-7-7 to 7-7-9, regarding the permit for a masseur or masseuse, which immediately followed this section, were deleted at time of adoption of Code (see Ch.1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).



- B. Penalties.** Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin:
- (1) Any license or permit issued pursuant to this chapter may be suspended by the Village Police Chief without hearing for not more than 30 days.
  - (2) Any license or permit issued pursuant to this chapter may be suspended more than 30 days or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.
  - (3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- C.** Any person violating any provision of this chapter, upon conviction thereof, shall be subject to the penalty provided in Chapter 1, General Provisions, § 1-5 of this Code<sup>4</sup>.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## **Chapter 223**

### **SNOWMOBILES**

- |   |  |
|---|--|
| § 223-1. State snowmobile laws adopted.                       | § 223-7. Operation on private premises restricted. |
| § 223-2. Applicability of traffic regulations to snowmobiles. | § 223-8. Restrictions on operators.                |
| § 223-3. Speed limits.  | § 223-9. Accidents and accidents reports.          |
| § 223-4. Hours of operation.                                  | § 223-10. Violations and penalties.                |
| § 223-5. Unattended vehicles.                                 | § 223-11. Snowmobile routes designated.            |
| § 223-6. Operation on sidewalks.                              |  |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 8, Ch. 3 of the 1984 Code. Amendments noted where applicable.]**

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#### **§ 223-1. State snowmobile laws adopted.**

Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

350.01	Definitions
350.02	Operation of snowmobiles on or in the vicinity of highways
350.03	Right-of-way
350.04	Snowmobile races, derbies and routes
350.045	Public utility exemption
350.047	Local ordinance to be filed
350.05	Operation by youthful operators restricted
350.055	Safety certification program established
350.07	Driving animals
350.08	Owner permitting operation
350.09	Head lamps, tail lamps and brakes, etc.
350.10	Miscellaneous provisions for snowmobile operation
350.12	Registration of snowmobiles
350.125	Completion of application for registration by snowmobile dealers
350.13	Uniform trail signs and standards
350.15	Accidents and accident reports
350.18	Local ordinances
350.01	Definitions
350.19	Liability of landowners
350.99	Parties to a violation

**§ 223-2. Applicability of traffic regulations to snowmobiles.**

No person shall operate a snowmobile upon any street, highway or alley within the Village of Genoa City in violation of the traffic regulation provisions of §§ 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats.

**§ 223-3. Speed limits.**

No person shall operate a snowmobile upon any public right-of-way, street or highway within the Village of Genoa City at a speed in excess of that permitted or posted for other motor vehicles or in any public park or area at a speed in excess of 10 miles per hour.

**§ 223-4. Hours of operation.**

No person shall operate a snowmobile upon any public highway, street, alley or other public property, in any public park, or upon any private premises open to the public for snowmobiling within the Village of Genoa City between the hours of 1:30 a.m. and 7:00 a.m., except in cases of emergency.

**§ 223-5. Unattended vehicles.**

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

**§ 223-6. Operation on sidewalks.**

No person shall operate a snowmobile upon any sidewalk, upon any boulevard or upon the area between the sidewalk and the curb-line of any street in the Village of Genoa City.

**§ 223-7. Operation on private premises restricted.**

No person shall operate a snowmobile on any private property not owned or controlled by him within the Village of Genoa City without the express consent or permission of the owner.

**§ 223-8. Restrictions on operators.**

- A.** No person under the age of 16 years shall operate any snowmobile upon any street, alley or other public right-of-way in the Village of Genoa City, and no snowmobile owner shall authorize any person under the age of 16 years to operate such snowmobile upon any street, alley or other public right-of-way in the Village of Genoa City.
- B.** No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village of Genoa City unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

**§ 223-9. Accidents and accident reports.**

- A.** If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village of Genoa City shall stop his snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.
- B.** If the snowmobile accident results in death or injury to any person or total property damage in excess of \$200, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Village Police Department of the accident and shall, within 10 days after the accident, file a written report thereof with the Department on forms prescribed by it.
- C.** If the operator of a snowmobile is physically incapable of making the report required by this section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make such report.
- D.** “Snowmobile accident” means a collision, accident or other casualty involving a snowmobile

**§ 223-10. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties in such case applicable as provided by the Wisconsin Statutes.

**§ 223-11. Snowmobile routes designated.**

- A.** Except as provided in § 350.03, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, sidewalk, creek bridge, cemetery property or on any other property within the Village of Genoa City, except as hereinafter designated. The marked snowmobile trail as marked by the snowmobile club.
- B.** For the purpose of traversing from any residence within the Village, the operator of a snowmobile may travel on the side of such Village street as may be necessary for the most direct travel to and from the authorized snowmobile trail.
- C.** The Village of Genoa City assumes no liability for the posting of the stated snowmobile routes. The stated routes are to be adequately marked and maintained by a local snowmobile club or similar organization. Such club or organization shall remove the markers in the spring.
- D.** The Chief of Police or the authorized representative of the stated club or organization shall have the power to declare the stated snowmobile route either open or closed.

## **Chapter 228**

### **SOLID WASTE**

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|---|--|
| § 228-1. Intent.                                  | § 228-8. Exceptions to curbside pickup.                        |
| § 228-2. Definitions.                             | § 228-9. Collection of recyclables by<br>unauthorized persons. |
| § 228-3. Container requirements.                  | § 228-10. Inspections; citations.                              |
| § 228-4. Special waste.                           | § 228-11. Violations and penalties.                            |
| § 228-5. Collection rules.                        |  |
| § 228-6. Curbside recycling program.              |  |
| § 228-7. Maximum volume; recycling<br>procedures. |  |

[HISTORY: Adopted by the Village Board of the Village of Genoa City 10-8-1992 (§ 6-1-10 of the 1984 Code). Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Nuisances -- See Ch. 186.  
Pollution -- See Ch. 200.

Property maintenance -- See Ch. 205.  
Abandoned and junked vehicles -- See Ch. 261.

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#### **§ 228-1. Intent.**

It is the intention of the Village of Genoa City to comply with state law and provide a refuse collection, recycling, and disposal service convenient for the residents of the Village as well as to provide for the health and safety of the Village's citizens, preserving the Village's appearance and protecting the environment.

#### **CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II**

#### **GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

#### **§ 228-2. Definitions.**

For the purpose of this chapter, the following terms are defined:

**APPROVED CONTAINER** -- A container supplied 95 gallon cart

**DUMPSTER** -- A metal container commonly used to collect refuse in multifamily dwellings, commercial establishments, institutions, and industrial enterprises.

**GARBAGE** -- All types of organic refuse resulting from the preparation of food and all decayed or spoiled food products.

**HAULER** -- Either the refuse/trash or recyclable service provider contracted by the Village or privately which collects and removes solid waste and recyclables to a properly licensed landfill or recycling center. All such service providers must abide by preparation standards for recyclable materials. No hauler shall remove refuse which does not comply with the requirements of this chapter.

**RECYCLABLE MATERIALS** -- All identified materials recognized by the State of Wisconsin as recyclable shall be recycled in accordance with 1989 Wisconsin Act 335EN and Village ordinances.

**REFUSE** -- All non-recyclable inorganic material. It does not include leaves, brush, grass, trees, tree limbs, earth, stone, manure or other special waste defined in § 228-4. Construction/remodeling material may be collected if it is placed in approved containers, not to exceed a total of four containers.

**RESIDENTIAL** -- Includes all dwelling units and multifamily buildings of four units or fewer located within the corporate limits of the Village of Genoa City.

**UNUSUAL, HEAVY, BULKY OR HAZARDOUS ITEMS** --An item which cannot fit into the provided 95 gallon cart, should not be in excess of 1 yd. of material per week and must be manageable by one person. This definition does not include special waste as set forth in § 228-4.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II  
GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-3. Container requirements.**

- A.** Garbage cans will be provided by contractor. Garbage cans shall have lids and handles and may in no way have surfaces that may be harmful to the collector or others.
- B.** Containers will be initially supplied by the Contractor. They remain the property of the Contractor and if lost or damaged must be replaced by the resident or property owner. The cost of replacement shall be determined by the Contractor.
- C.** Apartment operators, commercial business, industries, manufacturers and institutions may place such containers as approved by haulers that comply with this chapter.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II  
GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-4. Special waste.**

Refuse not collected as either garbage, refuse, or recyclable may be removed for a fee. To obtain such service the Village Clerk-Treasurer's office must be contacted.

**A.** Exceptions are:

- (1) Tires, major appliances (including residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator, stove or microwave oven from which the capacitor has been removed), water heater, residential and commercial furnace, boiler, and dehumidifier. **[Amended 12-29-1994]** This will be picked up by contractor on an "On Call" basis.

**B.** Construction material must be privately contracted. It is the responsibility of the contractor/builder to contact a licensed refuse hauler for such services. Said contractor must abide by this chapter.

**C.** Grass clippings, leaves, brush, limbs, and other yard waste are to be disposed of by the property owner or resident.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-5. Collection rules.**

- A.** All garbage shall be well drained, wrapped in paper and deposited in an approved container. All containers shall be kept closed with a tight-fitting cover and shall be vermin- and fly-proof and kept in a sanitary condition.
- B.** Ashes shall be placed in a bag or box. They are not to be dumped loosely into garbage cans.
- C.** Collection point. For properties with street access, all approved containers shall be placed at the curb near the driveway approach affording easy access to the collectors.
- D.** No garbage/trash/recycling items may be placed at curbside more than 12 hours before collection day, and containers must be removed within 12 hours of collection day.
- E.** The Village shall establish the day or days on which trash, garbage and recyclables will be collected. The Village may also establish days upon which yard waste will be collected. These dates will be published in the Village's official newspaper from time to time.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-6. Curbside recycling program.**

Curbside recycling will become mandatory January 1, 1993. Each resident, business, institution, and/or industry operating within the jurisdiction of the Village of Genoa City shall separate waste by dividing it into recyclables and non-recyclables.

- A. Preparation specifications for recyclable material may change from time to time and shall be set by the Village based on standards necessitated by marketability requirements. Changes in specifications shall be noticed by Class 1 notice.
- B. The following items are recyclable: aluminum, tin, plastic containers, newspapers, glass (clear, brown and green), corrugated cardboard, chipboard and paperboard, lead acid batteries, waste oil, copy paper, colored paper, computer paper, bimetal containers, magazines and other materials printed on similar paper, steel containers and such other materials specified in § 287.07(3) and (4), Wis. Stats. **[Amended 12-29-1994]**
- C. Recycling cans containing these items must be left at curbside every other week.
- D. The cost of the refuse collection, recycling, and disposal service shall be paid by special assessments against all users. Each residential unit subject to this chapter shall constitute a user for purposes of this assessment.
- E. Materials specified in § 287.07(3) and (4), Wis. Stats., which have been separated for recycling shall not be disposed of in a solid waste facility or burned in a solid waste treatment facility. **[Added 12-29-1994]**

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II  
GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-7. Maximum volume; recycling procedures.**

- A. Each residential unit, commercial business, industry, manufacturer or institution shall be entitled to place for collection each week a maximum volume equivalent to 95 gallon cart provided by contractor of refuse and/or garbage. Recycling collection every other week with maximum volume equivalent to 95 gallon cart provided by contractor of recyclable materials. Any owner of any property in the Village may contract privately with a hauler to collect excess volume of refuse.
- B. Apartment operators. Owners of residential units consisting of more than four units shall do all of the following to recycle the materials specified herein: **[Amended 12-29-1994]**
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing



requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

- C. Commercial and institutions. Commercial businesses, industries, manufacturers and institutions having volumes in excess of those maximums set forth herein must contract their refuse, garbage and recycling removal individually and shall do all of the following to recycle the materials specified herein: **[Amended 12-29-1994]**
- (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify, in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- D. Approved dumpsters must have lids which are hinged and rollers on the base to allow easy movement and be free from holes. An outside area shall be provided to accommodate dumpsters and so placed that desirable screening can be used to create an aesthetically acceptable refuse storage area.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II**  
**GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-8. Exceptions to curbside pickup.**

- A. An exception to the responsibility for moving approved containers to the point of collection for reason of incapability of all members of a household shall be granted by the Chairperson of Safety and Licensing Committee upon application by any resident who shall be able to demonstrate such incapability. The Chairperson may require verification of such incapability by the applicant's personal physician.
- B. The owner of such residence shall authorize drive access to the collection vehicles and waive any claim for drive damage.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II  
GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-9. Collection of recyclables by unauthorized persons.**

Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection.

- A.** All recyclable materials placed for collection pursuant to this chapter shall thereupon become the property of the Village or the Village's authorized agent pursuant to the recycling plan approved by the Village. Only persons authorized by the Village shall collect recyclable materials once they have been placed for collection.
- B.** Any and each collection by unauthorized persons shall constitute a separate and distinct offense.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II  
GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-10. Inspections; citations. [Amended 12-29-1994]**

- A.** For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the Village of Genoa City may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of residential dwellings having more than four residential units and nonresidential facilities and properties, and any records relating to recycling activities, which shall be confidential, when necessary, to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village of Genoa City who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B.** Any person who violates a provision of this chapter may be issued a citation by the Village of Genoa City to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**CODE OF THE VILLAGE OF GENOA CITY, WISCONSIN / PART II  
GENERAL LEGISLATION / CHAPTER 228, SOLID WASTE**

**§ 228-11. Violations and penalties. [Amended 12-29-1994]**

The following penalties re established for violations of this chapter:

- A.** First offense: a forfeiture of not less than \$10 nor more than \$50.

- B.** Second offense: a forfeiture of not less than \$50 nor more than \$200.
- C.** Each subsequent violation shall result in a forfeiture of not less than \$200 nor more than \$2,000.

## **Chapter 231**

### **STORMWATER MANAGEMENT**

#### **GENERAL REFERENCES**

Building construction -- See Ch. 114.  
Nuisances -- See Ch. 186.  
Pollution -- See Ch. 200.  
Solid Waste -- See Ch. 228.  
Water and Sewers -- See Ch. 270.  
Floodplain zoning -- See Ch. 280.  
Shoreland-wetland zoning -- See Ch. 290.  
Subdivision of land -- See Ch. 295.  
Wellhead protection -- See Ch. 305.

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**ARTICLE IV  
PROHIBITED ILLICIT DISCHARGE AND CONNECTION**

**Foreword**

<b>§. 231-30</b>	<b>Discharges Prohibited</b>
<b>§. 231-31</b>	<b>Connections Prohibited</b>
<b>§. 231-32</b>	<b>Exemptions</b>
<b>§. 231-33</b>	<b>Enforcement</b>

**ARTICLE V  
APPEALS**

<b>§. 231-40</b>	<b>Appeals</b>
A.	Board of Appeals
B.	Who May Appeal

**Effective Date**

[HISTORY: Adopted by the Village Board of Village of Genoa City 11-14-2002. Repealed and replaced 01-14-2016. Amendments noted where applicable.]

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**ARTICLE I  
INTRODUCTION and GENERAL PROVISIONS**

**§. 231-1 AUTHORITY.**

- A. This ordinance is adopted by the Village Board under the authority granted by s. 61.354, for villages, Wis. Stats. This ordinance supersedes all provisions of any ordinance previously enacted under s. 61.35, Wis. Stats., that relate to storm water management regulations or construction site erosion control. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- B. The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- C. The Village Board hereby designates the Village Engineer to administer and enforce the provisions of this ordinance.
- D. The requirements of this ordinance do not supersede any other applicable federal, state, or local regulation; or pre-empt more stringent storm water management or erosion and sediment control requirements that may be imposed including by any of the following:
  - (1) Ch. 30, Wis. Stats.

- (2) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under ss. 281.16 and 283.33, Wis. Stats.
- (3) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

#### **§. 231-2 FINDINGS OF FACT.**

The Village Board acknowledges that uncontrolled, post-construction runoff and erosion has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled runoff can:

- A. Carry a significant amount of sediment and other pollutants to the waters of the state.
- B. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- C. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- D. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- E. Reduce the quality of groundwater by increasing pollutant loading.
- F. Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

#### **§. 231-3 DEFINITIONS.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "Adequate sod, or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.
- B. "Administering authority" means a governmental employee, or a regional planning commission empowered under s. 61.354, Wis. Stats., that is designated by the Village Board to administer this ordinance.

- C. "Agricultural facilities and practices" has the meaning given in s. 281.16 (1), Wis. Stats.
- D. "Atlas 14" means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.
- E. "Average annual rainfall" means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- F. "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- G. "Business day" means a day the office of the Village Engineer is routinely and customarily open for business.
- H. "Cease-and-desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Engineer.
- I. "Combined sewer system" means a system for conveying both sanitary sewage and storm water runoff.
- J. "Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- K. "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- L. "Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- M. "Development" means residential, commercial, industrial or institutional land uses and associated roads.



- N. "Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- O. "Division of land" means the creation from one parcel of two or more parcels or building sites of one or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- P. "Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- Q. "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- R. "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- S. "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.
- T. "Extraterritorial" means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and a half miles of a fourth class city or village.
- U. "Filtering layer" means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.
- V. "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70 percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.
- W. "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village of Genoa City by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- X. "Governing body" means the Village Board of Trustees.
- Y. "Illicit connection" means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any

connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this ordinance.

- Z. "Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.
- AA. "In-fill" means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.
- BB. "Infiltration" means the entry of precipitation or runoff into or through the soil.
- CC. "Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- DD. "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- EE. "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.
- FF. "Maintenance agreement" means a legal document that provides for long-term maintenance of storm water management practices.
- GG. "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with §. 231-4 of this ordinance.
- HH. "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- II. "NRCS MSE3 or MSE4 distribution" means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

- JJ. "Off-site" means located outside the property boundary described in the permit application.
- KK. "On-site" means located within the property boundary described in the permit application.
- LL. "Ordinary high-water mark" has the meaning given in s. NR 115.03 (6), Wis. Adm. Code.
- MM. "Outstanding resource waters" means waters listed in s. NR 102.10, Wis. Adm. Code.
- NN. "Percent fines" means the percentage of a given sample of soil, which passes through a # 200 sieve.
- OO. "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- PP. "Permit" means a written authorization made by the Village of Genoa City to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- QQ. "Permit administration fee" means a sum of money paid to the Village of Genoa City by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- RR. "Person" means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.
- SS. "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- TT. "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.
- UU. "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.
- VV. "Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.
- WW. "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- XX. "Preventive action limit" has the meaning given in s. NR 140.05 (17), Wis. Adm. Code.

- YY. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
- ZZ. "Redevelopment" means areas where development is replacing older development.
- AAA. "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- BBB. "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- CCC. "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- DDD. "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (1) Is designed or used for collecting water or conveying runoff.
  - (2) Is not part of a combined sewer system.
  - (3) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
  - (4) Discharges directly or indirectly to waters of the state.
- EEE. "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- FFF. "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed or occurred.
- GGG. "Stop work order" means an order issued by the Village of Genoa City which requires that all construction activity on the site be stopped.
- HHH. "Storm drainage system" means any publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- III. "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has under gone final stabilization, following completion of the construction activity.

- JJJ. "Storm water management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- KKK. "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- LLL. "Top of the channel" means an edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- MMM. "Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.
- NNN. "TP-40" means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.
- OOO. "TR-55" means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.
- PPP. "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under s. 85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- QQQ. "TSS" means total suspended solids.
- RRR. "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973".
- SSS. "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

#### **§. 231-4 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.**

Maximum Extent Practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village Engineer's satisfaction that a performance standard is

not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the Maximum Extent Practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

**§. 231-5 TECHNICAL STANDARDS.**

The following methods shall be used in designing the BMPs needed to meet the standards of this ordinance:

- A. Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- B. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.
- C. Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Village Engineer.

**§. 231-6 FINANCIAL GUARANTEE.**

- A. ESTABLISHMENT OF THE GUARANTEE. The Village of Genoa City may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village of Genoa City.
  - (1) The financial guarantee shall be in an amount determined by the Village of Genoa City to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility.
  - (2) The Village of Genoa City may require an irrevocable letter of credit as a condition of approval and issuance of the erosion and sediment control permit to guarantee a good faith execution of the approved plan and any permit conditions.
  - (3) The financial guarantee shall give the Village of Genoa City the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved plan, upon written notice to the responsible party by the Village of Genoa City that the requirements of this ordinance have not been met.

B. **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:

- (1) The Village of Genoa City shall release the portion of the financial guarantee established under this section, less any costs incurred by the Village of Genoa City to complete installation of practices, upon submission of "as built plans" or "record" drawings by a licensed professional engineer. The Village of Genoa City may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
- (2) The Village of Genoa City shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Village of Genoa City, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

**§. 231-7 FEE SCHEDULE.**

The fees referred to in other sections of this ordinance shall be established by the Village of Genoa City and may from time to time be modified by resolution. A schedule of the fees established by the Village of Genoa City shall be available for review at the Village Hall.

**§. 231-8 SEVERABILITY.**

If a court of competent jurisdiction judges any section, sentence, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

**ARTICLE II  
POST-CONSTRUCTION STORM WATER MANAGEMENT**

**FOREWORD.**

The intent of this ordinance is to reduce the discharge of pollutants carried in storm water runoff to waters of the state. Use of this ordinance by municipalities will foster the consistent, statewide application of post-construction performance standards for new development and redevelopment contained in subchapters III and IV of chapter NR 151, Wis. Adm. Code.

**§. 231-10 PURPOSE AND INTENT.**

- A. **PURPOSE.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions.
- (2) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.
- (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

B. **INTENT.** It is the intent of the Village Board that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village Board recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Village Board, it is the intent of this ordinance that the approved storm water management plan be used to identify post-construction management measures acceptable for the community.

#### **§. 231-11 APPLICABILITY AND JURISDICTION.**

##### **A. APPLICABILITY.**

- (1) Except as provided under par. (2), this ordinance applies to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction.
- (2) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:
  - (a) A post-construction site with less than ten percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.
  - (b) Agricultural facilities and practices.



(c) Underground utility construction, but not including the construction of any above ground structures associated with utility construction.

(3) Notwithstanding the applicability requirements in par. (1), this ordinance applies to post-construction sites of any size that, as determined by the Village Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

B. JURISDICTION. This ordinance applies to post-construction sites within the boundaries and jurisdiction of the Village of Genoa City, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to s. 236.45 (2) and (3), Wis. Stats.

C. EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

#### **§. 231-12 PERFORMANCE STANDARDS.**

A. RESPONSIBLE PARTY. The responsible party shall comply with this section.

B. STORM WATER MANAGEMENT PLAN. A written storm water management plan in accordance with §. 231-14 shall be developed and implemented for each post-construction site.

C. MAINTENANCE OF EFFORT. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

D. PLAN REQUIREMENTS. The storm water management plan required under subd. B shall include the following:

(1) TOTAL SUSPENDED SOLIDS. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

(a) BMPs shall be designed in accordance with Table 1 or to the Maximum Extent Practicable as provided in subd. (b). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent

In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

- (b) If the design cannot meet a total suspended solids reduction performance standard of Table 1, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the Maximum Extent Practicable. Use the most recent version pollutant loading models such as DETPOND, WinSLAMM, P8 or equivalent methodology to evaluate the efficiency of the design in reducing total suspended solids, including rainfall files and other parameter files identified for Wisconsin users unless directed otherwise by the regulatory authority.
- (c) When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(2) **PEAK DISCHARGE.**

- (a) By design, BMPs shall be employed to maintain or reduce the 1-, 2-, 10-, and 100-year, 24-hour post-construction peak runoff discharge rates to the 1-, 2-, 10-, and 100-year, 24-hour pre-development peak runoff discharge rates, respectively, or to the Maximum Extent Practicable. The runoff curve numbers in Table 2 shall be used to represent the actual pre-development conditions.

<b>Table 2. Maximum Pre-Development Runoff Curve Numbers</b>				
<b>Runoff Curve Number</b>	<b>Hydrologic Soil Group</b>			
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Where the pre-development condition is a combination of woodland, grassland, or cropland, the runoff curve number should be pro-rated by area.

Peak discharges shall be calculated using TR-55 runoff curve number methodology, NOAA Atlas 14 Precipitation Frequency Estimates for precipitation depths, and the NRCS Wisconsin MSE3 for precipitation distribution (for Walworth County). On a case-by-case basis (historical information), the Village Engineer may allow the use of TP-40 precipitation depths and the Type II distribution.

The NRCS calculated county-specific Atlas 14 precipitation depths and MSE3 and MSE4 precipitation distributions are available at:  
[http://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/technical/engineering/?cid=nrcs142p2\\_025417](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/technical/engineering/?cid=nrcs142p2_025417).

(b) This subsection of the ordinance does not apply to any of the following:

- [1] A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
- [2] Except as provided under §. 231-12 C., a redevelopment post-construction site.
- [3] An in-fill development area less than 5 acres.

(3) INFILTRATION.

(a) Best Management Practices shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the Maximum Extent Practicable:

- [1] Low Imperviousness. For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
- [2] Moderate Imperviousness. For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
- [3] High Imperviousness. For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient

runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

- (b) The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.
- (c) Infiltration Source Areas.
  - [1] Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in §. 231-12 D.(3)(f):
    - [a] Areas associated with a tier 1 industrial facility identified in s. NR 216.21 (2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
    - [b] Storage and loading areas of a tier 2 industrial facility identified in s. NR 216.21 (2)(b). Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.
    - [c] Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.
  - [2] Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:
    - [a] Parking areas and access roads less than 5,000 square feet for commercial development.
    - [b] Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a.
    - [c] Except as provided under §. 231-12 C., redevelopment post-construction sites.

- [d] In-fill development areas less than 5 acres.
  - [e] Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- (d) Location of Infiltration Practices.
- [1] Infiltration practices may not be located in the following areas:
    - [a] Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
    - [b] Areas within 400 feet of a community water system well as specified in s. NR 811.16 (4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
    - [c] Areas where contaminants of concern, as defined in s. NR 720.03 (2), are present in the soil through which infiltration will occur.
  - [2] Separation Distances.
    - [a] Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- [b] Notwithstanding par. [2], applicable requirements for injection wells classified under ch. NR 815 shall be followed.
- [3] Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:
  - [a] Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
  - [b] Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- (e) Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.
- (f) Groundwater Standards.
  - [1] Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the Maximum Extent Practicable.
  - [2] Notwithstanding par. [1], the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- (g) Before infiltrating, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance

with subd. (f). Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

- (h) Where the conditions of subd. (c) and (d) limit or restrict the use of infiltration practices, the performance standard of §. 231-12 D.(3) shall be met to the Maximum Extent Practicable.

(4) PROTECTIVE AREAS.

- (a) In this section, "Protective Area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location. The "Protective Area" is the greatest of the following widths, as defined in §. 231-3 YY.
  - [1] For outstanding resource waters and exceptional resource waters, 75 feet.
  - [2] For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
  - [3] For lakes, 50 feet.
  - [4] For wetlands not subject to par. [5] or [6], 50 feet.
  - [5] For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
  - [6] For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
  - [7] In pars. [4] to [6], determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.
  - [8] Wetland boundary delineation shall be made in accordance with s. NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state

and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

- [9] For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
  - [10] Notwithstanding pars. [1] to [9], the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous. A river, stream or lake is not eligible for a lower protective area width even if contiguous to a less susceptible wetland.
- (b) This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. (d).
  - (c) The following requirements shall be met:
    - [1] Impervious surfaces shall be kept out of the protective area entirely or to the Maximum Extent Practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.
    - [2] Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.
    - [3] BMPs such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.
  - (d) This section does not apply to any of the following:
    - [1] Except as provided under §. 231-12 C., redevelopment post-construction sites.



- [2] In-fill development areas less than 5 acres.
- [3] Structures that cross or access surface water such as boat landings, bridges, and culverts.
- [4] Structures constructed in accordance with s. 59.692 (1v), Stats.
- [5] Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability. (A vegetated protective area to filter runoff pollutants from post-construction sites is not necessary since the runoff at that location is treated prior to entering the surface water. Other practices necessary to meet the requirements of this section, such as a swale or pond, will need to be designed and implemented to reduce runoff pollutants prior to runoff entering a surface water of the state.)

- (5) **FUELING AND MAINTENANCE AREAS.** Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the Maximum Extent Practicable. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

**E. GENERAL CONSIDERATIONS FOR STORM WATER MANAGEMENT MEASURES.** The following considerations shall be observed in on-site and off-site runoff management:

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (2) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

**F. BMP LOCATION.**

- (1) To comply with the performance standards required under §. 231-12 of this ordinance, BMPs may be located on-site or off-site as part of a regional storm

water device, practice or system, but shall be installed in accordance with s. NR 151.003, Wis. Adm. Code.

- (2) The Village of Genoa City may approve off-site management measures provided that all of the following conditions are met:

(a) The Village Engineer determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Village of Genoa City and that contains management requirements consistent with the purpose and intent of this ordinance.

- (b) The off-site facility meets all of the following conditions:

[1] The facility is in place.

[2] The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

[3] The facility has a legally obligated entity responsible for its long-term operation and maintenance.

- (3) Where a regional treatment option exists such that the Village Engineer exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Village of Genoa City. In determining the fee for post-construction runoff, the Village of Genoa City shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

G. **ADDITIONAL REQUIREMENTS.** The Village Engineer may establish storm water management requirements more stringent than those set forth in this ordinance if the Village of Genoa City determines that the requirements are needed to control storm water quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

#### **§. 231-13 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.**

A. **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Village of Genoa City prior to commencing the proposed activity.

B. **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Village of Genoa City a permit application on a form provided by the Village of Genoa City for that purpose.

- (1) Unless otherwise excluded by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.
- (2) The storm water management plan shall be prepared to meet the requirements of §. 231-12 and §. 231-14, the maintenance agreement shall be prepared to meet the requirements of §. 231-15, the financial guarantee shall meet the requirements of §. 231-6, and fees shall be those established by the Village Board as set forth in §. 231-7.

C. **PERMIT APPLICATION REVIEW AND APPROVAL.** The Village of Genoa City shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

- (1) Within 30 business days of the receipt of a complete permit application, including all items as required by subd. B., the Village of Genoa City shall inform the applicant whether the application, storm water management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
- (2) If the storm water permit application, storm water management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Village of Genoa City shall issue the permit.
- (3) If the storm water permit application, storm water management plan or maintenance agreement is disapproved, the Village of Genoa City shall detail in writing the reasons for disapproval.
- (4) The Village of Genoa City may request additional information from the applicant. If additional information is submitted, the Village of Genoa City shall have 10 business days from the date the additional information is received to inform the applicant that the storm water management plan and maintenance agreement are either approved or disapproved.
- (5) Failure by the Village of Genoa City to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

D. **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be

deemed to have accepted these conditions. The Village of Genoa City may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village of Genoa City to suspend or revoke this permit may be appealed in accordance with §. 231-40.

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- (2) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
- (3) The responsible party shall notify the Village of Genoa City at least three business days before commencing any work in conjunction with the storm water management plan, and within three business days upon completion of the storm water management practices. If required as a special condition under subd. E, the responsible party shall make additional notification according to a schedule set forth by the Village Engineer so that practice installations can be inspected during construction.
- (4) Practice installations required as part of this ordinance shall be certified "as built" or "record" drawings by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Village Engineer or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Village Engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
- (5) The responsible party shall notify the Village Engineer of any significant modifications it intends to make to an approved storm water management plan. The Village Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
- (6) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Village Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the Village of Genoa City to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under §. 231-6.

- (8) If so directed by the Village of Genoa City, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
- (9) The responsible party shall permit property access to the Village Engineer or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
- (10) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village of Genoa City may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (11) The responsible party is subject to the enforcement actions and penalties detailed in §. 231-16, if the responsible party fails to comply with the terms of this permit.

E. PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Village Engineer in addition to the requirements needed to meet the performance standards in §. 231-12 or a financial guarantee as provided for in §. 231-6.

F. PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Village of Genoa City notifies the responsible party that all storm water management practices have passed the final inspection required under subd. D (4).

#### **§. 231-14 STORM WATER MANAGEMENT PLAN.**

A. STORM WATER MANAGEMENT PLAN REQUIREMENTS. The storm water management plan required under §. 231-12 B shall contain at a minimum the following information:

- (1) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
- (3) Pre-development site conditions, including:

- (a) One or more site maps at a scale of not less than 1 inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.
  - (b) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (4) Post-development site conditions, including:
- (a) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
  - (b) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
  - (c) One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed two feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading

calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

- (d) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (e) Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

- (5) A description and installation schedule for the storm water management practices needed to meet the performance standards in §. 231-12.
- (6) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
- (7) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
- (8) Other information requested in writing by the Village Engineer to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
- (9) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

B. **ALTERNATE REQUIREMENTS.** The Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under §. 231-12 E.

#### **§. 231-15 MAINTENANCE AGREEMENT.**

A. **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement required under §. 231-13 B for storm water management practices shall be an agreement between the Village of Genoa City and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

B. **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by §. 231-14 A.(6):

- (1) Identification of the storm water facilities and designation of the drainage area served by the facilities.
- (2) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under §. 231-13 B.
- (3) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under §. 231-13 B.
- (4) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in par. (2).
- (5) Authorization for the Village of Genoa City and Village Engineer to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- (6) A requirement on the Village of Genoa City to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
- (7) Agreement that the party designated under par. (3), as responsible for long term maintenance of the storm water management practices, shall be notified by the Village of Genoa City of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Village of Genoa City.
- (8) Authorization of the Village of Genoa City to perform the corrected actions identified in the inspection report if the responsible party designated under par. (3) does not make the required corrections in the specified time period. The Village of Genoa City shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

**§. 231-16 ENFORCEMENT.**



- A. Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- B. The Village of Genoa City shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- C. Upon receipt of written notification from the Village of Genoa City under subd. B, the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village of Genoa City in the notice.
- D. If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Village of Genoa City may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village of Genoa City plus interest and legal costs shall be billed to the responsible party.
- E. The Village of Genoa City is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the Village Attorney to obtain a cease-and-desist order in any court with jurisdiction.
- F. The Village of Genoa City may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- G. Any permit revocation, stop work order, or cease-and-desist order shall remain in effect unless retracted by the Village of Genoa City or by a court with jurisdiction.
- H. The Village of Genoa City is authorized to refer any violation of this ordinance, or a stop work order or cease-and-desist order issued pursuant to this ordinance, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- I. Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than 500 dollars or more than 1000 dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- J. Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings.

- K. When the Village of Genoa City determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Village of Genoa City or a party designated by the Village of Genoa City may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved storm water management plan. The Village of Genoa City shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial guarantee (security) posted pursuant to §. 231-6 of this ordinance. Where such a security has not been established or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

### **ARTICLE III CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL**

#### **FOREWORD.**

This ordinance will foster consistent, statewide application of the construction site performance standards for new development and redevelopment contained in subchapters III and IV of ch. NR 151, Wis. Adm. Code.

#### **§. 231-20 PURPOSE.**

It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Genoa City.

#### **§. 231-21 APPLICABILITY AND JURISDICTION.**

##### **A. APPLICABILITY.**

- (1) Except as provided under par. (2), this ordinance applies to any Construction Site as defined under §. 231-3 K.
- (2) This ordinance does not apply to the following:
  - (a) Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development. (Transportation

facility projects directed and supervised by Wisconsin Department of Transportation are not subject to this ordinance.)

Notwithstanding this ordinance, a municipality is required to comply with the construction site transportation facility performance standards in subch. IV of NR 151, Wis. Adm. Code, for its own transportation-related projects.)

- (b) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
- (c) Nonpoint discharges from agricultural facilities and practices.
- (d) Nonpoint discharges from silviculture activities.
- (e) Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

- (3) Notwithstanding the applicability requirements in par. (1), this ordinance applies to construction sites of any size that, as determined by the Village Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that cause undue channel erosion, or that increase water pollution by scouring or transporting of particulate.

- B. JURISDICTION. This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Genoa City, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to s. 236.45 (2) and (3), Wis. Stats.
- C. EXCLUSIONS. This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats.

**§. 231-22 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.**

- A. RESPONSIBLE PARTY. The responsible party shall comply with this section.
- B. EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
  - (1) The deposition of soil from being tracked onto streets by vehicles.

- (2) The discharge of sediment from disturbed areas into on-site storm water inlets.
- (3) The discharge of sediment from disturbed areas into adjacent waters of the state.
- (4) The discharge of sediment from drainage ways that flow off the site.
- (5) The discharge of sediment by dewatering activities.
- (6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
- (7) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

C. LOCATION. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.

D. IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

**§. 231-23 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.**

A. RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with §. 231-25.

- B. **EROSION AND SEDIMENT CONTROL PLAN.** A written site-specific erosion and sediment control plan shall be developed in accordance with §. 231-25 of this ordinance and implemented for each construction site.
- C. **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The erosion and sediment control plan required under subd. B shall include the following:
- (1) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
- (a) The deposition of soil from being tracked onto streets by vehicles.
  - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
  - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
  - (d) The discharge of sediment from drainage ways that flow off the site.
  - (e) The discharge of sediment by dewatering activities.
  - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
  - (g) The discharge of sediment from erosive flows at outlets and in downstream channels.
  - (h) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
  - (i) The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- (2) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (1), the following erosion and sediment control practices shall be employed:
- (a) BMPs that, by design, discharge no more than 5 tons per acre per year, or to the Maximum Extent Practicable, of the sediment load carried in runoff from initial grading to final stabilization.

- (b) No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with Maximum Extent Practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
- (c) Notwithstanding subd. (a), if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the Maximum Extent Practicable.

(3) **PREVENTIVE MEASURES.** The erosion and sediment control plan shall incorporate all of the following:

- (a) Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
- (b) Minimization of soil compaction and preservation of topsoil.
- (c) Minimization of land disturbing construction activity on slopes of 20 percent or more.
- (d) Development of spill prevention and response procedures.

(4) **LOCATION.** The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

D. **IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:

- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in §. 231-23 B.
- (2) Erosion and sediment control practices shall be maintained until final stabilization.
- (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

- (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

**§. 231-24 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.**

- A. **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village Engineer.
- B. **PERMIT APPLICATION AND FEES.** The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of §. 231-25, and shall pay an application fee to the Village of Genoa City in the amount specified in §. 231-7. By submitting an application, the applicant is authorizing the Village Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.
- C. **PERMIT APPLICATION REVIEW AND APPROVAL.** The Village Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
  - (1) Within 30 business days of the receipt of a complete permit application, as required by subd. B, the Village Engineer shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.
  - (2) If the permit application and erosion and sediment control plan are approved, the Village Engineer shall issue the permit.
  - (3) If the permit application or erosion and sediment control plan is disapproved, the Village Engineer shall state in writing the reasons for disapproval.
  - (4) The Village Engineer may request additional information from the applicant. If additional information is submitted, the Village Engineer shall have 10 business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
  - (5) Failure by the Village Engineer to inform the permit applicant of a decision within 30 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- D. **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
  - (1) Notify the Village Engineer within 48 hours of commencing any land disturbing construction activity.

- (2) Notify the Village Engineer of completion of any BMPs within 14 days after their installation.
- (3) Obtain permission in writing from the Village Engineer prior to any modification pursuant to §. 231-25 C. of the erosion and sediment control plan.
- (4) Install all BMPs as identified in the approved erosion and sediment control plan.
- (5) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
- (7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
- (8) Allow the Village Engineer to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.

- E. **PERMIT CONDITIONS.** Permits issued under this section may include conditions established by Village Engineer in addition to the requirements set forth in subd. E., where needed to assure compliance with the performance standards in §. 231-22 or §. 231-23.
- F. **PERMIT DURATION.** Permits issued under this section shall be valid for a period of 365 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Village Engineer may grant one or more extensions not to exceed 180 days cumulatively. The Village Engineer may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.
- G. **MAINTENANCE.** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.



**§. 231-25 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.**

- A. EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under §. 231-21 A.(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village Engineer. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.
- B. EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.
- (1) An erosion and sediment control plan shall be prepared and submitted to the Village Engineer.
  - (2) The erosion and sediment control plan shall be designed to meet the performance standards in §. 231-22, §. 231-23 and other requirements of this ordinance.
  - (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
    - (a) Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
    - (b) Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
    - (c) Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
    - (d) Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.

- (e) Calculations to show the compliance with the performance standard in §. 231-23 C.(2)(a).
  - (f) Existing data describing the surface soil as well as subsoils.
  - (g) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
  - (h) Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include the following items, and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.
- (a) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
  - (b) Boundaries of the construction site.
  - (c) Drainage patterns and approximate slopes anticipated after major grading activities.
  - (d) Areas of soil disturbance.
  - (e) Location of major structural and non-structural controls identified in the erosion and sediment control plan.
  - (f) Location of areas where stabilization BMPs will be employed.
  - (g) Areas which will be vegetated following land disturbing construction activities.
  - (h) Area(s) and location(s) of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
  - (i) Areas(s) used for infiltration of post-construction storm water runoff.
  - (j) An alphanumeric or equivalent grid overlying the entire construction site map.

- (5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
- (a) Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
  - (b) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Village Engineer, structural measures shall be installed on upland soils.
  - (c) Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
  - (d) Trapping of sediment in channelized flow.
  - (e) Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
  - (f) Protection of downslope drainage inlets where they occur.
  - (g) Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
  - (h) Clean up of off-site sediment deposits.
  - (i) Proper disposal of building and waste material.
  - (j) Stabilization of drainage ways.
  - (k) Installation of permanent stabilization practices as soon as possible after final grading.
  - (l) Minimization of dust to the Maximum Extent Practicable.
- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall

channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- C. **EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
  - (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
  - (3) The Village Engineer notifies the applicant of changes needed in the erosion and sediment control plan.

**§. 231-26 ENFORCEMENT.**

- A. If land disturbing construction activities are occurring without a permit required by this ordinance, the Village Engineer may enter the land pursuant to the provisions of ss. 66.0119 (1), (2), and (3), Wis. Stats.
- B. The Village of Genoa City may post a stop work order if any of the following occurs:
- (1) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
  - (2) The erosion and sediment control plan is not being implemented in good faith.
  - (3) The conditions of the permit are not being met. As a minimum, the Village Engineer may inspect any construction site once a month between March 1 and October 31, and 2 times between November 1 and February 28 to ensure compliance with the approved erosion and sediment control plan.
- C. If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village of Genoa City may revoke the permit.
- D. If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village Engineer, or if a responsible party violates a stop work order posted under subd. A, the Village Engineer may request the Village Attorney to obtain a cease-and-desist order in any court with jurisdiction.

- E. The Board of Appeals may retract the stop work order issued under subd. A or the permit revocation under subd. B.
- F. After posting a stop work order under subd. A, the Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village Engineer, plus interest at the rate authorized by Village of Genoa City shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- G. Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than 500 dollars nor more than 1000 dollars, and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- H. Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings.

#### **ARTICLE IV PROHIBITED ILLICIT DISCHARGE AND CONNECTION**

##### **FOREWORD.**

The intent of this ordinance is to provide for the health, safety, and general welfare of the citizens through the regulation of non-storm water discharges to the storm drainage system to the Maximum Extent Practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
2. To prohibit Illicit Discharges and Connections to the municipal separate storm sewer system.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

##### **§. 231-30 DISCHARGES PROHIBITED.**

No person shall discharge, spill or dump substances or materials which are not entirely composed of storm water into receiving bodies of water, storm sewers, or other drainage facilities, or onto driveways, sidewalks, parking lots or other impervious or pervious areas that drain into the storm drainage system.

#### **§. 231-31 CONNECTIONS PROHIBITED.**

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.

#### **§. 231-32 EXEMPTIONS.**

The following activities are exempt from the provisions of this section unless found to have an adverse impact on the storm water:

- A. Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
- B. Discharges resulting from firefighting activities.
- C. Discharges from uncontaminated ground water, potable water source, roof drains, foundation drains and sump pumps, air conditioning condensation, lawn watering, water main and hydrant flushing, and swimming pools if the water has been reasonably dechlorinated.
- D. Discharges from individual automobile washing by automobile owners.
- E. Facility maintenance activities undertaken by any federal, state, county, or municipal agency, such activities, however, being subject to construction erosion control measures.

#### **§. 231-33 ENFORCEMENT.**

- A. Whenever the Village finds a person has violated a prohibition or failed to meet a requirement of this section, the Village may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  - (1). The elimination of illicit connections or discharges;
  - (2). That violating discharges, practices, or operations shall cease-and-desist;
  - (3). The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- B. In the event the person fails to eliminate the illicit connections or discharge, fails to cease-and-desist in discharges, practices or operation in violation of this section or fails to abate or remediate the storm water pollution or combination hazards, that person may be subject to forfeiture as provided in the Village of Genoa City ordinance §. 1-5. Each day that the violation exists shall constitute a separate offense.

**ARTICLE V  
APPEALS**

**§. 231-40 APPEALS.**

- A. **BOARD OF APPEALS.** The Board of Appeals, created pursuant to Chapter 310 of the Village of Genoa City ordinance pursuant to s. 61.354 (4)(b), Wis. Stats.:
- (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village of Genoa City in administering this ordinance, except for cease-and-desist orders obtained under §. 231.16, §. 231.26, and §. 231.33.
  - (2) Upon appeal, the Board may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship; and
  - (3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- B. **WHO MAY APPEAL.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Genoa City affected by any decision.

**EFFECTIVE DATE.**

This ordinance shall be in force and effect after its adoption. The above and foregoing ordinance was duly adopted by the Village Board of the Village of Genoa City on the 14<sup>th</sup> day of January, 2016.

Approved: \_\_\_\_\_

Attested: \_\_\_\_\_

## Chapter 234 STREETS AND SIDEWALKS

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| § 234-1. Grades.                             | § 234-8. Village work excluded.                         |
| § 234-2. Sidewalk construction and repair.   | § 234-9. Obstructions and encroachments.                |
| § 234-3. Driveways.                          | § 234-10. Street privilege permit.                      |
| § 234-4. Excavations and openings.           | § 234-11. Snow and ice removal                          |
| § 234-5. Regulations governing openings.     | § 234-12. Terrace areas.                                |
| § 234-6. Excavations in new streets limited. | § 234-13. Contracts for public structures or utilities. |
| § 234-7. Emergency excavations authorized.   |   |

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 4, Ch. 1 of the 1984 Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Bicycles, roller skates and skateboards -- See Ch. 108.	Vehicles and traffic -- See Ch. 265.
Numbering of buildings -- See Ch. 118.	Water and sewers -- See Ch. 270.
Snowmobiles -- See Ch. 232.	Subdivision of land -- See Ch. 295.

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#### § 234-1. Grades.

- A. Establishment.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and recorded by the Village Clerk-Treasurer in his office. No street, alley, or sidewalk shall be worked until the grade thereof is established.
- B. Alteration of grade prohibited.** No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village unless authorized to do so by the Village Board or the Superintendent of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk-Treasurer by the Clerk-Treasurer or the officer authorizing the alteration.
- C. Existing grades and curbs.** All grades and curb-lines which were previously established by the Village shall remain in force and effect until such time as they may be changed by resolution of the Village Board.



**§ 234-2. Sidewalk construction and repair. [Amended 10-14-2021]**

**A. Owner to construct.**

- (1) It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Genoa City and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Genoa City, it shall proceed according to Village Ordinance
- (2) The cost for sidewalk construction, relay, or repair shall be paid through special assessments over a 10 year period, unless modified by the Village Board.
- (3) Provided, however, that when sidewalk replacement is due to a Village road construction project, then the abutting property owner shall not be specially assessed for the cost and the Village shall be responsible for the entire cost of such sidewalk replacement.

**B. Standards.** Sidewalks must be installed on both sides of the street, unless modified by the Village Board

- (1) Property owners may repair their adjacent sidewalk at any time, or when deemed necessary by the Village Board; however once a street project has been announced at a Village Board meeting, all sidewalk construction, repair, or relay shall be done by a Village hired contractor as bid as part of the project.
- (2) New or relaid sidewalks shall be 5-foot wide and 5-inch thick concrete, except 7-inch thick minimum across driveways.

**C. Permit required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Genoa City unless he is under contract with the Village to do such work or has obtained a permit there-for from the Superintendent of Public Works at least seven days before work is proposed to be undertaken. A fee shall be charged for such permits.

**§ 234-3. Driveways. [Amended 6/9/16]**

**A. Approval required.** No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Superintendent of Public Works.

**B. Specifications for driveway construction.**

- (1) **Width.** See §310-63
- (2) **Interference with intersections prohibited.** At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and

shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

- (3) **Interference with street.** No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Superintendent of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
- (4) **Number of approaches limited.** No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Superintendent of Public Works. Any two approaches shall be at least 10 feet apart.
- (5) **Permittee liable for damage or injury.** The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

#### **§ 234-4. Excavations and openings.**

- A. **Permit required.** No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Genoa City without first obtaining a permit therefore from the Superintendent of Public Works.
- B. **Fee.** The fee for a street opening permit shall be as set by the Village Board and shall be paid to the Village Clerk-Treasurer who shall issue his receipt therefor.
- C. **Bond.**
  - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk-Treasurer an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that he will indemnify and save harmless the Village of Genoa City and its officers from all liability for accidents and damage caused by any of the work covered by his permit and that he will fill up and place in good and safe condition all excavations and openings made in the street and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Superintendent of Public Works for a period of one year and that he will pay all fines imposed

upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

- (2) Recovery on such bond for any accident, injury, or violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.
- (3) An annual bond may be given under this section covering all excavation work done by the principal for one year, beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

**B. Insurance.** Prior to commencement of excavation work, a permittee must furnish the Superintendent of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation public liability insurance of not less than \$100,000 for one person and \$300,000 for one accident and property damage insurance of not less than \$50,000.

#### **§ 234-5. Regulations governing openings.**

- A. Frozen ground.** No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Superintendent of Public Works.
- B. Removal of paving.** In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- C. Protection of public.** Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one yellow light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Superintendent of Public Works, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that

may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- D. Replacing street surface.** In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Superintendent of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

**§ 234-6. Excavations in new streets limited.**

Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 14 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Superintendent of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Superintendent of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

**§ 234-7. Emergency excavations authorized.**

In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

**§ 234-8. Village work excluded.**

The provisions of this chapter regarding street excavations shall not apply to excavation work under the direction of the Superintendent of Public Works by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

**§ 234-9. Obstructions and encroachments.**

- A. Obstructions and encroachments prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B.
- B. Exceptions.** The prohibition of Subsection A shall not apply to the following:
- (1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.
  - (2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
  - (3) Public utility encroachments duly authorized by state law or the Village Board.
  - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided that such goods, wares, etc., do not remain thereon for a period of more than two hours.
  - (5) Temporary encroachments or obstructions authorized by permit under § 234-10.
  - (6) Excavations and openings permitted under §§ 234-4 through 234-8 and Chapter 270, Water and Sewers, and Chapter 305, Wellhead Protection, of this Code.
- C. Removal by Village.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Superintendent of Public Works to do so, it shall be the duty of the Superintendent of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village Clerk-Treasurer, who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

**§ 234-10. Street privilege permit.**

- A. When required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Superintendent of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this section and has obtained a building permit if required by Chapter 114, Building Construction, of this Code.
- B. Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond, in an amount determined by the Superintendent of Public Works, conditioned that the applicant will indemnify and save harmless the

Village of Genoa City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.

- C. Fee.** The fee for a street privilege permit shall be as set by the Village Board.
- D. Conditions of occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Superintendent of Public Works for violation thereof:
- (1) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
  - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
  - (4) The process of moving any building or structure shall be as continuous as practicable until completed and if ordered by the Superintendent of Public Works shall continue during all hours of the day and night.
  - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (6) Buildings shall be moved only in accordance with the route prescribed by the Superintendent of Public Works.
  - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- C. Termination.** All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Superintendent of Public Works.

#### **§ 234-11. Snow and ice removal.**

- A. Responsibility of owner, occupant.** The owner or occupant of any lot or land within the Village of Genoa City abutting upon any public street along the line of which a sidewalk shall have been constructed shall, whenever the sidewalk shall be encumbered with snow or ice, clear the sidewalk side to side and full length of the property within 24 hours after the cessation of each snow fall. In case it is impossible or impractical to remove the ice

there from he shall treat the same with sand, salt or some other substance until removed, so that such sidewalk will not be slippery or dangerous to pedestrians. In case of the failure of any owner or occupant to remove such snow or ice from such sidewalk or to treat such ice as hereinbefore set forth within the time aforesaid, it shall be the duty of Superintendent of Public Works to do so, and the expense of such removal or treatment shall be \$100.00 per hour with a minimum charge of \$100.00 per lot and \$200.00 per corner lot which shall become a special tax charge against the property to be collected in the manner hereinafter specified. The **Village Treasurer** shall keep an accurate account of the expenses of clearing ice and snow in front of each lot or parcel of land. The **Treasurer** shall then invoice each parcel of land for clearing of ice and snow by the Public Works Department. The **Treasurer** shall annually enter such expense on the tax roll as a special charge against each such lot or parcel of land if invoice has not been paid by November 1<sup>st</sup> of that year, and the same shall be collected in all respects like other general property taxes upon real estate. All monies collected shall be put in to the equipment fund to replace equipment

- B. Owner liability.** If the abutting property owner fails to comply with the provisions in Subsection A of this section, he shall assume primary liability for damage or injury to property or persons resulting from such failure<sup>2</sup>.

#### **§ 234-12. Terrace areas.**

- A. Definition.** "Terrace" shall be as defined in Chapter 251, Trees and Shrubs, § 251-2.
- B. Noxious weeds; paving.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- C. Responsibility to maintain.** Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

#### **§ 234-13. Contracts for public structures or utilities.**

- A. Authorization.** Pursuant to §§ 61.56 and 62.15, Wis. Stats., the Village Board may, by a three-fourths vote of all the elected Trustees, authorize the entering into of a contract of not more than \$15,000 with any individual, firm, partnership or corporation for the purpose of the construction or improvement of public structures, works or utilities in the Village of Genoa City without submitting the same for bids<sup>3</sup>.
- B. Accounting of costs and expenses.** Whenever the Village Board shall have authorized a contract for the construction or improvement of any public structures, works or utilities or part thereof as provided in Subsection A above, without submitting the same for bids, the Village Clerk-Treasurer shall keep an accurate account of the cost thereof, including the necessary overhead expense. Upon the full performance of said contract the Village Clerk-Treasurer shall make a complete report thereof to the Village Board, stating in

detail the items of cost and the total cost of doing such work, and the Village Clerk-Treasurer shall publish such report as a part of the proceedings of the Village Board.

2. Editor's Note: Original §4-1-11(c), Depositing snow and ice on highways or streets, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 194-9, **Depositing snow on streets**, and §265-12D, Moving snow into streets.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

## **Chapter 240**

### **TAXICABS**

**§ 240-1. License required; application for license.**

**§ 240-2. Insurance.**

**§ 240-3. Inspection of vehicles.**

**§ 240-4. Condition of license.**

**§ 240-5. Substitute vehicles.**

**§ 240-6. Taxicab license fee.**

**§ 240-7. Revocation of license.**

**§ 240-8. Taxicab operator's license.**

**§ 240-9. Restrictions on operators.**

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 9 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Vehicles and traffic -- See Ch. 265.

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#### **§ 240-1. License required; application for license.**

- A.** No taxicab shall be operated upon the streets of this Village until a license shall have been obtained from the Village therefor. Such license shall expire one year after the date of issuance and shall be effective for the period of one year from such date, unless sooner suspended, canceled or revoked as provided in this chapter.
- B.** "Taxicab" shall include all vehicles carrying passengers for hire for which public patronage is solicited, excepting the municipal bus system.
- C.** Applications for licenses for taxicabs shall be made by the owner to the Village Clerk-Treasurer. Any such application shall contain the full name and address of the owner and the make, model and year, engine number and the factory number of the motor vehicle.

#### **§ 240-2. Insurance.**

It shall be unlawful to operate a vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder, until and unless the applicant for a license deposits with the Village Clerk-Treasurer a certificate of liability insurance for the vehicles for which licenses are sought, said certificate of liability insurance to be acceptable and approved by the Village Clerk-Treasurer and issued by a company authorized to do business in the State of Wisconsin, indemnifying the applicant in the amount of \$50,000 for damage to



property and \$100,000 for injury to one person and \$300,000 for injury to more than one person caused by the operation of said vehicles in the Village of Genoa City. Each taxicab insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon 30 days' written notice to the Village of Genoa City. Every day upon which any vehicle is operated for the conveyance of passengers for hire or when taxicab or cab or similar transportation is offered to the public without an insurance policy as required herein being in effect and on file with the Village Clerk-Treasurer shall be deemed a separate violation.

#### **§ 240-3. Inspection of vehicles.**

No vehicle shall be licensed until it has been annually examined by the Chief of Police, or such person as he may designate, and found to be in a thoroughly satisfactory and safe condition for the transportation of passengers, clean, of good appearance and well painted, and that said vehicle complies with all the other provisions of this chapter. If such examination and inspection show that the vehicle does not comply with any of the provisions of this section, no license shall be issued. At the request of the Chief of Police, the taxicab owners shall take their vehicles to a reputable garage for an independent inspection at the owners' expense.

#### **§ 240-4. Conditions of license.**

- A. Licenses nontransferable.** Licenses issued or granted under this chapter shall be non-assignable and nontransferable.
- B. Information card to be displayed.** A card containing the name of the owner, license number, the number of the vehicle, and rates of fare printed thereon shall be placed and at all times kept in a conspicuous place inside such vehicle.
- C. Liability of licensee.** Any licensee shall be liable for any violations of ordinances or statutes by any and all persons operating taxicabs under its license.
- D. Village Board may impose further restrictions.** Any licensee hereunder shall be subject to such further regulations and restrictions as may be imposed at any time by the Village Board.

#### **§ 240-5. Substitute vehicles.**

Whenever a licensed taxicab shall for any cause become temporarily unfit for use in said business, another automobile may be temporarily used by the licensee as a substitute, but only upon the following conditions:

- A.** It shall not be so used unless the insurance policy required by this chapter for licensed taxicabs affords like coverage for such substitute automobile.

- B.** The substituted vehicle shall be in a satisfactory and safe condition for the transportation of passengers. If in use for more than 48 hours, the inspection requirements of § 240-3 shall apply.

**§ 240-6. Taxicab license fee.**

Upon the approval of the Village Board, the applicant shall pay a taxicab license fee as set by the Village Board.

**§ 240-7. Revocation of license.**

- A. Revocation.** Licenses granted under §§ 240-1 through 240-4 may be suspended or revoked at any time by the Chief of Police for any violation of this chapter. When a taxicab license is revoked or canceled as herein provided, the Chief of Police shall immediately notify the owner to cease at once to operate the vehicle for which the license has been revoked as a taxicab.
- B. Appeals.** Any person who receives a revocation of license and objects to all or part thereof may appeal to the Village Board within seven days of the receipt of the order, and the Village Board shall hear such appeal within 30 days of receipt of such written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination.

**§ 240-8. Taxicab operator's license.**

- A. License required.** No person shall operate any vehicle for the transportation of passengers for hire in this Village until a license shall have been granted by the Village Board. Such license shall be issued as of July 1 of each year and shall be effective for the period of one year from such date, unless sooner suspended, canceled or revoked as provided in this chapter.
- B. Temporary licenses.** The Chief of Police may issue temporary drivers' licenses to applicants who, in his opinion, meet the qualifications set forth in this section. Such temporary drivers' licenses may be issued at any time by the Chief of Police after an applicant has filed an application and shall be in force and effect until the Board shall have approved or disapproved of the applicant's application for a permanent driver's license. The Chief of Police may revoke such temporary driver's license at any time<sup>1</sup>.
- C. License not granted.** An operator's license shall not be granted to any person:
  - (1) Who is under the age of 18 years.
  - (2) Who does not have valid vehicle driver's license.

- (3) Who has pending against him or her or who has been convicted by a court of competent jurisdiction of any offense, the circumstances of which substantially relate to the nature of taxicab operation, including but not limited to driving a motor vehicle as a conveyance of persons or baggage for hire while under the influence of intoxicants or controlled substances, while said conviction remains on record and is not reversed; provided, however, that the Village Board may grant a license to such convicted person after the granting of any complete pardon and restoration of civil rights or provided that the applicant is not prohibited from holding an operator's license under § 343.06, Wis. Stats.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**D. Fees.** There shall be no fee for an operator's license.

**§ 240-9. Restrictions on operators.**

- A. Display of license.** Each licensee, upon receiving a license and photograph of driver, shall, under penalty of revocation of such license, constantly and conspicuously display such license inside the taxicab while the licensee is engaged in his employment. Any driver loaning his license or permitting another person to use the same shall be guilty of an offense.
- B.** It shall be unlawful for the operator of any public passenger vehicle for the conveyance of passengers for hire to operate said vehicle more than 12 hours out of 24. An operator shall be deemed to be operating a vehicle within the terms of this subsection whenever he is in charge of such vehicle and holding himself in readiness to convey passengers. Violation of this subsection shall be assessed to both the operator and the company.

**Chapter 246 (amended 10-13-16)**  
**TOBACCO AND NICOTINE PRODUCTS**

ARTICLE I  
**Cigarette Sales**

- § 246-1. Providing to minors.
- § 246-2. License required.
- § 246-3. State statute adopted.

ARTICLE II  
**Purchase or Possession by Minors**

- § 246-4. Definitions.
- § 246-5. Purchase by minors prohibited.
- § 246-6. Possession by minors prohibited.
- § 246-7. Possession of smoking paraphernalia by minors prohibited
- § 246-8. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I  
**Cigarette Sales**  
[Adopted as § 7-3-2 of the 1984 Code]

**§ 246-1. Providing to minors.**

No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device, sell, give away or otherwise dispose of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, nicotine product or electronic cigarettes or their components, or any substitute therefor.

**§ 246-2. License required<sup>1</sup>.**

No person, firm or corporation shall in any manner, directly or indirectly, upon any premises or by any device, sell, exchange, barter, dispose of or give away or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute there-for, without first obtaining a license as hereinafter provided. The annual fee for such license shall be as set by the Village Board, and the license shall be valid from July 1 to June 30. All cigarette licenses shall be signed by the Village Clerk-Treasurer and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business.

**§ 246-3. State statute adopted.**

Section 134.65, Wis. Stats., is hereby incorporated by reference.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.II).

**ARTICLE II**  
**Purchase or Possession by Minors**  
**[Adopted 10-10-1991 (Title 9, Ch. 8 of the 1984 Code)]**

**§ 246-4. Definitions.**

For the purposes of this article, the following terms shall have the meanings indicated:

**TOBACCO PRODUCTS** -- Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

**SMOKING PARAPHERNALIA** – All equipment, products and materials of any kind which are used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body, a tobacco or nicotine product, including rolling papers and pipes. A lighter shall be considered smoking paraphernalia absent a valid nonsmoking-related reason for its possession, determined by the discretion of the officer.

**NICOTINE PRODUCTS** – A product that contains nicotine and is not any of the following; a tobacco product, a cigarette, or a product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.

**ELECTRONIC CIGARETTES OR THEIR COMPONENTS** – An electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provides a gas derived from liquid nicotine and/or other substances which is inhaled by a user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name or purpose, sometimes manufactured to resemble cigarettes, cigars, pipes, or other smoking devices.

**§ 246-5. Purchase by minors prohibited.**

It shall be unlawful for any person under the age of 18 years to purchase or attempt to purchase nicotine or tobacco products, or electronic cigarettes or their components, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

**§ 246-6. Possession by minors prohibited.**

It shall be unlawful for any person under the age of 18 years to possess any nicotine or tobacco products, or electronic cigarettes or their components.

**§ 246-7. Possession of smoking paraphernalia by minors prohibited.**

It shall be unlawful for any person under the age of 18 years to possess any smoking paraphernalia.

**§ 246-8. Violations and penalties<sup>2</sup>.**

Any person violating § 246-5 or 246-6 is subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## **Chapter 251**

### **TREES AND SHRUBS**

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| § 251-1. Policy and applicability.                           | § 251-9. Trimming.                                   |
| § 251-2. Definitions.  | § 251-10. Obstruction of intersection and            |
| § 251-3. Authority of Forester to enter<br>private premises. | § 251-11. Removal of trees and stumps.               |
| § 251-4. Interference with Forester.                         | § 251-12. Planting of certain species<br>restricted. |
| § 251-5. Abatement of nuisances.                             | § 251-13. Terrace areas.                             |
| § 251-6. Recovery of abatement costs.                        | § 251-14. Injury to trees and shrubs.                |
| § 251-7. Permit for planting,<br>maintenance and removal.    | § 251-15. Appeals.                                   |
| § 251-8. Planting requirements.                              | § 251-16. Adoption of state statutes.                |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 4, Ch. 2 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Nuisances -- See Ch. 186.

Solid waste -- See Ch. 228.

Property maintenance -- See Ch. 205.

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#### **§ 251-1. Policy and applicability.**

- A.** It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs, both public and private, within the Village against the spread of disease, insects or pests.

- B.** The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

**§ 251-2. Definitions.**

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

**CLEAR-SIGHT TRIANGLE** -- A triangle formed by the curblines of two intersecting rights-of-way and a third line connecting a full-view zone at corners of streets, alleys and highways.

**MAJOR ALTERATION** -- Trimming a tree beyond necessary trimming to comply with this chapter.

**PERSON** -- A person, firm, association or corporation.

**PUBLIC AREAS** -- Includes all public parks and other lands owned, controlled or leased by the Village, except the terrace areas.

**PUBLIC NUISANCE**

- A.** Any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements; or endangers the life, health, safety or welfare of persons or property.

**B. Dutch Elm Disease, defined as follows:**

- (1) Any living or standing elm tree or part thereof infected with Dutch Elm disease fungus *Ceratocystis ulmi* (Buisman) or which harbors any of the elm bark beetle *Scolytus multistriatus* (Eich.) or *Hyurgopinus rufipes* (Marsh.).
- (2) Any dead elm or part thereof, including logs, branches, stumps, firewood or other elm material not buried or burned or from which the bark has not been removed.

**PUBLIC TREES AND SHRUBS** -- All trees and shrubs located or to be planted in or upon public areas.

**SHRUBS** -- Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.

**TERRACE AREAS** -- The land between the normal location of the paved street or street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curbline shall be deemed to be a terrace for the purpose of this chapter.

**TREE** -- Any woody plant normally having one stem or trunk bearing its foliage or crown well above ground level to heights of 16 feet or more.



**VILLAGE** -- The Village of Genoa City, Wisconsin.

**VILLAGE FORESTER** -- The Superintendent of Public Works.

**§ 251-3. Authority of Forester to enter private premises.**

The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this chapter.

**§ 251-4. Interference with Forester.**

No person shall interfere with the Village Forester or his authorized representative while he is engaged in carrying out any work or activities authorized by this chapter.

**§ 251-5. Abatement of nuisances.**

- A.** Whenever the Village Forester shall find with reasonable certainty on examination or inspection that any public nuisance as defined herein exists within the Village, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease fungus or the insect pests or vectors known to carry such disease.
- B.** Before abating any nuisance on private premises or in any terrace strip between the lot line and the curb, the Village Forester shall proceed as follows:
  - (1)** If the Village Forester determines that danger to other elm trees from such nuisance is not imminent because of the elm dormancy, he shall make a written report of his findings to the Village Board, which shall proceed as provided in § 27.09(4), Wis. Stats.
  - (2)** If the Village Forester determines that danger to other elm trees within the Village is imminent, he shall notify the owner or abutting owner of the property on which such nuisance is found, in writing, if he can be found, otherwise by publication in a newspaper of general circulation in the Village, that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 30 days from the date of such notice, unless the Forester finds that immediate action is necessary to prevent the spread of infection. If the owner fails to comply with the notice within the time limit, the Forester shall cause the abatement thereof.
- C.** No damage shall be awarded to the owner for destruction of any elm tree, elm wood, elm material or any part thereof pursuant to this chapter.

**§ 251-6. Recovery of abatement costs.**

- A.** The entire cost of abating any public nuisance as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in

accordance with § 66.0627 or 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park, parkway, terrace area, or public grounds shall be borne by the Village.

- B. A special tax may be levied against property for cutting down and removing therefrom any elm tree infected with Dutch Elm disease. The special tax may be paid in yearly installments not exceeding four yearly installments if the property owner requests in writing the privilege of paying the special tax in installments. Interest on the deferred payments shall be at the rate of 10% on the unpaid balance.

#### **§ 251-7. Permit for planting, maintenance and removal.**

- A. **Permit required.** No person, except upon order of the Village Forester, shall plant or remove, or do major alterations as determined by the Forester, on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the Village Forester as herein provided.
- B. **Permit exemptions.** No permit shall be required to cultivate, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- C. **Permit requirements and conditions.** If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this chapter, taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and streetlights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, and characteristics and physiological need of the genus, species and variety of tree or shrub, he shall issue a permit to the applicant.
- D. **Permit form; expiration; inspection.** Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this chapter. Permits issued under this section shall expire six months after date of issuance. There will be no charge for this permit.
- E. **Permits to public utilities.**
  - (1) Whenever a permit is issued under this section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
  - (2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise

and direct work done associated with trees and shrubs.

**§ 251-8. Planting requirements.**

**A. Planting.**

- (1) The size and genus, species and variety of trees and shrubs to be planted in public areas and terrace areas and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work as a part of the permit application process required in § 251-7.
- (2) There shall be a minimum distance of 25 feet and a recommended distance of 50 feet between terrace area trees depending upon the size of the tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
- (3) Pine or fir trees shall not be planted in a terrace area.
- (4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.

**B. Unlawfully planted trees.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.

**§ 251-9. Trimming.**

**A.** Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto, shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous and be subject to removal. The Village Forester may waive the provisions of this section for newly planted trees if

he determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.

- B. The necessity of the pruning may be determined by the Village Forester.
- C. Clearance from sidewalk to lower branches shall not be less than eight feet.
- D. All cuts above one-inch diameter shall be treated with a tree wound compound.

**§ 251-10. Obstruction of intersections and traffic signs.**

- A. Notwithstanding any other provision of this chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- B. It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- C. Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

**§ 251-11. Removal of trees and stumps.**

- A. **Hazardous, obstructive and infected trees.** Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements, whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limit, the Village Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk-Treasurer, who shall thereupon enter such cost as a special charge against the

property, unless the tree is located in the terrace/parkway area, where the provisions of § 251-13 shall apply.

- B. Standards for tree removal.** In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

**§ 251-12. Planting of certain species restricted.**

- A. Cottonwood and Box Elder trees prohibited.** No person shall plant or maintain within the Village of Genoa City any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder or Acer Negundo, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Village Forester, the Village Forester shall cause the removal of such tree and report the full cost thereof to the Village Clerk-Treasurer, who shall place such charge upon the next tax roll as a special charge against the premises.
- B. Planting of certain trees restricted.** No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Genoa City unless he shall first secure written permission from the Village Forester, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this subsection.

**§ 251-13. Terrace areas.**

The entire cost of planting, removal, Dutch Elm disease treatment or removal, maintenance and protection of trees and shrubs on all terrace areas in the Village shall be borne by the Village.

**§ 251-14. Injury to trees and shrubs.**

- A.** No person shall, without the consent of the owner in the case of a private tree or shrub or without written permit from the Village Forester in the case of a terrace area tree, public tree or shrub, do or cause to be done by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.

- (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
- (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
- (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree, except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
- (6) Cause or encourage any fire or burning near or around any tree.

- B.** All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure, or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches or install pavement within a radius of 10 feet from any public tree without a permit from the Village Forester.

**§ 251-15. Appeals.**

Any person who receives a determination or order from the Village Forester and objects to all or any part thereof may appeal to the Village Board within seven days of receipt of the order, and the Village Board shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from, and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within 10 days after the hearing has been concluded and file its written decision with the Village Clerk-Treasurer.

**§ 251-16. Adoption of state statutes.**

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

**Chapter 261**  
**VEHICLES, ABANDONED, STORED, JUNKED AND**  
**UNREGISTERED**

- |   |   |
|---|---|
| <b>§ 261-1. State statutes adopted</b>          | <b>§ 261-6. Owner liable for costs.</b>         |
| <b>§ 261-2. Definitions.</b>                    | <b>§ 261-7. Sale or disposition of</b>          |
| <b>§ 261-3. Prohibited acts.</b>                | <b>impounded vehicles.</b>                      |
| <b>§ 261-4. Notice of violation; removal of</b> | <b>§ 261-8. Report of sale or distribution.</b> |
| <b>vehicle.</b>                                 | <b>§ 261-9. Permits.</b>                        |
| <b>§ 261-5. Impoundment and disposal.</b>       | <b>§ 261-10. Revocation of permit.</b>          |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City 4-12-2001 (Title 8, Ch. 4 of the 1984 Code). Amendments noted where applicable.]**

**GENERAL REFERENCES**

Nuisances -- See Ch. 186.	Property maintenance -- See Ch. 205.
Peace and good order -- See Ch. 194.	Vehicles and traffic -- See Ch. 265.

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**§ 261-1. State statutes adopted.**

The provisions of §§ 342.40 and 175.25, Wis. Stats., and the definitions therein, are adopted by reference.

**§ 261-2. Definitions.**

For the purposes of this chapter, the following terms shall have the meanings indicated:

**JUNKED, STORED, ABANDONED OR UNREGISTERED ABANDONED VEHICLE --**  
Any self-propelled land vehicle which can be used for towing or transporting people or materials, or parts thereof, including but not limited to automobiles, trucks, buses, motorized

campers, motorcycles, motor scooters, mopeds, tractors, snowmobiles and trailers of all types, in a disassembled, dismantled, junked, wrecked or inoperable condition, on any real estate located within the corporate limits of the Village, except upon a permit issued by the Village Board.

**§ 261-3. Prohibited acts. [Amended 3-14-2002]**

No person, firm, partnership or corporation shall leave unattended any junked, stored, abandoned or unregistered vehicle for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. No person shall store any such junked, abandoned or unregistered vehicle on public or private property within the Village of Genoa City for longer than 10 days without making application to the Village Board for a permit herein described. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal official, or when designated as not abandoned pursuant to a permit issued hereunder; provided, however, that any person, firm, partnership or corporation who or which is actively in the business of storing or dealing in junked or abandoned or unregistered vehicles shall be permitted to store such junked or abandoned vehicles for a period of up to 90 days without making an application to the Village Board for a permit herein described.

**§ 261-4. Notice of violation; removal of vehicle.**

Whenever any Village law enforcement officer shall find any such vehicle placed or stored in the open upon private property, public property or a public highway in the Village of Genoa City, he/she shall notify the owner of such vehicle and/or the owner of the property upon which such vehicle is placed or stored of the intention of the Village to remove such vehicle. If any such vehicle is not removed within five days after such notice, the Chief of Police shall cause such vehicle to be removed, the cost of such removal to be charged to the property from which it is removed, and such charges to be entered upon the tax roll as a special assessment. Upon removal, such vehicle shall be stored in a suitable place for at least 14 days after the owner thereof receives notice of such storage, if the name and whereabouts of the owner can be readily ascertained.

**§ 261-5. Impoundment and disposal.**

Any vehicle in violation of this chapter shall be impounded by the Chief of Police of the Village until lawfully claimed or disposed of under § 261-7A or B, except that if the Chief of Police or any member of the Police Department authorized by the Chief of Police determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the Chief of Police prior to expiration of the impoundment upon his/her determination that the vehicle is not wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with § 261-7A.

**§ 261-6. Owner liable for costs.**



The owner of any abandoned, junked or stored motor vehicle for which no permit has been issued by the Village Board, except a stolen vehicle, is responsible for all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.

**§ 261-7. Sale or disposition of impounded vehicles.**

- A.** Value in excess of \$100. Any abandoned, junked or stored motor vehicle for which no permit has been issued by the Village Board, and which is determined by the Chief of Police or any duly authorized member of the Village Police Department to have a value in excess of \$100, shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lien-holders of record, to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model and serial number of such abandoned, junked or stored motor vehicle and the place where the vehicle is being held and shall inform the owner and any lien-holders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lien-holders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle.
- (1) Each retained vehicle not reclaimed by its owner or lien-holder may be sold. The Village may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the Chief of Police, in which event all bids may be rejected. If all bids are rejected, or no bid is received, the Village may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale, or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.
  - (2) A Class 1 notice, pursuant to the provisions of Ch. 985, Wis. Stats., shall be published in the official newspaper of the Village prior to any such sale and shall be in the same form as the certified mail notice sent to the owner or lienholder of record. Upon sale of an abandoned vehicle, the Village shall supply the purchaser with a complete form designed by the Wisconsin Department of Transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.
  - (3) Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization who or which makes a written request for such list. The Village may charge a fee for the list.

- B.** Value less than \$100. Any abandoned vehicle which is determined by the Chief of Police or his/her duly authorized deputy to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

**§ 261-8. Report of sale or disposition.**

Within five days after the sale or disposal of a vehicle, as provided in § 261-7A or B, the Chief of Police shall advise the Wisconsin Division of Motor Vehicles of the sale or disposition thereof.

**§ 261-9. Permits.**

Any person, firm, partnership or corporation desiring a permit to maintain an abandoned, junked or stored motor vehicle, or parts thereof, as herein defined, shall apply for a permit if such motor vehicles or parts thereof will remain on public or private property for longer than 10 days. The permit application shall be on forms provided by the Village Clerk-Treasurer's office, shall be accompanied by a nonrefundable application fee as set by the Village Board, and shall be returned to the Village Clerk-Treasurer for consideration by the Village Board at the next regularly scheduled meeting. Any such permit issued by the Village Board shall specify the quantity and manner of storing such motor vehicles or parts thereof and shall be signed by the Village President and Village Clerk-Treasurer.

**§ 261-10. Revocation of permit.**

Any such permit issued hereunder shall be revocable at any time by the Village Board, after a hearing before such Board at which it has been found that the permit holder has failed or refused to comply with this chapter or any restrictions contained in such permit. Such hearing may be held by the Village Board on its own motion or upon the complaint, in writing, duly signed and certified by the complainant. Such complaint or motion shall state the nature of the alleged failure to comply with this chapter or permit restrictions. A copy of the complaint or motion together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

## **Chapter 265**

### **VEHICLES AND TRAFFIC**

- § 265-1. State traffic laws adopted.
- § 265-2. Official traffic signs and control devices.
- § 265-3. Through traffic.
- § 265-4. One-way traffic.
- § 265-5. Operators to obey traffic control devices.
- § 265-6. Weight limits on class “B” highways.
- § 265-7. Special and seasonal weight limits.
- § 265-8. Heavy traffic routes.
- § 265-9. Overnight parking.
- § 265-10. Stopping or parking prohibited in certain places.
- § 265-11. Parking in private driveways.
- § 265-12. Snow emergency parking restrictions.
- § 265-13. Parking reserved for vehicles of disabled persons.
- § 265-14. General parking regulations
- § 265-15. Unlawful removal of parking citation.
- § 265-16. Loading zones.
- § 265-17. Determining identity of violator
- § 265-18. Accident reports.
- § 265-19. School bus warning lights.
- § 265-20. Parking lots and ramps.
- § 265-21. Disorderly conduct.
- § 265-22. Removal of illegally parked vehicles.
- § 265-23. Inoperable, wrecked or discarded vehicles.
- § 265-24. Time limit on parking or standing.
- § 265-25. State Administrative Code provisions adopted; vehicle equipment.
- § 265-26. Speed limits.
- § 265-27. Violations and penalties.
- § 265-28. Enforcement.
- § 265-29. Stop Intersections.

[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 8, Ch. 1 of the 1984 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Parades -- See Ch. 97, Art. II.

Bicycles, roller skates and skateboards -- See Ch. 108.

Peace and good order -- See Ch. 194.

Snowmobiles -- See Ch. 223.

Abandoned, stored and junked vehicles -- See Ch. 261.

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**§ 265-1. State traffic laws adopted.**

- A. Statutes adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Trans 305, Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Trans 305 or Ch. 340 to 348, Wis. Stats., incorporated herein are intended to be made part of this chapter in order to secure, to the extent legally practicable, uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. [Amended 02/12/15]
- B. Other state laws adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Ch. 340 to 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter: §§ 350.01 through 350.19, Snowmobiles, § 941.01, Negligent operation of vehicle, and § 346.935, Intoxicants in motor vehicles.
- C. Statutes specifically incorporated by reference.** Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes as from time to time amended, repealed or modified by the Wisconsin Legislature.
- D. General references.** General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authority.

**§ 265-2. Official traffic signs and control devices.**

- A. Duty of Superintendent of Public Works** to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 265-1, require the erection of traffic control devices for enforcement, the Superintendent of Public Works shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulations to the users of the streets and highways on which

such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Superintendent of Public Works will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the Village of Genoa City.

- B. Code numbers to be affixed to official traffic control devices.** The Superintendent of Public Works shall cause to be placed on each official traffic control sign, guide board, mile post, signal or marker erected under Subsection A a code number assigned by the Wisconsin Department of Transportation and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- C. Prohibited signs and markers in highways.** No person, other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village of Genoa City any sign, signal, marker, mark or monument unless permission is first obtained from the Superintendent of Public Works or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D.
- D. Removal of unofficial signs, markers, signals and traffic control devices.** The Superintendent of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Superintendent of Public Works to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

#### **§ 265-3. Through highways.**

In the interest of public safety and pursuant to § 349.07, Wis. Stats., the following streets or portions thereof are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Superintendent of Public Works in accordance with § 265-2 of this chapter:

- A.** County Highway H (Old U.S. 12).
- B.** County Highway B.

#### **§ 265-4. One-way traffic. [Amended 7-8-1999]**

The following alleys and streets are designated for one-way traffic to move only in the direction indicated:

- A.** Traffic on the alley between Walworth Street and Main Street of the original plat of the Village of Genoa City shall enter the alley from Main Street only.

- B.** Traffic on Platt Street between Wisconsin Street and Carter Street of the original plat of the Village of Genoa City shall enter Platt Street from Wisconsin Street only.

**§ 265-5. Operators to obey traffic control devices.**

Every operator of a vehicle approaching an intersection at which an official traffic control device is erected in accordance with this chapter shall obey the direction of such official traffic control device as required by the Wisconsin Statutes incorporated by reference in § 265-1 of this chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by § 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by § 346.18(6), Wis. Stats.

**§ 265-6. Weight limits on Class "B" highways.**

All streets over which are routed county trunk highways are hereby designated Class "B" highways and shall be subject to the weight limitation imposed by § 348.16, Wis. Stats.

**§ 265-7. Special and seasonal weight limits.**

The Superintendent of Public Works shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the Village of Genoa City or for the safety of users thereof and shall be responsible for erecting signs giving notice thereof in accordance with § 349.16, Wis. Stats.

**§ 265-8. Heavy traffic routes. [Amended 7-13-2017]**

- A. Heavy traffic routes designated.** All streets over which are routed county trunk highways are hereby designated heavy traffic routes.
- B. Restrictions on use of other streets by heavy traffic.** No vehicle shall be operated on any street within the Village limits not designated a heavy traffic route, the total gross weight of which, including the weight of the vehicle, of any attached trailer and of the contents of said vehicle and attached trailer, exceeds 14,000 pounds, saving and excepting this subsection shall not prohibit the use of such streets by vehicles in excess of said weight exclusively for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence fronting thereon.
- C. The following streets are designated heavy traffic routes:**
- a. Carter St between Franklin St and Walworth St
  - b. Elizabeth Lane
  - c. Industrial Drive
  - d. South Road
  - e. Williams Road
  - f. Wild Rose Road

**§ 265-9. Overnight parking.**

**Parking shall be prohibited on Village streets between the hours of 2:00 a.m. and 6:00 a.m. from December 1st and ending on April 1st.**

**§ 265-10. Stopping or parking prohibited in certain places.**

No person shall stop, park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

- A. Within an intersection.
- B. On a crosswalk.
- C. On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters.
- D. Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- E. On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
- F. Within 20 feet of the driveway entrance to a fire station
- G. Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
- H. In any place or manner so as to obstruct or hinder traffic.
- I. Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
- J. Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
- K. Upon any bridge.
- L. Upon any parkway or terrace where curb and gutter exist, and where no curb and gutter exist, no vehicle shall park on any parkway or terrace in the Village unless it is parked parallel to the street immediately adjacent to said parkway or terrace.
- M. Extended Parking of Trailers Prohibited. No person shall park, stop, or leave standing a trailer as defined by 340.01(71), Wis. Stats., on any Village street for a period of time in excess of 24 hours.

**§ 265-11. Parking in private driveways.**

No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

**§ 265-12. Snow Emergency Parking Restrictions. [Amended 12-29-1994]**

- A. Definition.** A snow removal emergency situation within the Village is defined as a snowfall or blowing snow of such intensity and anticipated duration as to create hazardous driving conditions or congested traffic on the public streets, roads or highways within the Village, required immediate and continuing snow removal operations. In general, a continuing snowfall accumulating snow on road surfaces at the rate of one inch per hour or a snowfall and/or blowing conditions depositing, or expected to deposit, four inches or more of snow on road surfaces shall constitute a snow removal emergency. It shall be within the discretion of the Village President or his or her substitute to make a determination as to whether the above-described conditions exist.
- B. Declaration.** The Village President or his or her substitute shall declare a snow emergency to exist when conditions are as set forth in Subsection A above. Such notice may be made by radio, newspaper publication, if practicable, and by posting within the Village in the same manner as ordinances are posted; always provided, however, that failure of such notice shall not excuse any person from complying with the provisions of this section.
- C. Parking of vehicles.**
- (1) After the declaration of a snow emergency, no person shall park any vehicle at any time, night or day, on any public street, road or highway within the Village. Any vehicle parked upon any public street, road or highway within the Village may be removed by the Village and stored in a public area to be designated by the Village Board or suitable private facilities maintained for storage of vehicles.
  - (2) The owner of any such vehicle removed by the Village shall be responsible for all towing and storage costs, which shall be paid before the vehicle is released to the owner, together with any forfeiture as set forth herein.
- D. Moving snow into streets.** No person shall clear snow from lots, parking areas, driveways, filling stations, garages, commercial areas or other places and pile or redistribute such snow in any public street, road or highway within the Village in any manner which in any way tends to narrow, restrict or obstruct travel or block the vision of motorists or in any way create a traffic hazard or impede snow removal or plowing of such public street, road or highway in the Village<sup>1</sup>.
- E. Penalties.** Any person who shall violate Subsection C(1) or D of this section shall, in addition to the costs of removal and storage of the vehicle, be subject to the penalty provided in Chapter 1, General Provisions, § 1-5 of this Code.

**§ 265-13. Parking reserved for vehicles of disabled persons.**



When official traffic signs indicating such restriction have been erected in accordance with § 265-2 of this chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

**§ 265-14. General parking regulations. [Amended 7-13-2017]**

**A. Parking prohibited on certain streets.** No person shall stop or leave any vehicle standing on any of the following streets, except temporarily for the purposes of, and while actually engaged in, loading and unloading or in receiving and discharging passengers and while the vehicle is attended by a licensed operator so that it may properly be moved in case of any emergency or to avoid obstruction of traffic:

- (1) On Walworth Street between the E line of L 1, original plat of Genoa City, and a point 2,163 feet E of the E line of said L 1 as measured along the center line of Walworth Street.
- (2) On Freeman Street between the south line of Kossuth Street where said street intersects Freeman Street and a point 1,157 feet north of the south line of Kossuth Street, where said Kossuth Street intersects Freeman Street, said distance being measured along the center line of Freeman Street.

1. Editor's Note: See also Ch. 194, § 194-9, Depositing snow on streets.

- (3) On both sides of Williams Road.
- (4) On the west side of Fellows Street for a distance of 1,303.50 feet north of the north line of Main Street.
- (5) On both sides of South Carter Street for a distance of 1,050 feet from its intersection with Walworth Street to the driveway of Prime Plastics.

**B. Angle parking required.** On the following streets and portions thereof where designated, no person shall park a vehicle other than at an angle of 45° to the curb as indicated by markings thereon:

- (1) On the west side of Sumner Street between the north line of Walworth Street and the first alley entering the west side of Sumner Street north of said north line of Walworth Street.
- (2) On the west side of Freeman Street between the south line of Walworth Street and the north line of Main Street.
- (3) On the west side of Freeman Street from the north line of Walworth Street to a point 280 feet north of said line.

**C. Parallel parking required of certain vehicles.** No person shall park a vehicle whose overall length, including the vehicle and any attached trailer and any load on said vehicle

or trailer, exceeds 23 feet in length on any public street in the Village of Genoa City in any manner other than parallel and immediately adjacent to the curb of such street. Said vehicles or trailers shall not be parked in areas on public streets designated for angle parking.

**D. Parking prohibited during certain hours.** No person shall park a vehicle on any of the following streets in the Village of Genoa City for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day, except emergency vehicles, which shall include vehicles of physicians on emergency call:

- (1) On Walworth Street between Sumner Street and the Firehouse Alley.
- (2) On Freeman Street between Kossuth Street and Main Street.
- (3) On any municipal parking lot within the Village of Genoa City.

**E. Parking limited in certain areas.** In the following areas parking shall be limited as follows:

- (1) On the south side of Walworth Street, in front of the Genoa City Theater, from the east side of Freeman Street to a point 37 feet east of the east side of Freeman Street, there shall be no parking at any time.
- (2) Continuing east 112 feet from the easterly-most point described in Subsection A, parking shall be permitted for a one-hour period.
- (3) In the municipal parking lot located on the northwest corner of Freeman and Walworth Streets, parking shall be limited to two hours between the hours of 6:00 a.m. and 8:00 p.m., except that there shall be no time limit for parking in the row closest to Walworth Street
- (4) Parking regulations on the streets surrounding the Brookwood School shall be governed by § 346.52(2), Wis. Stats., except that during the hours of 7:30 a.m. to 4:30 p.m. during school days there shall be no parking on the west side of Sumner Street between Kossuth Street and the north line of the school property.
- (5) On the south side of Kossuth Street between Freeman Street and Sumner Street, parking shall be limited in the two posted parking spaces adjacent 328 Kossuth Street, which read “No Parking Loading Zone Only 6 am – 6 pm Mon-Fri.” Parking shall be limited on the north side of Kossuth Street adjacent to the yellow curb from Freeman Street to Sumner Street where posted, “No Parking During School Hours 8 am – 9 am 3 pm – 3:30pm” Parking of on duty emergency vehicle or commercial transportation services are exempt. **[Amended 01-28-2015]**
- (6) On the west side of Freeman Street there shall be no parking for a distance of 42.8 feet south of the south line of Walworth Street. Beginning at a point 42.8 feet south of the side of Freeman Street for a distance of 101.5 feet, parking shall be limited to 90 minutes between the hours of 9:00 a.m. and 9:00 p.m.

- (7) On the north side of Walworth Street, for a distance of 93 feet east of the east line of Freeman Street, parking shall be limited to 30 minutes between the hours of 9:00 a.m. and 9:00 p.m.
- (8) On North Wisconsin Street between Bond Street and Franklin Street there shall be no through truck traffic.
- (9) On the South side of Gifford Street from Freeman Street east to Wisconsin Street. **[Added 2-14-2002]**
- (10) On the north side of Highland Avenue. **[Added 4-10-2003]**
- (11) On the south side of Deer Path Drive. **[Added 4-10-2003]**
- (12) On the north side of Quail Drive. **[Added 4-10-2003]**
- (13) On the north and west sides of Pheasant Drive. **[Added 4-10-2003]**
- (14) On the east side of Mallard Lane. **[Added 4-10-2003]**
- (15) On the west side of Teal Trail. **[Added 4-10-2003]**

**§ 265-15. Unlawful removal of parking citations.**

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

**§ 265-16. Loading zones.**

The Chief of Police and the Safety Committee of the Village of Genoa City are empowered to establish, for motor vehicles, loading zones of such kind and character at such places as shall be necessary in the best interests of the public and for the protection of persons using the public streets. When signs are erected at any such places or zones, no person shall park a vehicle for such purposes for a period of time longer than 30 minutes.

**§ 265-17. Determining identity of violator.**

When any vehicle is found upon a street or highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 265-1 and shall be subject to the applicable forfeiture penalty, provided that the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

#### **§ 265-18. Accident reports.**

The operator of every vehicle involved in an accident shall, within 10 days after such accident, file with the Village Police Department a copy of the report required by § 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations of §§ 346.70(4)(f) and 346.73, Wis. Stats.

#### **§ 265-19. School bus warning lights.**

Notwithstanding the provisions of § 346.48(2)(b)2, Wis. Stats., adopted by reference in § 265-1, to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

#### **§ 265-20. Parking lots and ramps.**

- A. Unlicensed operators prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- B. Traffic regulations applicable.** All provisions of § 265-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot or ramp held out for use of the general public for parking or vehicular travel.

#### **§ 265-21. Disorderly conduct.**

No driver of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.

#### **§ 265-22. Removal of illegally parked vehicles.**

- A. Hazard to public safety.** Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.
- B. Removal by operator.** Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- C. Removal by traffic officer.** Any traffic officer, after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.

- D. Removal by private service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- E. Towing and storage charges.** In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay reasonable costs of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

**§ 265-23. Inoperable, wrecked or discarded vehicles<sup>2</sup>.**

- A. Storage prohibited.** No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 72 hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this section and the date of the notice. Any vehicle so tagged which is not removed within 24 hours after notice is declared to be a public nuisance and may be removed as provided in § 265-22.

2. Editor's Note: See also Ch. 261, Vehicles, Abandoned, Stored and Junked

- B. Exemptions.** This section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

**§ 265-24. Time limit on parking or standing.**

No vehicle shall be left parked or standing on any street or parkway for more than 24 continuous hours, unless a permit to do so has first been obtained from the Police Department. "Parkway" means that area between the sidewalk and the nearest curblin running parallel or generally parallel thereto.

**§ 265-25. State Administrative Code provisions adopted; vehicle equipment.**

- A. Administrative regulations adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein:

- (1) Chapter MVD 3, Reciprocity - Nonresident Motor Carriers (penalties of § 341.04, Wis. Stats., apply).
- (2) Chapter MVD 4, Lettering on Vehicles, Display of Evidence of Registration and Dual Permit.

- (3) Chapter MVD 5, Standards for Motor Vehicle Equipment.
- (4) Chapter MVD 6, Transportation of Explosives by Motor Vehicle.
- (5) Chapter MVD 17, Transportation of School Children.
- (6) Chapter MVD 18, Protective Headgear Standards and Specifications.
- (7) Chapter MVD 22, Standards and Specifications - Design and Mounting SMV Emblem.

**B. Noncompliance prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 265-1 of this chapter.

**C. Owner's liability.** Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to non-applicability of demerit points, shall apply to owners convicted of violation of this section.

**D. Safety checks.**

- (1) **Operators to submit to inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
- (2) **Authority of officer.** Any law enforcement officer of the Village is hereby empowered, whenever he or she shall have reason to believe that any provision of this section is being violated, to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
- (3) **Vehicle to be removed from highway.** Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and

return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

- E. Penalty.** Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administration Code incorporated herein by reference, shall be as provided in Subsection C of this section, together with the costs of prosecution and applicable penalty assessment.

**§ 265-26. Speed limits. [Amended 5-29-1997] [ Amended 6-09-2016]**

Pursuant to § 349.11(3)(c), Wis. Stats., the speed limits set forth in § 346.57(4)(e), (f) and (g), Wis. Stats., are increased as hereinafter set forth upon the following streets or portions of streets from 25 to 30 miles per hour:

- A.** On Carter Street between the north line of Franklin Street and the north Village limits.
- B.** On Main Street between the west Village limits and the Old Mill Race, which Mill Race is 1,942 feet easterly of the west Village limits, when measured along the center line of Main Street from said Village limits.

Pursuant to § 349.11(3)(c), Wis. Stats., the speed limits set forth in § 346.57(4)(e), (f) and (g), Wis. Stats., are decreased as hereinafter set forth upon the following streets or portions of streets from 45 to 35 miles per hour:

- A.** On Williams Rd from South Rd to Twin Lakes Rd/Cty. Hwy B

Pursuant to § 349.11(3)(c), Wis. Stats., the speed limits set forth in § 346.57(4)(e), (f) and (g), Wis. Stats., are decreased as hereinafter set forth upon the following streets or portions of streets from 35 to 25 miles per hour:

- A.** On South Rd from State Hwy 12 heading east passed the curve towards the Village limits at the Kenosha County Line.

**§ 265-27. Violations and penalties.**

- A. Forfeiture penalty.** The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by § 814.63(1) and (2) or 814.65(1), Wis. Stats., and the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by §§ 757.05 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment there-for and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.
- B. Other sanctions.**

- (1) **By court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) **By municipality.** No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the Village Clerk-Treasurer, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

**C. Forfeitures for violation of moving traffic regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 265-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Chs. 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.

**D. Forfeitures for parking violations.**

- (1) **Forfeitures for uniform statewide parking, stopping and standing offenses.** Minimum and maximum forfeitures for violation of nonmoving traffic regulations adopted by reference in § 265-1 as described in Chs. 341 to 348, Wis. Stats., shall be as provided for the comparable state nonmoving traffic violation<sup>3</sup>.
- (2) **Penalty for other parking violations.** The penalty for all other parking violations not included under Subsection D(1) above shall be a forfeiture of not less than \$5 nor more than \$100 for the first offense and not less than \$10 nor more than \$200 for the second offense within two years.
- (3) **Other violations.** Any person who shall violate any provision of this chapter for which a penalty is not otherwise established shall be subject to a forfeiture of not less than \$10 nor more than \$200<sup>4</sup>.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

## **§ 265-28. Enforcement.**

This chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this section.

- A. Applicable court procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this chapter, the traffic regulations in this chapter shall be enforced in the Municipal Court of the Village of Genoa City in accordance with the provisions of Chs. 345 and 800, Wis. Stats.
- B. Citations.**



- (1) **Uniform citation and complaint.** The Wisconsin uniform traffic citation and complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define nonmoving traffic violations and violations of §§ 346.71 through 346.73, Wis. Stats. Violations of §§ 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney, and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) **Parking citations.** The Chief of Police shall recommend a citation for use in enforcing the nonmoving traffic offenses in this chapter. When approved by the Village Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this chapter, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes adopted by reference in § 265-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Nonmoving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

**C. Deposits and stipulations.**

- (1) **Moving traffic offenses.**
  - (a) **Who may make.** Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with § 66.0114(1)(b), Wis. Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Clerk of County Court and the Village Police Department.
  - (b) **Delivery or mailing of deposit and stipulation.** Any person stipulating guilt or no contest under the preceding subsection must make the deposit required under § 345.26, Wis. Stats., or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the office of the Police Department or Clerk of County Court as directed by the arresting officer.
  - (c) **Receipt required.** Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged

violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation and a copy of the receipt within seven days to the Municipal Judge.

**(2) Nonmoving traffic offenses.**

- (a) Direct payment of penalty permitted.** Persons cited for violation of nonmoving traffic regulations described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by forwarding within 10 days of the issuance of the citation to the Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 15 days of the date of the citation to the above-named office the amount of \$25. When payment is made as provided in this subsection, no court costs shall be charged<sup>5</sup>.
- (b) Court prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 15 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Municipal Attorney.
- (c) Deposits returned to Clerk-Treasurer.** Officers receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to the Village Clerk-Treasurer within seven days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

**§ 265-29 Stop Intersections.**

In the interest of public safety and pursuant to the provision of Section 349.07, Wis. Stats., and other applicable statutory, the following streets and intersections are declared to be stop intersections, and traffic signs or signals giving notice thereof shall be erected by the Village:

5. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

- A.** In both directions on Meadow Drive at the intersection of Mallard drive and on the northwest corner of Mallard Drive at the intersection of Meadow Drive. All vehicles shall stop before entering upon or crossing this intersection.

## **Chapter 270**

### **WATER AND SEWERS**

#### **ARTICLE I**

##### **General Regulations**

- § 270-1. Compulsory connection to sewer and water.
- § 270-2. Separate Sewer and Water Utilities established.
- § 270-3. Water main and sewer pipe extensions.
- § 270-4. Establishment of service.
- § 270-5. Water and sewer connection fees
- § 270-6. Capital improvement fund.
- § 270-7. Meters.
- § 270-8. Turning on water.
- § 270-9. Protective devices.
- § 270-10. Cross-connections.
- § 270-11. Maintenance of service pipe.
- § 270-12. Temporary shutoff of water.
- § 270-13. Thawing frozen services.
- § 270-14. Repairs to meters.
- § 270-15. Stop boxes.
- § 270-16. Water rates and billing procedures.
- § 270-17. Unpaid bills to be a lien against property served.
- § 270-18. Reconnection charge.
- § 270-19. Failure to read meters.
- § 270-20. Charges for water wasted due to leaks.
- § 270-21. Surreptitious use of water.
- § 270-22. Water for construction.
- § 270-23. Use of hydrants for construction.
- § 270-24. Permit to use water for construction work
- § 270-25. Operation of valves and hydrants; violations and penalties.
- § 270-26. Hydrant connections.
- § 270-27. Right to open hydrants.

§ 270-28. Security for temporary metered supply  
§ 270-29. Refunds of deposits.  
§ 270-30. Inspections and enforcement.  
§ 270-31. Vacation of premises.  
§ 270-32. Repairs to sewer laterals.  
§ 270-33. Fluoridation of well supply.  
§ 270-34. Private well abandonment.

ARTICLE II  
User Charge and Sewer Use

§ 270-35. Authority.  
§ 270-36. Title.  
§ 270-37. Findings.  
§ 270-38. Purpose and intent.  
§ 270-39. Abrogation and greater restrictions.  
§ 270-40. Interpretation.  
§ 270-41. Assessment of user charge.  
§ 270-42. User charge system.  
§ 270-43. Sewer service bill.  
§ 270-44. Expenditures.  
§ 270-45. Conditions for discharge into treatment system.  
§ 270-46. Limitations on discharge.

[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments -- See Ch. 9.  
Building construction -- See Ch. 114.  
Pollution -- See Ch. 200.

Streets and sidewalks -- See Ch. 234.  
Subdivision of land -- See Ch. 295.  
Wellhead protection -- See Ch. 305.

§ 270-47. Pretreatment.  
§ 270-48. Private sewage treatment and disposal.

§ 270-49. Service to outlying territory.  
§ 270-50. Discharge permits.  
§ 270-51. Construction of sewers and connections for buildings.  
§ 270-52. Sewer extensions.  
§ 270-53. Reporting criteria for non-residential users.  
§ 270-54. Septic waste hauler  
§ 270-55. Right of entry  
§ 270-56. Control manholes.  
§ 270-57. Liability during inspections.  
§ 270-58. Waste sampling and analyses.  
§ 270-59. Violations and penalties.  
§ 270-60. Nonpayment of bills.  
§ 270-61. Word usage and definitions.  
§ 270-62. User charge rates.

ARTICLE I  
General Regulations  
[Adopted as Title 5, Ch. 1 and § 6-1-4 of the 1984 Code]

§ 270-1. Compulsory connection to sewer and water.

A. **When required.** Whenever a sewer or water main becomes available to any building used for human habitation, the Superintendent of Public Works shall notify the owner or his agent in writing, in the manner prescribed by the Wisconsin Statutes, or by registered

mail addressed to the last known address of the owner or his agent, to connect the building to the sewer or water main within one year.

- B. Contents of notice.** The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewerage system and prevent creation of a health nuisance. Such order shall be served on the owner of record of the real estate on which such building is situated or his agent where an agent is in charge of the building in the manner provided for service of a summons in the Circuit Court, and the owner of such building shall connect the same to the sewer or water system within the time specified in the order.
- C. Superintendent of Public Works may cause connection at expense of owner.** If the owner or his agent fails to comply with the notice of the Superintendent of Public Works within one year of service or mailing thereof, the Superintendent of Public Works may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property. With respect to water, notice shall be given to the owner, occupant or agent to the extent required by state law<sup>3</sup>.
- D. Installment option.** The owner or his agent may, within 30 days after completion of the work, file a written option with the Village Clerk-Treasurer stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in two equal annual installments, with interest from the completion of the work.
- E. Privies, cesspools, etc., prohibited after connection with sewer.** After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.
- F. Exceptions to compulsory connection to water.** Private wells may be permitted in the Village of Genoa City under the following circumstances:
1. Upon petition to the Village Board and approval by a majority of the Village board;
  2. Wisconsin Department of Natural Resources approval for the private well;
  3. The petitioner, at its expense enters into a written agreement with the Village to provide safe well samples once a year to the Superintendent of the Village Department of Public Works, to provide a GPS location of the well, and to be responsible for the cost to lower the well, if it becomes necessary due to the Village municipal wells.

#### **§ 270-2. Separate Sewer and Water Utilities established<sup>4</sup>.**

- A.** Pursuant to the provisions of § 66.0819, Wis. Stats., Ordinance No. 120, dated January 2, 1958, combining the municipal water and sewer utility is hereby repealed.

- B.** From and after July 14, 1983, and after authorization from the Public Service Commission of the State of Wisconsin, the Water Utility shall be maintained separately from the Sewer Utility.
- C.** Separate rates and books of account shall be maintained for the Water Utility and Sewer Utility.

**§ 270-3. Water main and sewer pipe extensions.**

- A. Main extensions.** The Utility will extend water mains for new consumers, or for fire protection service, at a minimum size of six inches. Where the cost of the extension is assessed against the abutting property, the procedure set forth under § 62.19, Wis. Stats., will apply.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Original § 5-1-1, Franchises to utility companies, which immediately preceded this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Excavating for connections.** Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractors must, at their own expense, cause them to be replaced or repaired at once. They must not shut off the water service pipes from or to any consumer for a period exceeding six hours.
- C. Settling water mains and sewer pipe connections.** Trenches and excavations in all streets in the Village shall be refilled with sand backfill under the supervision of the Superintendent of Public Works. On all excavations that extend beyond the traveled portion of the street or curblin, refill shall also consist of sand backfill for a distance of not less than five feet from the edge of said traveled street or curblin. It shall be the duty of the Superintendent to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed yellow signal lights in such manner as will, so far as possible, ensure the safety of the public.
- D. Engineer services required.** Any person or entity requesting an extension to the Village sanitary sewer system or water system shall have a qualified Engineer, registered in the State of Wisconsin, prepare all plans and specifications for the sanitary sewer and water main improvements. All sanitary sewer and water main improvements to be dedicated to the Village shall be staked and inspected by the Village Engineer during the course of construction. All fees associated with the above shall be the responsibility of the person or entity requesting an extension.
- E.** The Village Engineer may provide services to the person or entity requesting an extension or design the public improvements, if agreed to by the person/entity and Village Engineer, and approved by the Village Board.

- F. All sewer and water utilities larger than 8-inch diameter, and all other regional facilities required for the transmission, pumping, treatment, or storage of water, sewage, or storm-water shall be designed by the Village Engineer.

**§ 270-4. Establishment of service.**

**A. Service applications.**

- (1) The Village will, upon written application upon blanks provided for that purpose by the Village, accompanied by a fee as determined by the Village Board, furnish and install the corporation valve. The applicant shall have the trench dug and the main exposed for the installation of the corporation valve and shall further provide and install the copper service pipe of not less than 3/4 inch in size from the distribution mains in the street to the curb cock and stop box and shall further provide and install the curb cock and stop box. The installation and specifications for said service pipe, curb cock, and stop box shall be in compliance with the plans and specifications as prepared by the Village Engineer. All service pipes will be laid at right angles to curb-line so that location may be readily determined in case of repairs, leaks, etc. All water pipes laid underground of a diameter less than two inches in size shall be of extra-strong copper pipe. The pipe shall be one continuous piece from the curb box to the meter installation area inside the building. When the pipe is of two-inch diameter it may be, and when greater diameter than two inches it shall be, of cast-iron bell and spigot and what is termed as Class B pipe. When installed inside the building, above ground, or in a tunnel or pipe conduit, the pipe may be cast iron, galvanized iron or brass with corresponding fittings. All service pipes shall be brought to an accessible point where they enter the building to facilitate the installation of a water meter. **[Amended 10-14-1999]**
- (2) Application for the original installation of a supply from the Village water main, or for any extension or alteration of any existing supply from the curblane, or within the street property line, shall be filed by the owner of the property or an authorized agent therefor for the approval of the Superintendent of Public Works prior to the performance of any such work. If a master plumber or the owner makes such application, he shall provide fully and truly the legal description of the property, the street location, the officially designated building number, the size and character of the supply pipe, and the fixtures or appliances to be supplied. (Note particularly any special refrigeration or air-conditioning water-consuming appliances.)
- (3) The Superintendent is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly and fully set forth by the applicant.
- (4) The signing of the application card or permit will constitute a contract for water supply and its specific use, which contract embodies these regulations as part of the same.

**B. Service connections.**

- (1) Each applicant for water service shall, at the time of making application for such service, execute and deliver to the Utility a contract for such water service agreeing to put in the service pipe from the curblin to each piece of water-using property existing and owned by him where such water is desired, at the expense of such applicant, and to commence the payment for such water service when a bill is rendered for the same.
- (2) No service pipe shall be installed to any lot or parcel of land not now being served unless said lot or parcel of land has a frontage on a regularly platted street or public strip in which a cast-iron or other long-life water main has been laid and unless the water service connection therewith is made between the property lines, extended to the main.
- (3) The service pipe shall be laid not less than six feet below the surface of an established or proposed grade line. When laid in a combined sewer and water trench, the service shall be laid on a shelf of solid ground not nearer than 12 inches to the side wall of the sewer trench.
- (4) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties.
- (5) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such insulation as may be approved by the Superintendent. Service pipes passing through curb or retaining walls shall be adequately safeguard by the provision of a channel space or pipe casing not less than twice the diameter of the service pipe. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement or other resilient material and made impervious to moisture.
- (6) When a change of direction of a cast-iron service is made on either side of a curb or retaining wall, the cast-iron fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing or by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall. Such clamp rods shall be not less than 5/8 inch in diameter and when buried in soil should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws for fastening clamp rods will not be permitted.
- (7) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six inches over the pipe.



- (8) All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures or appliance units operating simultaneously. In no instance, however, shall any water supply pipe to the furthestmost riser or fixture branch be of a smaller diameter than 3/4 inch.
- (9) In case it is necessary to install a separate new or larger service to replace an existing small diameter service pipe, an allowance equal to 50% of the present cost of the installation of the size of service replaced will be made, provided that the new service is installed in the same ditch as the existing service. In no case, however, will this allowance be less than \$10, and this allowance can only be made if the old service can be removed when the new service is installed.

C. **Bond.** Any person engaged in the business of plumbing or who performs any work in conjunction with the public water or sewer system of the Village of Genoa City shall file with the Village Clerk-Treasurer, subject to the approval of the Village Board, a bond in the sum of \$5,000 before commencing any such work.

D. **Location of tap.** No street main shall be tapped at a distance less than one foot of another ferrule or the bell end or any sleeve connection on the main. Lead service pipes shall be one lead pipe diameter larger than the corporation cock connection with the main and shall have a brass stock-cock encased in a cast-iron extensible box placed two feet inside the line of the street curb and on a line at right angles with the corporation cock connection. Shutoff box may be placed on street side of sidewalk next to the walk.

E. **Tapping machine.** The mains shall be tapped while under pressure by a machine furnished by the Village for that purpose. The tap shall not be made nearer than 15 inches to any joint of the main pipe, and in no case shall the water be shut off for the purpose of tapping except in case of accident to the tapping machine.

F. **Sewer connections applicable.**

- (1) Whenever water service is established, the abutting property shall be connected to any sewer lines running parallel to the water main.
- (2) This section shall apply to sewer as well as water service.

G. **Connections not permitted.** The Village will construct a sanitary interceptor sewer main which will extend into McHenry County, Illinois. The Village shall not permit any connections to said sewer main in Illinois. **[Added 12-19-2002]**

#### **§ 270-5. Water and sewer connection fees. (Amended 3-10-11)**

The Village, upon written application for water and sewer connections, shall collect from the applicant the following fees:

- A. Residential buildings.** Single-family houses and multifamily apartments, per unit for one-bedroom units, two-bedroom units and three-bedroom units: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- B. Nonresidential buildings,** per unit for water meters of 3/4 inch, one inch, 1 1/2 inches and two inches: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
- C. Industrial buildings.** Connection fees for industrial buildings shall be determined on the building's estimated average daily water use at \$0.60 cents per gallon per day for water and \$1.20 per gallon per day for sewer for a total of \$1.80 per gallon per day, said estimate to be subject to final review and determination by the Village Engineer.

VILLAGE OF GENOA CITY

WASTEWATER CONNECTION FEE

REU MULTIPLIER

Meter Size (in)	Meter Type	Flow (gpm) <sup>(1)</sup>	REU Multiplier	Fixed Portion	Variable Portion	Total Variable	Total Charged
3/4 or less	displacement	15	1.00	\$2,000	\$2,500	\$2,500	\$4,500
1	displacement	25	1.67	\$2,000	\$2,500	\$4,167	\$6,167
1-1/2	displacement	50	3.33	\$2,000	\$2,500	\$8,333	\$10,333
2	displacement	80	5.33	\$2,000	\$2,500	\$13,333	\$15,333
2	compound	80	5.33	\$2,000	\$2,500	\$13,333	\$15,333
2	turbine	100	6.67	\$2,000	\$2,500	\$16,667	\$18,667
3	compound	160	10.67	\$2,000	\$2,500	\$26,667	\$28,667
3	turbine	240	16	\$2,000	\$2,500	\$40,000	\$42,000
4	compound	250	16.67	\$2,000	\$2,500	\$41,667	\$43,667
4	turbine	420	28	\$2,000	\$2,500	\$70,000	\$72,000
6	compound	500	33.33	\$2,000	\$2,500	\$83,333	\$85,333
6	turbine	920	61.33	\$2,000	\$2,500	\$153,333	\$155,333
8	compound	800	53.33	\$2,000	\$2,500	\$133,333	\$135,333
8	turbine	1600	106.67	\$2,000	\$2,500	\$266,667	\$268,667

10	compound	1150	76.67	\$2,000	\$2,500	\$191,667	\$193,667
10	turbine	2500	166.67	\$2,000	\$2,500	\$416,667	\$418,667

**NOTES:**

(1) Based on AWWA Standards

(2) All existing residential households with 1 inch diameter or smaller water meters, when converting from a private sewer or disposal system to the municipal sanitary sewer service system, shall only be charged for the fix portion of the connection fee. If the fixed portion of the connection fee is paid and the municipal sewer service is connected within six months of notice to connect the fee will be reduced by 50%. The variable portion of the connection fee shall be waived.

**§ 270-6. Capital improvement fund.**

The connection fees collected pursuant to the provisions of § 270-5 shall be deposited in the water or sewer capital improvement fund, whichever is applicable, for the construction of future water supply or wastewater disposal facilities, which shall not include the costs of local water mains, sanitary sewers, house service lines, tapping fees or water meters.

**§ 270-7. Meters.**

- A. Installation of meters.** Meters will be furnished and placed by the Utility and are not to be disconnected or interfered with by the consumer. All meters shall be so located that they shall be preserved from obstructions and allow easy access thereto for reading and inspection, such location to be designated by the Superintendent. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer, he shall pay for all piping and an amount sufficient to cover the cost of maintenance and depreciation, but not less than \$0.25 per month.
- B. Service piping for meter settings.** In installing new service piping (or changing service piping where consumers have been on a flat rate), if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Where it is possible to set meters in the basement, a short nipple shall be inserted after the stop and waste cock, then a union and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Superintendent (he may require a horizontal run of 18 inches in such pipeline) which may later be removed for the insertion of the meter into the supply line. No permit will be given to change from metered to flat rate service.

**§ 270-8. Turning on water.**

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work.

**§ 270-9. Protective devices.**

- A. **In general.** The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises' supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly must such owner or occupant protect water-cooled compressors for refrigeration systems by means of high-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of his own or adjacent premises
- B. **Relief valves.** On all closed systems (i.e., systems having a check valve, pressure regulator or reducing valves, water filter or softener) an effective temperature relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank or on the hot water distributing pipe connection at the tank. A three-fourths-inch drainpipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe.
- C. **Air chamber.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than 15 diameters of said supply pipe. Where possible, the air chamber should be provided with a valve and drain cock at its base for water drainage and replenishment of air.

**§ 270-10. Cross-connections. [Amended 12-14-1995]**

**Definition.** As used in this section, the following terms shall have the meanings indicated:

- A. **Cross-Connection** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Genoa City water system and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- B. **Cross-connection prohibited.** No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Village of Genoa City may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Village of Genoa City and by the Wisconsin Department of Natural Resources in accordance with § NR 812.25(3), Wis. Adm. Code.
- C. **Inspections.** It shall be the duty of the Village of Genoa City to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the

Village of Genoa City and as approved by the Wisconsin Department of Natural Resources. Upon presentation of credentials, the representative of the Village of Genoa City shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Genoa City for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wisconsin Statutes. On request the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

**D. Discontinuance of service.**

- (1) The Village of Genoa City is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in Subsection D(2). Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.
- (2) If it is determined by the Village of Genoa City that a cross-connection or any emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer of the Village of Genoa City and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

**E. Adoption of Administrative Code chapter.** The Village of Genoa City adopts by reference the State Plumbing Code of Wisconsin, being Ch. COMM 82, Wis. Adm. Code. This section does not supersede the State Plumbing Code but is supplementary thereto.

**§ 270-11. Maintenance of service pipe.**

The service pipe from the main to the curb stop will be maintained and kept in repair at the expense of the Utility. The consumer shall maintain the service pipe from the curb stop to the point of use and can be billed for any water which has not passed through the meter and has been wasted by leakage of defective pipes and fixtures. If a consumer fails to repair a leaky or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Superintendent of Public Works after notification has been served on the consumer by the Superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

**§ 270-12. Temporary shutoff of water.**

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the Utility will give notification by newspaper publication or otherwise of the

discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

**§ 270-13. Thawing frozen services.**

- A.** Frozen services shall be thawed out by and at the expense of the Utility except where the freezing was caused by contributory fault or negligence on the part of the consumer, such as reduction of the grade or undue exposure of the piping in the building or on the consumer's property, or failure to comply with Water Utility<sup>5</sup> specifications and requirements as to depth of service, lack of sufficient backfill, etc.
- B.** Following the freezing of a service, the Utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for re-thawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the consumer must make provision for proper disposal of the wastewater. For the period in which the water is allowed to run, the

5. Editor's Note: Throughout this article, references to the "Water Department" were amended to read "Water Utility" at time of adoption of Code (see Ch. I, General Provisions, Art. II)

consumer will be billed according to his meter readings, but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

**§ 270-14. Repairs to meters.**

- A.** Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- B.** Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of any one of them to properly secure and protect the same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

**§ 270-15. Stop boxes.**

The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the customer's premises.

**§ 270-16. Water rates and billing procedures.**

- A. Water rates.** Pursuant to the Wisconsin Public Service Commission's rate order currently in effect, the following rates are effective as provided in that order effective with the first billing period subsequent to the date of that order:
  - (1) Public fire protection service (F-1).** For public fire protection service to the Village of Genoa City, the annual charge shall be the amount necessary to cover

the use of mains and hydrants up to and including the terminal hydrant and connection on each line of main existing at the time the charge is determined. For all extensions of fire protection service, there shall be added to the above annual amount a charge as specified in the Public Service Commission's rate order and rules for each linear foot of main put into use between hydrants placed, plus a charge as specified in the Public Service Commission's rate order and rules per hydrant set for each hydrant added to the system. This service shall include the use of hydrants for fire protection only and such quantities of water as may be demanded for the purpose of extinguishing fires. For all other purposes, the meter rates as filed with the Public Service Commission shall apply.

- (2) **Public service (Mpa-1).** Water supplied to Village buildings, schools, or other public places shall be metered and the general service metered rate (Schedule Mg-1) applied. Water used for flushing streets, sewers, sprinkling, flooding rinks and pools, or other like intermittent service shall be metered where possible or, where placement of a meter is not possible, the Superintendent shall estimate the gallons used. The quantity of water consumed shall be billed to the Village as specified by the Public Service Commission.
- (3) **General service - metered (Mg-1).**
  - (a) Quarterly service charge (minimum quarterly charge) for meters of 5/8 inch, 3/4 inch, one inch, 1 1/2 inches, two inches, three inches, four inches and six inches: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
  - (b) Consumption charge, for the first 20,000 gallons used each quarter, next 60,000 gallons used each quarter, next 120,000 gallons used each quarter and over 200,000 gallons used each quarter: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
  - (c) The minimum charge shall be quarterly service charge. A penalty of 3% will be added to bills not paid when due.
- (4) **Private fire protection service (Upf-1).**
  - (a) **Application.** This schedule applies to private fire protection service, unmetered, where the customer owns and maintains hydrants, standpipes, and/or a sprinkler system, and when facilities for use of water are limited to those requested for private fire protection only.
  - (b) **The rates shall be as follows.** Quarterly charge for service of two inches, three inches, four inches, six inches and eight inches and for combined service: as determined by the Village Board in accordance with rate orders of the Public Service Commission.
  - (c) Where a four-inch or larger connection is made to main for private fire protection service, such connection may be tapped with smaller-size branches for general service. The small branches shall be metered and the

rates for general service applied. The charge for private fire protection service will be that applicable to the size of connection as stated in the above schedule, less 30% of the applicable service charge for general service (metered) branches. Where "X" equals the unmetered private fire protection charge applicable to the size of connection and "Y" is the quarterly service charge for general service, the quarterly charge for private fire protection service shall be (X-30Y).

**B. Unit of service (applicable only if provided for in the rate schedule).**

- (1) A unit of service shall consist of any aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store, office or factory, etc., which is equipped with one or more fixtures for rendering water services, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.
- (2) Suites in houses, or apartments where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus houses and apartments having suites of one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.
- (3) When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately, but the readings will be cumulated for billing.

**C. Payment of bills.** Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A penalty of 3% will be added to bills not paid when due. If the bill is not paid within 20 days thereafter, the property owner will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangements for payment are made within the next eight days, the unpaid bill and all additional interest shall become a lien against the property as provided in § 270-17 of this article. Failure to receive a bill in no way exempts the provisions of these rules<sup>6</sup>.

**§ 270-17. Unpaid bills to be a lien against property served.**

If bills are not paid within the period allotted for such payment, a penalty of 3% shall be added to said charge and the same shall constitute a lien on the property served or to which service is available and shall be added to the Village's tax roll as provided in the Wisconsin Statutes.

**§ 270-18. Reconnection charge.**

- A.** Where a customer has contracted for yearly service and at his request service has been discontinued prior to the expiration of his contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same location or some other location, a reconnection charge, payable in advance, shall be collected.



- B. A connection charge shall also be required from customers whose services are disconnected because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). A consumer shall be considered for the same location by any member of the same family or, if a place of business, by a partner or employee of the same business.

**§ 270-19. Failure to read meters.**

- A. Where the Utility is unable to read the meter after two successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charge assessed, and the difference adjusted with the consumer when the meter is read again; that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and the credit will be given on that bill for the amount of the minimum bill paid the preceding quarter.
- B. If the meter is damaged (see § 270-21, Surreptitious use of water) or fails to operate for any reason, the Utility will render a bill for the current period, based on an average of the last two quarters, provided that there is no particular reason why the use during that period has not been normal. In case the last two periods cannot be properly used, then the bill shall be estimated by some equitable method.
- C. Section 196.171, Wis. Stats., which provides that consumers who fail to allow Utility agents to read or inspect meters at reasonable hours or who refuse or fail to permit authorized utility personnel to read the meter at least once every six months, where the Utility bills monthly or bimonthly, or at least once every nine months, where the Utility bills quarterly or less frequently than quarterly, shall be subject to a forfeiture of \$25 for each offense, is hereby adopted by reference.

**§ 270-20. Charges for water wasted due to leaks.**

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the consumer or, being known, he had used his best efforts to correct the condition. If the Utility is satisfied that the loss occurred without the consumer's knowledge or, having known about it, he had tried to correct the condition, the Utility may determine as nearly as possible what the amount of the loss is by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

**§ 270-21. Surreptitious use of water.**

When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference, and such bill shall be payable subject to a twenty-four-hour disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:

- A. The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for Utility service to the Utility.
- B. The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- C. The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.

**§ 270-22. Water for construction.**

- A. When water is wanted for construction purposes or for filling cisterns, tanks or tank wagons, steam tractors or rollers, or portable steam boilers, an application therefor shall be made to the Superintendent, in writing, upon application provided for that purpose in the Water Utility office, giving a statement of the amount of construction work to be done or the size of the cistern, boiler, tank or tank wagon to be filled.
- B. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Superintendent.

**§ 270-23. Use of hydrants for construction.**

- A. In cases where no other supply is available, permission may be granted by the Superintendent to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge will be made for setting a valve or for moving it from one hydrant to another. In no case shall any valve be moved except by a member of the Water Utility.
- B. Before a valve is set, payment must be made for its setting and for water to be used at the scheduled rates. The applicant must make a deposit for the hydrant wheel and for the reducer, if he desires one. When the contractor has finished using the hydrant, he must notify the Water Utility to that effect. The charge for the use of water from a hydrant will be determined in accordance with scheduled rates.

**§ 270-24. Permit to use water for construction work.**

- A. Water used for construction work must be covered by a written permit which can be obtained only from the Superintendent. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work the contractor must return the original permit to the Water Utility together with a statement of the actual amount of construction work performed.
- B. Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply

with this provision will have his water service discontinued. He shall be subject to a fine as set forth in the following section.

**§ 270-25. Operation of valves and hydrants; violations and penalties<sup>7</sup>.**

Any person who shall, without authority of the Superintendent, operate any valve connected with the street or supply mains or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the same shall be subject to a fine as provided in Chapter 1, General Provisions, § 1-5 of this Code. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by being hit by a motor vehicle, and the Water Utility will not be responsible for the damage to the motor vehicle by reason of such accident.

**§ 270-26. Hydrant connections.**

In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the Water Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 270-27. Right to open hydrants<sup>8</sup>.**

Only such persons as shall be authorized by the Superintendent of Public Works or the Fire Chief shall be permitted to open any fire hydrant for any purpose whatsoever, and no one except such persons shall be permitted to take the hydrant wrenches or wheels or suffer the same to be taken from any fire engine house, except for Fire Department purposes.

**§ 270-28. Security for temporary metered supply.**

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit as set by the Village Board for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. The charge for setting the valve and furnishing and setting the water meter and for setting and furnishing a sewer meter shall be as set by the Village Board.

**§ 270-29. Refunds of deposits.**

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer.

**§ 270-30. Inspections and enforcement.**

Any officer or authorized employee of the Utility shall have the right of access during reasonable hours to the premises supplied with service for the purpose of inspection or for the enforcement of the Utility's rules and regulations. The Utility will make a systematic inspection of all unmetered water taps at least once every 12 months for the purpose of checking waste and unnecessary use of water.

**§ 270-31. Vacation of premises.**

When premises are to be vacated, the Utility shall be notified in writing at once so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Utility by reason of failure to notify the Utility of vacancy.

**§ 270-32. Repairs to sewer laterals.**

The cost of rodding sewer laterals from building to sewer main shall be assumed and paid for by the property owner. Excavating, if required, shall be assumed and paid for by the property owner from curb to building and from curb to sewer main by the Village. The Superintendent of Public Works shall determine the necessity of such excavation.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 270-33. Fluoridation of water supply.**

The Water Utility of the Village of Genoa City, Walworth County, Wisconsin, shall provide the necessary means and facilities for addition of fluoride to the public water system of said Utility, not to exceed 1.5 parts of fluoride per million parts of water.

**§ 270-34. Private well abandonment.**

- A. Purpose.** This section is adopted to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed under this section.
- B. Coverage.** All private wells located on any premises which is served by the public water system of the Village of Genoa City shall be properly filled by July 1983. Only those wells for which a well operation permit has been granted by the Village Board may be exempted from this requirement, subject to conditions of maintenance and operation.
- C. Well operation permits.** A permit may be granted to a well owner to operate a well for a period not to exceed one year if the following requirements are met. Application shall be made on forms provided by the Village Clerk-Treasurer.

  - (1)** The well and pump installation meet the requirements of Ch. NR 112, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural

Resources or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

- (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.
- (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
- (4) No physical connection shall exist between the piping of the public water system and the private well.

**D. Methods.** Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 112, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

**E. Reports and inspection.** A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency (available at the office of the Village Clerk-Treasurer). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of this municipality.

#### **§ 270-34-1. Emergency Water Restrictions**

- A.** In the event there exists an emergency or water shortage and in the judgment of the Village or the Department of Public Works Superintendent, it is necessary to declare an emergency, said President or Department of Public Works Superintendent shall have the power to declare said emergency and direct the department of Public Works Superintendent or his designated agents to restrict the usage of water for any use other than personal bathing, food preparation and other domestic use as necessary. The restrictions may apply to lawn sprinkling, car washing, swimming pool filling, construction use or other uses deemed appropriate by the President or Department of Public Works Superintendent.
- B.** Notice of the restriction shall be published as soon as possible in the official newspaper of the Village. Failure of the consumer to read such notice shall not allow for the consumer to circumvent the restrictions. The notice shall describe the general area and type of prohibited usage. Any person violating this section shall be subject to those penalties contained in '270.59 of this subchapter.

#### **ARTICLE II, User Charge and Sewer Use [Adopted as Title 5, Ch. 3 of the 1984 Code]**

#### **§ 270-35. Authority.**

This article is adopted under the authority granted by Ch. 61, Wis. Stats.

**§ 270-36. Title.**

This article shall be known as, referred to, or cited as the "User Charge and Sewer Use Ordinance for the Village of Genoa City, County of Walworth, State of Wisconsin" and is hereinafter referred to as "this article."

**§ 270-37. Findings.**

The President and Board of Trustees hereby find that the requirements for the issuance of state grants and the acceptance of such grants by the Village of Genoa City under § 281.57, Wis. Stats., and the rules of the Wisconsin Department of Natural Resources as promulgated in Ch. NR 128, Wis. Adm. Code, for the construction of sewage treatment works to improve the quality of effluent discharges from the Village of Genoa City establish the necessity of:

- A. Adopting a user charge system that would produce the revenue required to sustain the sewage collection and treatment works.
- B. Enacting regulations that control the use of the sewage collection and treatment works.

**§ 270-38. Purpose and intent.**

- A. The purpose of this article is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Genoa City and to provide the legislative enactments required under Ch. NR 128, Wis. Adm. Code, for the acceptance of construction grants to improve the quality of effluent discharges from the sewage treatment works. It is further intended to provide for administration and enforcement of this article and to provide penalties for its violations.
- B. This article regulates the use of public and private sewers and drains, disposal of septage wastes into the public sewers, and the discharge of waters and wastes into the public sewer systems within the Village. It provides for and explains the method used for levying and collecting sewer service charges, sets uniform requirements for discharges into the sewage collection and treatment systems and enables the Village to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of sewage discharged into the Village sewer system.
- C. This article provides a means for determining sewage and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this article shall be used to defray the Village's costs of operating and maintaining adequate sewage collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes.

**§ 270-39. Abrogation and greater restrictions.**

It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this article imposes greater restrictions, the provisions of this article shall govern. If there is any conflict between this article and any applicable state or federal laws, said laws shall be controlling.

**§ 270-40. Interpretation.**

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Wisconsin.

**§ 270-41. Assessment of user charge.**

The user charge shall be assessed to all users by the President and Board of Trustees in accordance with the provisions of this article.

**§ 270-42. User charge system.**

- A. Budget and appropriation.** The President and Board of Trustees shall annually prepare an estimate of anticipated costs for the forthcoming fiscal year. This estimate shall be made in the form of a rate ordinance and shall be adopted by the President and Board of Trustees of the Village by December 31 of each year. The sewer use rates shall be established such that the revenue generated thereby will be sufficient to pay the total operation, maintenance and replacement costs associated with the sewage collection and treatment works. The user charge system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.
- B. Quarterly service charge.** A quarterly service charge is hereby imposed upon each user in an amount approved by the President and Board of Trustees. It shall vary directly with water meter size in order to account for the varying demand imposed on the treatment and collection system by users of different-sized connections.
- C. Volume charge.** A volume charge is hereby imposed upon each user in an amount determined on the basis of quarterly metered water consumption at a rate approved by the President and Board of Trustees.
- D. High-strength sewage surcharge.** In addition to the above charges, users discharging wastes, including septage, containing BOD and/or suspended solids concentrations in excess of the maximum concentrations for normal domestic strength sewage shall pay a surcharge based on the excess pounds per day of BOD or suspended solids discharged. The unit surcharge shall be approved by the President and Board of Trustees.
- E. Additional charges.** Additional charges shall be billed, as required, for the following:

  - (1) Actual costs incurred for user-requested samplings and analyses.

- (2) Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance.
- (3) Actual costs incurred for special handling not provided for elsewhere in this article.
- (4) Actual costs incurred for handling a user's check returned because of insufficient funds.
- (5) Any increased operation, maintenance and replacement costs incurred due to a user discharging toxic pollutants.

**§ 270-43. Sewer service bill.**

- A. Bill period.** A bill shall be produced and submitted to each user once every quarter on a billing cycle established by the Village. The bill shall clearly indicate the portion of charges attributable to sewage collection and treatment services.
- B. Payment of bill.** The bill shall become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 3% but not less than \$0.30 will be added to all bills not paid within 20 days of issuance. This late payment charge is applicable to all users.
- C. Delinquent bills.**
  - (1) Any bill not paid 30 days after date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due notices containing their respective handling charges shall be issued, if necessary, 60 days and 90 days after date of billing.
  - (2) Should a bill still be delinquent 120 days after the date of billing, the bill shall be referred to the Attorney for the Village for collection under the terms and conditions of § 270-60 of this article.
  - (3) Non-receipt of the bill described in this section shall not release the user from liability for any of the charges. In any case where the user is responsible for the nonreceipt of the bill, the conditions herein described for the late payment and penalties shall apply. In those instances where the Village is responsible for the non-receipt of the bill, the Village may, at its discretion, grant the user an extension of the late payment conditions described herein.

**§ 270-44. Expenditures.**

- A. Moneys.** All user charge moneys shall be placed in the Village Sewer Utility Fund. Such moneys shall be used only to cover the costs of operation and maintenance, replacement



and other costs as outlined in § 270-42. The Village will apply excess revenues collected from a user class to operation, maintenance and replacement costs attributable to that class for the next year.

- B. Expenditures.** Expenditures shall be made from the user charge moneys by the Village Treasurer in accordance with the detailed annual budget and ordinances authorized by the President and Board of Trustees.
- C. Replacement reserve expenditures.** A separate and distinct replacement fund shall be established. Expenditures from the accrued replacement fund on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life.
- D. Renewals.** Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from depreciation and replacement to be valued in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
- E. Audit.** An audit shall be performed annually by the Finance Committee or other person selected by the President and Board of Trustees.

**§ 270-45. Conditions for discharge into treatment system.**

- A.** Public sewage collection facilities are required to be used for the deposit of human wastes or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.
- B.** No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village, except as provided in § 270-49 of this article.
- C.** No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately owned property any wastewaters within the corporate limits of the Village unless done so within adequately sized holding facilities approved by all applicable federal, state and local agencies.
- D.** No person shall deposit or discharge, or cause to be deposited or discharged, to any sewage collection facilities any solid, liquid, or gaseous waste unless through a connection approved under the terms of this article.
- E.** No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such waste

discharge in accordance with applicable Village, state, and federal laws, ordinances, and regulations.

- F.** In case of natural outlet discharges, at the time construction of the wastewater treatment works is commenced, each owner or operator shall furnish the Village an approved Wisconsin Pollutant Discharge Elimination System (WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The WPDES permit shall be kept on file with the Village Clerk-Treasurer and updated by such information as periodically required by the Village, local, state, and/or federal agencies.
- G.** Any person owning property within the corporate limits of the Village and where the property is improved with one or more residences, houses, buildings, or structures for or intended for human use, occupancy, employment, or any other similar purpose whatever, and where the property abuts on any street, alley, or right-of-way in which there is located a sanitary sewer within 100 feet from the nearest property line, shall, within one year after such sewer is in service, at his expense, install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of this article; provided, however, that in the event compliance with this section causes economic hardship to the person, he may apply to the Village for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this article shall be made only if the Village determines that there is capacity, including BOD and suspended solids capacity, available in all downstream sewage lift stations and sewer lines and in the treatment plant. Refer to Wastewater Connection Fee Table.
- H.** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village serviced by the public sanitary sewer system are hereby declared to be a public nuisance and health hazard. From and after the effective date of this article, the use of septic tanks or any private sewage disposal system shall be prohibited within the area of the Village serviced by the public sewage collection and treatment works.
- I.** No person or licensed disposer shall discharge septage into any sewer manhole or dispose of septage in any way within the Village without written approval of the Superintendent.
- J.** Persons described in Subsections E through H shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.
- K.** Every person required to connect to the sanitary sewer system shall file an application in writing with the Village Clerk-Treasurer in such form as is prescribed for that purpose. Forms for such application will be furnished at the Village Clerk-Treasurer's office. Each application for sewer service must state fully and truly all the uses which will not be allowed except upon further application and permission regularly obtained from the Village. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application

**§ 270-46. Limitations on discharge.**

- A.** No person shall discharge or cause to be discharged any stormwater, foundation drain water, groundwater, roof runoff, surface drainage, unpolluted industrial cooling waters, or cistern overflow to any sewer connected to the Village's sewage treatment plant.
- B.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the Village's sewage treatment plant:
- (1) Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with regulations pertaining to the treatment standards.
  - (2) Any waters, wastes or septage which may contain more than 100 milligrams per liter of fat, oil, grease, or hexane extractable material.
  - (3) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatsoever kind or nature.
  - (4) Any garbage that has not been properly shredded.
  - (5) Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
  - (6) Any waters, wastes or septage having a pH lower than 6.0 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the sewage works.
  - (7) Any waters, waste or septage containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals or that could create any hazard in the receiving waters of the sewage treatment plant.
  - (8) Any waters, wastes or septage containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the Village, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.
  - (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
  - (10) Any amount of the following constituents exceeding that listed below:

<u>Constituent</u>	<u>Milligrams per Liter</u>
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Aluminum	800.0
Arsenic	0.60
Boron	1.0
Cadmium	1.0
Chromium total	3.6
Chromium (Hexavalent)	3.6
Copper	1.2
Cyanide	1.2
Fluorides	2.5
Iron, total	10.0
Lead	1.2
Manganese	1.0
Mercury	0.0005
Nickel	2.4
Phenols	0.6
Selenium	1.0
Silver	1.2
Total dissolved solids	1500.0
Zinc	2.4

(11) Ammonia-nitrogen in such an amount that would cause the Village to be in noncompliance with regulations of the Wisconsin Department of Natural Resources.

C. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the United States Environmental Protection Agency or the Wisconsin Department of Natural Resources.

D. If any waters, wastes or septage is discharged, or proposed to be discharged, to the public sewers or at the sewage treatment facility, which waters, wastes or septage contains substances or possesses the characteristics enumerated in Subsection B and which, in the judgment of the Superintendent, may have deleterious effects upon the sewage treatment facility, processes, equipment, or receiving waters, or which otherwise creates a hazard to life or health or constitutes a public nuisance, the Superintendent may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require a control over the quantities and rates of discharge.
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 270-42.

**§ 270-47. Pretreatment.**

A. Grease, oil, and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Superintendent, such are necessary for the proper

handling of liquid wastes containing grease, oils, or sand in excessive amounts, or any inflammable wastes, and such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning by the user and for inspection by the Superintendent.

- B.** Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
- C.** In the event the Village approves the admission of any materials into its sewers as set forth in § 270-46B of this article, the Village shall direct the user causing admission of any such materials to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:

  - (1) Reduce the BOD to 300 milligrams per liter and the suspended solids to 350 milligrams per liter.
  - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 270-46B of this article.
  - (3) Control the quantities and rates of discharge of such waters or wastes.
- D.** No preliminary treatment facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all local, state, or federal agency regulations and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from the local, state, or federal agency having regulatory authority with respect thereto.
- E.** All such preliminary treatment facilities as required by this article shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby and at the user's expense.
- F.** No provision contained in this article shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the President and Board of Trustees.
- G.** The Village reserves the right to reject admission to the sanitary sewer system of any waste harmful to the treatment or collection works or to the receiving stream.

**§ 270-48. Private sewage treatment and disposal.**

- A.** Where a public sewer is not available, as set forth in § 270-45, the building or structure shall be connected to a private sewer and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable Village, county, state and federal laws and regulations.

- B.** Within 90 days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of § 270-45G, a direct connection shall be made to the public sewer according to the terms and provisions of this article, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.
- C.** The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.
- D.** No provisions of this article shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

**§ 270-49. Service to outlying territory.**

- A.** The Village, by proper resolution of the Board of Trustees, shall have the right, at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the Village corporate limits.
- B.** In the event a contract is made pursuant to Subsection A, a user of any sewer serving property wholly or partly outside the Village's corporate limits shall be subject to all of the terms and provisions of this article and, in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.
- C.** If any property of a person desirous of becoming a user is situated outside the corporate limits of the Village and not contiguous thereto so that it may not properly be annexed to and become part of the Village's corporate limits, the Village, at its discretion, may permit such a connection, provided that a contract providing essentially the following is entered into between the Village and the user:
  - (1)** The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the Village and local, state and federal governments.
  - (2)** The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connection, user and treatment or service charges which are applicable to all property and user uniformly.
  - (3)** The Village shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns shall maintain the same at its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

(4) Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the Village thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the office of the Recorder of Deeds of Walworth County, State of Wisconsin.

- D. In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Village by proper ordinance, then the agreement executed pursuant to Subsection C as to such property or the subdivided or separate tract thereof which is so annexed shall then terminate and be of no further force and effect.
- E. The agreement executed under Subsection C shall be recorded in the office of Recorder of Deeds of Walworth County, State of Wisconsin, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.
- F. If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the Village sewage treatment plant.
- G. The applicant for treatment service under an agreement pursuant to Subsection C shall agree to assume user charges and capital surcharge, if applicable, and to obtain from the Village the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

**§ 270-50. Discharge permits.**

- A. The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Upon official notification from the Village, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 90 days from the date of such notification.
- B. Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the Village as the basis for the issuance of discharge permits for building connection to a sewer.
- C. The application for a discharge permit shall be made on a form provided for that purpose by the Village and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the Village. The Superintendent shall also have, at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

- D.** No fee shall be charged for a discharge application or permit.
- E.** No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown on the application or determined after inspection and testing conducted by the Superintendent, is not in conformance with federal, state or Village statutes, ordinances, rules and regulations, unless a waiver or variance of such standards and requirements is granted by the Village in the manner hereinafter set forth. The Superintendent shall state in writing the reasons for denial or requirement for waiver or variance, and said written communication shall be mailed or personally delivered to the applicant within five days after denial.
- F.** In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village in the same manner and form as originally made.
- G.** If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Superintendent, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of Subsection E and a waiver or variance is required, the user may request the President and Board of Trustees to review the denial or may request waiver or variance, provided that the user shall give written notice of his request within 30 days after receiving the denial. The President and Board of Trustees shall review the permit application, the written denial, and such other evidence and matters as the applicant and Superintendent shall present at its next regular meeting following receipt of request for its review, and the decision of the President and Board of Trustees rendered publicly at said meeting shall be final.
- H.** In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the President and Board of Trustees, cease and desist from such discharge and shall also be subject to disconnection, fine and other penalties provided by this article.
- I.** A grant of waiver or variance by the President and Board of Trustees may set forth such conditions, exceptions, time limitations, durations, and expiration as they deem necessary and proper.

**§ 270-51. Construction of sewers and connections for buildings.**

- A.** The construction of sewers and connections for buildings shall be in compliance with the terms and provisions of applicable Village ordinances.
- B.** A construction permit shall first be applied for and obtained from the Village before a person, after the effective date of this article, can connect to any sewer within the corporate limits of the Village or outside the Village where services have been contracted for with the Village.



- C. Construction permits shall not be issued unless it has been determined by the Village that there is capacity available in all downstream sewerage facilities.
- D. After the sewer connection has been made to the sanitary building drain or upon any premises, no user shall make any alterations, extensions, or attachments, unless said user has a proper permit for the same from the Village.
- E. All users shall keep their own sanitary building sewer in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the public sewer system.
- F. All basement floor drains shall have a backflow prevention valve installed at the owner's expense.
- G. No user shall allow others or other services to connect to the public sewer system through his or her sanitary building sewer.
- H. Whenever premises served by the sewer system are to be vacated, or whenever any person desires to discontinue service from the system, the Village must be notified in writing.
- I. It is expressly stipulated that no claim shall be made against the Village or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any area of the Village, the Superintendent shall, if practicable, give notice to each and every user of the time when such service will be shut off.
- J. In making excavations in streets or highways for laying sanitary building sewer or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public. No person shall leave any such excavation made in any street or highway open at any time without barricades, and during the night warning lights must be maintained at such excavations. In refilling the excavated opening, the earth must be placed in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks and paving, must be done so as to make the street as good, at least, as before it was disturbed and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.
- K. No persons, except those having special permission from the Village or persons in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from the Superintendent to ensure that new sewers and connections to the sewer system are properly designed and constructed. Pipes should always be tapped on top and not within six inches (15 centimeters) of the joint or within 24 inches (60 centimeters) of another lateral connection. All service connections to mains

must comply with the State Plumbing Code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee. Connections to existing tees or wyes shall be made with approved pipe and joints of the same type and materials or as otherwise approved by the Superintendent.

- L.** All sanitary building sewers and drains (laterals) on private property must be installed in accordance with Ch. COMM 82, Wis. Adm. Code, Design, Construction, Installation, Supervision and Inspection of Plumbing, especially § COMM 82.04, Building Sewers. Per § COMM 82.04(5), Wis. Adm. Code, all laterals will be inspected: "The Building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling."

**§ 270-52. Sewer extensions.**

- A.** When a sanitary sewer extension is required by a prospective user, said person shall make an application for such an extension in writing to the Village by filing a written application for the same with the Clerk-Treasurer. After the filing of such an application, the Village Engineer shall first determine the logical location of the next manhole or manholes. Next, the Village Engineer shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extension shall be constructed in compliance with local and state laws, ordinances, and regulations.
- B.** The person who requests the extension shall pay the entire cost of said extension, including engineering services. If more than one user is involved, the entire cost shall be divided among these users.
- C.** After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village Engineer shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, the Village Engineer shall first divide the area to be served into logical building lots and may consider the recommendations of the landowner(s) in determining said building lots if the landowner(s) as a part of the application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot owned by one of the original applicants as a separate user.
- D.** Payments are to be considered contributions to construction, and, after the original contribution, in any future connection by a user other than to a lot owned by a party making a previous contribution, such user shall be required to pay to the Village his or her pro rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors.
- E.** When the Village receives a future contribution it shall, after receiving the money, pay said money to the previous contributors by paying to each of the previous contributors equal amounts by counting each previous contributing lot as a separate contributor. The

Village shall not make payments to a previous contributor if 10 years have expired from the date of the original contribution. Said money paid shall be retained by the Village.

- F.** It is hereby provided that the right to contribution shall follow the land and not the contributor, with the reimbursement to go to the person who is the owner of the receiving lot at the time of the reimbursement. If a contributor owns more than one lot at the time of contribution, he shall be required to designate one of the lots as the lot entitled to contribution, and the owner of such a lot at the time of any contribution shall receive the reimbursements for all of the lots owned by the original contributor at the time of the original contribution. Such lot designation shall be filed with the Village Clerk-Treasurer and may be filed in the office of the Register of Deeds for Walworth County, Wisconsin. The owner of such designated lot may, by filing a corrective designation, change said designation to another lot owned by him as long as such new lot is one of the lots to be served by said extension. The total amount of reimbursement shall be the total payment made by him less the benefits conferred upon the lot or lots owned by him at the time of his contribution.
- G.** In addition to the charge made as above provided to each lot, each user shall pay the full cost of the lateral from the main to his or her building.

**§ 270-53. Reporting criteria for nonresidential users.**

- A.** The Village reserves the right to require any nonresidential user to submit quarterly to the Village, on forms provided by the Village, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the Village or to any sewers connected to its treatment works. This statement shall be filed with the Village Clerk-Treasurer no later than the 10th day of the month following the quarter for which the report is required.
- B.** The waste characteristics to be measured and certified by the user shall be:

  - (1) BOD in milligrams per liter.
  - (2) Suspended solids in milligrams per liter.
  - (3) Such other constituents of wastewater as directed by the Superintendent.
- C.** Should there be a difference in understanding between the Village and user as to the characteristics in § 270-52, the Village reserves the right to use the Village results from analyses for purposes of billing. Should submission not be made during the ten-day period, the Village shall use its results from analyses for purpose of billing.
- D.** Whenever required by the Village, the owner of any property serviced by a building sewer carrying nonresidential wastewater and material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the Superintendent and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily and independently (of other premises and buildings of user) accessible to authorized representatives of the

Village at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the Superintendent.

- E.** Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity, or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Superintendent that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the Superintendent is made in the metered water supply to determine the liquid waste quantity.
- F.** Samples shall be taken every hour or half hour, as determined by the Superintendent, and properly refrigerated and composited in proportion to the flow for a representative twenty-four-hour sample. Such sampling shall be done as prescribed by the Superintendent to ensure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include reevaluation during each twelve-month period. The determination of representative quantities and characteristics shall include not less than seven consecutive calendar days of twenty-four-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.
- G.** The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Superintendent.
- D.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the standard methods as defined in § 270-61 of this article or with any other method approved by the Superintendent.

**§ 270-54. Septic waste haulers.**

- A.** Septage shall only be discharged to the sewage collection and treatment works by Village-approved licensed disposers and at locations, times and conditions as specified by the Superintendent.
- B.** Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the Village sewage treatment works shall file a nonrefundable filing fee and an application in writing to the Village in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Village Clerk-Treasurer. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the sewage treatment works. During the month of September, the Superintendent will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the sewage treatment facility. The Superintendent shall approve or reject all applications by October 1 of each year. If the Village cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service area. All Village approvals for

septage disposal shall have the condition that any time the sewage treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that is indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

- C. Licensed disposers hauling liquid wastes to the sewage treatment plant shall be assessed user charge unit charges as determined by the Superintendent and consistent with those described in § 270-42 of this article.
- D. Liquid wastes hauled to the sewage treatment plant containing concentrations of constituents in excess of the limits set forth in § 270-46 shall not be accepted.
- E. Septage discharges may be allowed to specified manholes under special circumstances, provided that discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the sewage treatment facility. Discharges may be limited to the normal working hours of the Superintendent and require written documentation of the discharge to be submitted to the Superintendent within one working day of the discharge to the sanitary sewers or sewage treatment facility.
- F. Forms for documentation of the discharge will be furnished at the Superintendent's office and will include the following:
  - (1) Name, address and telephone number of the licensed disposer.
  - (2) License number.
  - (3) Type of septage.
  - (4) Quantity of septage.
  - (5) Estimated quality of septage.
  - (6) Location, date, time and feed rate of discharge to the sewerage system.
  - (7) Source of septage.
  - (8) Name and address of septage generator.
  - (9) Other information.
- G. Any licensed disposer discharging to the sewage collection and treatment works found to be violating a provision of this article or of any conditions of the Village approval for septage disposal may have his approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

**§ 270-55. Right of entry.**

Any duly authorized employee or agent of the Village bearing proper credentials and identification shall be permitted at any reasonable time of the day to enter the premises or building of every sewer user within the corporate limits of the Village or outside the Village that has contracted for sewage treatment service for the purpose of inspecting, observing, measuring, sampling, and testing as may be required in pursuance of the implementation and enforcement of the terms and provisions of this article and § 196.71, Wis. Stats.

**§ 270-56. Control manholes.**

- A.** Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his or her wastes, including domestic sewage.
- B.** Control manholes or access facilities shall be located and built in a manner acceptable to the Superintendent. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Superintendent.
- C.** Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at his or her expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Superintendent prior to the beginning of construction.

**§ 270-57. Liability during inspections.**

While performing the necessary work on private properties referred to in § 270-55, the duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the commercial or industrial users, and the user shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the user against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

**§ 270-58. Waste sampling and analyses.**

- A.** Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or the licensed disposer as often as may be deemed necessary by the Superintendent.
- B.** Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Superintendent.

- C. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Superintendent. Access to sampling location shall be granted to the Superintendent or his duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- D. All measurements, tests, and analyses of the characteristics of waters, wastes and septage to which reference is made in this article shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and Guidelines Establishing Test Procedures for Analysis of Pollutants (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- E. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his or her agent, as designated and required by the Superintendent. The Village may also make its own analyses of the wastes, and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Village may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

**§ 270-59. Violations and penalties.**

- A. Any person who shall violate any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty in an amount not to exceed \$500 for each violation. For the purpose of this section, each day that a violation exists or continues shall constitute a separate offense
- B. A person who is subject to a penalty for violating any provision of this article may be committed to the county jail until the penalty and costs are paid; provided, however, that no such incarceration shall exceed six months for any one violation. For each day of confinement, the committed person shall be allowed, exclusive of his board, a credit of \$25 toward the penalty and costs<sup>10</sup>.
- C. Any person who shall violate any provision of this article shall also be:
  - (1) Liable to the Village for all costs, expenses, loss, or damage, if any, incurred by the Village as the result of such violation.
  - (2) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.
  - (3) Subject to a lien upon said property in the amount of any costs described in Subsection C(1) above.

**§ 270-60. Nonpayment of bills.**

- A. Lien.** Whenever sewer service bills become delinquent as set forth in §§ 270-41 through 270-43 of this article, the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served.

- (1) The claim for lien shall be made in the form of a sworn statement setting forth:
  - (a) A description of the real estate, sufficient for the identification thereof, upon or for which the sewer service was supplied;
  - (b) The amount or amounts of money due for such sewer service; and
  - (c) The date or dates when such amount or amounts became delinquent.
- (2) If all amounts shown due remain unpaid after recording as provided by state statutes, the President and Board of Trustees may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Civil action.** In the alternative of levying a lien, the President and Board of Trustees may, at their discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney fees incurred by the Village in filing the civil action.
- C. Interest.** In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the sewage collection and treatment works shall be liable for interest upon all unpaid balances at the rate of 12% per annum.
- D. Filing fees.** In all cases where the sewer user charge payment has become delinquent and the President and Board of Trustees elect to file a statement thereof in the office of County Register of Deeds, as hereinabove set forth, there shall be added to the amount due the Village such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the President and Board of Trustees as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Village Clerk-Treasurer or a duly appointed employee of the Village shall be authorized and directed to include such additional costs in the amount claimed due the Village in the notice of lien.
- E. Revocation of permits and disconnecting of service.** The Village reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment bills become delinquent



**F. Deposit of future payments.** All amounts charged under this section continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it, and, in addition, there shall be paid to the Village a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by the Village in escrow and will be returned upon satisfactory payment of all bills for a period of two years.

**§ 270-61. Word usage and definitions.**

For the purpose of this article, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.

**ACCRUED RESERVES** -- A method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an ongoing, on-line sewage collection and treatment facility.

**AUDIT** -- An audit of the Village Sewer Utility Fund as a separate report from other funds and shall cover the following:

- A.** Financial operations are properly conducted;
- B.** Financial reports are presented fairly;
- C.** Applicable laws and regulations have been complied with;
- D.** Resources are managed and used in an economical and efficient manner; and
- E.** Desired results and objectives are being achieved in a financially effective manner.

**AUTHORIZED EXPENDITURES** -- Those expenditures authorized by the President and Board of Trustees and made payable from the accounts kept for the expenditures for the sewage collection and treatment works. Expenditures from the reserve funds shall be limited to those for which the fund was created.

**BILLABLE FLOW** -- A user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** -- The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C. as prescribed in Standard Methods.

**CLASSES OF USERS** -- The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.

**COLLECTION SEWER** -- A sanitary sewer whose primary purpose is to collect wastewaters from individual point source discharges.

**COMMERCIAL USER** -- A sanitary sewer user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

**COMPATIBLE POLLUTANT** -- Biochemical oxygen demand (BOD), suspended solids (SS), pH, and fecal coliform bacteria, plus additional pollutants identified in the WPDES permit, if the sewage treatment plant was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

**DEPOSITED** -- Placing funds in control of the President and Board of Trustees of the Village, and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

**DEPRECIATION** -- An annual cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

**DOMESTIC USER or RESIDENTIAL USER** -- A sanitary sewer user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.

**GARBAGE** -- Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the commercial handling, storage, and sale of produce.

**INCOMPATIBLE POLLUTANT** -- Sewage or septage with pollutants that will adversely affect or disrupt the sewage treatment processes or effluent quality or sludge quality if discharged to the sewage collection and treatment works.

## **INDUSTRIAL USER**

**A.** Any nongovernmental sanitary sewer user identified in the Standard Industrial Classification Manual of the Federal Office of Management and Budget, as amended and supplemented, under one of the following:

- (1) Division A, Agricultural, Forestry and Fishing.
- (2) Division B, Mining.
- (3) Division D, Manufacturing.
- (4) Division E, Transportation, Communications, Electric, Gas and Sanitary Service.

(5) Division I, Services.

- B.** A sewer user in the divisions listed may be excluded if the Superintendent determines that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

**INFILTRATION** -- The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include inflow.

**INFILTRATION/INFLOW** -- The total quantity of water from both infiltration and inflow.

**INFLOW** -- The water discharged into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross-connections from storm sewers; catch basins; storm-waters; surface runoff; street wash waters, or drainage. Inflow does not include infiltration.

**LICENSED DISPOSER** -- A person holding a license under § 281.48, Wis. Stats.

**NATURAL OUTLET** -- Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

**NORMAL DOMESTIC STRENGTH SEWAGE** -- Wastewater or sewage having an average daily suspended solids concentration of not more than 250 milligrams per liter and an average daily BOD of not more than 200 milligrams per liter.

**OPERATION AND MAINTENANCE COSTS** -- All costs, direct and indirect, including labor, power, chemicals, transportation and maintenance, necessary to ensure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

**PERSON** -- An individual, firm, company, association, society, corporation, or group discharging any wastewater to the sewage collection and treatment works of the Village.

**PERSONAL PROPERTY** -- For the purpose of this article, all equipment owned by the Village and used in transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical or have movable parts.

**pH** -- The term used to express the acid or alkaline condition of a solution, calculated as the logarithm (base 10) of the reciprocal of the hydrogen ion gram molecular weight (moles) per liter of solution.

**PRETREATMENT** -- The treatment of wastewater prior to discharge into the public sewer.

**PRESIDENT AND BOARD OF TRUSTEES** -- The governing body of the Village.

**PRIVATE SEWER** -- A sewer which is not owned by the Village.

**PUBLIC SEWER** -- A sewer which is owned, operated and maintained by the Village.

**PUMPING STATION** -- A facility in the public sewer system at which wastewater is pumped to a higher level.

**REAL PROPERTY** -- For the purpose of this article, all fixed physical facilities owned by the Village and used in the collection and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

**REPLACEMENT COSTS** -- The expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the sewage treatment works to maintain the capacity and performance for which such works were designed and constructed.

**REPLACEMENT RESERVE** -- An account for the segregation of resources to meet capital consumption of personal or real property.

**SANITARY BUILDING DRAIN** -- That part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.

**SANITARY BUILDING SEWER** -- The extension from the building drain to the public sewer or other place of disposal and which conveys only sanitary or industrial sewage. This is also known as a "house connection."

**SANITARY SEWER** -- A sewer which carries only sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions and to which storm-, surface, and ground water are not intentionally admitted.

**SEPTAGE** -- Scum, liquid, sludge, or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy, but does not include the waste from a grease tank.

**SEWAGE** -- The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

**A. DOMESTIC SEWAGE** -- The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

**B. INDUSTRIAL SEWAGE** -- A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

**SEWAGE COLLECTION AND TREATMENT WORKS** -- The structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

**SHREDDED GARBAGE** -- Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.25 centimeters) in any dimension.

**STANDARD METHODS** -- The laboratory procedures set forth in the following sources: Standard Method for the Examination of Water and Wastewater, 15th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1981, prepared and published by the Analytical Quality Control Laboratory, United States Environmental Protection Agency; Guidelines Establishing Test Procedures for the Analysis of Pollutants, enumerated in 40 CFR 136.1 et seq. (1975), as amended; and/or any other procedures recognized by the United States Environmental Protection Agency and the Wisconsin Department of Natural Resources.

**STORM SEWER** -- A sewer that carries only storm-waters, surface runoff, street wash, and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

**SUPERINTENDENT** -- The Superintendent of Public Works of the Village.

**SUSPENDED SOLIDS** -- The quantity of total suspended matter, expressed in milligrams per liter (mg/l), that either floats on the surface or is in suspension in water, wastewater, or other liquids and is determined by laboratory filtration test prescribed in Standard Methods.

**TOTAL DISSOLVED SOLIDS** -- That concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

**TOXIC AMOUNT** -- Concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Federal Water Pollution Control Act, Public Law 92-500, as amended.

**UNPOLLUTED WATER** -- Water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sewage collection and treatment works.

**USEFUL LIFE** -- The anticipated term in years of physical and/or functional productivity of elements and/or the whole of the sewage collection and treatment works which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, direct or indirect.

**USER** -- Any person connected to and serviced by the sewage collection and treatment works.

**USER CHARGE SYSTEM** -- The system of charges levied on users of the sewage collection and treatment works for the user's proportionate share of the cost of operation and maintenance, including replacement of such works.

**VILLAGE** -- The Village of Genoa City, Walworth County, Wisconsin.

**WATERCOURSE** -- A natural or artificial channel for the passage of water, either continuously or intermittently.

**WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (WPDES)** -- A document issued by the Wisconsin Department of Natural Resources which establishes effluent limitations and monitoring requirements for a wastewater treatment facility.

**§ 270-62. User charge rates. [amended 3/09/2019]**

- A. Findings and declaration of policy.** The President and Board of Trustees hereby find that this article, which provides for a system of charges for users of the sewage collection and treatment works, requires the adoption of an ordinance annually to establish unit charges under the user charge system. As also required by this article, the President and Board of Trustees have reviewed all fiscal year 1985 and 1986 cost breakdowns and budgets and have determined them as just apportionments of costs for the establishment of unit charges in accordance with the procedures adopted in this article. Further, the President and Board of Trustees find that the Village Clerk-Treasurer has determined the unit charges for fiscal years 1985 and 1986 using the cost breakdowns and budgets approved by the Board and procedures outlined in this article.
- B. Purpose and intent.** The purpose of this section is to promote the public health, safety, prosperity, aesthetics and general welfare of the citizens of the Village of Genoa City, and this article is designed to establish annual unit charges under the user charge system.
- C. SCHEDULE OF RATES.** User charges for Category A and B customers and septage and holding tank disposal shall be in accordance with the sewer fee and rate schedule as follows:

**SEWER FEE AND RATE SCHEDULE--2019  
VILLAGE OF GENOA CITY, WISCONSIN**

Category A@ Sewer Service

Treatment Charge	= \$ 11.65/1000 gallons
Quarterly fixed Charge	= \$52.00/bill

Category B@ High sewer service

Treatment Charge	= \$ 11.65/1000 gallons
Quarterly Fixed Charge	= \$52.00/bill

**Surcharges:**

BOD concentrations greater than 220 mg/l	= 0.95/lb.
TSS concentrations greater than 180 mg/l	= 1.10/lb
Ammonia N Concentrations greater than 15 mg/l	= \$6.15

**Septage Disposal Charge**

Treatment Charge

\$100.00/1000 gallons

**Holding Tank Waste Disposal Charge**

Treatment Charge

\$10.00/1000 gallons

**Connection Fees**

Per Attached Schedule AA@

- D. The Sewer utility shall annually charge the TID 40% of the loan payment, and that revenue shall be placed in their account:

VILLAGE OF GENOA CITY

## Schedule AA WASTEWATER CONNECTION FEE

## REU MULTIPLIER

Meter Size (in)	Meter Type	Flow (gpm) <sup>(1)</sup>	REU Multiplier	Fixed Portion	Variable Portion	Total Variable	Total Charged
3/4 or less	displacement	15	1.00	\$2,000	\$2,500	\$2,500	\$4,500
1	displacement	25	1.67	\$2,000	\$2,500	\$4,167	\$6,167
1-1/2	turbine	90	6.00	\$2,000	\$2,500	\$15,000	\$17,000
2	turbine	160	10.67	\$2,000	\$2,500	\$26,667	\$28,667
3	turbine	350	23.33	\$2,000	\$2,500	\$58,333	\$60,333
4	turbine	650	43.33	\$2,000	\$2,500	\$108,333	\$110,333
6	turbine	1400	93.33	\$2,000	\$2,500	\$233,333	\$235,333
8	turbine	2400	160.00	\$2,000	\$2,500	\$400,000	\$402,000
10	turbine	3500	233.33	\$2,000	\$2,500	\$583,333	\$585,333

**NOTES:**

(1) Based on AWWA Standards C700 (2009) & C701 (2007).

(2) All existing residential households with 1 inch diameter or smaller water meters, when converting from a private sewer or disposal system to the municipal sanitary sewer service system, shall only be charged for the fix portion of the connection fee. If the fixed portion of the connection fee is paid and the municipal sewer service is connected within six months of notice to connect the fee will be reduced by 50%. The variable portion of the connection fee shall be waived.

**CHAPTER 275**  
**WIND ENERGY SYSTEMS**

**ARTICLE 1**

Rules of Public Service Commission Chapter 128



**PART III**

**LAND USE  
LEGISLATION**

## **Chapter 280 FLOODPLAIN ZONING**

### **ARTICLE I**

#### **Statutory Authorization, Finding of Fact, Statement of Purpose, Title**

- § 280-1. Statutory Authorization.**
- § 280-2. Finding of Fact.**
- § 280-3. Statement of Purpose.**
- § 280-4. Title.**
- § 280-5. General Provisions.**

### **ARTICLE II**

#### **General Standards Applicable to all Floodplain Districts**

- § 280-6. Hydraulic and Hydrologic Analyses.**
- § 280-7. Watercourse Alterations.**
- § 280-8. Chapter 30,31, Wis. Stats., Development.**
- § 280-9. Public or Private Campgrounds.**

### **ARTICLE III**

#### **Floodway District(FW)**

- § 280-10. Applicability.**
- § 280-11. Permitted Uses.**
- § 280-12. Standards for Development in Floodway Areas.**

- § 280-13. Prohibited Uses.**

### **ARTICLE IV**

#### **Flood-Fringe District (FF)**

- § 280-14. Applicability.**
- § 280-15. Permitted Uses.**
- § 280-16. Standards for Development in the Flood-fringe District**

### **ARTICLE V**

#### **General Floodplain District (GFP)**

- § 280-17. Applicability.**
- § 280-18. Permitted Uses.**
- § 280-19. Standards for Development in General Floodplain District.**
- § 280-20. Determining Floodway and Flood-fringe Areas.**

### **ARTICLE VI**

#### **Nonconforming Uses**

- § 280-21. General.**
- § 280-22. Floodway areas.**
- § 280-23. Flood-fringe areas.**

### **ARTICLE VII**

## **ADMINISTRATION**

- § 280-24. Zoning Administrator.**
- § 280-25. Zoning Agency.**
- § 280-26. Board of Adjustment/Appeals.**
- § 280-27. To Review Appeals of Permit Denials.**
- § 280-28. Flood-proofing.**
- § 280-29. Public Information.**

## **Amendments**

- § 280-30. General.**
- § 280-31. Amendment procedure.**

## **ARTICLE IX Enforcement; Definitions.**

## **ARTICLE X Definitions.**

## **ARTICLE VIII**

**[HISTORY: Adopted by the Village Board of Village of Genoa City as Title 10, Ch. 4 of the 1984 Code. Amendments noted where applicable.]**

## **GENERAL REFERENCES**

Building construction-- See Ch. 114.  
Shoreland-wetland zoning -- See Ch. 290.

Subdivision of land -- See Ch. 295.  
Zoning -- See Ch. 310.

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## **ARTICLE I**

### **Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions**

#### **§ 280-1. Statutory Authorization**

This ordinance is adopted pursuant to the authorization in ss.61.35 and 62.23 for villages and cities; ss.59.69, 59.692, and 59.694 for counties; and the requirements in ss.87.30 Stats.

#### **§ 280-2. Finding of Fact**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

#### **§ 280-3. Statement of Purpose**

This ordinance is intended to regulate floodplain development to:

- A.** Protect life, health, and property;
- B.** Minimize expenditures of public funds for flood control projects;
- C.** Minimize rescue and relief efforts undertaken at the expense of the taxpayers
- D.** Minimize business interruptions and other economic disruptions;
- E.** Minimize damage to public facilities in the floodplain;

- F. Minimize the occurrence of future flood blight areas in the floodplain;
- G. Discourage the victimization of unwary land and homebuyers;
- H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

#### **§ 280-4. Title**

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Genoa City, Wisconsin.

#### **§ 280-5. General Provisions**

##### **A. Areas To Be Regulated**

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

##### **B. Official Maps & Revisions (Amended 4/13/17)**

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article VIII *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Village of Genoa City. If more than one map or revision is referenced, the most restrictive information shall apply.

**OFFICIAL MAPS:** Based on the FIS, and approved by the DNR and FEMA:

1. Flood Insurance Rate Map (FIRM), panel numbers 55127C0363D, 55127C0364D, 55127C0368D, and 55127C0477D dated September 3, 2014; with corresponding profiles that are based on the FEMA Flood Insurance Study (FIS) for Walworth County, Wisconsin and Incorporated Areas dated September 3, 2014, FIS Number 55127CV000B.

2. Flood Insurance Rate Map (FIRM), panel numbers 55059C0118D and 55059C0231D dated June 19, 2012; with corresponding profiles that are based on the FEMA Flood Insurance Study (FIS) for Kenosha County, Wisconsin and Incorporated Areas dated March 7, 2017, FIS Number 55059CV001B and 55059CV002B.
3. Village of Genoa City; Letter of Map Revision (LOMR); Effective Date: March 15, 2013; Case No. 12-05-6204P

**OFFICIAL MAPS:** Based on other studies.

Any maps referenced in this section must be approved by the DNR and be more restrictive than those on the FIS at the site of the proposed development.

### **C. Establishment of Floodplain Zoning Districts**

The regional floodplain areas are divided into three districts as follows:

- (1) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM
- (2) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (3) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH, and AO zones on the FIRM.

### **D. Locating Floodplain Boundaries**

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (1) or (2) below. If a significant difference exists, the map shall be amended according to Article VII Amendments. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to § 280-26(3) and the criteria in (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article VIII Amendments.

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

- (2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale

#### **E. Removal of Lands From Floodplain**

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII Amendments.

#### **F. Compliance**

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

#### **G. Municipalities And State Agencies Regulated**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if §.13.48(13) Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when §.30.2022 Stats., applies.

#### **H. Abrogation And Greater Restrictions**

- (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under §.59.69, 59.692, or 59.694 for counties; §.62.23 for cities; §.61.35 for villages; or §.87.30 Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

#### **I. Interpretation**

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR116 Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

#### **J. Warning And Disclaimer Of Liability**

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

#### **K. Severability**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

#### **L. Annexed Areas For Cities And Villages**

The Walworth County and Kenosha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR116, Wis. Adm. Code and 44 CFR 59-72 National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

### **ARTICLE II**

#### **General Standards Applicable To All Floodplain Districts**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in §280-24(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

#### **§ 280-6. Hydraulic And Hydrologic Analyses**

**A.** No floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(2) Cause any increase in the regional flood height due to floodplain storage area lost.

**B.** The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article VIII Amendments are met.

#### **§ 280-7. Watercourse Alterations**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of §280-6 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article VIII Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

#### **§ 280-8. Chapter 30 and 31 Wis. Stats., Development**

Development which requires a permit from the Department, under chs. 30 and 31 Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Article VIII Amendments.

#### **§ 280.9. Public or Private Campgrounds**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

**A.** The campground is approved by the Department of Health Services;

**B.** A land use permit for the campground is issued by the Zoning Administrator;

**C.** The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;



- D.** There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- E.** This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (D) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
- F.** Only camping units are fully licensed, if required, and ready for highway use are allowed;
- G.** The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- H.** All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- I.** The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- J.** All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article III, IV, or V for the floodplain district in which the structure is located;
- K.** The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- L.** All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

**ARTICLE III**  
**Floodway District (FW)**

**§ 280-10. Applicability**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to §.280-20.

## **§ 280-11. Permitted Uses**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in §.280-12 and 280-13; and
- all permits or certificates have been issued according to §.280-24.

- A. Agricultural uses**, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- B. Nonstructural** industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- C. Nonstructural** recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of §.280-12.
- D.** Uses or structures accessory to open space uses, or classified as historic structures that comply with §280-12 and §280-13.
- E.** Extraction of sand, gravel or other materials that comply with §280-12.
- F.** Functionally water-dependent uses, such as docks, piers or wharves, dams flowage areas, culverts, navigational aids, and river crossings of transmission lines and pipelines that comply with chs. 30 and 31 Stats.
- G.** Public utilities, streets and bridges that comply with §.280- 12.

## **§ 280-12. Standards For Developments In Floodway Areas**

### **A. General**

- (1) Any development in floodway areas shall comply with Article II and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to §280-6 and §280-24(2)(c):
  - (a). A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  - (b).An analysis calculating the effects of this proposal on regional flood height.

- (3) The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream , based on the data submitted for subd. (2) above.

## **B. Structures**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Must be anchored to resist flotation, collapse, and lateral movement;
- (4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

## **C. Public Utilities, Streets And Bridges**

Public utilities, streets and bridges may be allowed by permit, if:

- (1) Adequate floodproofing measures are provided to the flood protection elevation; and
- (2) Construction meets the development standards of §280-6.

## **D. Fills or Deposition of Materials**

Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of §280-6 are met;
- (2) No material is deposited in the navigable waters unless a permit is issued by the Department pursuant to ch. 30 Stats., and a permit pursuant to §.404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk-heading; and
- (4) The fill is not classified as a solid or hazardous material.

### **§ 280-13. Prohibited Uses**

All uses not listed as permitted uses in §.280-11 are prohibited, including the following uses:

- A.** Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- B.** Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- C.** Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- D.** Any public or private sewage treatment systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383 Wis. Adm. Code;
- E.** Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR811 and NR812 Wis. Adm. Code;
- F.** Any solid or hazardous waste disposal sites;
- G.** Any wastewater treatment ponds or facilities, except those permitted under §.NR110.15(3)(b), Wis. Adm. Code; and
- H.** Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

## **ARTICLE IV Floodfringe District (FF)**

### **§ 280-14 Applicability**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to §.280-20.

### **§ 280-15. Permitted Uses**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in §.280- 16 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in §.280-24 have been issued.

### **§ 280-16. Standards For Development in the Floodfringe District**

§.280-6 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI Nonconforming Uses;

#### **A. Residential Uses**

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article VI Nonconforming Uses;

- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of §.280-16(A)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (4).
- (4) In developments where existing street or sewer line elevations make compliance with subd. (3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - (a). The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - (b). The municipality has a DNR-approved emergency evacuation plan.

#### **B. Accessory Structures Or Uses**

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

#### **C. Commercial Uses**

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of §.280-16(A). Subject to the requirements of §.280-16(E), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

#### **D. Manufacturing And Industrial Uses**

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in §.280-28. Subject to the requirements of §.280-16(E), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

#### **E. Storage Of Materials**

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with §.280-28. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

#### **F. Public Utilities, Streets And Bridges**

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with §.280-28.
- (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

#### **G. Sewage Systems**

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to §.280-28(C), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383 Wis. Adm. Code.

#### **H. Wells**

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to §.280-28(C), to the flood protection elevation and shall meet the provisions of chs. NR811 and NR812, Wis. Adm. Code.

#### **I. Solid Waste Disposal Sites**

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

#### **J. Deposition Of Materials**

Any deposited material must meet all the provisions of this ordinance.

#### **K. Manufactured Homes**

- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

- (a) have the lowest floor elevated to the floor protection elevation; and
- (b) be anchored so they do not float, collapse or move laterally during a flood
- (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in §.280-16(A).

#### **L. Mobile Recreational Vehicles**

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in §.280-16(K)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

### **ARTICLE V General Floodplain District (GFP)**

#### **§ 280-17. Applicability**

The provisions for this district shall apply to all floodplains mapped as A, AO, or AH zones.

#### **§ 280-18. Permitted Uses**

Pursuant to §.280-20, it shall be determined whether the proposed use is located within a floodway or flood-fringe

Those uses permitted in Floodway (§.280-11) and Flood-fringe (§.280-15) Districts are allowed within the General Floodplain District, according to the standards of §.280-19, provided that all permits or certificates required under §.280-24 have been issued.

#### **§ 280-19. Standards For Development In The General Floodplain District**

Article III applies to floodway areas, Article IV applies to flood-fringe areas. The rest of this ordinance applies to either district.

**A.** In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

- (1) At or above the flood protection elevation; or
- (2) Two (2) feet above the highest adjacent grade around the structure; or
- (3) The depth as shown on the FIRM

**B.** In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around

structures.

#### **§ 280-20. Determining Floodway And Floodfringe Limits**

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- A.** Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- B.** Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - (1) A Hydrologic and Hydraulic Study as specified in §.280-24(B)(3).
  - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - (3) Specifications for building construction and materials, flood-proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

### **ARTICLE VI Nonconforming Uses**

#### **§ 280-21. General**

##### **A. Applicability**

If these standards conform with §.59.69(10) Stats. for counties, or §.62.23(7)(h) Stats. for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- B.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
  - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair,



rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with §.280-16(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (5) (a). Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.  
  
(b). For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated there-under.
- (6) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with §.280-12 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with §.280-28 are used.

#### **§ 280-22. Floodway Areas**

- A.** No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
  - (2) Meets the requirements of §.280-21;
  - (3) Will not increase the obstruction to flood flows or regional flood height;
  - (4) Any addition to the existing structure shall be floodproofed, pursuant to §.280-28, by means other than the use of fill, to the flood protection elevation;
  - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - (a).The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - (b).The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - (c).Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - (d).The use must be limited to parking or limited storage.
- B.** No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- C.** No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR811 and NR812, Wis. Adm. Code.

#### **§ 280-23 Flood-fringe Areas**

- A.** No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or

variance by the municipality, and the modification or addition shall be placed on fill or flood-proofed to the flood protection elevation in compliance with the standards for that particular use in ss.280-16, except where ss.280-23(2) is applicable.

- B.** Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in §.280-26, may grant a variance from those provisions of par. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (2) Human lives are not endangered;
  - (3) Public facilities, such as water or sewer, will not be installed;
  - (4) Flood depths will not exceed two feet;
  - (5) Flood velocities will not exceed two feet per second; and
  - (6) The structure will not be used for storage of materials as described in §.280-16(5).
- C.** If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
  - (2) Does not exceed 60 square feet in area; and
  - (3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
- D.** All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- E.** All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

## ARTICLE VII Administration

Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under §.59.69, 59.692, or 62.23(7) Stats., these officials shall also administer this ordinance.

**§ 280-24 Zoning Administrator**

- A.** The Zoning Administrator is authorized to administer this ordinance and shall have the following duties and powers:
- (1)** Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
  - (2)** Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
  - (bm)** Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
  - (3)** Keep records of all official actions such as:
    - (a).** All permits issued, inspections made, and work approved;
    - (b).** Documentation of certified lowest floor and regional flood elevations for floodplain development;
    - (c).** Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
    - (d).** All substantial damage assessment reports for floodplain structures.
    - (e)** Submit copies of the following items to the Department (WDNR) Regional office:
      - [1.]** Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
      - [2.]** Copies of any case by case analyses, and any other information required by the Department (WDNR) including an annual summary of the number and types of floodplain zoning actions taken.
      - [3.]** Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
    - (f)** Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department (WDNR) Regional office.

- (g) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

## **B. Land Use Permit**

A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

### **(1) General Information**

- (a). Name and address of the applicant, property owner and contractor;
- (b). Legal description, proposed use, and whether it is new construction or a modification;

### **(2) Site Development Plan**

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- (a). Location, dimensions, area and elevation of the lot;
- (b). Location of the ordinary highwater mark of any abutting navigable waterways;
- (c). Location of any structures with distances measured from the lot lines and street center lines;
- (d). Location of any existing or proposed on-site sewage systems or private water supply systems;
- (e). Location and elevation of existing or future access roads;
- (f). Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (g). The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- (h). Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
- (i). Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §.280-6. This may include any of the information noted in ss.280-12(1).

### **(3) Data Requirements To Analyze Developments**

(a).The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in §.236 Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

[1]. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

[2].A map showing location and details of vehicular access to lands outside the floodplain; and

[3].A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and otherpertinent items, but need not include land costs.

#### **(4).Expiration**

All permits issued under the authority of this ordinance shall expire 2 years after issuance.

#### **C. Certificate Of Compliance**

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

- (1). The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (2) Application for such certificate shall be concurrent with the application for a permit;
- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that flood-proofing measures meet the requirements of §.280-28.

#### **D. Other Permits**

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under §.404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

#### **§ 280-25 Zoning Agency**

**A.** The Village of Genoa City Plan Commission shall:

- (1) oversee the functions of the office of the Zoning Administrator; and
- (2) review and advise the Governing body on all proposed amendments to this ordinance, maps, and text.

**B.** This zoning agency shall not:

- (1) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (2) amend the text or zoning maps in place of official action by the Governing body.

#### **§ 280-26. Board Of Adjustment/Appeals**

The Board of Adjustment/Appeals, created under §.59.694 Stats. for counties, or §.62.23(7)(e)Stats. for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.

##### **A. Powers And Duties**

The Board of Adjustment/Appeals shall:

- (1) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (2) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (3) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

##### **B. Appeals To The Board**

- (1) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

**(2) Notice And Hearing For Appeals Including Variances**

- (a).** Notice - The board shall:
  - [1].** Fix a reasonable time for the hearing;
  - [2].** Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
  - [3].** Assure that notice shall be mailed to the parties in interest and the Department (WDNR) Regional office at least 10 days in advance of the hearing.
- (b).** Hearing - Any party may appear in person or by agent. The board shall:
  - [1]** Resolve boundary disputes according to §.280-26(3).
  - [2]** Decide variance applications according to §.280-26(4).
  - [3]** Decide appeals of permit denials according to §.280-27.

**(3) DECISION:** The final decision regarding the appeal or variance application shall:

- (a).** Be made within a reasonable time;
- (b).** Be sent to the Department (WDNR) Regional office within 10 days of the decision;
- (c).** Be a written determination signed by the chairman or secretary of the Board;
- (d).** State the specific facts which are the basis for the Board's decision;
- (e).** Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
- (f).** Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

**C. Boundary Disputes**

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (1)** If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.



- (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to §.8.0.

#### **D. Variance**

- (1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - (a). Literal enforcement of the ordinance provisions will cause unnecessary hardship;
  - (b). The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - (c). The variance is not contrary to the public interest; and
  - (d). The variance is consistent with the purpose of this ordinance in §.280- 3.
- (2) In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
  - (a). The variance may not cause any increase in the regional flood elevation;
  - (b). Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
  - (c). Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (3) **A variance shall not:**
  - (a). Grant, extend or increase any use prohibited in the zoning district.
  - (b). Be granted for a hardship based solely on an economic gain or loss.
  - (c). Be granted for a hardship which is self-created.
  - (d). Damage the rights or property values of other persons in the area.
  - (e). Allow actions without the amendments to this ordinance or map(s) required in §.280-30.

(f). Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

#### **§ 280-27 To Review Appeals Of Permit Denials**

A. The Zoning Agency (§.280-25) or Board shall review all data related to the appeal. This may include:

- (1) Permit application data listed in §.280-24(2).
- (2) Floodway/flood-fringe determination data in §.280-20.
- (3) Data listed in §.280-12(1)(b) where the applicant has not submitted this information to the Zoning Administrator.
- (4) Other data submitted with the application, or submitted to the Board with the appeal.

B. For appeals of all denied permits the Board shall:

- (1) Follow the procedures of §.280-26;
- (2) Consider zoning agency recommendations; and
- (3) Either uphold the denial or grant the appeal.

C. For appeals concerning increases in regional flood elevation the Board shall:

- (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
- (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

#### **§ 280-28 Flood-proofing**

A. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the flood-proofing measures will protect the structure or development to the flood protection elevation.

**B.** Flood-proofing measures shall be designed to:

- (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- (2) Protect structures to the flood protection elevation;
- (3) Anchor structures to foundations to resist flotation and lateral movement; and
- (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

**C.** Floodproofing measures could include:

- (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure.
- (2) Adding mass or weight to prevent flotation.
- (3) Placing essential utilities above the flood protection elevation.
- (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
- (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

**§ 280-29 Public Information**

- A.** All maps, engineering data, and regulations shall be available and widely distributed.
- B.** All real estate transfers should show if any real property is in a floodplain zoning district.

**ARTICLE VIII  
Amendments**

**§ 280-30 General**

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- A.** Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- B.** Correction of discrepancies between the water surface profiles and floodplain zoning maps.

- C. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- D. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- E. Any upgrade to a floodplain zoning ordinance text required by §.NR116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- F. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood-fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

**Note:** Consult the FEMA web site - [www.fema.gov](http://www.fema.gov) - for the map change fee schedule.

#### **§ 280-31. PROCEDURES**

Ordinance amendments may be made upon petition of any interested party according to the provisions of §.62.23 Stats. for cities and villages, or §.59.69 Stats. for counties. Such petitions shall include all necessary data required by §.280-20 and 280-24(2).

- A. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department (WDNR) Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of §.62.23 Stats. for cities and villages or §.59.69 Stats. for counties.
- B. No amendments shall become effective until reviewed and approved by the Department (WDNR).
- C. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- D. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department (WDNR), the Zoning Administrator's visual on-site inspections and other available information. (See §.280-5(4).)

#### **ARTICLE IX Enforcement And Penalties**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$100.00 and not more than \$500.00 together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of

this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to §.87.30, Stats.

## ARTICLE X

### Definitions

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. **"A ZONES"** - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. **"ACCESSORY STRUCTURE OR USE"** - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
3. **"BASE FLOOD"** - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
4. **"BASEMENT"** - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
5. **"BUILDING"** - See STRUCTURE.
6. **"BULKHEAD LINE"** - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department (WDNR) pursuant to §.30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this ordinance.
7. **"CAMPGROUND"** - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
8. **"CAMPING UNIT"** - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
9. **"CERTIFICATE OF COMPLIANCE"** - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of provisions of this ordinance.
10. **"CHANNEL"** - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

11. **"CRAWLWAYS" OR "CRAWL SPACE"** - An enclosed area below the first usable floor of building, generally less than five feet in height, used for access to plumbing and electrical utilities.
12. **"DECK"** – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
13. **"DEPARTMENT"** - The Wisconsin Department of Natural Resources.
14. **"DEVELOPMENT"** - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
15. **"DRYLAND ACCESS"** - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
16. **"ENCROACHMENT"** - Any fill, structure, equipment, building, use or development in the floodway.
17. **"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION"** - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
18. **"EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK"** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
19. **"FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)"** - The federal agency that administers the National Flood Insurance Program.
20. **"FLOOD INSURANCE RATE MAP" (FIRM)** - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
21. **"FLOOD" or "FLOODING"** –

A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- ✓ The overflow or rise of inland waters,

- ✓ The rapid accumulation or runoff of surface waters from any source,
  - ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
  - ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
22. **"FLOOD FREQUENCY"** - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
23. **"FLOODFRINGE"** - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
24. **"FLOOD HAZARD BOUNDARY MAP"** - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
25. **"FLOOD INSURANCE STUDY"** - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
26. **"FLOODPLAIN"** - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
27. **"FLOODPLAIN ISLAND"** - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
28. **"FLOODPLAIN MANAGEMENT"** - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
29. **"FLOOD PROFILE"** - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
30. **"FLOODPROOFING"** - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
31. **"FLOOD PROTECTION ELEVATION"** - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see FREEBOARD.)

32. **"FLOOD STORAGE"** - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
33. **"FLOODWAY"** - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
34. **"FREEBOARD"** - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
35. **"HABITABLE STRUCTURE"** - Any structure or portion thereof used or designed for human habitation.
36. **"HEARING NOTICE"** - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
37. **"HIGH FLOOD DAMAGE POTENTIAL"** - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
38. **"HISTORIC STRUCTURE"** - Any structure that is either:
- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
  - ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
  - ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
  - ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
39. **"INCREASE IN REGIONAL FLOOD HEIGHT"** - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
40. **"LAND USE"** - Any nonstructural use made of unimproved or improved real estate.  
(Also see DEVELOPMENT.)



41. **"MANUFACTURED HOME"** - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
42. **"MOBILE RECREATIONAL VEHICLE"** - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
43. **"MUNICIPALITY" or "MUNICIPAL"** - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
44. **"NAVD" or "NORTH AMERICAN VERTICAL DATUM"** - Elevations referenced to mean sea level datum, 1988 adjustment.
45. **"NGVD" or "NATIONAL GEODETIC VERTICAL DATUM"** - Elevations referenced to mean sea level datum, 1929 adjustment.
46. **"NEW CONSTRUCTION"** - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
47. **"NONCONFORMING STRUCTURE"** - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
48. **"NONCONFORMING USE"** - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
49. **"OBSTRUCTION TO FLOW"** - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
50. **"OFFICIAL FLOODPLAIN ZONING MAP"** - That map, adopted and made part of this ordinance, as described in §.1.5(2), which has been approved by the Department (WDNR) and FEMA.
51. **"OPEN SPACE USE"** - Those uses having a relatively low flood damage potential and not involving structures.

52. **"ORDINARY HIGHWATER MARK"** - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
53. **"PERSON"** - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
54. **"PRIVATE SEWAGE SYSTEM"** - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
55. **"PUBLIC UTILITIES"** - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
56. **"REASONABLY SAFE FROM FLOODING"** - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
57. **"REGIONAL FLOOD"** - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
58. **"START OF CONSTRUCTION"** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
60. **"STRUCTURE"** - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
61. **"SUBDIVISION"** - Has the meaning given in §.236.02(12), Wis. Stats.
62. **"SUBSTANTIAL DAMAGE"** - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or

exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

63. **"UNNECESSARY HARDSHIP"** - Where special conditions affecting a particular property, which were not self created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
64. **"VARIANCE"** - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
65. **"VIOLATION"** - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
66. **"WATERSHED"** - The entire region contributing runoff or surface water to a watercourse or body of water.
67. **"WATER SURFACE PROFILE"** - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
68. **"WELL"** - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

## **Chapter 290**

### **SHORELAND-WETLAND ZONING**

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|---|--|
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|   | § 290-21. Word usage and definitions.            |

**[HISTORY: Adopted by the Village Board of the Village of Genoa City 4-14-1994. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Building construction-- See Ch. 114.  
Floodplain zoning -- See Ch. 280.

Subdivision of land -- See Ch. 295  
Zoning -- See Ch. 310.

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#### **§ 290-1. Statutory authority.**

This chapter is adopted pursuant to the authorization in §§ 61.35 and 61.351, Wis. Stats., for villages or §§ 62.23 and 62.231, Wis. Stats., for cities and §§ 87.30 and 281.31, Wis. Stats.

#### **§ 290-2. Findings and purpose.**

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- A. Promote the public health, safety, convenience and general welfare;

- B.** Maintain the storm-water and floodwater storage capacity of wetlands;
- C.** Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- D.** Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- E.** Prohibit certain uses detrimental to the shore-land-wetland area; and
- F.** Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earthmoving activities.

**§ 290-3. Compliance required.**

The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this chapter and other applicable local, state or federal regulations. (However, see § 290-11 of this chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this chapter.

**§ 290-4. Municipalities and state agencies regulated.**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.12(4)(a), Wis. Stats., applies.

**§ 290-5. Abrogation and greater restrictions.**

- A.** This chapter supersedes all the provisions of any municipal zoning ordinance enacted under § 61.35, 62.23 or 87.30, Wis. Stats., which relates to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- B.** This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
- C. Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Ch. NR 117, Wis. Adm. Code, and where the chapter provision is unclear, the provisions shall be interpreted in light of

the Ch. NR 117 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

**§ 290-6. Annexed areas.**

The Walworth County shoreland zoning provisions in effect on the date of annexation remain in effect and shall be administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's Official Zoning Map. The Walworth County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Municipal Zoning Administrator.

**§ 290-7. Shoreland-wetland zoning maps.**

The following maps are hereby adopted and made part of this chapter and are on file in the office of the Municipal Clerk-Treasurer:

- A. Wisconsin wetland inventory maps stamped "Final" on October 21, 1993.
- B. Floodplain zoning maps titled "Flood Insurance Rate Map 01" and dated September 4, 1985.
- C. United States Geological Survey maps dated 1990.
- D. Zoning maps titled "Official Zoning Map Village of Genoa City" and dated August 1992.

**§ 290-8. District boundaries.**

- A. The shoreland-wetland zoning district includes all wetlands in the municipality which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this chapter and which are:
  - (1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter.
  - (2) Within 300 feet of the ordinary high-water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter. Floodplain zoning maps adopted in § 290-7B shall be used to determine the extent of floodplain areas.
- B. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate

district office of the Department for a final determination of navigability or ordinary high-water mark.

- C.** When an apparent discrepancy exists between the shore-land-wetland district boundary shown on the Official Zoning Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Subsections D and E, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
- D. Filled wetlands.** Wetlands which are filled prior to October 21, 1993, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland are not subject to this chapter.
- E. Wetlands landward of a bulkhead line.** Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under § 30.11, Wis. Stats., are not subject to this chapter.

**§ 290-9. Permitted uses.**

The following uses are permitted subject to the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- A.** Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
- (1.) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
  - (2.) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - (3.) The practice of silviculture, including the planting, thinning and harvesting of timber;
  - (4.) The pasturing of livestock;
  - (5.) The cultivation of agricultural crops; and
  - (6.) The construction and maintenance of duck blinds.
- B.** Uses which do not required the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

- (1.) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
  - (2.) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
  - (3.) The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing soil banks where possible;
  - (4.) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - (5.) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on piling, including limited excavating and filling necessary for such construction or maintenance;
  - (6.) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in § 290-19C of this chapter; and
  - (7.) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
- (1.) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this section, provided that:
    - (a) The road cannot, as a practical matter, be located outside the wetland;
    - (b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in § 290-19C of this chapter;
    - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - (d) Road construction activities are carried out in the immediate area of the roadbed only; and
    - (e) Any wetland alteration must be necessary for the construction or maintenance of the road.



**(2.) The construction and maintenance of nonresidential buildings, provided that:**

- (a)** The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
- (b)** The building cannot, as a practical matter, be located outside the wetland;
- (c)** The building does not exceed 500 square feet in floor area; and
- (d)** Only limited filling and excavating necessary to provide structural support for the building are allowed.

**(3.)** The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

- (a)** Any private development allowed under this Subsection C(3) shall be used exclusively for the permitted purpose;
- (b)** Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures are allowed;
- (c)** The construction and maintenance of roads necessary for the uses permitted under this Subsection C(3) are allowed only where such construction and maintenance meet the criteria in Subsection C(1); and
- (d)** Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

**(4.)** The construction and maintenance of electric and telephone transmission lines, water and gas distributions lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:

- (a)** The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- (b)** Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- (c)** Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in § 290-19C of this chapter.

**§ 290-10. Prohibited uses.**

- A. Any use not listed in § 290-9 of this chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with § 290-19 of this chapter.
- B. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

#### **§ 290-11. Nonconforming structures and uses.**

The lawful use of a building, structure or property which existed at the time this chapter, or an applicable amendment to this chapter, took effect and which is not in conformity with the provisions of this chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- A. The shoreland-wetland provisions of this chapter authorized by § 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to § 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.
- B. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this chapter.
- C. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this chapter adopted under § 61.351 or 62.231, Wis. Stats., may be continued although such use does not conform to the provisions of this chapter. However, such nonconforming use may not be extended.
- D. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of § 30.121, Wis. Stats.
- E. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

#### **§ 290-12. Zoning Administrator<sup>1</sup>.**

This chapter shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall have the following duties and powers. He shall:

- A. Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms.

- B.** Issue permits and certificates of compliance and inspect properties for compliance with this chapter.
- C.** Keep records of all permits issued, inspections made, work approved and other official actions.
- D.** Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
  - 1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- E.** Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.
- F.** Investigate and report violations of this chapter to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.
- G.** Make inspections of projects to ensure compliance with the terms of this chapter.

#### **§ 290-13. Zoning permits.**

- A. When required.** Unless another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in § 290-21B of this chapter, or any change in the use of an existing building or structure is initiated.
- B. Application.** An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of this chapter, the following information:
  - (1.) General information.**
    - (a)** Name, address, and telephone number of applicant, property owner and contractor, where applicable.
    - (b)** Legal description of the property and a general description of the proposed use or development.
    - (c)** Whether or not a private water supply or sewage system is to be installed.
  - (2.) Site development plan.** The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:
    - (a)** Dimensions and area of the lot;
    - (b)** Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;

- (c) Description of any existing or proposed on-site sewage systems or private water supply systems;
- (d) Location of the ordinary high-water mark of any abutting navigable waterways;
- (e) Boundaries of all wetlands;
- (f) Existing and proposed topographic and drainage features and vegetative cover;
- (g) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

(h) Location of existing or future access roads; and

(i) Specifications and dimensions for areas of proposed wetland alteration.

**C. Expiration.** All permits issued under the authority of this chapter shall expire 12 months from the date of issuance.

#### **§ 290-14. Conditional use permits.**

**A. Application.** Any use listed as a conditional use in this chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in § 290-18B, C and D of this chapter.

**B. Conditions.** Upon consideration of the permit application and the standards applicable to the conditional uses designated in § 290-9C of this chapter, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter as listed in § 290-2. Such conditions may include specifications for, without limitation because of specific enumeration, type of shore cover, erosion controls, increased setbacks, specific sewage disposal and water supply facilities, landscaping and planting screens, period of operation, operational control, sureties, deed restrictions, location of piers, docks, parking areas and signs, and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this chapter.

#### **§ 290-15. Fees.**

**The municipal governing body may, by resolution, adopt fees for the following:**

- A. Zoning permits.
- B. Public hearings.
- C. Legal notice publications.

**D.** Conditional use permits.

**E.** Rezoning petitions.

**§ 290-16. Recording.**

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

**§ 290-17. Revocation of permit.**

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

**§ 290-18. Board of Appeals<sup>2</sup>.**

The Board of Appeals established under Article X of Chapter 310, Zoning, of this Code will act as the Board of Appeals for this chapter. The Board of Appeals shall adopt rules for the conduct of its business as required by § 62.23(7)(e)3, Wis. Stats.

**A. Powers and duties. The Board of Appeals:**

- (1) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
- (2) May authorize upon appeal a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that:
  - (a) Literal enforcement of the terms of this chapter will result in unnecessary hardship for the applicant;
  - (b) The hardship is due to special conditions unique to the property and is not self-created or based solely on economic gain or loss;
  - (c) Such variance is not contrary to the public interest as expressed by the purpose of this chapter; and
  - (d) Such variance will not grant or increase any use of property which is prohibited in the zoning district.

**B. Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal

specifying the reasons for the appeal. The Zoning Administrator or other official whose decision is in question shall transmit to the Board all the papers constituting the record on the matter appealed.

### **C. Public hearings.**

- (1) Before making a decision on an appeal or application, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Ch. 985, Stats., specifying the date, time and place

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

of the hearing and the matters to come before the Board. At the public hearing, any party may present testimony in person, by agent or by attorney.

- (2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.

### **D. Decisions.**

- (1) The final disposition of an appeal or application for a conditional use permit before the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Board Chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application for a conditional use.

- (2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.

### **§ 290-19. Amendments.**

The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of § 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:

- A. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five days of the submission of the proposed amendment to the municipal planning agency.
- B. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after Class 2 notice as required by § 62.23(7)(d)2, Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.
- C. In order to ensure that this chapter will remain consistent with the shoreland protection objectives of § 281.65, Wis. Stats., the municipal governing body may not rezone a

wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- (1) Storm-water and floodwater storage capacity;
- (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

**D.** Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection C, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

**E. The appropriate district office of the Department shall be provided with:**

- (1) A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment within 10 days after the submission of those recommendations to the municipal governing body.
- (2) Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

**F.** If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection C, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by Subsection E(2). If within the thirty-day period the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by §§ 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under § 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.

**§ 290-20. Enforcement; violations and penalties<sup>3</sup>.**

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this chapter in violation of the provisions of this chapter by any person, firm, association, or corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney, who shall prosecute such violations. Any person, firm, association, or corporation who or which violates or refuses to comply with any of the provisions of this chapter shall be subject to

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

a forfeiture as provided in Chapter 1, General Provisions, § 1-5 of this Code, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30(2), Wis. Stats.

#### **§ 290-21. Word usage and definitions.**

A. For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted 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 "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

B. The following terms used in this chapter have the following meanings:

**ACCESSORY STRUCTURE OR USE** -- A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

**BOATHOUSE** -- As defined in § 30.01(1d), Wis. Stats., a structure used for the storage of watercraft and associated materials which has one or more walls or sides<sup>4</sup>.

**CLASS 2 PUBLIC NOTICE** -- Publication of a public hearing notice under Ch. 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

**CONDITIONAL USE** -- A use which is permitted by this chapter provided that certain conditions specified in this chapter are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.

**DEPARTMENT** -- The Wisconsin Department of Natural Resources.

**DEVELOPMENT** -- Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.



**DRAINAGE SYSTEM** -- One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**ENVIRONMENTAL CONTROL FACILITY** -- Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants,

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

**FIXED HOUSEBOAT** -- As defined in § 30.01(1r), Wis. Stats., a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

**NAVIGABLE WATERS** -- Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

(1) Under § 281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 61.351 or 62.231, Wis. Stats., and Ch. NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

(2) Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis.2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

**ORDINARY HIGH-WATER MARK** -- The point on the bank or shore up to which the presence and action of surface water are so continuous as to leave a distinctive mark, such as by erosion, destruction

or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**PLANNING AGENCY** -- The Village Plan Commission created under § 62.23(1), Wis. Stats<sup>5</sup>.

**SHORELANDS** -- Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See also Ch. 15, § 15-2, Plan Commission.

**SHORELAND-WETLAND DISTRICT** -- The zoning district, created in this chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this chapter.

**UNNECESSARY HARDSHIP** -- That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

**VARIANCE** -- An authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter.

**WETLAND ALTERATION** -- Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

**WETLANDS** -- Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

## **Chapter 295**

### **SUBDIVISION OF LAND**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City 5-9-1996.  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

Plan Commission -- See Ch. 15.  
Building construction -- See Ch. 114.  
Numbering of buildings -- See Ch. 118.  
Streets and sidewalks -- See Ch. 234.  
Water and sewers -- See Ch. 270.

Floodplain zoning -- See Ch. 280.  
Shoreland-wetland zoning -- See Ch. 290.  
Wellhead protection -- See Ch. 305.  
Zoning -- See Ch. 310.

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**ARTICLE I**  
**Introduction**

**§ 295-1. Authority.**

This chapter is adopted under the authority granted by § 236.45, Wis. Stats.

**§ 295-2. Purpose.**

The purpose of this chapter is to regulate and control the division of land within the corporate limits of the Village of Genoa City, Wisconsin, and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Village and its environs.

**§ 295-3. Intent.**

It is the general intent of this chapter to regulate the division of land so as to:

- A.** Obtain the wise use, conservation, protection, and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- B.** Lessen congestion in the streets and highways.
- C.** Further the orderly layout and appropriate use of land.
- D.** Secure safety from fire, panic, and other dangers.
- E.** Provide adequate light and air.
- F.** Facilitate adequate provision for housing, transportation, water supply, storm-water, wastewater, schools, parks, playgrounds, and other public facilities and services.
- G.** Secure safety from flooding, water pollution, disease, and other hazards.
- H.** Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood-control projects.

- I. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- J. Preserve natural vegetation and cover and promote the natural beauty of the Village.
- K. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.
- L. Facilitate the further division of larger tracts into smaller parcels of land.
- M. Ensure adequate legal description and proper survey monumentation of subdivided land.
- N. Provide for the administration and enforcement of this chapter.
- O. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village and in general facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, and Chapter 310, Zoning, and Chapter 114, Building Construction, of this Code.

**§ 295-4. Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**§ 295-5. Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**§ 295-6. Disclaimer of liability.**

The Village does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this chapter are the only unsuited soils within the jurisdiction of this chapter, and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

**§ 295-7. Title.**

This chapter shall be known as, referred to, or cited as the "Land Division Ordinance, Village of Genoa City, Walworth County, Wisconsin."

## ARTICLE II General Provisions

### **§ 295-8. Jurisdiction.**

Jurisdiction of this chapter shall include all lands within the corporate limits of the Village of Genoa City, Wisconsin, and those lands within the extraterritorial jurisdiction of the Village as established in §§ 61.35, 62.23(2), 66.0105, and 236.10, Wis. Stats. The provisions of this chapter as it applies to divisions of tracts of land into fewer than five parcels shall not apply to:

- A.** Transfers of interests in land by will or pursuant to court order.
- B.** Leases for a term not to exceed 10 years, mortgages, or easements.
- C.** Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter, Chapter 310, Zoning, of this Code or other applicable laws or ordinances.
- D.** Cemetery plats made under § 157.07, Wis. Stats.
- E.** Assessors' plats made under § 70.27, Wis. Stats., but such assessors' plats shall comply with §§ 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

### **§ 295-9. Compliance required.**

No person, firm, or corporation shall divide any land located within the jurisdictional limits of this chapter so that such division results in a subdivision, minor land division, replat, or condominium plat as defined herein, no such subdivision, minor land division, replat, or condominium plat shall be entitled to recording, and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following documents:

- A.** Chapter 236, Wis. Stats.

- B. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the sub-divider abuts on a state trunk highway or connecting street.
- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards, preventing and abating pollution, and regulating development within flood-land, wetland, and shore-land areas.
- E. Duly approved Comprehensive Plan or Comprehensive Plan component of the Village of Genoa City, Wisconsin.
- F. Chapter 310, Zoning, of this Code and all other applicable local and county ordinances.

**§ 295-10. Dedication and reservation of lands.**

- A. **Streets, highways and drainage-ways.** Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of an arterial or collector street, drainageway, or other public way which has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the sub-divider in the locations and dimensions indicated on said plan or component and as set forth in §§ 295-48 through 295-56 of this chapter.
- B. **Parks and playgrounds.** Whenever a tract of land to be divided within the Village of Genoa City encompasses all or any part of a park or playground which has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said park or playground shall be made a part of that plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in § 295-56 of this chapter.

**§ 295-11. Improvements.**

Before final approval of any plat or certified survey map located within the jurisdictional limits of this chapter, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Village Board after review and recommendation by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year



from the date of recording of the plat and as a further guarantee that all obligations to the subcontractor for work on the development are satisfied. In addition:

- A.** Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to review by the Plan Commission upon approval of the Village Engineer and the Village Attorney.
- B.** Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- C.** Plats outside the corporate limits. Before final approval by the Village of any plat or certified survey map located outside the corporate limits of the Village but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.
- D.** Survey monuments. Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Village Engineer.

#### **§ 295-12. Variances.**

Where, in the judgment of the Village Board of Appeals, it would be inappropriate to apply literally the provisions of §§ 295-48 through 295-56 and §§ 295-57 through 295-70 of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Village Board of Appeals may grant a variance from any requirement to the extent deemed just and proper.

- A.** No variance to the provisions of this chapter shall be granted unless the Village Board of Appeals finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings<sup>1</sup>:
  - (1) Exceptional circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this chapter should be changed.)
  - (2) Preservation of property rights.** Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(3) **Absence of detriment.** The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

**B.** A minimum of four affirmative Village Board of Appeals member votes shall be required to grant any variance of this chapter.

**C.** The Village Board may waive the placing of monuments required under § 236.15 (1) (b) (c) and (d), Wis. Stats., for a reasonable time, not to exceed one year, on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

### **§ 295-13. Land suitability.**

No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Village Plan Commission, upon the recommendation of the Village Engineer or any other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village.

#### **A. In addition:**

(1) **Floodlands.** No lot served by public sanitary sewerage facilities shall have less than 50% of its required lot area below an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the maximum flood of record. No lot one acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include flood-lands. All lots more than one acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation, at least two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the maximum flood of record.

(2) Lands made, altered, or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- (3) Lands made, altered, or filled with earth within the preceding seven years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- (4) Lands having a slope of 12% or more shall be maintained in permanent open space use. No lot shall have more than 50% of its minimum required area in slopes of 10% or greater.
- (5) Lands having bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- (6) Lands having groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- (7) Lands covered by soils having a percolation rate slower than 60 minutes per inch or faster than 10 minutes per inch shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- (8) Land drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

**B.** The Village Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

#### **§ 295-14. Enforcement.**

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this chapter or the Wisconsin Statutes, and no person, firm or corporation shall be issued a building permit by the Village of Genoa City authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium plat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Village may institute

appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

#### **§ 295-15. Violations and penalties<sup>2</sup>.**

Any person, firm or corporation who or which violates or fails to comply with the provision of this chapter shall, upon conviction thereof, forfeit an amount as provided in Chapter 1, General Provisions, § 1-5 of this Code, plus the costs of prosecution for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the county jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

##### **A. Violations and concomitant penalties shall include the following:**

- (1) Recordation improperly made carries penalties as provided for in § 236.30, Wis. Stats.
- (2) Conveyance of lots in unrecorded plats carries penalties as provided for in § 236.31, Wis. Stats.
- (3) Monuments disturbed or not placed carries penalties as provided for in § 236.32, Wis. Stats.

**B.** An assessor's plat made under § 70.27, Wis. Stats., may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

#### **§ 295-16. Appeals.**

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in § 236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

#### **§ 295-17. Lot line adjustments between adjoining parcels.**

Notwithstanding the exemption stated in § 295-8C, the Village Engineer or the Village Building Inspector may require the owners of the adjoining property who have sold or exchanged parcels of land between themselves so as to effect a lot line adjustment to furnish evidence that the resulting lots have not been reduced below the minimum sizes required by this chapter, Chapter 310, Zoning, or other applicable laws or ordinances. The evidence shall be in the form of either a plat of survey or a point of the area marked to show the new lot line stakes and the dimensions of the resulting lots, stamped by a registered land surveyor, and that the new lot has been staked on

the ground by the registered land surveyor. Such evidence shall be submitted no later than 30 days following the written request thereof made by the Village Engineer or Village Building Inspector to the owners. No person, firm or corporation shall sell or exchange parcels of land between adjoining property if additional lots are created without complying with this chapter or if the lots resulting are reduced below the minimum sizes required by this chapter, Chapter 310, Zoning, or other applicable laws and ordinances.

### ARTICLE III Land Division Procedures

#### **§ 295-18. Preliminary consultation.**

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Village Plan Commission and/or its staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of this chapter, the Comprehensive Plan, Comprehensive Plan components, Neighborhood Plan, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

#### **§ 295-19. Preliminary plat review<sup>3</sup>.**

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file an adequate number of copies of the plat and the application with the Village Clerk by the 15<sup>th</sup> of the previous month before a meeting of the Village Plan Commission at which consideration is desired. In addition:

- A. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit four copies to the Walworth County Planning, Zoning and Sanitation Department, two copies to the Wisconsin Department of Administration, and additional copies to the Wisconsin Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting street, the Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources, if shoreland or floodlands are contained within the proposed subdivision. The Wisconsin Department of Administration, the

Wisconsin Department of Transportation, the Wisconsin Department of Commerce and the Walworth County Planning, Zoning and Sanitation Department shall hereafter be referred to as "objecting agencies."

- B.** In lieu of the procedure set forth in Subsection A above, the subdivider may, pursuant to § 236.12(6), Wis. Stats., submit the original drawing of the preliminary plat directly to the Director of the Planning Function of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the sub-divider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit the additional copies required herein by Subsections C and D of this section.

3.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C.** The Village Clerk-Treasurer shall also transmit 10 copies of the preliminary plat to the Village Plan Commission and additional copies to the Superintendent of Public Works and all affected Village committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Village boards, commissions, and departments shall be transmitted to the Village Plan Commission within 20 days from the date the plan is filed. The preliminary plat shall then be reviewed by the Village Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- D.** The Village Clerk-Treasurer shall also transmit one copy each of the preliminary plat to the Walworth County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Wisconsin Southern Gas Company, Wisconsin Power and Light Company and Wisconsin Bell Telephone Company for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 20 days from the date the plat is filed.

#### **§ 295-20. Preliminary plat approval<sup>4</sup>.**

The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Clerk-Treasurer. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- A.** The Village Plan Commission shall, within 90 days of the date of filing of a preliminary plat with the Village Clerk-Treasurer, approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Village Plan Commission's permanent file.

- B. Failure of the Village Plan Commission to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual consent.
- C. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Village Plan Commission at the time of its submission.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 295-21. Final plat review.**

The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Village Clerk-Treasurer at least 30 days prior to the meeting of the Village Plan Commission at which action is desired. In addition:

- A. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit four copies to the Walworth County Planning, Zoning and Sanitation Department, two copies to the Director of the Planning Function in the Wisconsin Department of Administration, and additional copies to the Director of the Planning Function for retransmission of two copies each to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting street, and the Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources, if shore-land or flood-lands are contained within the proposed subdivision, and the original final plat and an adequate number of copies to the Village Plan Commission<sup>5</sup>.
- B. In lieu of the procedure set forth in Subsection A above, the subdivider may, pursuant to § 236.12(6), Wis. Stats., submit the original drawing of the final plat directly to the Director of the Planning Function of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit sufficient additional copies of the final plat to the Village Clerk-Treasurer for review by the Village Plan Commission<sup>6</sup>.
- C. The Village Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval or rejection of the plat to the Village Board.
- D. Partial platting. If permitted by the Village Board, the approved preliminary plat may be final platted in phases, with each phase encompassing only that portion of the approved

preliminary plat which the subdivider proposed to record at one time; however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

**§ 295-22. Final plat approval.**

The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that

5. Editors' Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).  
6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

copy to the Village Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:

- A. Submission. If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat<sup>7</sup>.
- B. The Village Plan Commission shall, within 45 days of the date of filing of the final plat with the Village Clerk-Treasurer, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board.
- C. Notification. The Village Plan Commission shall, at the time it recommends approval or rejection of a plat to the Village Board, give at least 10 days' prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.
- D. Failure of the Village Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the sub-divider having been paid, the plat shall be deemed approved.
- E. Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation are filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed, and the Village Clerk-Treasurer shall record the plat with the Walworth County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within six months from the date of the last approval<sup>8</sup>.
- F. Copies. The sub-divider shall file five copies of the recorded final plat with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

**§ 295-23. Certified survey maps.**

When it is proposed to divide land into at least two but not more than four parcels or building sites, or when it is proposed to create by land division not more than four parcels or building



sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, or when it is proposed to divide any number of parcels greater than 1 1/2 acres in size (thus not constituting a "subdivision" as defined in § 295-85 of this chapter), the subdivider may subdivide by use of a certified survey map. The certified survey map shall include all parcels of land five acres or less in area and may, at the owner's discretion, include any other parcels containing more than five acres. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file sufficient copies of the map and the letter of application with the Village Clerk-Treasurer at least 30 days prior to the meeting of the Village Plan Commission at which action is desired.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

- A. A preapplication conference similar to the consultation suggested in § 295-18 of this chapter is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public.
- B. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the Village Plan Commission.
- C. The Village Clerk-Treasurer shall transmit a copy of the map to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Copies shall also be transmitted to the Walworth County Land Conservation Committee and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Village Plan Commission within 30 days from the date the map is filed. The map shall be reviewed by the Village Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- D. The Village Plan Commission shall, within 60 days of the date of filing of the map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board<sup>9</sup>.
- E. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider<sup>10</sup>.
- F. Recordation. After the certified survey map has been approved by the Village Board, the Village Clerk-Treasurer shall cause the certificate to be inscribed upon the map attesting to such approval, and the Village Clerk-Treasurer shall record the map with the Walworth County Register of Deeds. The Register of Deeds shall not record the map unless it is offered within six months from the date of the last approval<sup>11</sup>.

- G. Copies.** The subdivider shall file five copies of the certified survey map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

**§ 295-24. Extraterritorial plats and certified survey maps.**

When it is proposed to divide lands located in the unincorporated areas within 1 1/2 miles of the corporate limits of the Village of Genoa City, the subdivider shall proceed as specified in §§ 295-18 through 295-23 of this chapter, with the following exceptions or additions:

9. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II)

10. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

11. Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II)..

- A. Transmittal responsibility.** The town clerk or Walworth County Planning, Zoning and Sanitation Department, to whomever the plat or certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the Village assume the responsibility of transmitting all review copies. The subdivider shall specify in his letter of application to whom the original application was submitted.

- B. Improvement and design requirements.** If the extraterritorial plat or certified survey map contains lands located within the adopted sanitary sewer service area of the Village of Genoa City, the subdivider shall comply with all of the improvement requirements of §§ 295-57 through 295-70 of this chapter and with all of the design requirements of §§ 295-48 through 295-56 of this chapter. If the extraterritorial plat or certified survey map does not contain lands located within the Village's sanitary sewer service area, the subdivider shall comply with all of the design requirements of §§ 295-48 through 295-56 of this chapter. In either event, the subdivider shall not be required to dedicate park and open space land to the Village or be required to pay a public site fee to the Village.

- C. Application Required.** No person, firm or corporation shall divide any land located within the one and one half (1-1/2) mile extraterritorial plat approval jurisdiction of the Village of Genoa City without first filing an application and a certified survey map and/or preliminary plat with the Village for approval.

**D. Pre-application Procedure.**

- (1) Before filing an application for approval of a certified survey map, the subdivider shall consult with Plan Commission and Hall:

(a) Prepare a preliminary sketch for review and approval;

(b) Complete an Environmental Assessment Checklist.

- (2) This procedure will assist the applicant in appraising the objectives of these regulations, the Comprehensive Land Use Plan, the Official Map and other pertinent Village ordinances.

- (3) The pre-application information shall be submitted to the Plan Commission for review and approval, by the fifteenth day of the month preceding the date of the meeting at which the Plan Commission will consider the information.

**E. Extraterritorial Land Division Policies.** The following shall govern the Village in approving division of land within the one and one half (1 1/2) mile extraterritorial area in order to protect the rural character and farming viability:

- (1). Before final approval by the Village of any plat located outside the corporate limits of the Village, but within its extraterritorial plat approval jurisdiction, the subdivider shall give evidence that he/she has complied with all street and utility improvement requirements for the town in which the land being platted is located.
- (2). For land divisions by certified survey as defined in Section 295-23, the procedure for approval by the Village shall be as specified in Section 295-23. The Village may require approval of the certified survey map by the pertinent Town Board before acting as specified under this section.
- (3). All land divisions within the one and one half (1 1/2) mile extraterritorial area will be subject to the land preservation or dedication requirements of this Chapter. This specifically means the following:
  - a. Any public right-of-way area identified on the Village Comprehensive Land Use Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
  - b. Any waterway or storm water management area identified on the Village Comprehensive Land Use Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
  - c. Any lands falling within the limits of an environmental corridor, as mapped by the Village of Genoa City or by county planning agencies, will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in the Village Zoning Code.
- (4). Lands falling within the one and one half (1 1/2) mile extraterritorial area shall be required to meet all of the design standards contained in section 295-48 through 295-70 of this Chapter. The subdivider shall not be required to dedicate park and open space land to the Village or be required to pay a public site fee to the Village.
- (5) Land divisions by certified survey within the extraterritorial area will be required to follow erosion control plans in compliance with this Chapter.
- (6) The Village Board may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village Plan Commission to protect the purpose and intent of the Village's plan and ordinances. Any such restrictions shall be placed

on the face of the certified survey map from which the lot or lots were created to verify the density standard established herein.

- (7) The plat or certified survey map shall include those portions of the entire original parcel of land on which any new lots or parcels are created. Where only a portion of the entire original parcel is being divided into new lots and depicted on the face of the plat or certified survey map, a supplemental drawing shall be provided that depicts said entire original parcel and demonstrates full compliance with the provisions of subsection (1), above. This supplemental drawing shall be signed and sealed by a registered surveyor. In addition, in such instances where a supplemental drawing is used, a note shall be placed on the face of the plat or certified survey map cross referencing such drawing indicating areas necessary for compliance with density standard established herein.
- (8) In all cases, the time period within which action is required shall not begin until the Town Board, pertinent county reviewing officials, and the Village of Genoa City have received all maps, drawings and data required for plat approval, applications have been completed and fees have been paid.

#### **G. VARIATIONS AND EXCEPTIONS**

- (1). A variance may be granted by the Village Board, upon receiving a positive recommendation of the Plan Commission, to permit a parcel to be created by a proposed land division in the extraterritorial review area when it is shown that the application satisfies the following standards:
  - (a). A finding of fact must be made that the purpose of the proposed parcel is to be a lot for dwelling unit which is to be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood from farm operation on the parcel and/or contributes work which is substantially needed in the farm operation, and is the parent or child of the farm operator or the spouse of the farm operator; and
  - (b). A finding of public interest must be made that the proposed parcel and development design is reasonable upon consideration of these factors:
    - [1.] The potential for conflict with agricultural use;
    - [2]. The need of the proposed development for a location in an agricultural area;
    - [3]. The availability of alternative locations;
    - [4]. Compatibility with existing or permitted development or adjacent lands;
    - [5]. The productivity of the lands involved;

[6]. The location of the proposed development so as to reduce to a minimum the amount of productive agricultural land converted;

[7]. The need for public services created by the proposed development.

[8]. The availability of adequate public services and the ability of affected local units of government to provide them without a reasonable burden;

[9]. The effect of the proposed development on water or air pollution, soil erosion and rare or irreplaceable natural resources.

(2). Any recommendation for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Clerk and transmitted to the Village Board. The Village Board, if it approves, shall do so by resolution adopted by majority vote and shall instruct the Village Clerk to notify the Plan Commission and the sub-divider.

(3) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Village Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Village Zoning Ordinances, and any Village comprehensive plan.

#### **§ 295-25. Replat.**

**A.** When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the sub-divider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in §§ 295-18 through 295-22.

**B.** The Village Clerk-Treasurer shall schedule a public hearing before the Village Plan Commission when a preliminary plat of a replat of lands within the Village or its extraterritorial jurisdictional limits is filed and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

#### **§ 295-26. Condominium plats.**

A condominium plat prepared pursuant to § 703.11, Wis. Stats., shall be reviewed in the same manner as a subdivision plat as set forth in §§ 295-18 through 295-22 of this chapter, excepting that it need not be submitted to any approving or objecting agencies that do not exercise jurisdiction over condominium plats.

### **ARTICLE IV**

### **Preliminary Plat**

#### **§ 295-27. General requirements.**

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor, and the plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- A.** Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- B.** Property location of the proposed subdivision by government lot, quarter-section, township, range, county and state.
- C.** General location sketch showing the location of the subdivision within the United States Public Land Survey section.
- D.** Date, graphic scale and North arrow.
- E.** Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- F.** Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.

#### **§ 295-28. Plat data.**

All preliminary plats shall show the following:

- A.** Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in United States Public Land Survey and the total acreage encompassed thereby.
- B.** Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level).
- C.** Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum.

- D.** Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.
- E.** Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- F.** Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center-line elevations, all to mean sea level (1929) datum.
- G.** Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- H.** Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, and power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations.
- I.** Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto.
- J.** Location, width and names of all proposed streets and public rights-of-way, such as alleys and easements.
- K.** Approximate dimensions of all lots, together with proposed lot and block numbers.
- L.** Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring plotting.
- M.** Approximate radii of all curves.
- N.** Existing zoning on and adjacent to the proposed subdivision.
- O.** Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- P.** Any proposed lake and stream improvement or relocation.

- Q. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the United States Soil Conservation Service.
- R. Location of soil boring tests, where required by § COMM 85.06, Wis. Adm. Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.
- S. Location of soil percolation tests where required by § COMM 85.06, Wis. Adm. Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

**§ 295-29. Street plans and profiles.**

The Village Plan Commission, upon the recommendation of the Village Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the Village Engineer.

**§ 295-30. Testing.**

The Village Plan Commission, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. The Village does not guarantee, warrant, or represent that those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. COMM 85, Wis. Adm. Code, shall be complied with and the appropriate data submitted with the preliminary plat.

**§ 295-31. Soil and water conservation.**

The Village Plan Commission, upon the recommendation of the Village Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control



plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the United States Conservation Service Technical Guide, adopted by the Walworth County Land Conservation Committee, and shall be in accordance with standards set forth in § 295-70 of this chapter.

**§ 295-32. Covenants.**

The Village Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Village Attorney as to form.

**§ 295-33. Certification by surveyor.**

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

**ARTICLE V  
Final Plat**

**§ 295-34. General requirements.**

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

**§ 295-35. Additional information.**

The plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats., the following:

- A.** Exact length and bearing of the center line of all streets.
- B.** Exact street width along the line of any obliquely intersecting street.
- C.** Railroad rights-of-way within and abutting the plat.
- D.** Utility and/or drainage easements.
- E.** Street addresses on each lot as determined by the Village Clerk-Treasurer.
- F.** All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

- G. Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.

**§ 295-36. Deed restrictions.**

The Village Plan Commission may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

**§ 295-37. Survey accuracy.**

The Village Engineer shall examine all final plats within the Village and may make or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- A. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000 nor in azimuth of four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000 or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- C. Where the plat is located within a United States Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Genoa City, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the tie required by § 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- D. The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat.

**§ 295-38. Surveying and monumenting.**

All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

**§ 295-39. State plane coordinate system.**

Where the plat is located within a United States Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Genoa City, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to one of the section or quarter corners so related, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

**§ 295-40. Certificates.**

All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

**§ 295-41. Recordation<sup>12</sup>.**

The final plat shall only be recorded with the Walworth County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Village Board, and of the surveyor and those certificates required by § 236.21, Wis. Stats., are placed on the face of the plat.

**ARTICLE VI  
Certified Survey Map**

**§ 295-42. General provisions.**

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of § 236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in §§ 295-48 through 295-70 of this chapter.

**§ 295-43. Required information.**

The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- A.** All existing structures, watercourses, drainage ditches and other features pertinent to proper land division.
- B.** Setbacks or building lines.

- C. Utility and/or drainage easements.
- D. Street addresses on each lot as determined by the Village Clerk-Treasurer.
- E. All lands reserved for future acquisition.

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. Date of the map.
- G. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.
- H. Graphic scale and North arrow.
- I. Name and address of the owner, sub-divider and surveyor.

**§ 295-44. Additional information.**

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

- A. Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created is fully developed.
- B. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the United States Soil Conservation Service.
- C. Location of soil boring tests, where required by § COMM 85.06, Wis. Adm. Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- D. Location of soil percolation tests where required by § COMM 85.06, Wis. Adm. Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

- E. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development.

**§ 295-45. State plane coordinate system.**

Where the map is located within a United States Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Genoa City, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one of the section or quarter corners so related, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

**§ 295-46. Certificates.**

- A. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- B. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

**§ 295-47. Recordation<sup>13</sup>.**

The certified survey map shall only be recorded with the Walworth County Register of Deeds after the certificates of the Village Board and the surveyor are placed on the face of the map.

ARTICLE VII,  
Design Standards

**§ 295-48. Street arrangement.**

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the Official Map, County Jurisdictional Highway System Plan, Comprehensive Plan or plan component, or Precise Neighborhood Unit Development Plan of the Village of Genoa City, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.

The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

**A.** Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**B.** Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.

**C.** Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

**D.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

**E.** Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a nonaccess reservation along the rear property line or by the use of frontage streets.

**F.** Stream or lake shores shall have a minimum of 60 feet of public access platted to the low-water mark at intervals of not more than 1/2 mile as required by § 236.16(3), Wis. Stats.

**G.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Plan Commission.

**H.** Alleys shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Village Plan Commission but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street.

- I. Street names shall not duplicate or be similar to existing street names elsewhere in the Village, and existing street names shall be projected wherever possible.

**§ 295-49. Limited access highway and railroad right-of-way treatment.**

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- A. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 20 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."
- B. Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- C. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- D. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

**§ 295-50. Streets and pedestrianways.**

- A. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the Comprehensive Plan, Comprehensive Plan component, Official Map, Neighborhood Development Study, or Jurisdictional Highway System Plan, or, if no width is specified therein, the minimum widths shall be as shown on Table 1<sup>14</sup>.
- B. Street sections are for standard arterial streets only. Cross sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:
  - (1) Cul-de-sac streets designed to have one end permanently closed shall not exceed 750 feet in length. All urban cul-de-sac streets designed to have one end permanently closed without a center planting island shall terminate in a teardrop turnaround having a minimum right-of-way radius of 60 feet and a minimum

outside curb radius of 48 feet, and all urban cul-de-sac streets designed to have one end permanently closed with a center planting island shall terminate in a teardrop turnaround having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet.

- (2) Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above or by construction of a temporary "T" intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.

14. Editor's Note: Table 1 is included at the end of this chapter.

**(3) Street grades.**

- (a) Unless necessitated by exceptional topography, subject to the approval of the Village Plan Commission, the maximum center-line grade of any street or public way shall not exceed the following:

[1] Arterial streets: 6%.

[2] Collector streets: 8%

[3] Minor streets, alleys and frontage streets: 12%.

[4] Pedestrianways: 12% unless steps or stairs of acceptable design are provided.

- (b) The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets and 1/2 this minimum for all other streets.

**(4) Radii of curvature.**

- (a) When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

[1] Arterial streets and highways: 500 feet.

[2] Collector streets: 300 feet.

[3] Minor streets: 150 feet.



(b) A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(5) **Half streets.** Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the sub-divider. The platting of new half streets shall not be permitted.

#### **§ 295-51. Street intersections.**

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- B. The number of intersections along major streets and highways shall not be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1,200 feet.
- C. Property lines at street intersections shall be rounded with a minimum radius of 15 feet, or of a greater radius when required by the Village Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- D. Minor streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides within 250 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.

#### **§ 295-52. Blocks.**

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

- A. The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet unless otherwise dictated by exceptional topography or other limiting factors of good design.
- B. Pedestrianways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

- C. Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

**§ 295-53. Lots. (amended 10-13-16)**

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- B. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- C. Access. Every lot shall front or abut for a distance of at least 40 feet on a public street. The Village Board may approve the creation of a permanent ingress and egress easement on a case-by-case basis for non-conforming lots. Minimum width shall be 15-feet for a one-way easement, and 30-feet for a two-way easement.
- D. Area and dimensions of all lots shall conform to the requirements of Chapter 310, Zoning, of this Code for the subdivisions within the Village and to the Walworth County Zoning Ordinance within the Village's extraterritorial jurisdictional limits. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Ch. COMM 83, Wis. Adm. Code. The width and area of lots located on soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than 150 feet in width and 40,000 square feet in area.
- E. Depth of lots shall be a minimum of 120 feet. Excessive depth in relation to width shall be avoided, and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- F. Width of lots shall conform to the requirements of Chapter 310, Zoning, or other applicable ordinance, and in no case shall a lot be less than 80 feet in width at the building setback line.
- G. Corner lots shall have an extra width of 20 feet to permit adequate building setbacks from side streets.

**H.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

**§ 295-54. Building setback lines.**

Building setback lines appropriate to the location and type of development contemplated which are more restrictive than the regulation of the zoning district in which the plat is located may be required by the Village Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development or setting special yard requirements to protect natural resource elements.

**§ 295-55. Easements.**

The Village Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment and improvement of such drainage or easement shall be subject to the approval of the Village Engineer, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

**§ 295-56. Public sites and open spaces.**

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the Comprehensive Plan, Comprehensive Plan component, or Official Map, such areas shall be made a part of the plat as stipulated in § 295-10 of this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines. Accordingly, each subdivider of land in the Village of Genoa City shall, at the discretion and direction of the Village Plan Commission, either dedicate open space lands designated on the Village Comprehensive Plan or plan component, or reserve such open space lands and pay a public site fee, or, where no open space lands are directly involved, pay a public site fee. The Village Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval:

- A. Dedication of site option.** Whenever a proposed playground, park, or other public open space land designed on the Village's Comprehensive Plan, Neighborhood Unit Development Plan, or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 50 proposed or potential dwelling units, and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the three-year period as set forth herein, the land will be released from reservation to the owner.
- B. Reservation of site option.** Whenever a proposed playground, park, or other public open space land designated on the Village's Comprehensive Plan, Neighborhood Unit Development Plan, or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and be reserved at the time of final plat approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction, and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in Subsection C of this section. If the land is not acquired within the three-year time period as set forth herein, the land will be released to the owner from reservation.
- C. Public site fee option.** If the proposed subdivision does not encompass a proposed public park, parkway, or other open space lands, or if the Village Plan Commission required the reservation of land as set forth in Subsection B of this section, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount as set by the Village Board for each proposed dwelling unit within the plat. Public site fees collected by the Village Clerk-Treasurer under the provisions of this chapter shall be placed in a nonlapsing special fund for Village parks and shall be separate from the general funds of the Village, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Village.

## ARTICLE VIII Required Improvements

### § 295-57. Survey monuments.

The subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Village Engineer.

### § 295-58. Grading.

- A. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.
- B. Cut and filled lands shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

**§ 295-59. Surfacing.**

After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this chapter and the Comprehensive Plan or the Comprehensive Plan components of the Village.

- A. All roadways shall be surfaced with a three-and-one-half-inch hot-mix bituminous concrete pavement, made up of a two-inch binder course and a one-and-one-half-inch surface course, placed on an eight-inch-thick gravel base. The bituminous pavement shall be constructed in stages.
- B. The binder course shall be placed initially upon completion of the utilities, and the surface course shall be placed at such time that 75% of the lots within the subdivision have been developed, but not sooner than one year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1 of any given year. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.

**§ 295-60. Curb and gutter.**

In all subdivisions, the Village Board may require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the Village shall be borne by the Village.

**§ 295-61. Rural street sections.**

When permanent rural street sections have been approved by the Village Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans

and standard specifications approved by the Village Plan Commission, as recommended by the Village Engineer and as set forth in § 295-70 of this chapter.

**§ 295-62. Sidewalks.**

- A.** In all subdivisions, the Village Board may require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.
- B.** In addition, wider than standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas, and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary in its opinion for safe and adequate pedestrian circulation.

**§ 295-63. Public sanitary sewerage.**

When the proposed subdivision or certified survey map is located within the adopted sanitary sewer service area of the Village of Genoa City, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- A.** The Village Board shall require the installation of sewer laterals to the street lot line for residential lots.
- B.** The size, type and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. The latest revision of the Standard Specifications for Sewer and Water Construction in Wisconsin shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the Standard Specifications. However, upon written approval of the Village Engineer, the trenches may be backfilled with excavated material meeting the requirements of the Standard Specifications. If excavated material is allowed for backfill, it shall be compacted by mechanical methods meeting the approval of the Village Plan Commission, upon the recommendation of the Village Engineer.
- C.** The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

**§ 295-64. Storm-water drainage facilities.**

The subdivider shall construct stormwater drainage facilities adequate to serve the subdivision, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition:

- A.** Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy-dissipating devices.
- B.** Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, size, type, grades and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.
- C.** The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

**§ 295-65. Water supply facilities.**

When the proposed subdivision or certified survey map is located within the adopted water service area of the Village of Genoa City, or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:

- A.** The Village Board shall require the installation of water laterals to the street lot line.

- B.** The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.
- C.** The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision, except for the added cost of installing water mains greater than six inches in diameter.

**§ 295-66. Other utilities.**

The subdivider shall cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such utilities shall be located on overhead poles. In addition, plans indicating the proposed location of all gas lines required to service the plat shall be approved by the Village Engineer.

**§ 295-67. Streetlamps.**

The subdivider shall pay to the Village the cost to install streetlamps of a design approved by the Village Engineer at the intersections of all streets to be dedicated and at such mid-block intervals as may be required by the Village Board.

**§ 295-68. Street signs.**

The subdivider shall pay to the Village the cost to install street signs of a design approved by the Village Engineer at the intersections of all streets to be dedicated.

**§ 295-69. Street trees.**

In all subdivisions with lots smaller than one acre, the Village Board shall, and in other subdivisions may, require the developer to plant at least one tree of an approved species and of at least 1 1/2 inches in diameter at breast height (dbh) for each lot fronting on all streets to be dedicated. The trees shall be planted within the curb lawn. In addition:

- A.** In lieu of planting street trees, the subdivider may, at the time of final plat approval or certified survey map approval, pay a tree fee to the Village Clerk-Treasurer as set by the Village Board for each tree to be planted. Moneys collected for tree planting shall be kept in a special tree planting fund for that purpose.
- B.** Tree plantings shall be completed by the subdivider or by the Village, as determined by the Village Board, in accordance with plans and specifications approved by and at such time as directed by the Board of Park Commissioners.

**§ 295-70. Sediment control.**



The subdivider shall plant those grasses, trees and vines, of a species and size specified by the Village Board, necessary to prevent soil erosion and sedimentation. In addition:

- A.** The Village Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- B.** Tree cutting and shrubbery clearing shall not exceed 50% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities, and, during foliation, substantially screen any development from stream or lake users. (See § 295-75 of this chapter.)
- C.** Paths and trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Village Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- D.** Earthmoving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. (See §§ 295-74 and 295-75 of this chapter.)
- E.** Review of the conduct of such cutting, clearing and moving may be requested by the Walworth County Land Conservation Committee, the State District Fish and Game Managers and the State District Forester, the Village Engineer and Village Plan Commission as they deem appropriate.

## ARTICLE IX Construction

### **§ 295-71. Commencement.**

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the Village Board and the Village Engineer has given written authorization. Inspection fees shall be required as specified in §§ 295-77 through 295-84 of this chapter.

### **§ 295-72. Issuance of permits.**

No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

### **§ 295-73. Plans and specifications.**

The following plans and accompanying construction specifications shall be required by the Village Plan Commission and reviewed by the Village Engineer before authorization of construction or installation of improvements:

- A. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- C. Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- D. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- E. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed and plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the publication United States Soil Conservation Service Technical Guide adopted by the Walworth County Land Conservation Committee, as amended.
- F. Planting plans showing the locations, age, diameter at breast height (dwb) and species of any required grasses, vines, shrubs, and trees
- G. Additional special plans or information as required.

**§ 295-74. Erosion control.**

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. In addition:

- A. All erosion control plans shall incorporate best management practices to reduce soil loss during construction to 10% of the gross soil loss as estimated by the universal soil loss equation.
- B. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

- C. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- D. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- E. Sediment basins shall be installed and maintained at all drainageways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

**§ 295-75. Existing flora.**

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

**§ 295-76. Inspections.**

The subdivider, prior to commencing any work within the subdivision, shall notify the Village Clerk-Treasurer to make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**ARTICLE X**  
**Fees**

**§ 295-77. Payment.**

The subdivider shall pay the Village all fees to the Village Clerk-Treasurer as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

**§ 295-78. Preliminary plat or certified survey map review fee.**

The subdivider shall pay a fee as set by the Village Board to the Village Clerk-Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review. The subdivider shall pay a fee as set by the Village Board per dwelling unit within a condominium plat. A reapplication fee as set by the Village Board shall be paid to the Villager Clerk-Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

**§ 295-79. Improvement review fee.**

The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to 1% of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. The fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements, and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Village Engineer.

**§ 295-80. Inspection fee.**

The subdivider shall pay a fee to the Village Clerk-Treasurer equal to the actual cost to the Village for such inspection as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.

**§ 295-81. Final plat review fee.**

The subdivider shall pay a fee as set by the Village Board to the Village Clerk-Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review. The subdivider shall pay fee as set by the Village Board per dwelling unit within a condominium plat. A reapplication fee as set by the Village Board shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

**§ 295-82. Public site fee.**

If the subdivision does not contain lands to be dedicated as required in §§ 295-10 and 295-56, the Village Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision. Said fee shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision in the amount as set by the Village Board for each dwelling unit/lot within the plat, certified survey map or condominium plat. Public site fees shall be placed in a separate nonlapsing special fund by the Village Clerk-Treasurer to be used only for the acquisition and development of park sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.

**§ 295-83. Engineering fee.**

The sub-divider shall pay to the Village Clerk-Treasurer a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or CSM. In addition:

- A.** Engineering work shall include the preparation of construction plans and standard specifications. The subdivider may furnish all some or part of the required construction

plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

- B.** The Village Engineer may provide services to the sub-divider or design the public improvements, if agreed to by the sub-divider and Village Engineer, and approved by the Village Board.
- C.** Inspection, checking, and reviewing work has fees provided for in 295-79 and 295-80 of this chapter.

**§ 295-84. Administrative fee.**

The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Village and the subdivider. These fees may also include the cost of obtaining professional opinions, including but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board or Plan Commission in connection with the land division being considered.

**ARTICLE XI**  
**Definitions**

**§ 295-85. Word usage and definitions.**

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not directory.

**ALLEY** -- A public right-of-way which affords a secondary means of access to abutting property.

**ARTERIAL STREET** -- A public street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.

**BLOCK** -- A tract of land bounded by streets and a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters, and municipal boundaries.

**BUILDING LINE** -- A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.

**COLLECTOR STREET** -- A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets to residential developments.

**COMMUNITY** -- A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

**COMPREHENSIVE PLAN** -- The extensively developed plan, also called a "Master Plan," adopted by the Village Plan Commission and certified to the Village Board pursuant to §§ 61.35 and 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs, shall also be considered a part of the Comprehensive Plan.

**CUL-DE-SAC** -- A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

**EXTRATERRITORIAL PLAT APPROVAL JURISDICTION** -- The unincorporated area within 1 1/2 miles of a fourth-class city or a village and within three miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one community exercises extraterritorial powers over any area.

**FINAL PLAT** -- A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

**FLOODLANDS** -- Those lands, including the floodplains, floodways, and channels, subject to inundation by the one-hundred-year recurrence interval flood or, where such data is not available, the maximum flood of record.

**FRONTAGE STREET** -- A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

**HIGH-GROUNDWATER ELEVATION** -- The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled, giving a multicolored effect.

**HIGH-WATER ELEVATION (SURFACE WATER)** -- The average annual high-water level of a pond, stream, lake, flowage or wetland referring to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic or vegetative characteristics.

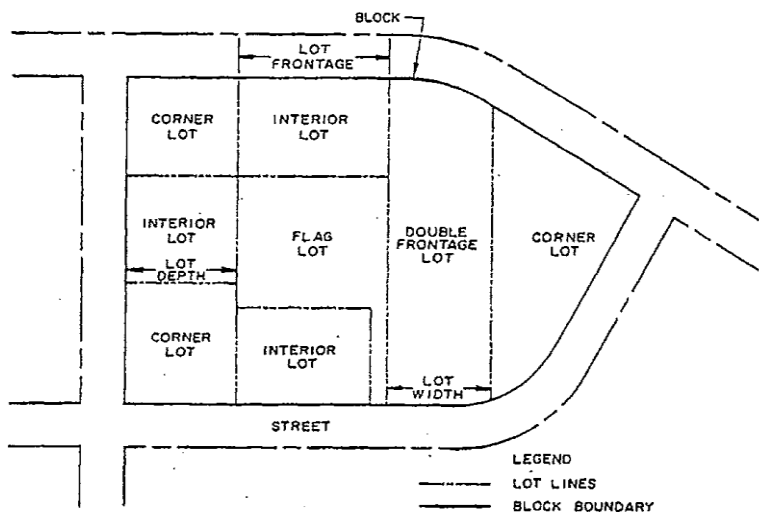
**IRREVOCABLE LETTER OF CREDIT** -- An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution

which is authorized to do business in this state and which has a financial standing acceptable to the Village, and which is approved as to form by the Village Attorney.

**LOT** -- A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in Chapter 310, Zoning, of this Code. (See illustration.)

**LOT, CORNER** -- A lot abutting on two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. (See illustration.)

**ILLUSTRATION OF TYPICAL CORNER,  
DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS**



**LOT, DOUBLE FRONTAGE** -- A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to

the arterial highway by means of a planting buffer or some other acceptable access buffering measure. (See illustration.)

**MINOR LAND DIVISION** -- Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two but not more than four parcels or building sites, any one of which is less than five acres in size, or the division of a block, lot or outlet within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlet. Such minor land divisions shall be made by a certified survey map.

**MINOR STREET** -- A street used, or intended to be used, primarily for access to abutting properties.

**MUNICIPALITY** -- An incorporated village or city.

**NATIONAL MAP ACCURACY STANDARDS** -- Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

**NAVIGABLE WATER** -- Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis.2d 492 (1952) and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis.2d 936 (1975)].

**OUTLOT** -- A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

**PRELIMINARY PLAT** -- A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.

**PUBLIC WAY** -- Any public road, street, highway, walkway, drainageway or part thereof.

**REPLAT** -- The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlet within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlet is not a replat.



**SHORELANDS** -- Those lands in the unincorporated areas of Walworth County lying within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

**SOIL MAPPING UNIT** -- Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the United States Soil Conservation Service.

**SUBDIVIDER** -- Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

**SUBDIVIDER'S AGREEMENT** -- An agreement by which the Village and the subdivider agree in reasonable detail as to all of those matters which the provisions of this chapter permit to be covered by the subdivider's agreement and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Village.

**SUBDIVISION** -- The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area or where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area by successive division within a period of five years.

**SURETY BOND** -- A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

**WETLAND** -- An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

**WISCONSIN ADMINISTRATIVE CODE** -- The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

**SUBDIVISION OF LAND**  
**Table 1**  
**Required Street Cross Sections in the Village of Genoa City**  
**and in the Village's Extraterritorial Plat Review Jurisdiction**

**URBAN STREET SECTIONS**

**RURAL STREET SECTIONS**

Type of Street or Public Way	Urban Street Sections		Rural Street Selections	
	Minimum Right-of-Way To Be Dedicated	Minimum Dimension	Minimum Right-of-Way To Be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	120 feet	+ Dual 36-foot pavement (face to curb to face of curb) + 24-foot median + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	130 feet	+ Dual 24-foot pavements + 18 foot median + 10-foot outside shoulders + 6-foot inside shoulders + 16-foot roadside ditches
Arterial Streets (two-lane)	80 feet	+ 40-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	100 feet	+ 24-foot pavements + 10-foot shoulders + 28-foot roadside ditches
Collector Streets	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	None	None
Minor Streets	60 feet	+ 36-foot pavement (face to curb to face of curb) + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavements + 6-foot shoulders + 16-foot roadside ditch
Minimum Cul-de-Sac (w/center island; teardrop design)	60-foot radius	+ 48-foot radius pavement + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66-feet Radius	+ 45-foot radius pavement + 6-foot shoulders + 16-foot roadside ditch
Minimum Cul-de-Sac (w/center island; Teardrop design)	60-foot radius	+ 24-foot radius median + 24-foot circumferential pavement + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	-	-

Cul-de-Sac Barrel	60 feet	+ 32-foot pavement (face of curb to face of curb) + 9-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavements + 6-foot shoulders + 16-foot roadside ditches
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## Chapter 305

### WELLHEAD PROTECTION

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| <p>§ 305-1. Purpose and authority.</p> <p>§ 305-2. Applicability.</p> <p>§ 305-3. Definitions.</p> <p>§ 305-4. Groundwater Technical Review.</p> <p>§ 305-5. Creation of WHPA.</p> <p>§ 305-6. Effect on Other Regulations.</p> <p>§ 305-7. Defined Area.</p> <p>§ 305-8. WPA Boundaries.</p> <p>§ 305-9. Permitted Uses.</p> | <p>§ 305-10. Separation Distances.</p> <p>§ 305-11. Prohibited Use.</p> <p>§ 305-12. Classification of Use.</p> <p>§ 305-13. Design and Operational Standards.</p> <p>§ 305-14. Existing Facility Requirements.</p> <p>§ 305-15. Changing Technology.</p> <p>§ 305-16. Violations and Penalties.</p> <p>§ 305-17. Interpretation and Conflicts.</p> |
|---|---|

**[HISTORY: Adopted by the Village Board of the Village of Genoa City 8-8-2002 (Title 5, Ch. 3 of the 1984 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Pollution -- See Ch. 200.	Subdivision of land -- See Ch. 295.
Water and sewers -- See Ch. 270.	Zoning -- See Ch. 310.

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§ 305-1. Purpose and authority.

The residents of the Village of Genoa City depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this chapter is to institute land use regulations and restrictions protecting the municipal water supply of the Village of Genoa City and to promote the public health, safety, and general welfare of the Village's residents. The authority to enact this Chapter is granted to the Village by the Wisconsin State Statutes.

**§ 305-2. Applicability.**

The regulations specified in this chapter shall apply to the incorporated areas of Genoa City that lie within the recharge areas for municipal water supply wells as defined in § 305-7 and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this Chapter and Chapter 310, Zoning, the more restrictive provision shall apply.

**§ 305-3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AQUIFER** -- A saturated, permeable geologic formation that contains and will yield significant quantities of water.

**CONE OF DEPRESSION** -- The area around a well in which the water level has been lowered at least 1/10 of a foot by pumping of the well.

**DESIGN STANDARDS** -- Regulations that apply to the development of structures and infrastructure within a designated wellhead protection district.

**FIVE-YEAR TIME OF TRAVEL** -- The recharge area upgradient of the cone of depression, the outer boundary from which it is determined or estimated that groundwater will take five years to reach a pumping well.

**MUNICIPAL WATER SUPPLY** -- The municipal water supply of the Village of Genoa City.

**OPERATING STANDARDS** -- Regulations that apply to land use activities/business practices within a designated wellhead protection district.

**PERMITTED USE** -- Land use or development that by design or operation is allowed without further technical or regulatory review within defined areas of a wellhead protection district.

**PERSON** -- An individual, partnership, association, corporation, municipality, or state agency or other legal entity.

**PROVISIONAL USE** -- Land use or development that either by design or operation requires additional technical or regulatory review and permitting in order to exist within defined areas of a wellhead protection district.

**RECHARGE AREA** -- The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supply groundwater to a well.

**REGULATED SUBSTANCES** -- Chemicals and chemical mixtures that are health hazards. Health hazards for chemicals and chemical mixtures are typically identified on material safety data sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. Regulated substances include:

- A. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure, including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, Health Hazard Definitions (Mandatory).
- B. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
- C. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises 1% or greater of the composition on a weight-per-unit weight basis.
- D. Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is 1/10 of 1% or greater of the composition on a weight-per-unit weight basis.
- E. Ingredients of mixtures prepared within the wellhead protection area in cases where such ingredients are health hazards but comprise more than 1/10 of 1% of the mixture on a weight-per-unit weight basis if carcinogenic or more than 1% of the mixture on a weight-per-unit weight basis if non-carcinogenic.
- F. Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).

**THIRTY-DAY TIME OF TRAVEL** -- The recharge area up-gradient of a well, or its cone of depression, the outer boundary from which it is determined or estimated that groundwater will take 30 days to reach a pumping well.

**WELL FIELD** -- A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

**WHPA** – Abbreviation of “wellhead protection area”.

**ZONE OF SATURATION** -- The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

**§ 305-4. Groundwater technical review process.**

- A. The groundwater technical review process shall include receiving approvals from the:
- (1) Village Plan Commission
  - (2) Superintendent of Public Works.
  - (3) Village Engineer
- B. The groundwater technical review process will provide objective and scientific technical review of requests for use permits within the WHPA; make recommendations on any and all provisions placed on a use permit; give advice on matters concerning groundwater; and make recommendations to the Village Board which will then grant or deny use permits based upon the facts discovered during their review.
- C. The Village Board may retain a consultant to assist in the review of requests for use permits. Any costs incurred as part of the permit application review shall be reimbursed by the applicant.

**§ 305-5. Creation of WHPA.**

A WHPA may be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promote public health, safety, and welfare. The WHPA is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.

**§ 305-6. Effect on Other Regulations.**

The regulations of a WHPA will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay the WHPA will apply except when provisions of the wellhead protection area are more stringent.

**§ 305-7. Defined area.**

The WHPA includes the area of land which contributes water to the well in question. This area will include the thirty-day time of travel to the well based on accepted hydrogeological research as outlined in the State Wellhead Protection Program Plan for Public Water Utilities Appendix 2, the five-year time of travel to the well based on accepted hydrogeological research as outlined in the State Wellhead Protection Program Plan for Public Water Utilities Appendix 2, and the separation distances listed in § NR 811.16 Wis. Adm. Code, with boundaries normalized to road center lines, railways, surface features, and parcel lines.

**§ 305-8. WHPA Boundaries.**

The boundaries of the wellhead protection areas that are subject to the provisions of this Chapter are as shown on the official Genoa City Zoning Map dated September 11, 2008 and as amended thereafter.

**§ 305-9. Permitted uses.**

- A.** The following permitted uses are subject to § 305-10 separation distance requirements, § 305-11 prohibited uses, and § 305-13 applicable design and operational standards:
- (1) Public and private parks and playgrounds or rest areas, provided that there are no on-site wastewater disposal systems or holding tanks, or that on-site wastewater shall be discharged to a municipal sewer.
  - (2) Wildlife and natural and woodland areas.
  - (3) Biking, hiking, skiing, nature, equestrian and fitness trails.
  - (4) Municipally sewerred residential development.
  - (5) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
  - (6) Single-family residences on a minimum lot of 40,000 square feet with a private on-site sewerage treatment system receiving less than 8,000 gallons per day, which meets the county and state health standards for the effluent and is in conformance with Ch. COMM 83, Wis. Adm. Code.
  - (7) Residential use of aboveground LP gas tanks for heating, not to exceed 1,000 gallons.
  - (8) Commercial and industrial establishments that are municipally sewerred and whose aggregate use, storage, handling and/or production of Regulated Substances does not exceed 100 gallons of liquid or 800 pounds of solids at any time.
- B.** Citrus-based, biodegradable cleaners are not considered a Regulated Substance. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
- C.** A limited exclusion from the provisions of Subsection A is authorized for the Village to use its diesel generators for Village purposes.

#### **§ 305-10. Separation Distances**

- A.** The following separation distances as specified in § NR 811.16, Wis. Adm. Code, shall be maintained:
- (1)** Fifty feet between the well and a storm-water sewer main or any sanitary sewer main constructed of water main materials and joints which are pressure tested in place to meet current AWWA 600 specifications.
  - (2)** Two hundred feet between the well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
  - (3)** Four hundred feet between the well and a septic system receiving less than 8,000 gallons per day, a cemetery, or a storm-water detention, retention, infiltration or drainage basin.
- B.** Separation distances listed in § NR 811.16(4)(d), Wis. Adm. Code, but not listed in this section shall be inapplicable in the Village of Genoa City, as those uses, activities or structures are prohibited in the wellhead protection areas.

#### **§ 305-11. Prohibited uses.**

The following uses are prohibited **within the wellhead protection areas**:

- A.** Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR 370.)
- B.** Chemical manufacturers (Standard Industrial Classification Major Group 28).
- C.** Coal storage.
- D.** Dry cleaners.
- E.** Industrial lagoons and pits.
- F.** Landfills and any other solid waste facility, except post-consumer recycling.
- G.** Manure and animal waste storage, except animal waste storage facilities regulated by the county.
- H.** All mining, including sand and gravel pits.
- I.** Pesticide and fertilizer dealer, transfer or storage facilities.



- J.** Railroad yards and maintenance stations.
- K.** Rendering plants and slaughterhouses.
- L.** Salt or deicing material storage.
- M.** Salvage yards or junkyards.
- N.** Storage or treatment of septage or sludge.
- O.** Septage, wastewater, or sewage lagoons.
- P.** Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- Q.** Stockyards and feedlots.
- R.** Motor vehicle services, including filling and service stations, repair, renovation and body work.
- S.** Wood preserving operations.
- T.** The Village reserves the right to refuse any and all other uses or products that they determine are or may be harmful or detrimental to the wellhead protection area.

**§ 305-12. Classification of use.**

Classification of use as being permitted or prohibited shall be determined by an application submitted to the parties listed in § 305-4. The application shall be in writing and shall describe in detail the use, activities and structures proposed along with the quantities, use of, storage and handling of all regulated substances. A scaled site map shall be provided showing all building and structure footprints, driveways, loading docks, sidewalks, parking lots, storage yards and any other information deemed necessary for determination. The determination of the classification under the groundwater technical review process shall be rendered in writing to the Village Board within 60 days from receiving all requested information and shall include findings supporting the conclusion.

**§ 305-13. Design and Operational Standards**

- A.** The following design standards apply to permitted land use activities within the wellhead protection area:
  - (1)** Use of dry wells or other subsurface drains is prohibited.

- (2) All storm-water retention/infiltration ponds shall, at a minimum, use a design intended to maximize natural filtration.
- (3) Facilities that handle Regulated Substances shall have loading/unloading areas designed for the handling of Regulated Substances. The loading/unloading areas shall be designed with spill and/or runoff that is connected to a containment basin. Regulated Substances may be loaded/unloaded only in a designated handling area
- (4) Storage areas for Regulated Substances shall be designed with secondary containment capable of controlling 125% of the maximum design capacity of the liquid storage area.
- (5) Facilities involved in the handling of Regulated Substances will, when determined necessary by the Village Board, prepare a groundwater monitoring plan.

**B.** The following operational standards apply to permitted land use activities within the WHPA:

- (1) No outdoor storage of product, material, or equipment other than that approved through the permitting process shall be allowed. Any designated outdoor storage area shall be an impervious surface paved with concrete or asphalt and have secondary containment when applicable.
- (2) Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the WHPA, provided that such Regulated Substances are present at the construction site for which permits have been issued and so not pose a real or present danger of contaminating surface water and/or groundwater. For the on-site storage of fuel for vehicles or other equipment which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for 30 days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.
- (3) The use of deicing salt or other chemical deicing materials shall be minimized and used only when threats to safety occur.
- (4) Except in the case of seasonal discontinuation of operation, the owner or operator of any nonresidential property that becomes unoccupied or has discontinued operation for a period of 30 consecutive days shall remove all Regulated Substances from the property, except those approved to be exclusively used for heating, cooling, and providing electrical lighting for the premises, within 30 days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall secure the Regulated

Substances on the property until they have been removed. The owner or operator shall notify the Village Board in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number and forwarding address and the operator's name, phone number and forwarding address.

- (5) Truck, truck trailer, rail car, or tank truck transport, loading, and unloading procedures for Regulated Substances shall meet the minimum requirements of the United States Department of Transportation (DOT) and Wisconsin Department of Transportation.
- (6) No truck trailer, rail car, or truck shall be used for on-site storage of Regulated Substances. Regulated Substances shall be transferred from the delivery vehicle to the Regulated Substances storage area as soon as feasibly possible.
- (7) Daily visual inspections of Regulated Substances shall be conducted to check for container damage or leakage, stained or discolored storage surfaces in all storage areas, and excessive accumulation of water in outdoor curbed areas and to ensure that dike drain valves are securely closed in outdoor curbed areas.
- (8) Storage areas for Regulated Substances shall have access restricted to properly authorized and trained personnel.
- (9) Companies shall provide adequate training to ensure that established operational safety plans and contingency plans are understood by all authorized personnel.
- (10) Companies using or producing Regulated Substances shall have an adequate quantity of spill response equipment and supplies on site to contain and clean up spills of Regulated Substances.
- (11) Annual spill prevention briefings shall be provided to authorized personnel by company management to ensure adequate understanding of the operational safety and contingency plans. These briefings shall highlight any past spill events or failures and recently developed precautionary measures. Records of these briefings shall be kept for documentation purposes.
- (12) Instructions and phone numbers for reporting spills to the Village of Genoa City Fire Department, Superintendent of Public Works, and other local, state and federal agencies shall be posted in all areas where Regulated Substances are handled.

#### **§ 305-14. Existing Facility Requirements.**

Existing facilities within the WHPA at the time of enactment of such district which use, store, handle, or produce Regulated Substances in excess of quantities outlined in the definition of

Regulated Substances in § 305-3, and all other facilities which are considered a Prohibited Use in § 305-11, shall be subject to the following requirements:

- A.** Such facilities as defined in this section which exist within the WHPA at the time of enactment of a WHPA shall provide copies of all current, revised or new federal, state, and local facility operation approvals, permits, or certificates, operational safety plans, and ongoing environmental monitoring results to the Village.
- B.** Such facilities as defined in this section which exist within the WHPA at the time of enactment of a WHPA shall have the responsibility of preparing, filing, and maintaining, with the Village, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county, and state officials.
- C.** Such facilities as defined in this section cannot engage in or employ a use, activity, or structure listed in § 305-11 Prohibited uses, which they did not engage in or employ at the time of enactment of a WHPA and can only expand, replace in kind, or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of a WHPA and in a manner that improves the environmental and safety technologies already being utilized. No existing use, activity, or structure listed as a prohibited use shall be expanded, replaced in kind, or rebuilt unless a permit is granted for such expansion, replacement, or rebuilding. This subsection does not apply to normal maintenance or minor repairs.
- D.** Such facilities as defined in this section cannot change the quantity or type of Regulated Substances handled, used, or stored by the facility at the time of enactment.

#### **§ 305-15. Changing Technology.**

- A.** The uses prohibited by this chapter are prohibited based upon the combined pollution experience of many individual uses and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses changes to low- or non-risk materials or methods, upon petition from such use, after conferring with the parties listed in the groundwater technical review process or other expert opinion and after appropriate public notice and hearing, the Village, through appropriate procedures and actions to change these provisions of the Village of Genoa City Code, may remove from the designated prohibited uses such as are demonstrated convincingly to no longer pose a groundwater pollution hazard.
- B.** In dealing with uses which attempt to become permissible under the terms of this chapter by continuing to utilize pollutant materials but altering their processing, storage, and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

**§ 305-16. Violations and Penalties.**

- A. Penalty.** Any person who violates, neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty as provided in this Code.
- B. Injunction.** The Village of Genoa City may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- C. Notice of violation.**

  - (1) Any person found in violation of any provisions of this chapter will be served with a written notice stating the nature of the violation and providing 60 days for compliance.
  - (2) The notice shall be served in the manner provided by the law for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax mailing address of the owner as shown on the county tax record.
- D. Inspections.** Subject to applicable provisions of law, a Village of Genoa City authorized representative shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this chapter, to ensure that activities are in accordance with the provisions of §§ 305-9 through 305-14. Upon request of the entity which is the subject of the inspection, and if permitted by the State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above-stated purposes, the Village of Genoa City may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
- E. Determination of applicability.** It shall be the responsibility of any person owning real property and/or owning or operating a business within the WHPA to make a determination of the applicability of this chapter as they pertain to the property and/or business, and failure to do so shall not excuse any violation of said sections.
- F. Management.** No persons shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any Regulated Substance on public or private property within the WHPA or in any area under the jurisdiction of said WHPA, except as provided by law, statutes, ordinance, rule or regulation.
- G. Spills, leaks or discharges.**

- (1) Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the WHPA shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Village of Genoa City Fire Department utilizing the county-wide 911 service and the Superintendent of Public Works of the Village of Genoa City, or the operator on duty at the affected or potentially affected water treatment facility by telephone. The notification shall include, at a minimum, the location of the incident, name and telephone number of the contacting party, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state and federal reporting obligations.
- (2) Any entity or person who or which spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the Village of Genoa City in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law. Said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 60 days after the incident.

**H. Cleanup costs.** As a substitute for, and in addition to, any other action, the Village of Genoa City may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a WHPA shall immediately cease such discharge and immediately initiate cleanup satisfactory to the Village of Genoa City and the other state and federal regulatory agencies. The person who releases such contaminants and the person who owns the facility where-on the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including Village employees, equipment, and mileage.

#### **§ 305-17. Interpretation and Conflicts.**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.

**VILLAGE OF GENOA CITY**

**ORDINANCE NO. 11-11-2010**

**The Village Board of Genoa City, Walworth and Kenosha Counties,  
Wisconsin does hereby ordain as follows:**

**Amend Sec 14-31, (a). to read:**

- (a) Adoption; inclusions. The following Wisconsin Administration Codes, their referred codes and standards, and subsequent revisions are adopted and made a part of this chapter by reference as if fully set forth in this section for the purpose of municipal enforcement.**

**(1) Chapters Comm. 20-25, “Wisconsin Uniform Dwelling Code”**

**(2) Chapters Comm. 60-66 “Wisconsin Commercial Building Code.”**

**(3) Chapters Comm. 81-86, “Wisconsin Plumbing Code.”**

**(4) Chapters Comm. 16, “Wisconsin State Electrical Code,” Vol. II**

**(5) Chapters 75-79 “Buildings constructed Prior to 1914.”**

**This ordinance shall become effective immediately upon passage and publication as required by law.**

**Dated this 11<sup>th</sup> day of November 2010**

## **Chapter 310 ZONING**

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**§ 310-2. Title.**

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§ 310-87. Authority.

§ 310-88. Petitions.

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§ 310-95. Zoning permit.

§ 310-96. Remedial action.

§ 310-97. Swimming Pool Standards

[HISTORY: Adopted by the Village Board of the Village of Genoa City 12-14-1995 (Title 10, Ch. 5 of the 1984 Code). Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction -- See Ch. 114.

Mobile homes -- See Ch. 180.

Floodplain zoning -- See Ch. 280.

Shoreland-wetland zoning -- See Ch. 290.

Subdivision of land -- See Ch. 295.

Wellhead protection -- See Ch. 305.

#### ARTICLE I Introduction

§ 310-1. Authority.

This chapter is adopted under the authority granted by §§ 62.23(7) and 87.30, Wis. Stats.

§ 310-2. Title.

This chapter shall be known as, referred to, or cited as the "Zoning Ordinance, Village of Genoa City, Wisconsin."

§ 310-3. Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village and its residents.

§ 310-4. Intent.

It is the general intent of this chapter to regulate the use of all structures, lands and waters so as to:

- A.** Assure the wise use, conservation, protection and proper development of the Village's resources.
- B.** Regulate and restrict the use of all structures, land and waters.
- C.** Regulate and restrict lot coverage.
- D.** Lessen congestion in streets and highways.
- E.** Further the orderly development of lands.
- F.** Secure safety from fire, panic and other dangers.
- G.** Provide adequate light and air.
- H.** Prevent overcrowding.
- I.** Avoid undue concentrations of population.
- J.** Facilitate adequate provisions for housing, transportation, water, solid and liquid waste disposal, schools, parks, playgrounds and other public requirements.
- K.** Secure safety from flooding, water pollution, diseases and other hazards.
- L.** Prevent flood damage to persons and properties and minimize expenditure for flood relief and flood-control projects.
- M.** Prevent and control erosion of soil and sedimentation and other pollution of surface and subsurface waters.
- N.** Preserve the natural cover and promote the natural beauty of the Village.
- O.** Restrict building sites on floodlands, on lands with excessive slopes and other areas poorly suited for development
- P.** Facilitate adequate provision of public facilities and utilities.
- Q.** Stabilize and protect the property values of the Village.
- R.** Implement the Village's Comprehensive Plan or plan components, Official Maps and other Village plans.
- S.** Provide for the administration of this chapter.
- S.** Provide penalties for violations of this chapter.

**§ 310-5. Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**§ 310-6. Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**§ 310-7. Severability and nonliability.**

If any section, clause, provision or portion of this chapter is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and associated flood damages, nor shall this chapter create a liability on the part of or a cause of action against the Village or any officer or employee thereof for any flood damages that may result from reliance on this chapter.

**§ 310-8. Word usage and definitions. [Amended 6/9/16]**

**A. General rules.** In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- (1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular.
- (2) "Shall" is mandatory and not discretionary.
- (3) "May" is permissive.
- (4) "Lot" shall include "piece," "parcel" and "tract"; "building" includes all other structures of every kind regardless of similarity to buildings; and "used for" shall include arranged for, designed for, intended for, maintained for and occupied for.
- (5) All measured distances shall be to the nearest integral foot. (If a fraction is 1/2 foot or less, the integral foot next below shall be taken.)
- (6) Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.

**B. Definitions.** The following words and terms, whenever they occur in this chapter, shall be interpreted as herein defined:

**ACCESSORY USE OR STRUCTURE** -- A use or detached structure subordinate to the principal use of a parcel serving a purpose customarily incidental to the principal use of the principal structure. Where a structure is altered to be made part of the principal structure, such accessory structure shall comply in all respects with the requirements of this chapter applicable to the principal structure. Accessory structures do not include pole buildings or prefabricated metal buildings in excess of 100 square feet with an eave height not to exceed eight feet. Accessory uses and detached accessory structures shall be subject to the limitations of § 310-68F.

**AGRICULTURE** -- The use for the pursuit of agriculture of a parcel of land 20 acres or more in an area under unified ownership or control and when within the perimeter of such a parcel there is no intervening street or land in other ownership or control. The term "agriculture" includes apiculture, horticulture, floriculture, viticulture and normal agricultural activities.

**ALLEY** -- A public right-of-way which affords a secondary means of access to abutting property.

**ALTERATION** -- A change in size, shape, character, occupancy or use of a building or structure.

**ANIMAL HOSPITAL** -- Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**AREA, NET DEVELOPABLE** -- Those lands within a development parcel remaining after the deletion of floodlands, wetlands, land densely covered with trees and shrub growth on slopes of 12% or greater, and all lands having slopes of 20% or greater. Residential planned unit developments also exclude all lands proposed for commercial or business land uses.

**ARTERIAL STREET** -- A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways and parkways.

**AUTOMOBILE SERVICE STATION** -- A building, or portion thereof, or premises used for dispensing or offering for sale, at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease for operation of motor vehicles and where tires, batteries and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto, and facilities, other than automobile laundry, for washing cars, only if enclosed in a building. Automobile service stations do not include open sales lots or a public garage as defined herein.

**AUTOMOBILE WRECKING YARD** -- An area of land where three or more motor vehicles or vehicles, machinery or equipment drawn or operated by attaching to motor vehicles or mechanical unit, not in or being restored to running or operable condition, or parts thereof are stored in the open and any land, building or structure used for wrecking or storing prior to wrecking of such motor vehicles, vehicles, machinery or equipment or parts thereof.

**AWNING** -- A roof-like mechanism retractable in operation and covered with flexible, textured material, which projects from the wall of a building. Such devices shall not interfere with public rights-of-way and walks.

**BALCONY** -- A balustraded or raised and railed platform without a roof which projects from the wall of a building and is supported solely by the wall of the building.

**BASEMENT** -- That portion of a building, all or in part, which is more than three feet zero inches below the average grade of the lot.

**BED-AND-BREAKFAST ESTABLISHMENT** -- An establishment licensed by the Wisconsin Department of Health and Family Services as a bed-and-breakfast establishment and is any place of lodging that provides four or fewer rooms for rent to tourists or other transients, is the owner's principal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

**BLOCK** -- A tract of land bounded by a street or streets and any combination of boundary lines of public or institutionally owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation. A block may be located in part within the adjoining unincorporated area.

**BOARDING, ROOMING OR LODGING HOUSE** -- A residential building or portion thereof, other than a motel, apartment hotel or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family and where lodging, meals or both are provided by prearrangement and for definite periods.

**BOARD OF APPEALS** -- The Village Board of Appeals.

**BORROW PIT** -- A place or premises where soil, peat, sand, gravel or other material is removed by excavation or otherwise, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

**BUILDABLE AREA** -- Portion of a lot remaining after the required yards have been provided.

**BUILDABLE WIDTH** -- The width of that part of a lot between side yard lines measured at the buildable area.

**BUILDING** -- Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by party walls, each divided part shall be deemed a separate unit.

**BUILDING ACTIVITY AREA** -- The area of a lot needed for construction of a house, outbuildings, driveway, utilities, or permitted additions to each.

**BUILDING AREA** -- The area bounded by the exterior dimensions of the outer walls at the ground line.

**BUILDING, COMPLETELY ENCLOSED** -- A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls pierced only by windows and normal entrance or exit doors or party walls.

**BUILDING, DETACHED** -- A building surrounded by open space on the same lot.

**BUILDING HEIGHT** -- The vertical distance from the curb level to the highest point of the building, excluding the height modifications of § 310-67 of this chapter.

**BUILDING INSPECTOR** -- The Building Inspector of the Village and such deputies and assistants as have been or shall be appointed by the Village Board.

**BUILDING, PRINCIPAL** -- A non-accessory building where the principal use of the lot on which it is located is conducted.

**BUILDING, RESIDENTIAL** -- A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- (1) Single-family detached dwellings.
- (2) Two-family dwellings.
- (3) Single-family attached and semi-attached dwellings developed initially under single ownership or unified control.
- (4) Multiple-family dwellings.
- (5) Condominiums.

**BUILDING, TEMPORARY** -- Any portable structure which can be readily moved.

**BULK** -- The term used to indicate the size and setbacks of buildings or structures and the location of the same with respect to one another and includes the following:

- (1) Size and height of buildings.
- (2) Location of exterior walls at all levels in relation to lot lines, streets or other buildings.
- (3) Gross floor area of buildings in relation to lot area (floor area ratio).
- (4) All open spaces allocated to buildings.
- (5) Amount of lot area and lot width provided per dwelling unit.

**BULKHEAD LINE** -- A boundary line established by Village ordinance along any section of the shore of any navigable waters.

**BUSINESS** -- Any occupation, employment or enterprise which occupies time, attention, labor and materials or wherein merchandise is exhibited or sold, or where services are offered for compensation, other than home occupations.

**CANOPY** -- A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard not to exceed six feet. Such structure shall not interfere with public rights-of-way or walks.

**CARPORT** -- A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this chapter, a carport shall be considered to be the equivalent of a garage.

**CAR WASH** -- A building or portion thereof containing facilities for washing vehicles.

**CHANNEL** -- Those floodlands normally occupied by a stream of water under average annual high-water flow conditions confined within generally well-established banks.

**CHANNELING** -- The act or action which results in an interconnection of two bodies of water.

**CLEAR-CUTTING** -- To remove or cause to be removed all trees of greater than six-inch diameter from a lot within a two-year period.

**CLINIC** -- An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this chapter, a doctor's or dentist's office in his own home when it complies with the requirements of this chapter relating to such offices shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

**CLOSED-CUP FLASH POINT** -- The lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

**CLUB OR LODGE, PRIVATE** -- A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises, provided that adequate dining room space and kitchen facilities are available. The sale of alcohol beverages to members and their guests shall be allowed provided it is secondary and incidental to the principal use and further provided that such sale of alcohol beverages is in compliance with the applicable federal, state and county laws and Village ordinances.

**CONFORMING BUILDING OR STRUCTURE** -- Any building or structure which complies with all the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located and is designed or intended for a conforming use, such as a store building in a business district or a factory building in an industrial district<sup>1</sup>.

**CONSERVATION STANDARDS** -- Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the United States Department of Agriculture, Soil Conservation Service, for Walworth County, adopted by the County Soil Conservation District Supervisors and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.



**CURB LEVEL** -- The level of the established curb in front of such building measured at the center of such front and, where no curb level has been established, the pavement elevation at the street center line similarly measured. The Building Inspector may designate the curb level as the average elevation of the finished ground grades immediately adjacent to the building walls in locations of unusual topographic conditions.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**CURBLINE** -- Established curb alignment or, where not so established, the edge of the vehicular way pavement.

**DAY-CARE CENTER** -- A state-licensed person or facility organized under § 48.65, Wis. Stats., and applicable Wisconsin Administrative Code sections. No restriction or allowance applicable by this chapter to day-care centers shall be so interpreted or imposed on state-licensed family day-care homes, as defined in § 66.1017(1), Wis. Stats., so as to be violative of § 66.1017(2), Wis. Stats.

**DECIBEL** -- A unit of measurement of the intensity (loudness) of sound. Sound-level meters which are employed to measure the intensity of sound are calibrated in decibels.

**DENSITY, GROSS** -- The number of dwelling units permitted by the zoning district per unit of area.

**DENSITY, NET DEVELOPABLE** -- The number of dwelling units located on a lot or parcel divided by the total net developable area.

**DISTRICT** -- A section or a part of the unincorporated portion of the Village within which certain uniform regulations or requirements or various combinations thereof apply under the provisions of this chapter.

**DITCHING** -- The process of excavation, for purposes of surface water drainage and removal, of a shallow channel, not navigable, used for conducting waters.

**DRAIN** -- A surface ditch or underground tile line constructed for the purpose of conducting water or lowering the water table.

**DRAINAGE BASIN** --

- (1) A geographic area, the general configuration of which causes surface waters to flow in a specified direction.
- (2) The area contained by a naturally defined watershed, draining all surface waters thereof

**DRAINAGEWAY** -- Any natural or artificial watercourse, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines

or washes, in which waters flow in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**DREDGING** -- The process by which bottom materials are removed from bodies of water for the purpose of deepening the body of water.

**DRIVE-IN ESTABLISHMENT** -- A business activity which accommodates on the lot its patrons' automobiles from which the occupants may watch, purchase or be served.

**DWELLING** -- A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, tourist homes, motels, hotels, tents, cabins or mobile homes and trailers.

**DWELLING, ATTACHED** -- A dwelling which is joined to another dwelling at any one or more sides by party walls.

**DWELLING, DETACHED** -- A residential dwelling which is entirely surrounded by open space on the same lot.

**DWELLING, DUPLEX OR TWO-FAMILY** -- A residential building containing only two dwelling units.

**DWELLING, MULTIPLE-FAMILY** -- A building or portion thereof containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY** -- A residential building containing one dwelling unit.

**DWELLING UNIT** -- A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters for one family and shall always include a complete single kitchen permanently installed which serves the entire family.

**DWELLING UNIT, EFFICIENCY** -- A dwelling unit consisting of one principal room with no separate sleeping rooms.

**EARTHMOVING** -- Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and removes all vegetative cover from the soils so as to make the same soil susceptible to erosion<sup>2</sup>.

**ELECTRIC DISTRIBUTION CENTER** -- A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

**ELECTRIC SUBSTATION** -- A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**ELEEMOSYNARY INSTITUTION** -- A building or group of buildings devoted to and supported by charity.

**EMERGENCY SHELTER** -- Public or private enclosures designed to protect people from aerial bombardment, radiological, biological or chemical warfare, fire, windstorm, riots and invasions.

**EQUAL DEGREE OF ENCROACHMENT** -- For the purpose of determining a new elevation of a flood stage due to filling or placing an obstruction in the floodplain, an equal fill obstacle is assumed on the opposite side of the floodplain to derive this new elevation.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1 General Provisions, Art. II).

**ERECT** -- The act of placing or affixing a component of a structure upon the ground or upon another component.

**EROSION** -- The process by which the ground surface is worn away by action of wind or water.

**ESSENTIAL SERVICES** -- Services provided by public and private utilities necessary for the exercise of the principal, accessory or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm-water drainage and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

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

**EXCAVATION** -- The act by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there-from.

**EXPRESSWAY** -- A divided arterial street or highway with full or partial control of access and with or without grade-separated intersections.

**FAMILY** -- One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants. A number of persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family. A boardinghouse shall not be considered a family<sup>3</sup>.

**FENCE, OPEN** -- A fence, including entrance and exit gates, where each one-foot-wide segment for the full length and height of the fence contains at least 40% open spaces which afford a direct view through the fence.

**FENCE, RECREATIONAL** -- An open fence located in any district utilized for the enclosure of a recreational sport or activity area.

**FENCE, RESIDENTIAL** -- An open or solid fence located in a residential district which does not exceed two feet in the street yard or four feet in any other yard. The fence may be decorative or restrictive in nature.

**FENCE, SECURITY** -- An open fence designed to restrict access to an area or facility. It shall be of an open type similar to woven wire or wrought iron fencing.

**FENCE, SOLID** -- A fence, including solid entrance and exit gates, which effectively conceals from view of the adjoining properties and streets materials that are stored and operations conducted behind it.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art II).

**FILL** -- Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported, and shall include the conditions resulting therefrom.

**FINISHED LIVING AREA** -- That area of all dwellings used or intended as living quarters in which the walls have been finished with paneling, drywall and paint or wallpaper, heat and electrical service is provided and the floors have been covered with wood, paint, carpet or vinyl. [Added 11-11-1999]

**FLOOD** -- A temporary rise in stream flow or stage in lake level that results in water overtopping the banks and inundating areas adjacent to the stream channel or lake bed.

**FLOOD CREST ELEVATION** -- The elevation of the highest flood level as designated by the Village Engineer.

**FLOODLANDS** -- All lands contained in the regional flood or a one-hundred-year recurrence interval flood.

**FLOODPLAIN** -- Those floodlands, excluding the floodway, subject to inundation by the one-hundred-year recurrence interval flood or, where such data is not available, the maximum flood of record.

**FLOODPLAIN AREA** -- That continuous area adjacent to a stream or stream bed or any stormwater retention area and its tributaries whose elevation is equal to or lower than the flood crest elevation, including also land having an elevation higher than flood crest elevation but less than 10 acres in area and surrounded by land in a floodplain area or an area less than 10 acres in area having an elevation equal to or above flood crest elevation secured by landfill projecting into a floodplain area.

**FLOODPLAIN FRINGE** -- Those floodlands, outside the floodway, subject to inundation by the one-hundred-year recurrence interval flood.

**FLOOD PROFILE** -- A graph showing the relationship of the floodwater surface elevation for a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

**FLOODPROOFING** -- Measures designed to prevent and reduce flood damage for those uses which cannot be removed from or which of necessity must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent

watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; anchoring of buoyant tanks; sealing of basement walls; installation of sump pumps; placement of automatic swingcheck valves; installation of seal-tight windows and doors; installation of wire-reinforced glass; location and elevation or removal of all electrical equipment; avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipments; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs in floor drainpipes; placement of movable watertight bulkheads; counterflooding; erection of sandbag levees; and the shoring of weak walls or other structures. Floodproofing of structures shall be extended at least to a point of two feet above the elevation of the regional flood as further defined herein. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

**FLOOD PROTECTION ELEVATION** -- A point two feet above the water surface elevation of the one-hundred-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.

**FLOOD STAGE** -- The elevation of the floodwater surface above an officially established datum plane. In Southeastern Wisconsin it is recommended that the datum plane used be mean sea level, 1929 adjustment.

**FLOODWAY** -- A designated portion of the one-hundred-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway, which includes the stream channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

**FLOOR AREA, BUSINESS, COMMERCIAL AND INDUSTRIAL BUILDINGS** -- For the purpose of determining requirements for off-street parking and loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, but not including floor area used for off-street parking facilities and such basement floor areas that are used exclusively for maintenance and operation of the building. All horizontal dimensions shall be taken from the exterior faces of the walls.

**FLOOR AREA, GROSS** -- The gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings and shall also include the floor area of the following<sup>4</sup>:

- (1) Basement space if at least 1/2 of the basement story height is above the established curb level.
- (2) Elevator shafts and stairwells at each floor.

(3) Floor space used for mechanical equipment where the structural headroom exceeds 7 1/2 feet, except equipment, open or enclosed, located on the roof, i.e., bulkhead, water tanks and cooling towers.

(4) Attic floor space where the structural headroom exceeds 7 1/2 feet.

(5) Interior balconies and mezzanines.

(6) Enclosed porches, but not terraces and breezeways.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

(7) Structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks. Floor area for such structures shall be determined on the basis of the height of such structures in feet; 10 feet in height shall be equal to one floor. If a structure measures more than five feet over such floor equivalent, it shall be construed to have an additional floor.

(8) Floor area devoted to off-street or loading shall not be included.

**FLOOR AREA, NET** -- For the purpose of determining net floor area requirements per dwelling, the sum of the areas of all rooms, including bathrooms and closets, shall be used but areas of the building used for public hallways, shafts, walls and partitions, parking, lobbies, maintenance and similar uses shall not be included. One-half the area of open balconies may be included

**FLOOR AREA RATIO** -- The numerical value obtained through dividing the gross floor area of the building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

**FREE BURNING** -- Implies a rate of combustion described by a material which burns actively and easily supports combustion.

**FREEWAY** -- An expressway with full control of access and with fully grade-separated intersections.

**FREQUENCY** -- The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

**FRONTAGE, BLOCK** -- All of the property fronting on one side of a street within a block. If the street is dead-ended, frontage is measured to the dead end of the street.

**FRONTAGE, LOT** -- All of the property of such lot fronting on a street and as measured between side lot lines.

**GARAGE, PRIVATE** -- An accessory building or an accessory portion of the principal building which is intended and used to store not more than four private motor vehicles owned by members of the family or families residing upon the premises and in which no business, service or industry is carried on. Not more than 1/2 of the space may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of

one- or two-car capacity may be so rented. Such garage may be used for the storage of not more than one commercial truck having a load capacity of 3/4 of a ton or less.

**GARAGE, PUBLIC** -- Any building or premises, other than a private garage, where motor vehicles are equipped, repaired, serviced, hired, sold, stored or parked.

**GARAGE, STORAGE** -- Any building or premises used for the storage only of motor vehicles, pursuant to previous arrangements and not to transients and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons' capacity shall be stored in any storage garage.

**GOLF COURSE** -- Public, semipublic or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

**GRADE** -- The average level of the furnished surface of the ground adjacent to the exterior walls of the building or structure.

**GRADING** -- Any stripping, excavating, filling, stockpiling or any combination thereof, including the land in its excavated or filled condition.

**GROUND FLOOR AREA** -- The area of the lot covered by a building measured from the exterior faces of the exterior walls of the building but excluding open porches, terraces, patios, garages or carports.

**GUEST HOUSE** -- A detached accessory building located on the same lot as the principal building and containing living quarters for temporary, nonpaying guests.

**GUEST, PERMANENT** -- A person who occupies or has the right to occupy accommodations in a lodging house, motel, hotel or apartment hotel as his domicile and place of permanent residence.

**HIGH-WATER ELEVATION** -- The average annual high-water level of a pond, stream, lake, flowage or wetland referenced to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic or vegetative characteristics.

**HOME OCCUPATION OR OFFICE** --

- (1) Any activity engaged in by a resident of a building within the dwelling or an accessory structure thereto which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.
- (2) Any activities described in paragraph (1) which present any of the following conditions shall be subject to a conditional use permit:
  - (a) The activity involves outdoor display or storage of equipment or material that indicates from the exterior the building is being used for purposes other than a

dwelling. This condition shall not apply to persons who operate child care services.

- (b) The activity generates or emits noise, vibration, smoke, dust, or other particulate matter, odorous matter, humidity, glare, refuse, radiation, or other objectionable emission that may be detrimental to the residential character of the neighborhood.
- (c) The activity generates vehicular traffic, parking of vehicles or pedestrian traffic that may be disruptive to the residential neighborhood.
- (d) Garage sales that are conducted for more than four (4) consecutive days or more than three (3) garage sales in any twelve (12) month period require a conditional use permit.
- (e) Any other consequence of the activity which proves to be disruptive to the residential neighborhood.

**HOTEL** -- An establishment containing lodging rooms for occupancy by transient guests for compensation, but not including a boarding, rooming or lodging house, providing customary hotel services, such as maid and bellboy services, furnishing and laundry of linens used in the lodging rooms and central desk with telephone and secretarial services. A hotel contains more than five lodging rooms.

**HOTEL, APARTMENT** -- A hotel in which at least 80% of the accommodations are occupied by permanent guests.

**INCOMPATIBLE** -- A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

**INDUSTRIAL PARK** -- A unified development designed to accommodate a community of compatible and non-nuisance types of industry. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

**INTENSE BURNING** -- Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**INTERCHANGE** -- A grade-separated intersection with one or more turning lanes for travel between intersection legs.

**JUNKYARD** -- An open area with or without accessory buildings where waste or scrap 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. A junkyard includes an automobile wrecking yard but does not include such activities conducted entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

**KENNEL** -- Any premises or portion thereof on which three or more dogs, cats or other household domestic animals over four months of age are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale.



**LAGOON** -- A water body in a depression back of an offshore bar, a beach ridge or shore dune, with these geomorphic features, either natural or man-made, acting as barriers or dams. Also, a shallow pond, channel or impoundment connected to a larger body of water.

**LAGOONING** -- The act of creating a lagoon.

**LANDING STRIP, PRIVATE** -- A strip of land used or intended for use for the landing and takeoff of private aircraft of the owner or lessee of the landing strip and his guests and such accessory structures customarily incidental to the operation, including one building for the storage and maintenance of not more than two such private aircraft.

**LIGHT INDUSTRIAL** -- Light industrial land uses are industrial facilities at which all operations (with the exception of loading operation): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion).

**LOADING AREA** -- A completely off-street space or berth on the same lot for loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**LODGING ROOM** -- A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

**LOT** -- A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

**LOT AREA** -- The area of a horizontal plane bounded by vertical planes through front, side and rear lot lines.

**LOT AREA COVERAGE** -- The area of a lot covered by permanent structures and impervious surfaces such as driveways.

**LOT, CORNER** -- A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135° or less.

**LOT DEPTH** -- The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT LINE** -- A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

**LOT LINE, FRONT** -- The boundary line of a lot which is along an existing or dedicated street or public way. The front lot line of a corner lot shall be the street lot line parallel to the face of the structure containing the main entrance.

**LOT LINE, REAR** -- That boundary line of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the lot line.

**LOT LINE, SIDE** -- Any boundary of a lot which is not a front or rear lot line.

**LOT LINE, STREET** -- A boundary line of a lot which is along an existing or dedicated street or public way.

**LOT, SUBSTANDARD** -- A parcel of record at the time of adoption of this chapter having frontage on a public street, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking area or other open space provisions of this chapter.

**LOT, THROUGH** -- A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT WIDTH** -- The minimum horizontal distance between the side lot lines measured at the buildable setback line.

**MACHINE SHOP** -- A shop where laths, presses, grinders, shapers and other wood- and metal-working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops, plumbing, heating and electrical repair and overhaul shops.

**MARINA** -- A facility providing seasonal dockage or storage for pleasure boats either in the water or on land. Normally off-season storage is not provided. The sale of boating supplies and limited emergency repair services are acceptable accessory uses. Routine and major repairs and sale of boats, motors or trailers are not acceptable accessory uses.

**MARQUEE** -- A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard<sup>5</sup>.

**MINOR STRUCTURE** -- Any small, movable accessory erection or construction, such as birdhouses, pet houses, play equipment, arbors having an area of less than 10 square feet, trellis-like structures 10 square feet, and walls under four feet in height.

**MOBILE HOME** -- A readily transportable trailer, intended for human habitation, which by its inherent design may be moved from site to site and which may have its undercarriage removed. This includes double-wide units.

**MOBILE HOME PARK** -- A parcel of land which is intended for the placement of one or more mobile homes.

**MODULAR HOME** -- A structure which is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units, also called "prefabricated" or

"precut" homes. For the purpose of this chapter modular homes shall meet the requirements of all applicable state and local building codes.

**MOTEL** -- A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

**MOTOR FREIGHT TERMINAL** -- A building or area of land in which freight brought by truck is assembled and/or sorted for routing in intrastate or interstate shipment.

**MOTOR HOME** -- A self-propelled vehicle designed and constructed for travel and temporary lodging purposes and which is intended for use only for camping, recreational travel or vacation use.

**NAMEPLATE** -- A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**NONCONFORMING STRUCTURE** -- Any structure which by virtue of the use to which it is put does not comply with the use provisions of this chapter for the district in which it is located.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**NONCONFORMING USE** -- Any land or water lawfully used or occupied at the time of the effective date of this chapter that does not conform to the regulations of this chapter or amendments thereto pertaining to uses.

**NURSING HOME or REST HOME** -- A building or institution for the care of the aged, infirm or sick, provided the same shall comply with the further definitions and the regulations contained in the rules of the Wisconsin Department of Health and Family Services.

**OFF-STREET LOADING** -- A space, accessible from a street, alley or way, in a building or on a lot, for loading or unloading merchandise or materials.

**OPEN SALES LOT** -- Land used or occupied for the purpose of buying or selling merchandise stored or displayed out of doors prior to sale. Such merchandise includes but is not limited to passenger cars, trucks, motor bikes, motorcycles, boats, monuments, trailers, flea markets and produce stands.

**OUTDOOR SPECIAL EVENT** -- A sale, promotion or other activity conducted outdoors. These events are not normally conducted as part of the everyday uses on the property but are intended to be used as promotional tools or fund-raising activities. In residential districts, these activities shall include rummage sales, craft sales, etc., and shall include all sales, whether indoors or outdoors.

**PARK, AMUSEMENT** -- An area, publicly or privately owned, containing amusement and recreation facilities or devices, whether operated for profit or not.

**PARKING LOT** -- A structure or premises containing four or more parking spaces open to the public.

**PARKING SPACE** -- A suitably surfaced and permanently maintained area of land on privately or publicly owned property, either within or outside of a building, of sufficient size to store a standard passenger motor vehicle, but in no instance less than 180 square feet in area, exclusive of passageways, driveways or other means of circulation or access. The space must have adequate ingress and egress to a public street or alley.

**PARK, PUBLIC** -- An area owned by a government unit operated for the convenience and recreation of the public and containing such facilities as the owning government shall see fit.

**PARTIES IN INTEREST** -- The owners of lands abutting or lands being influenced by a rezone, Board of Appeals action, conditional use or development activities. For the purposes of this chapter, this shall include all lands within 500 feet of a subject site.

**PARTY WALL** -- A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above and which separates contiguous buildings but is in joint use for each building.

**PERSON** -- Except when otherwise indicated by the context, includes the plural or a company, firm, trust, corporation, partnership or other legal entity.

**PETS, HOUSEHOLD** -- Animals commonly found in residences as pets, such as dogs, cats, song birds and other small animals, provided that they are not raised or reared for commercial resale or as a source of staple supplement. "Household pets" shall not include domesticated farm animals, such as, but not limited to, horses, chickens, cows, goats, sheep and hogs.

**PLAN COMMISSION** -- The Village Plan Commission.

**PLANNED DEVELOPMENT** -- A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses, planned and constructed as a unified development, and where certain regulations of this chapter may be modified for the district where it is located.

**PRINCIPAL RESIDENCE** -- The place where a person resides seven months or more in a twelve-month period.

**PROPERTY LINES** -- Those lines bounding a lot or parcel.

**PUBLIC OPEN SPACE** -- Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, waterways and parkways.

**RACE TRACK** -- Any area designed for racing of animals, motorized vehicles, bicycles or snow vehicles.

**RAILROAD RIGHT-OF-WAY** -- 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.

**RECREATIONAL CAMP** -- An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

**REFUSE** -- All waste products resulting from human habitation except sewage.

**REGIONAL FLOOD** -- A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that the regional flood may occur or be exceeded (commonly called a "one-hundred-year occurrence interval flood"). During a typical thirty-year mortgage period, the regional flood has a twenty-six-percent chance of occurrence.

**REPLACEMENT TREE** -- A tree of at least 1 1/2 inches in diameter that survives one year after planting. It should be similar in type to the tree it is intended to replace.

**RESORT** -- A commercial complex providing services such as lodging, entertainment and recreational facilities to its patrons.

**RETIREMENT HOME** -- A building or institution for the accommodation of elderly persons, with or without nursing or medical care, provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

**RIGHT-OF-WAY** -- Land covered by a public road, to include terraces, parkways and sidewalks as appropriate.

**SEDIMENT** -- Soils or other surface material transported by wind or surface water as a product of erosion.

**SETBACK** -- The minimum horizontal distance between a structure and the lot line abutting a street or the center line of a thoroughfare.

**SHORELANDS** -- Those lands lying within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages, 300 feet from the high-water elevation of navigable streams, or to the landward side of the floodplain, whichever is greater.

**SHORELINES** -- The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the average annual high-water elevation<sup>6</sup>.

**SILT** -- Soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

**SOIL** -- Any earth, sand, gravel, rock or any similar material.

**SOIL AND WATER CONSERVATION DISTRICT** -- A county whose board of supervisors has by resolution declared the county to be a soil and water conservation district.

**SOLID WASTE** -- Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities, but not including solids or dissolved material in wastewater effluents or other common water pollutants.

**STEEP SLOPE** -- A slope over twelve-percent grade which is characterized by increased runoff, erosion and sediment hazards.

**STORAGE CAPACITY** -- The volume of space available above a given cross section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

6. Editor's Note: The definitions of "sign" through "sign window" which immediately followed this definition have been moved to Art. III, Signs, § 310-21, Definitions, with the exception of the following definitions, which were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II): "sign, bulletin," "sign, ground," "sign marquee," "sign, off-premises," "sign, roof," "sign, wall," and "sign, window,"

**STORY** -- That portion of a building included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and ceiling next above it. In the case of a split-level building, the surface of the floors at different elevations and the ceilings next above such floors, provided that floor elevations of adjoining levels do not exceed three feet, shall be considered a story. A basement shall be counted as a story for the purpose of this chapter when more than 1/2 of the clear floor-to-ceiling height of such basement is above the established curb level.

**STORY, HALF** -- A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it and which does not contain an independent dwelling unit.

**STREET** -- A public or private thoroughfare, usually paved.

**STREET LINE** -- The dividing line between a lot, parcel or tract of land and a contiguous street.

**STRIPPING** -- Any activity which removes the vegetative surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.

**STRUCTURAL ALTERATION** -- Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

**STRUCTURE** -- Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment, excepting utility lines and appurtenances.

- (1) Pole or post frame buildings. Pole or post frame buildings shall be permitted in all districts, except as a conditional use in the P-1 Park District and Industrial District. In the R-1 District, a Post frame building is permitted only if it complies with the Wisconsin Uniform Dwelling Codes and is finished with high quality finish materials complimentary to other residential structures in the area. In no

circumstance is exposed fastener corrugated metal roofing or siding considered high quality finish material, except for the M-1 Industrial District. Pole buildings are defined as having the primary structural members of wood or other combustible material, with or without chemical treatment for fungus, rot or decay, with or without fire- or flame-proofing or fire-retardant treatment, and having such primary structural members embedded in earth or where such members are embedded within concrete footings, the composite of which is buried in the earth to resist axial and/or lateral loads. Pole or post frame buildings that are pre-engineered and designed primarily for agricultural use shall not be permitted in any district, unless plans of such buildings bear evidence of compliance with Chs. COMM 50 to 64, Wis. Adm. Code. Wall and roof coverings of metal shall be factory painted, prime and finish coats.

- (2) Pre-engineered steel buildings. Pre-engineered steel buildings have the primary structural members made of steel and may be clad in a variety of materials. Pre-engineered metal structures may be permitted as conditional uses in the P-1, B-2, and M-1 Zoning Districts after due consideration under § 310-53C of this chapter. All pre-engineered steel buildings must meet Wisconsin Administrative Code specifications.

**STRUCTURE, PRINCIPAL** -- A structure in which the use is listed in the district use regulations as either a permitted or conditional use.

**STRUCTURE, TEMPORARY** --

- (1) A structure or enclosure that can be easily and readily assembled or relocated or deflated.
- (2) A structure that is constructed with or without footings, foundations or supporting anchors or slabs that are not of a permanent nature and are readily and easily disassembled or removed.

**SUBSTANDARD STRUCTURE** -- Any structure conforming in respect to use but not in respect to the frontage, width, height, lot area, yard, parking, loading or distance requirements of this chapter.

**SWIMMING POOL, PRIVATE** -- A swimming pool, the principal users of which consist of patrons, tenants or guests of motels, hotels, apartment hotels and other income-producing property and located on the same premises, meeting recognized safety standards. Pools used by two or more families are considered public pools.

**TENT** -- A structure or enclosure of which the roof and 1/2 or more the sides are constructed of silk, cotton, canvas fabric or similar light materials.

**TOURIST PARK** -- A parcel or tract of land containing facilities for locating three or more travel trailers or mobile homes and for use only by transients remaining less than one month,

whether or not a charge is made. An open sales lot in which motor vehicles or unoccupied trailers are parked for the purpose of inspection or sale is not included in a tourist park.

**TOXIC MATTER OR MATERIALS** -- Those which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**TRAVEL TRAILER** -- A trailer designed and constructed for travel and temporary lodging purposes and which is intended for use for camping, recreational travel or vacation use.

**TREE DIAMETER** -- The diameter of a tree measured at a point on the tree four feet above grade level.

**TREE PRESERVATION AREA** -- The area of a lot not designated as the building activity area where all trees six inches or larger shall be preserved.

**TURNING LANE** -- An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street.

**USE** -- The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained<sup>7</sup>.

**USE, CONDITIONAL** -- Uses of a special nature so as to make impractical their predetermination as a principal use in a district. Such uses require permits as specified in §§ 310-53 through 310-60 of this chapter.

7. Editor's Note: The original definition of "use, accessory," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. I, General Provisions, Art. II). See the definition of "accessory use or structure" in this section.

**USE, PRINCIPAL, ON A LOT OR PARCEL** -- The main use of land or building as distinguished from a subordinate or accessory use. It may be either a principal or conditional use for the zoning district.

**USE, PRINCIPAL, ZONING DISTRICT** -- A use which may be lawfully established in a particular district or districts, provided that it conforms to all requirements, regulations and performance standards, if any, of such district.

**UTILITIES** -- Public or private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including electric power generation plants, sewage disposal plants, municipal incinerators, warehouses, shops, storage yards, waterlines, sewer lines and storm sewer lines.

**VILLAGE** -- The Village of Genoa City, Wisconsin.

**VILLAGE BOARD** -- The Village Board of the Village of Genoa City.

**VISION CLEARANCE** -- An unoccupied triangular space at the intersection of streets or highways with other highways or streets or at the intersection of streets or highways with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street or



railroad right-of-way lines and setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this chapter.

**WAREHOUSE** -- A structure or enclosure, or a subdivided unit of a structure or enclosure, in which goods are sorted until further use or resale. A structure or enclosure shall be considered a warehouse for purposes of this chapter if more than 50% of the total floor space of the structure or enclosure is so used, irrespective of the fact that the remainder of the space is used for another purpose. Goods displayed for sale are not considered warehoused.

**WINE** -- Products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5% or more of alcohol by volume.

**WINERY, RETAIL** -- An establishment or business which produces wine under federal and state winery permits and which also sells such wine in the same structure in a designated retail space operated under a "Class A" liquor license. Fifty percent of the total floor space of the business shall be accessible to the public during regular business hours for retail purchases, sampling and touring the manufacturing facilities. The space designated on the "Class A" liquor license shall not be used for sampling.

**YARD** -- An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street, rear and shore yards extend the full width of the lot.

**YARD, INTERIOR** -- An open space surrounding buildings in developments where more than one structure occupies a lot or parcel. This shall not relieve the obligation by the development to meet perimeter yard requirements as set forth by this chapter. An interior yard may be shared by two adjacent structures.

**YARD, REAR** -- A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard. For residential corner lot, the rear yard shall be opposite one of the street yards. In those locations where an alley is platted in the rear of the lots but not improved, 1/2 of the width of the platted alley may be included in the rear yard requirement. For parcels having a shore yard, the rear yard shall be the yard opposite the shore yard. In these cases, the building setback lines shall be the same as for a street yard.

**YARD, SHORE** -- A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high-water elevation of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

**YARD, SIDE** -- A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. Commercial/Industrial corner lots shall have two side yards.

**YARD, STREET** -- A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two street yards. Also called "front yard."

**ZONING PERMIT** -- A permit issued by the Zoning Administrator to certify that lands, structures, air and waters subject to this chapter are used in accordance with the provisions of this chapter.

## **ARTICLE II General Provisions**

### **§ 310-9. Findings.**

The proper regulation of the use of structures, lands and waters only through the use of the zoning districts contained within this chapter is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this chapter.

### **§ 310-10. Jurisdiction.**

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village<sup>8</sup>.

8. Editor's Note: Original § 10-5-12, Rules, which immediately followed this section, was deleted at time of adoption of Code (see Ch.1, General Provisions, Art. II) See now § 310-8A, General rules.

### **§ 310-11. Compliance required; enforcement.**

- A.** No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except a minor structure, and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- B.** Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within six months from the date of such permit.
- C.** The Zoning Administrator shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations and enforce the provisions of this chapter. All violations of this chapter shall be reported to the Village Attorney, who shall bring action to enforce the provisions of this chapter.
- D.** The Zoning Administrator and his deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to

ensure compliance with this chapter. If, however, they are refused entry after presentation of proper identification, they may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.

#### **§ 310-12. Use regulations.**

Only the following uses and their essential services shall be allowed in any district:

- A. Principal uses.** Principal uses specified for a district.
  - B. Accessory uses and structures.** Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home occupations and professional home offices as defined herein. An accessory structure cannot be occupied as a separate dwelling unit. No detached accessory building shall be nearer than 10 feet to the nearest wall of a principal structure, except that an accessory building constructed of fire-resistive materials as approved by the Building Inspector may be located nearer than 10 feet to a principal building<sup>9</sup>.
  - C. Conditional uses.** Conditional uses and their accessory uses may be permitted in specified districts after review, public hearing and recommendation by the Plan Commission and approval by the Village Board in accordance with procedures and standards established in §§ 310-53 through 310-60 of this chapter.
9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- D. Unspecified uses.** Uses not specified in this chapter may be permitted by the Village Board after the Village Plan Commission has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.
  - E. Temporary uses.** Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Plan Commission as provided under §§ 310-76 through 310-86 of this chapter; provided, however, such use shall not continue for more than two years.
  - F. Performance standards.** Performance standards listed in § 310-75 shall be complied with by all uses in all districts, except where specifically exempted.
  - G. Outdoor uses.** Outdoor uses shall be permitted as specified in this subsection:
    - (1)** In R-1, R-2, P-1 and C-1 Districts, outdoor sales, service or displays shall be prohibited, except as provided in Subsection H. Outdoor storage may be permitted as an accessory use, subject to the provisions of this chapter and other chapters of this Code as they may apply.

- (2) In the B-1 District, all outdoor use is prohibited, except as permitted by Subsection H or those uses necessary for property maintenance or essential services (i.e., garbage cans, dumpsters, loading facilities, parking, etc.).
- (3) In the B-2 and Industrial Districts outdoor uses may be permitted as specified as a principal or conditional use in the district or as permitted by Subsection H.

**H. Outdoor special events.**

- (1) In all residential districts, outdoor special events, such as rummage sales, craft sales, etc., shall be permitted twice per calendar year. Each event shall not exceed four days. A permit shall be required from the Zoning Administrator and a fee as set by the Village Board shall be charged. This subsection shall apply to all sales in residential districts, whether inside or out.
- (2) In B-1 and B-2 Districts, outdoor special events may be permitted upon issuance of a special event permit by the Zoning Administrator after review and approval by the Village Board. No single event shall exceed 10 days, nor shall the total number of days for all events in a calendar year exceed 10. Residential uses in business districts shall be subject to Subsection H(1) above. A permit fee as set by the Village Board shall be required<sup>10</sup>.
- (3) In a P-1 District, special events may be permitted upon issuance of a special event permit by the Zoning Administrator after review and approval by the Village Board. No permit fee will be charged.
- (4) Any Village police officer shall be authorized to enforce this Subsection H by citation.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

**§ 310-13. Site plans and regulations; architectural review. [Amended 6/9/16]**

**A. General.** For the purpose of promoting compatible development and stability of property values and to prevent impairment or depreciation of property values, no person shall be issued a building permit, conditional use permit, or occupancy permit for any use or shall erect any structure without first obtaining the approval of detailed site and architectural plans as set forth in this section. The Zoning Administrator and Plan Commission shall review the site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, and the proposed operation as deemed appropriate for all development in all districts. Both the Zoning Administrator and Plan Commission shall review residential subdivisions (large tracts), but only the Zoning Administrator shall review the development of residential lots (single lots).

- (1) **Principles.** To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses:

- (a) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- (b) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- (c) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties. All new industrial buildings shall have a 48" minimum high stone or brick wainscot on the front side. All new commercial (business) buildings shall have a 48" minimum high stone or brick wainscot on all four sides.
- (d) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- (e) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village.
- (f) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
- (g) Changes in topography at the property line shall be consistent with the requirements of Subsection F of this section.
- (h) Appropriate erosion control measures shall be utilized in all new development.
- (i) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (j) Buildings and uses shall provide adequate parking and loading areas.
- (k) Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
- (l) No outside storage shall be permitted without Plan Commission approval.

(m) Buildings and uses shall make appropriate use of open spaces, and the Plan Commission may require appropriate landscaping and planting screens.

(2) **Sureties.** The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

(3) **Appeals.** Any person or persons aggrieved by any decisions of the Plan Commission or Zoning Administrator related to plan review may appeal the decision to the Board of Appeals. Such appeal shall be filed with the Village Clerk-Treasurer within 30 days after filing of the decision by the Plan Commission or Zoning Administrator.

**B. Unsuitable land.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The standards of the Wisconsin Construction Site Best Management Practice Handbook are adopted and made part of this chapter as conservation standards for the Village. The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

**C. Minimum frontage.** All lots shall abut upon a public street, and each lot shall have a minimum frontage of 40 feet.

**D. Location of principal structures.** In the R-1, R-2 and B-1 Zoning Districts, all principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot in these districts.

**E. Dedication not secured.** No zoning permits shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

**F. Tree cutting, shrubbery clearing and earth movements.** Tree cutting, shrubbery clearing and earth movements shall be conducted in accordance with the Wisconsin Construction Site Best Management Practice Handbook conservation standards and, except as provided below, shall require a zoning permit and conservation plan. In addition, the Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out land restoration work in the event of default by the applicant in carrying out an approved conservation plan. The amount, form and type of sureties shall be determined by the Plan Commission. The Zoning Administrator may, as appropriate, request a review of the proposed cutting, clearing or earth movement activity by the Department of Natural Resources, the United States

Department of Agriculture Soil Conservation Service or other appropriate agency and await its comments and recommendations before issuing a zoning permit, but not to exceed 30 days. Cutting, clearing and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural beauty of the Village. Paths and trails shall not exceed 10 feet in width and shall be designed and constructed as to result in the least removal and disruption of natural ground cover and the minimum impairment of natural beauty. The following activities shall be conducted in accordance with the Wisconsin Construction Site Best Management Practice Handbook conservation standards but shall not require a zoning permit:

- (1) Normal excavation for utility installations for single-family and two-family dwellings on lots which do not abut a lake or on lots which do not contain slopes exceeding 12%, when the Zoning Administrator determines that such earthmoving shall not cause erosion or sedimentation.
- (2) Excavations or fill not exceeding 400 square feet in area or 10 cubic yards in volume.
- (3) Normal plowing and working of land for a garden.
- (4) Normal trimming, pruning and shearing of trees and shrubs for culture and maintenance.
- (5) Removal of dead, diseased or insect-infested trees or shrubs.
- (6) Removal of trees and shrubs for clearing a site not over 400 square feet in area in preparation for construction of a single-family dwelling or a two-family dwelling on property not abutting a lake or on slopes not exceeding 12% when the Zoning Administrator determines that such cutting will not cause erosion or sedimentation and will not impair the scenic quality of the shoreline.

**G. Earthmoving and tree cutting permit.** For earthmoving and tree cutting permit see § 310- 95 of this chapter.

**H. Waste materials.** No waste materials, such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity or temperature so as to contaminate or pollute or which would be likely to run off, seep or wash into surface or ground waters, are permitted. See § 310-75 for standards<sup>11</sup>.

**I. Public sewerage and water systems.** Public sewerage and water systems shall serve all buildings and uses in accordance with the requirements of Chapter 270, Water and Sewers, of this Code.

**J. Rivers and streams.** No river or stream shall be altered or relocated until the appropriate zoning change has been applied for and granted in accordance with the requirements of §§ 310-87 through 310-93 of this chapter.

**K. Tree removal.**

- (1) **Purpose.** The intent and purpose of this Subsection K is to preserve the Village's character as a natural wooded community, maintain property values by improving and preserving the aesthetic appeal of the Village through tree regulations, preserve the natural resources of the Village and state, reduce the amount of erosion in the Village due to tree removal, protect the quality of the waters of the state and the Village and protect and promote the health, safety and welfare of the people, minimizing the amount of sediment and other pollutants carried by runoff to surface waters due to the erosion of land not protected by a naturally wooded environment.
- (2) **Scope.** The provisions of this Subsection K shall not apply to R-1 and R-2 Zoning Districts, except planned developments in those districts.
- (3) **Clear-cutting prohibition.**
  - (a) **Shore-land areas.** In a strip of land 35 feet wide inland from the bulkhead line, no more than 30 feet in any 100 feet shall be clear-cut. Where the lot is less than 100 feet, no more than 30% of this strip shall be clear-cut. Natural shrubbery shall be preserved as far as practicable, and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
  - (b) **Tree preservation area.** Except for circumstances identified under Subsection K(4)(b), it is prohibited to remove any trees or cause any trees to be removed from the tree preservation area of each lot. During construction, no equipment movement, construction or placement of equipment or material storage shall be permitted in the tree preservation area.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) **Cutting exceptions.**
  - (a) Trees may be removed from the building activities area. This area shall be as small as possible, including the entire area affected by building, grading and temporary material storage areas. In no case shall the amount of trees with a six-inch tree diameter removed within the building activities area exceed the following:
    - [1] Eighty percent of the total such trees on lots of 1/4 acre or less.
    - [2] Sixty percent of the total such trees on lots of 1/4 acre to one acre, except in the C-1 District<sup>12</sup>.
    - [3] Forty percent of the total such trees on lots of one acre, except in the C-1 District<sup>13</sup>.
    - [4] Twenty percent of the total such trees on lots of 2.5 acres or more, except in the C-1 District<sup>14</sup>.



- [5] Ten percent of the total such trees on all lots in the C-1 District.
- (b) Trees removed in excess of the above reasons will require a tree removal permit. Conditions under which a permit may be issued include, but will not be limited to, the following:
  - [1] The tree is dead, dying or diseased.
  - [2] The tree is damaged or injured to the extent that it is likely to die or become diseased.
  - [3] The removal of the tree will enhance the tree preservation area and the health of the remaining trees.
  - [4] The removal of the tree will avoid or alleviate an economic hardship or a hardship of another nature to the property or residences.
  - [5] The removal of the tree is consistent with good arboriculture practices..
- (5) **Replacement trees.** When in keeping with good arboriculture practices, replacement trees shall be planted for all removed trees. They may be planted in the preservation area or in the building activities area after the initial construction activities are completed. All replacement trees shall be planted within 30 days of final grading. The determination of good arboriculture shall be based on tree density and spacing in the following table:

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).  
 13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).  
 14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)

#### **Tree Sizes and Density**

Small trees: trees which have an ultimate height of 20 to 30 feet and 15- to 25-foot spread. They should be planted 15 feet to 20 feet on center or roughly at a density of 115 trees per acre.

Apricot	Redbud
Crabapple, Flowering (sp)	Golden Train Tree
Hawthorne (sp)	Soapberry
Lilac, Japanese Tree	Pear, Bradford
Peach, Flowering	Serviceberry
Plum, Purpleleaf	

#### **Tree Sizes and Density**

Medium trees: trees which have an ultimate height of 30 to 50 feet and 30- to 40-foot spread. They should be planted 25 feet to 30 feet on center or approximately 30 trees per acre.

Ash, Green  
Hackberry  
Honeylocust (Thornless)  
Linden or Basswood (sp)  
Mulberry, Red (fruitless, male)  
Persimmon  
Poplar

Sassafras  
Pagodatree, Japanese  
Pecan  
Birch  
Osageorange (Thornless)  
Oak, English  
Oak, Red

Large trees: trees which have an ultimate height greater than 50 feet and over 40-foot spread. They should be planted 35 to 40 feet on center or approximately 25 trees per acre.

American Elm  
Walnut  
Kentucky Coffeetree  
Silver Maple

Sugar Maple  
Oaks  
Sycamore  
Cottonwood

- (6) **Penalties.** Any person violating any provisions of this Subsection K shall be subject to a penalty per tree illegally cut or removed which shall be determined by the assessed value of the trees removed. The assessed value shall be determined in accordance with the Manual for Plant Appraisers published by the Council of Tree and Landscape Appraisers, most recent edition. In addition, a replacement tree shall be planted to replace all trees cut illegally.

#### § 310-14. Flood-land regulations<sup>15</sup>.

In addition to any other applicable use, site or sanitary regulation, the following regulations shall apply to flood-lands:

15. Editor's Note: See also Ch. 280, Floodplain Zoning.

- A. Within the floodplains.** Dumping, filling, residential uses, basements, permanent public assembly structures and the permanent sheltering and restricted confining of animals are prohibited.
- B. Within the floodways.** In addition to the above-stated regulations within the floodplains, all structures are prohibited except navigational structures, public water measuring and control facilities, bridges and utilities.
- C. Within the channel.** In addition to the above-stated regulations within floodplains and floodways, the erection of all structures in the channel shall require a permit from the state agency having jurisdiction pursuant to § 30.12(2), Wis. Stats. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by the Village pursuant to §§ 30.11 and 30.13, Wis. Stats.
- D. Conditional uses.**
- (1) Dam construction, operation, maintenance and abandonment are conditional uses requiring review by the Plan Commission in accordance with §§ 310-53 through

310-60 of this chapter. The Commission shall then advise the state agency having jurisdiction under §§ 31.05, 31.07, 31.13 and 31.185, Wis. Stats., of its finding prior to the issuance of the required state permits.

- (2) All structures and improvements not prohibited above are conditional uses requiring review and approval by the Village Board under §§ 310-53 through 310-60 of this chapter.

- E. Boundaries.** Boundaries of all floodways and floodplains shall be determined through the use of flood profiles. The floodwater surface elevations shown on the one-hundred-year recurrence interval flood profile and the ten-year recurrence interval flood profile shall determine the limits of the floodplain and floodway, respectively. All floodland uses permitted under this chapter shall use as a flood protection elevation a height corresponding to two feet above the flood profile for the particular area. All flood profiles now existing or to be prepared for lakes, rivers and streams within the Village and approved by the Wisconsin Department of Natural Resources are hereby attached to and made a part of the Official Zoning Map.
- D. Removal from flood-lands.** Compliance with the provisions of this chapter shall not be grounds for the removal of lands from the flood-land regulatory areas unless such lands are filled to a height of at least two feet above the elevation of the one-hundred-year recurrence interval flood and are contiguous to other lands outside the flood-land regulatory areas. Such filling, however, shall only take place in accordance with a conditional use permit obtained in compliance with §§ 310-53 through 310-60 of this chapter.

#### **§ 310-15. Shore-land regulations.**

The Village has adopted a Shore-land-Wetland Zoning Ordinance. Refer to the regulations contained therein<sup>16</sup>.

#### **§ 310-16. Reduction or joint use.**

- A.** No lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this chapter.
- B.** No part of any lot, yard, parking area or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

#### **§ 310-17. Violations and penalties.**

- A.** No person shall construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically

damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

- B.** Any person who fails to comply with the provisions of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code.

**§ 310-18. Trailers, mobile homes and tents.**

- A.** Trailers and mobile homes shall not be permitted in any district as principal or accessory buildings.
- B.** Trailers or mobile homes shall not be occupied for dwelling or lodging purposes except in an approved mobile home park or tourist park.
- C.** Trailers or mobile homes may be used as temporary offices or storage space incidental to construction of a building development while such construction is actively undertaken, provided that the trailer or mobile home is located on the same or adjacent lot as the building development.
- D.** Tents shall not be erected, used or maintained for dwelling, lodging or other purposes, except as may be used for incidental recreation purposes when erected on the same lot as a dwelling and used only by the residents of the dwelling.

16. Editor's Note: See Ch. 290, Shoreland-Wetland Zoning.

**ARTICLE III**  
**Signs**

**§ 310-19. Title.**

This article shall be known and cited as the "Sign Ordinance of the Village."

**§ 310-20. Intent and policy.**

It is the intent of the Village through this article to protect and enhance the Village's historic and residential character and its economic base through the provision of appropriate and aesthetic signing. In addition, it is the intent of the Village to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. As identification devices, signs must not subject the citizens of the Village to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood and other signs in the area. In view of these facts, the Village adopts

the policy that the sign should serve primarily to identify an establishment, organization or enterprise.

**§ 310-21. Definitions<sup>17</sup>.**

As used in this article, the following terms and phrases shall have the indicated meanings:

**ABANDONED SIGN** -- A sign which no longer correctly directs any person to or advertises a bona fide business, lessor, owner, product or activity conducted.

**ACCESSORY SIGN** -- A separate unit displaying information related to the principal business conducted on the premises which is not attached to or supported from any other sign and not made a part thereof.

**ADVERTISING SIGN (BILLBOARD)** -- A sign which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered for sale on the premises on which the sign is affixed.

**ARCHITECTURAL FEATURE** -- Any reveal, window frame, recessed area, door detail, surround or other feature that is part of any building or is a specific element of a recognized historical style of architecture.

**AWNING SIGN** -- Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

**BANNER** -- A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face or across any public streets of the Village. The banner may or may not include copy or other graphic symbols.

17. Editor's Note: The following definitions were deleted from this section at time of adoption of Code (se Ch. 1, General Provisions, Art. II): "billboard," "frontage, lot," "marquee," "marquee sign," "projecting sign" and "sign".

**BENCH SIGN** -- Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area owned or operated by a public agency.

**BULLETIN BOARD** -- A designated area where bulletins and informational notices may be posted.

**BUSINESS SIGN** -- A sign which directs attention to a business or profession or to a commodity, service or entertainment, whether or not conducted, sold or offered for sale on the premises where such sign is located or to which it is affixed.

**BUSINESS DIRECTION SIGN** -- An off-premises sign directing the public to a business located within the Village corporate limits.

**CANOPY OR MARQUEE SIGN** -- See "projecting sign."

**CHANGEABLE MESSAGE SIGN** -- A sign such as a manual, electronic or electric-controlled time and temperature sign, message center or reader board where copy changes<sup>18</sup>.

**CIVIC EVENT SIGN** -- A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the Village, or a school, church, civic-fraternal organization, or similar noncommercial organization.

**COMMERCIAL OFFICE OR INDUSTRIAL COMPLEX** -- A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.

**COMMERCIAL SIGN** -- Any physical form of visual communication, including any object with or without lettering, a symbol, logo or banner, other than a mural, which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered and which is to be viewed from public streets or public parking areas. It shall include all parts, portions, units and materials composing the same, together with illumination, frame, background, structure and support and anchorage thereof.

**EAVE** -- That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave or the lowest horizontal line on any roof.

**ELECTION SIGN** -- A noncommercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

**ERECT** -- To build, construct, attach, hang, place, suspend, affix or fabricate, which shall also include painting or wall signs and window signs or other graphics.

**FLAG** -- A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person or as a signaling device and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**FLASHING SIGN** -- An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. A revolving sign or any moving part of an advertising device that is illuminated shall be considered a flashing sign.

**FREEWAY-ORIENTED OFF-PREMISES SIGN** -- Any off-premises sign located with the sign positioned for primary reading from the freeway.

**FREEWAY-ORIENTED ON-PREMISES SIGN** -- Any on-premises sign identifying premises where food, lodging or places of business are located that engage in supplying goods and services essential to the normal operation of motor vehicles and where such businesses are directly dependent upon the adjacent freeway for business.

**FRONTAGE, BUILDING** -- The width of any face of a building.

**A. DOMINANT BUILDING FRONTAGE** -- The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.

**B. SUBORDINATE BUILDING FRONTAGE** -- Any frontage other than the dominant frontage.

**GROSS AREA OF SIGN** -- The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign. All sign faces shall be included when computing the gross area of the sign.

**GROUND SIGN** -- Any sign advertising goods manufactured, produced or sold or services rendered on the premises upon which the sign is placed or identifying in any fashion the premises or any owner or occupant and which is supported by one or more uprights or braces on the ground, the overall total height of which does not exceed six feet above grade measured at the base of the sign structure. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six feet above the grade at the edge of the public right-of-way.

**HANGING SIGN** -- A sign attached to and located below any eave, roof, canopy or awning.

**HEIGHT OF SIGN** -- The vertical distance measured from the nearest curb level where the sign is located to the highest point of such sign.

**KIOSK** -- A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

**LETTER HEIGHT** -- The height of a letter from its bottom to its top, including any fixed shadow line.

**LIGHTING STANDARD** -- A device for providing artificial light on the sign surface.

**LOGO SIGN WITH COURTESY PANELS** -- Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erectable thereon.

**MOBILE SIGN** -- A sign on a vehicle advertising a good, service or entity other than that for which the vehicle is principally used.

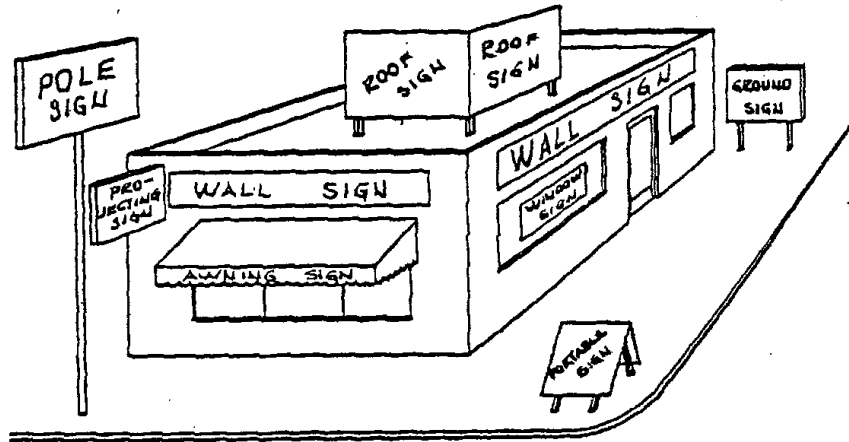
**MOVABLE SIGN** -- Any sign not permanently attached to the ground or a building.

**MURAL** -- A painting or picture applied to and made part of a wall, door or window which may be pictorial or abstract and is characteristically visually set off or separated from the background color or architectural environment. A mural which relates directly to the goods or services offered on the premises shall be considered a commercial sign.

#### **ILLUSTRATION OF SOME SIGN TYPES**

## GENOA CITY CODE

### ILLUSTRATION OF SOME SIGN TYPES



**NAMEPLATE SIGN** -- A sign directly affixed to a building which lists names of occupants. Advertising is restricted to business or professional occupation only.

**NONCOMMERCIAL SIGN** -- Any physical form of visual communication, including any object with or without lettering, a symbol, logo or banner, which is intended to convey a noncommercial message of social, political, educational, religious or charitable commentary.

**OFF-PREMISES SIGN** -- A commercial sign not located on the premises of the business or entity indicated or advertised by the sign or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

**ON-PREMISES SIGN** -- Any sign identifying or advertising a business, person, activity, goods, products or services located on the same premises where the sign is located and maintained.

**OPERATIONAL SIGN** -- A directory sign on a commercial premises which will aid in the traffic flow and the location of parking facilities.

**PARAPET** -- A low wall or railing used to protect the edge of a roof, also called a parapet wall.

**PARAPET OR PERGOLA SIGN** -- Any sign or other graphic attached to a parapet, ramada, pergola or other similar structure.

**PENNANT** -- A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope or other material, and meant to be stretched across or fastened to buildings or between poles and/or structures.

**PERGOLA** -- A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.



**POLE SIGN** -- Any sign, other than a ground sign, erected on one or more uprights supported from the ground, the height of which is greater than six feet above grade and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

**PORTABLE SIGN** -- Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

**PROJECTING SIGN** -- A sign which is attached to and projects from a structure or building facade. The area of projecting signs is calculated on all faces.

**ROOF** -- The cover of any building, including the eaves and similar projections. Eyebrows, false roofs on storefronts, coverings on or over oriels, bay windows, canopies and horizontally projected surfaces other than marquees shall be considered roofs.

**ROOF SIGN** -- Any sign any part of which is on or over any portion of any roof, eave or parapet of a building or structure.

**SANDWICH SIGN** -- A hinged or unhinged A-frame movable sign which is generally temporary in nature and placed near the roadway.

**SIGNS** -- Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which are visible from any public street or highway.

**SIGN STRUCTURE** -- Any material which supports, has supported or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

**SWINGING SIGN** -- A non-motorized sign that may swing about a horizontal plane.

**TEMPORARY** -- A period of time not exceeding 15 consecutive days and not more than once in a six-month period, unless otherwise specified.

**WALL SIGN** -- Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to the wall or fence and which projects from that surface no more than 12 inches at all points.

**WINDOW SIGN** -- Any sign printed, attached, glued or otherwise affixed to or behind a window, within the display area or within four feet, whichever is greater, and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.

**§ 310-22. Conformance required.**

No person shall construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered a sign within the Village, except in conformance with this chapter.

**§ 310-23. Permit required.**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or altered without a sign permit, except those signs specifically excepted in this article, and without being in conformity with the provisions of this article.

**§ 310-24. Application for permit.**

Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the Building Inspector. The application shall be made upon forms provided by the Building Inspector and shall be accompanied by the following materials:

- A.** Two copies of a plan showing:
  - (1) The position of each sign and its relation to adjacent buildings or structures.
  - (2) The proposed design, size, colors and location on the premises of each sign, including the type and intensity of any proposed lighting.
  - (3) Zoning district and abutting property zoning.
- B.** A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.
- C.** Such other information as the Building Inspector may require to show full compliance with this article and all other ordinances of the Village.
- D.** A written authorization to submit the sign permit application signed by the property owner, lessee or authorized agent.

**§ 310-25. Fees.**

The sign permit application shall be accompanied by the appropriate fee established by the Village Board by resolution. If installation of a sign is commenced before an application for a permit is made or before the plans are approved by the Zoning Administrator, the applicant shall be charged an additional field inspection fee equal to the permit fee. The fee is nonrefundable.

**§ 310-26. Processing applications.**

- A.** Building Inspector staff shall review the application and accept it as complete or reject it as incomplete within three working days from the date of filing.
- B.** No sign permit application will be accepted if the applicant has installed or maintained a sign in violation of the provisions of this article and, at the time of the submission of the application, each illegal sign has not been brought into compliance.

**§ 310-27. Action by Zoning Administrator.**

The Zoning Administrator shall approve, conditionally approve or deny within 10 working days of acceptance of a sign permit application.

**§ 310-28. Sign review criteria.**

- A.** In reviewing a sign permit application, the Zoning Administrator shall apply the following criteria as the basis for action:
- (1) The sign shall be in proportion with and visually consistent with the architectural character of the building.
  - (2) The sign shall not constitute needless repetition, redundancy or proliferation of signing.
  - (3) The location of the proposed sign and the design of its visual elements (lettering, colors, decorative motif, spacing and proportion) shall result in a sign which is legible under normal viewing conditions existing at the sign's proposed location.
  - (4) The sign shall not obscure from view or unduly detract from existing signing.
  - (5) If the proposed sign will be adjacent to, in or near a residential area, it shall be harmonious and compatible with the residential character of the area.
  - (6) The size, shape, color and placement of the sign and any lighting shall be compatible with and harmonious with the building which it identifies and with the area in which it will be located.
- B.** If a sign permit application satisfies the above criteria and complies with the other provisions of this chapter, it shall be approved.
- C.** If a sign does not satisfy the above criteria, the applicant may apply to the Plan Commission for a conditional use permit.

**§ 310-29. Indemnification for sign installation and maintenance.**

All persons engaged in the business of installing or maintaining signs which involves in whole or in part the erection, alteration, relocation, or maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or where public property is used or encroached upon by the sign contractor shall agree to hold harmless and indemnify the Village, its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation, or maintenance of this sign or any other sign work insofar as this article has not specifically directed the placement of the sign.

**§ 310-30. Insurance.**

Every sign contractor shall file with the Zoning Administrator a certificate of insurance indicating the applicant holds public liability and property damage specifically to include and hold harmless

with bodily injury limits of at least \$300,000 per occurrence and \$300,000 aggregate and property damage insurance of at least \$100,000 per occurrence and \$100,000 aggregate. Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the Village of such cancellation or reduction.

**§ 310-31. Signs permitted in all districts without permit.**

**A.** The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- (1) A noncommercial sign not exceeding six square feet total for each lot in residential zones.
- (2) Any "no trespassing" sign prohibiting or restricting access to property, provided that it is no more than one square foot in size, placed at each corner and each entrance to the property and at intervals of not less than 50 feet or in compliance with the requirements of law.
- (3) Any parking lot and other private traffic directional sign not to exceed eight square feet per face in area and limited to guidance of pedestrian or vehicular traffic within the premises upon which it is located. There shall be erected no more than one per entrance.
- (4) Any civic event sign. Such a sign shall be removed within 24 hours after the time of the event, shall not exceed 32 square feet in size and may be erected for a period not to exceed 10 days per event. Only one such sign shall be erected per lot, except a corner lot which shall be allowed one per street frontage.
- (5) A sign, such as a menu or hours of operation, which shows prices of goods or services not on window display to the public and does not exceed 24 inches by 18 inches.
- (6) Name and warning signs not to exceed two square feet located on the premises.
- (7) Bulletin boards for public, charitable or religious institutions not exceeding 32 square feet in area located on the premises.
- (8) Official signs, such as traffic control, parking restrictions, information and notices.
- (9) Temporary signs.
  - (a) Temporary signs for a period of not more than 15 days or for such longer time as may be authorized by the Plan Commission.
  - (b) Any temporary sign warning of construction, excavation or similar hazards so long as the hazard exists.
  - (c) One temporary construction sign, provided that the sign:

- [1] Does not exceed six square feet in one- and two-family residence zones and does not exceed 32 square feet in all other zones.
  - [2] Is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent and financing company.
  - [3] Is displayed during construction only.
  - [4] Does not exceed six feet in height at the edge of the public right-of-way when freestanding.
- (d) Any temporary Christmas decoration or display, except one requiring a building, electrical or other permit.
  - (e) A temporary sign which indicates that the property is for sale, rent or lease. Only one such sign is allowed on each street frontage of the property. Such a sign may be single or double faced and limited to six square feet per face on property in the B-1 District and 32 square feet per face in all other nonresidential zones and shall not exceed six feet in height at the edge of the public right-of-way when freestanding.
  - (f) Banners on Village-owned banner poles promoting public events of Village-wide interest, displayed over a public street.
  - (g) Election campaign signs, provided that permission shall be obtained from the property owner, renter or lessee and provided that such sign shall not be erected more than 30 days prior to an election and shall be removed within seven days following the election. No more than one campaign sign per candidate shall be erected on a property and that sign shall not exceed six square feet per face in area in all sides. A property having frontage on more than one street may have one sign per candidate per street frontage. A primary election campaign and the general election shall be considered one election, except that those candidates not in the general election shall remove their primary election campaign signs as stated above.
  - (h) Signs in conjunction with permitted special events or a real estate open house.

**B. Special events.**

- (1) In residential districts signs may be erected to advertise permitted special events, subject to the following restrictions:
  - (a) The signs shall be erected no sooner than 24 hours before the first date of the event and shall be removed within 24 hours of the last date of the event.

- (b) Signs may be erected on the terrace area of the street right-of-way but shall not be erected on traffic control signs or signals or street trees or more than 30 inches above grade nor in any manner obstruct vision of traffic or obstruct fire hydrants.
  - (c) Signs advertising special events in residential districts may not be erected in business or park districts.
  - (d) Signs shall not exceed two square feet per face.
- (2) Signs for permitted special events in business and park districts shall be approved by the Village Board as part of the permit application.

**§ 310-32. Prohibited signs.**

In addition to any sign not conforming to the provisions of this chapter, the following signs are prohibited:

- A. Any sign which by color, shape, wording or location resembles or conflicts with any traffic control sign or device.
- B. Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal, historical marker or any other official traffic control device.
- C. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window or fire escape.
- D. Signs erected without the permission of the owner or his agent of the property on which such sign is located.
- E. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors, except for permitted special events or as approved in conjunction with conditional uses.
- F. Signs that rotate, move, glare, flash, change, reflect, blink or appear to do any of the foregoing, except time and temperature devices and messenger centers. Such devices shall not change more than 30 times per minute.
- G. Any sign displaying obscene, indecent or immoral matter.
- H. Signs on awnings or canopies, except on the valance which is the vertical face of the awning or copy.
- I. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.
- J. Portable commercial signs.
- K. Mobile commercial signs, except those vehicles municipally licensed.

- L.** Any small sign generally of a temporary nature tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or the exterior of buildings or other structures, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located, except as may be permitted by this chapter.
- M.** Bench signs.
- N.** Banners which extend across a public right-of-way.
- O.** Roof signs and any other graphics which extend wholly or in part above the eave line of the structure to which they are attached.
- P.** Any parapet or pergola sign placed above or partially above the parapet or pergola.
- Q.** Pennants.
- R.** Signs which cover or interrupt architectural features.
- S.** Roof signs.
- T.** Off-Premises signs advertising Businesses that are not within the Village of Genoa City Boundaries

**§ 310-33. Signs permitted in business and industrial districts with permit<sup>19</sup>.**

Signs are permitted in all business and industrial districts, subject to the following restrictions (see additional restrictions for B-1 Districts, § 310-34):

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Wall signs.** Wall signs placed against the exterior walls of a building shall not extend more than 12 inches from the building's wall surface, and the top of the sign shall not exceed 30 feet in height above the grade adjacent to the building.
  - (1) Area of a wall sign shall not exceed three square feet per linear foot of the respective building frontage toward which the sign is displayed. Maximum area for any one sign shall be 500 square feet.
  - (2) Total signage shall occupy no more than 30% of a building facade.
- B. Projecting signs.** Projecting signs fastened to, suspended from or supported by structures shall not exceed 50 square feet per side in area for any one premises; shall not extend into any public right-of-way more than four feet nor within four feet of a curbline or pavement or shoulder edge; shall not exceed a height of 20 feet above the center-line street grade; and shall be a minimum of seven feet in height above any sidewalk.
- C. Pole signs.** [Amended 6/9/16]

- (1) **Height.** They shall not exceed 30 feet in height above the center-line street grade at the right-of-way. Minimum height of the sign face shall not be lower than 12 feet.
- (2) **Area.** They shall not exceed 200 square feet on one side nor 400 square feet on all sides for any one sign.
- (3) **Location.** They shall not extend into any public right-of-way. Pole signs shall only be allowed on commercial (business) or industrial parcels facing Hwy 12, in the yard adjacent to the highway.

**D. Ground signs.**

- (1) **Height.** Height shall not exceed six feet above grade at the base of the sign.
- (2) **Area.** The area shall not exceed 50 square feet on one side or 100 square feet total.
- (3) **Location.** They shall not extend into any right-of-way nor be located so as to present any hazard to vehicular or pedestrian traffic.

**E. Window signs.** Permanent window signs shall not exceed 15% of the glass area of the pane upon which the sign is displayed.

**F. Signs on marquees, canopies and awnings.** Restrictions imposed on the projections of signs across property lines into the public way shall not apply to signs located on marquees, canopies or awnings, provided that any sign located on a marquee, canopy or awning shall be affixed flat to the surface thereof and provided further that no such sign shall extend vertically or horizontally beyond the limits of the marquee, canopy or awning.

**G. Combinations.** Combinations of any of the above signs shall meet all the requirements for the individual sign.

**H.** Allowing Off-Premises signs for Businesses within the Village of Genoa City Boundaries only.

**§ 310-34. Signs in B-1 District.**

Signs in the B-1 Business District shall be architecturally attractive and contribute to the retention or restoration of the historical character of the area. In addition to the other standards and restrictions in this chapter, signs in the B-1 District shall comply with the following:

- A.** Letter height shall be limited to a maximum height 16 inches.
- B.** The total signage permitted on any building shall be limited to three square feet per linear foot of the building frontage. Only one wall or awning sign is permitted per building entrance.



C. The choice of materials is left to the discretion of the applicant, subject to the approval of the Zoning Administrator; however, the following materials and/or methods are acceptable and desirable:

- (1) Sign face, supports and standards made of rough sawn wood and/or wrought iron with painted or stained backgrounds and lettering.
- (2) Sign face, supports and standards made of smooth wood trimmed with moldings of historically based design and lettering.
- (3) Signs painted directly on the face of the building.
- (4) Projecting signs, five square feet per side, 10 square feet total, one permitted per entrance.
- (5) Use of wood cutouts, wrought iron or other metal silhouettes further identifying the business.
- (6) Glass.
- (7) Lighting standards and style typical of the building's architecture and period.

D. **The following materials and details are discouraged:**

- (1) Contemporary finish materials, such as plastics, aluminum and stainless steel.
- (2) Imitation wood or imitation marble.
- (3) Fluorescent paint.
- (4) Exposed spotlight bulbs and exposed light bulbs or electrical conduits.

**§ 310-35. Signs permitted in P-1 Park District with permit<sup>20</sup>.**

The following signs are permitted in the P-1 Park District and are subject to the following regulations: signs shall not exceed 50 square feet per side and 100 square feet total in area. One off-premises sign shall be permitted per institution.

**§ 310-36. Residential development identification signs.**

Residential development identification signs shall not exceed 32 square feet per side in sign area. A maximum of two such signs is permitted per development after review and approval by the Zoning Administrator.

**§ 310-37. Searchlights.**

The Village Board may permit the temporary use of a searchlight or laser light for advertising purposes in any district, except residential districts, provided that the searchlight or laser light will not be located in any public right-of-way, will not be closer than 10 feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight or laser light permits shall not be granted for a period of more than five days in any six-month period.

**§ 310-38. Signs on public rights-of-way.**

Signs shall not be permitted on public rights-of-way, except for municipally erected traffic control, parking and directional signs and as otherwise specified in this Code.

**§ 310-39. Style, construction and maintenance standards.**

**A. Prohibitions.**

- (1) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- (2) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices.
- (3) Signs and appurtenances shall not be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (4) Signs shall not be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- (5) Signs may be illuminated but non-flashing.

20. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

**B. Wind pressure and dead load requirements.** All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in this Code or other ordinance

**C. Protection of the public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided that the space occupied is provided with barricades and appropriate notifications and warnings. A permit from the Superintendent of Public Works is required.

**D. Maintenance.** The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting or replacement of a worn or damaged legally conforming existing sign to its original condition. Signs which are not repaired, painted or maintained pursuant to written notification and orders by the Zoning Administrator shall be deemed a

public nuisance and subject to remedies provided in Chapter 186, Nuisances, of this Code.

- E. Construction of signs and supporting members or braces.** The method of construction and materials used shall be subject to the approval of the Building Inspector.
- F. Abandoned signs.** All signs or sign messages shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer conducted or the product or service advertised is no longer available. If the owner or lessee fails to remove the sign within 60 days of receiving written notification by the Zoning Administrator, the Zoning Administrator may, at his option, cause the sign to be removed and all costs associated with the removal to be assessed as a special assessment against the property on which the sign is located or cause an action to be taken pursuant to the penalties specified.

**§ 310-40. General restrictions.**

- A.** Allowable square footage of all signs on a lot or parcel of land shall not exceed three square feet of sign face area for each foot of lot frontage.
- B.** No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, unless specifically allowed by this chapter.
- C.** Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.
- D.** Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. The signs shall not exceed 25% of the total signage on the structure to which they are attached.
- E.** Only one face of a double-faced sign with parallel opposing faces and bearing identical copy shall be used in computing the area thereof. Signing and illumination shall be on two opposing faces only.
- F.** In order to calculate the size of a sign, the following provisions apply:
  - (1)** If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of the box or outline.
  - (2)** If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.
- G.** If a building consists of two or more aboveground stories, no sign shall be allowed above the second story.

- H.** Prior to issuance of a sign permit, a ground sign shall be approved by the Zoning Administrator to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.
- I.** A device displaying time or temperature is permitted in all zones, except residential zones, subject to the provisions herein regulating various types of signs.
- J.** Kiosks shall be permitted in all nonresidential zones, subject to approval by the Village Board.
- G.** No sign shall be permitted with exposed wiring, except conduit which is an integral part of the sign design. All pole and ground signs shall be supplied by underground electric service.

**§ 310-41. Nonconforming existing signs.**

- A. Definition.** Every sign legally in existence on the effective date of this chapter or any ordinance amending this chapter which violates or does not conform to the provisions of this chapter or any such amendment shall be a nonconforming sign.
- B. General provisions.** A nonconforming sign may not be:
  - (1) Changed to another nonconforming sign.
  - (2) Structurally altered or repaired so as to extend its useful life.
  - (3) Expanded.
- C. Removal.**
  - (1) A sign which becomes nonconforming upon the effective date of this chapter or an ordinance amending this chapter shall be removed or made to conform within 60 days after written notice by the Zoning Administrator upon change of use of the premises.
  - (2) The following types of nonconforming signs shall be removed or made to conform within 60 days after written notice by the Zoning Administrator:
    - (a) Any temporary sign.
    - (b) Portable signs.
    - (c) Pennants, flags, and banners.
    - (d) Flashing signs or signs with moving parts, except as permitted.
  - (3) All areas annexed into the Village shall apply for permits for signs in the annexed area. All signs which would be nonconforming upon annexation shall be removed or made to conform within 90 days of annexation.

- (4) Legally nonconforming signs, although they shall be maintained, may not be replaced except by conforming signs.

**§ 310-42. Revocation of permit.**

Any other permit issued under this chapter may be revoked by order of the Village Board when it is shown by substantial evidence that:

- A. The permit was issued without or in excess of the authority provided in this chapter.
- B. The application for a permit contained any material misrepresentation of fact<sup>21</sup>.

**§ 310-43. Street banners.**

- A. Overhead street banners extending across any public right-of-way within the Village are prohibited.
- B. Permission may be granted by the Village Clerk-Treasurer to local nonprofit service or fraternal organizations for the placement of banners on Village-owned banner poles within the Village which have as their purpose the advertisement or promotion of a function or activity which is directed to the general public interest.
- C. Approval shall be sought a minimum of 15 days prior to the date that such banner is to be hung, and the Village Clerk-Treasurer shall designate the placement of any banners approved. A fee as set by the Village Board per banner shall accompany such request or application. The purpose of the fee is to defray the cost of hanging the banners by Village personnel.

21. Editor's Note: Original § 10-5-21(25), Noncurrent, abandoned or unsafe signs, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 310-39, Style, construction and maintenance standards.

- D. Such banners are to be of professional quality, aesthetically pleasing and limited to one per entrance to downtown Genoa City per function or activity to be promoted. They shall be allowed to be hung for a ten-day period only for each function or activity.
- E. Village public works personnel will be responsible for installation and removal of any banners permitted and approved under this section. However, the public works personnel or the Village will not be responsible for the storing of the banners after removal<sup>22</sup>.

**ARTICLE IV  
Zoning Districts**

**§ 310-44. Districts established; boundaries.**

- A. **Establishment.** For the purpose of this chapter, the Village is hereby divided into the following zoning districts:

- (1) R-1 Single-Family Residence
- (2) R-2 General Residence
- (3) SFR Single-Family Residence
- (4) RDU-1 Duplex Residence
- (5) MFR-1 Multiple Family Residence
- (6) PUD Planned Unit Development
- (7) P-1 Park
- C-1 Lowland Resource Conservation
- B-1 General Business Park
- B-2 Highway Business
- M-1 Industrial
- M-2 Light Industrial
- A-1 Agricultural
- BP Business Park

#### Well-Head Protection Overlay

22. Editor's Note: Original § 10-5-23, Post-construction stormwater management, which immediately followed this section and was adopted 11-14-2002, has been included in the Code as Ch. 231, Stormwater Management.

#### **B. Boundaries.**

- (1) The boundaries of the zoning districts are hereby established as shown on the map titled "Zoning Map for the Village of Genoa City, Walworth County, Wisconsin," dated December 14, 1995, which map is adopted as part of this chapter. All notations and references shown on the Zoning Map are as much a part of this chapter as though specifically described herein<sup>25</sup>.
- (2) The district boundaries are either streets, alleys, lot lines, streams or floodland boundaries, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street, alley, lot line, stream or flood-land boundary, such lot line or the center line of such street or alley, or center line of the main channel of such stream or flood-land boundaries as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data prepared by the

Southeastern Regional Planning Commission under the Fox River Watershed Study, shall be construed to be the district boundary line.

- (3) In un-subdivided property, the location of the district boundary lines shown on the map shall be determined by use of the scale on such map or, in the case of floodland boundaries, shall be determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data prepared by the Southeastern Wisconsin Regional Planning Commission under the Fox River Watershed Study.

**C. Vacation.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

**D. Annexations.** Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the SFR Single-Family Residence District, unless the annexation ordinance temporarily places the land in another district. Within one year of such annexation or consolidation, the Plan Commission shall evaluate and recommend a permanent classification to the Village Board.

#### **§ 310-45. Residential districts.**

Residential districts are designed to encourage a suitable environment for family life by permitting certain conditions compatible to enhancing this purpose and by protecting this residential character against non-compatible uses. The districts are intended to avoid overcrowding by requiring certain minimum yards, open spaces, and site area while making available a variety of dwelling types to serve a wide range of individual requirements.

Editor's Note: The Zoning Map is of file at the office of the Village Clerk – Treasurer.

#### **1. R-1 SINGLE –FAMILY RESIDENCE DISTRICT (EXISTING)**

**(a) Principal uses.**

1. Single-family dwellings.
2. Family day care home.
3. Foster family home.
4. Community Living Arrangements which have a capacity for 8 or fewer persons served by the program.
5. Essential Services.

**(b) Conditional Uses.**

1. Telephone, natural gas, and electric power substations
2. Public Utility Buildings and above-ground structures.
3. Home Occupation or Office (See Definitions)

**(c) Permitted Accessory Uses (Also see Sec. 310-68).**

1. Private garages and carports
2. Gardening, tool and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas
5. Residential fences
6. Private outdoor swimming pools.

**(d) Dimensional Requirements for Existing Buildings and Structures on Lots Platted prior to (07/14/05)**

Dimensional requirements for existing buildings and structures on R-1 lots platted prior to 07/14/05 shall be as follows to minimize possible non-conforming circumstances:

1. Minimum lot area: None
2. Minimum lot width: As platted.
3. Minimum setbacks: Setbacks, side yards, rear yards, and shore yards for existing buildings and structures on R-1 District lots existing prior to 07/14/05 may be continued to avoid non-conforming circumstances. However, any additions to buildings or structures on such lots shall meet minimum dimensional requirements listed below in Section (e)

4. Accessory Uses: See Section 310-68

**5. RECONSTRUCTION OF CERTAIN BUILDINGS AND STRUCTURES.**

This district was amended on 07/14/05 to allow lesser dimensional requirements for buildings or structures existing prior to the date of amendment to protect the values of existing homes, encourage their renovation, and allow their reconstruction. Therefore, buildings and structures existing prior to 07/14/05 may be replaced and/or reconstructed



in their exact same size, placement, and configuration related to their locations, floor area, yard setbacks, and height. Additions to existing buildings or structures are allowable and shall meet the minimum dimensional requirements listed below in Section (e), however they shall not be allowed to be made more non-conforming than they were previously.

**(e) Dimensional Requirements for development after 07/14/05.**

1. Lot:
  - [a] Width: 80 feet minimum.
  - [b] Area: 10,000 square feet minimum.
2. Building Area (principal structure): 1,200 square feet minimum of finished living area, excluding garage; if two stories, 800 square feet minimum finished living area on grade level, excluding garage; and if tri-level, 400 square feet minimum of finished living area on grade level, excluding garage.
3. Building Height: 35 feet maximum.
4. Yard Requirements.
  - [a] Street:
    - 1) State, Federal, and County: 40 feet minimum.
    - 2) Other public and private roads: 25 feet minimum.
  - [b] Rear: 30 feet minimum.
  - [c] Side: 15 feet total with a minimum 6 feet on one side.
  - [d] Shore: 100 feet.
  - [e] Accessory Uses: See Section 310-68.

- (f) Maximum lot coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**2. R-2 General Residence District (Existing)**

**(a) Principal Uses.**

1. Single-family dwelling.

2. Duplex dwellings.
3. Multiple dwellings not to exceed 4 units per structure.
4. Essential Services.

**(b) Conditional Uses.**

1. Multiple dwellings, in excess of 4 units per structure.
2. Multiple principle residential structures on one lot.
3. Home Occupation or Office (See Definitions)
3. Bed and breakfast establishment.
4. Telephone, natural gas, and electric power substations.
5. Public Utility Buildings and above-ground structures.

**(c) Permitted Accessory Uses (Also see Sec. 310-68)**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements for existing Buildings and Structures on Lots Platted prior to 07/14/05.**

Dimensional requirements for existing buildings and structures on R-2 lots platted prior to 07/14/05 shall be as follows to minimize possible non-conforming circumstances:

1. Minimum lot area: None.
2. Minimum lot width: As platted.
3. Minimum setbacks: Setbacks, side yards, rear yards and shore yards for existing buildings and structures on R-2 District lots existing prior to 07/14/05 may be continued to avoid non-conforming circumstances.

However, any additions or new structures on such lots shall meet the minimum dimensional requirements listed below in Section (e).

**4. Accessory Uses**

**5. RECONSTRUCTION OF CERTAIN BUILDINGS AND STRUCTURES**

This district was amended on 07/14/05 to allow lesser dimensional requirements for buildings or structures existing prior to the date of amendment to protect the values of existing homes, encourage their renovation, and allow their reconstruction. Therefore, buildings and structures existing prior to 07/14/05 may be replaced and/or reconstructed in their exact same size, placement, and configuration related to their locations, floor area, yard setbacks, and height. Additions to existing buildings or structures are allowable and shall meet the minimum dimensional requirements listed below in, **Section (e)**, however they shall not be allowed to be made more non-conforming than they were previously.

**(e) Dimensional Requirements for Development after 07/14/05.**

**1. Single-Family Dwellings:**

- [a]** Lot:  
Width: 80 feet minimum.  
Area: 10,000 square feet minimum.
- [b]** Building Area: Same as R-1
- [c]** Building Height: 35 feet maximum

**2. Duplex Dwelling Units:**

- [a]** Lot:  
Width: 75 feet minimum.  
Area: 10,000 square feet minimum.
- [b]** Building Height: 35 feet maximum.
- [c]** Building Area (principal structure excluding garage):  
1,600 square feet minimum.

**3. Multiple Family Units:**

- [a]** Lot:  
Width: 75 feet minimum.

Area: The largest of 10,000 square feet or the applicable combination of unit minimums.

Bedrooms	Min., Lot Area per Unit	Min., Floor Area per Unit
3	4,400 sq. ft.	900 sq. ft.
2	3,200 sq. ft.	800 sq. ft.
1	2,800 sq. ft.	700 sq. ft.
efficiency units	2,800 sq. ft.	500 sq. ft.

[b] Building Height: 40 feet maximum

[c] Building Area (principal structure excluding garage): As noted in Table above.

**4. Yard Requirements (perimeter)**

[a] Street:

- 1) State, Federal, and County: 40 feet minimum.
- 2) Other public and private roads: 25 feet minimum.

[b] Rear: 30 feet minimum.

[c] Side: 18 feet, with 9 feet minimum one side.

[d] Shore: 100 feet minimum.

**5. Yard Requirements (interior).**

[a] Street: 25 feet minimum.

[b] Side: 30 feet minimum.

[c] Rear: 50 feet minimum.

**6. Accessory Uses: See Section 310-68.**

(f) **Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**3. SFR- Single-Family Residence District (Proposed)**

(a) **Principal Uses.**

1. Single-family dwellings.
2. Family day care home.

3. Foster family home.
4. Community Living Arrangements which have a capacity for 8 or fewer persons served by the program.
5. Essential Services

**(b) Conditional Uses**

1. Telephone, natural gas, and electric power substations.
2. Public Utility Buildings and above-ground structures.
3. Home Occupation or Office (See Definitions)

**(c) Permitted Accessory Uses (Also see Sec. 310-68).**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements.**

1. Lot:
  - [a] Width: 90 feet minimum
  - [b] Area: 15,000 square feet minimum.
2. Building Area (principal structure): 1,600 square feet minimum of finished living area on grade level, excluding garage; if two stories, 800 square feet minimum finished living area of grade level, excluding garage; and if tri-level, 400 square feet minimum of finished living area of grade level, excluding garage.
3. Building Height: 35 feet maximum.
4. Yard requirements:

[a] Street:

- 1) State, Federal, and County: 40 feet minimum.
- 2) Other public or private roads: 25 feet minimum

[b] Rear: 30 feet minimum.

[c] Side: 8 feet minimum.

[d] Shore: 100 feet.

[e] Accessory Uses: See Section 310-68.

- (e) **Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**4. RDU-1 Duplex Residence District (Proposed).**

**(a) Principal Uses.**

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Family day care home in either or both units of a two-family dwelling.
4. Foster family home in either or both units of a two-family dwelling.
5. Community Living Arrangements which have a capacity for 8 or fewer persons served by the program in either or both units of a two-family dwelling structure.
6. Essential Services.

**(b) Conditional Uses.**

1. Telephone, natural gas, and electric power substations.
2. Public Utility Buildings and above-ground structures.
3. Home Occupation or Office (See Definitions)

**(c) Permitted Accessory Uses. (Also see Sec. 310-68).**

1. Private garages and carports
2. Gardening, tool, and sheds incidental to the residential use.

3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements.**

1. Lot:
  - [a] Width: 100 feet minimum
  - [b] Area: 15,000 square feet minimum
2. Building Height: 35 feet.
3. Building Area (principal structure excluding garages):
  - [a] Single-Family Dwellings, 1,600 square feet minimum.
  - [b] Two-Family Dwellings, 800 square feet minimum for each dwelling unit.
4. Yard Requirements:
  - [a] Street:
    - (1) State, Federal, and County: 40 feet minimum.
    - (2) Other public and private roads: 30 feet minimum.
  - [b] Rear: 30 feet minimum.
  - [c] Side: 10 feet minimum.
  - [d] Shore: 100 feet.
  - [e] Accessory Uses: See Section 310-68.

- (e) Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

**5. MFR-1 Multiple-Family Residence District (Proposed).**

- (a) Principal uses.**

1. Multiple dwellings with a maximum of 4 dwelling units per structure.
2. Foster family home.
3. Community Living Arrangements which have a capacity for 15 persons or fewer.
4. Essential Services.

**(b) Conditional uses.**

1. More than one principal residential structure on one lot.
2. Multiple-family dwellings, with 5 to a maximum of 8 units per structure.
3. Home Occupation or Office (See Definitions)
4. Housing for the elderly, at a maximum density of 24 dwelling units per acre, with a maximum of 48 dwelling units per structure. Such structures may be a maximum of 48 feet in height when indoor parking is provided, and shall not contain more than 3 residential stories.
5. Telephone, natural gas, and electric power substations.
6. Public Utility Buildings and above-ground structures.

**(c) Permitted Accessory Uses**

1. Private garages and carports.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Home Occupation or Office (See Definitions)
4. Ground-mounted and building-mounted earth station dish antennas.
5. Residential fences.
6. Private outdoor swimming pools.

**(d) Dimensional Requirements.**

1. Lots.
  - [a] Width: 100 feet minimum
  - [b] Area: 15,000 square feet minimum or the applicable combination of unit minimums.



Bedrooms	Min., Lot Area per Unit	Min., Floor Area per Unit
3	4,400 sq. ft.	900 sq. ft.
2	3,200 sq. ft.	800 sq. ft.
1	2,800 sq. ft.	700 sq. ft.
efficiency units	2,800 sq. ft.	500 sq. ft.

2. Building Height: 35 feet maximum.
3. Building Area (principal structure excluding garage): As noted in Table above.
4. Yard requirements.

[a] Street:

- 1) State, Federal, and County: 40 feet minimum.
- 2) Other public and private roads: 30 feet minimum.

[b] Rear: 30 feet minimum

[c] Side: 15 feet minimum.

[d] Shore: 100 feet.

[e] Accessory Uses: See Section 310-68.

- (e) **Maximum Lot Coverage.** Structures and impervious surfaces shall not cover more than 50% of the lot area.

#### **§310-45A. Conservation Subdivision Overlay (CSO) District**

**A. Purpose.** The Conservation Subdivision Overlay District is established for the following purposes:

- (1) To provide an Overlay District that may be used in conjunction with an underlying Residential Zoning District to promote development of Conservation Subdivisions. At the sole discretion of the Village, the use of this overlay district is optional.
- (2) To preserve environmentally sensitive lands through permanent preservation of open space and natural resources with housing concentrated on portions of the site that have lower quality natural features.

- (3) To provide open space areas that are commonly owned for passive and/or active recreational use by residents of the development, and where specifically established, for use by the general public
- (4) To minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors in their natural state to the extent practical.
- (5) To preserve scenic views by minimizing views of new development from existing roads.
- (6) To provide buffering between residential development and non-residential uses.

**B. Definition of Conservation Subdivision.** A Conservation Subdivision is a housing development characterized by extensive open space where existing natural features of the land are maintained in their natural state to the extent practical. Residential dwellings in such subdivisions are located on portions of the site with lower quality natural features and shall be adjacent to or overlook open space to the maximum extent practical.

**C. Platting Methods and Applicability of other Regulations.** Conservation Subdivisions may be created by platting methods including Certified Survey Maps (CSM's), subdivision plats, or condominium plats. All of the Village's Land Development regulations applying to each of the platting methods shall be applicable to a Conservation Subdivision, except as may be permitted in this Section.

**D. Uses.** In a Conservation Subdivision, the underlying Zoning District shall determine allowable uses.

**E. Density and Lot Size Standards.** The maximum density of a Conservation Subdivision shall be determined by applying the minimum lot area in the underlying Zoning District to the entire parcel proposed for development. The minimum lot area in a Conservation Subdivision may be less than that required in the underlying District, but shall not be less than 10,000 square feet.

**F. Setback and Yards.** The minimum setback and yard requirements in the underlying Zoning District may be modified in a Conservation Subdivision to provide flexibility in the siting of homes relative to the attributes of the individual lots or sites in the development. These requirements shall be established on an individual development basis and shall be determined prior to final plat approval. The minimum setback and yard requirements shall be shown on the final plat or CSM.

**G. Minimum Building Area and Maximum Building Height.** Shall be as established in the underlying Zoning District.

**H. Common Open Space.** A Conservation Subdivision shall provide Common Open Space as follows:

- (1) A minimum of 40% of the subject parcel shall be Common Open Space which shall be platted as one or more Outlots. A maximum of 50% of the required

common open space area may consist of wetlands, floodplains, floodways, natural ponds, or water bodies.

- (2) Prior to any final approval action on a Conservation Subdivision, the Village Park, and Recreation Committee shall review the proposed Common Open Space to determine if any public parklands or any other public land dedication is necessary in conjunction with the Conservation Subdivision.
- (3) All lots, to the greatest extent possible, shall abut on a portion of the Common Open Space. Under no circumstances shall the Common Open Space be isolated in one area of the development. Common Open Space shall be distributed throughout the development to properly serve and enhance all dwelling units.
- (4) The ownership, maintenance, and stewardship of Common Open Space shall be accomplished by a Homeowners Association and/or Condominium Association in accord with Chapter 703 of Wisconsin Statutes. The subdivision applicant shall provide a description of the Bylaws of the proposed Association, and all documents governing the ownership, maintenance, and use restriction for common facilities. The Association shall be established by the owner of the subdivision developer prior to the sale of any lots or dwelling units in the development. All documents to establish such Association shall be approved by the Village Attorney prior to their use by the developer. Other ownership methods acceptable to the Village Board upon recommendation by the Village Attorney may be considered, such as fee simple dedication to a public agency, conservation easements, etc.
- (5) No such Owner's Association shall be allowed to default and result in the Common Open Space being owned and maintained by the public.
- (6) Each unit owner in a Conservation Subdivision shall have an undividable fractional ownership interest in the Common Open Space.
- (7) A deed restriction shall be established and recorded with the County to prevent future subdividing or development of any Common Open Space which is part of a Conservation Subdivision.
- (8) A Landscaping Plan and a Maintenance Plan for Common Open Space areas shall be approved by the Planning Commission prior to plat approval.
- (9) Any amendments to the Common Open Space documents after their initial approval shall be reviewed and approved by the Village Attorney prior to such amendments taking effect.
- (10) The following uses are permitted in Common Open Space areas:
  - (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow.)
  - (b) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

- (c) Neighborhood open spaces uses such as common areas, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Commission.
- (d) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not encroach on environmentally sensitive areas. Playing fields, playgrounds, and courts shall not be located within 50 feet of abutting properties. Parking facilities for the same shall also be permitted.
- (e) Golf courses may comprise the open space land. Their parking areas and any associated structures shall not be included within the minimum open space requirement; their parking and access ways may be paved and lighted.
- (f) Water supply, water sources for fire protection, sewage disposal system, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space.
- (g) Easements for drainage, access, or other public purposes.
- (h) Underground utility rights-of-way and street rights-of-way may traverse Common Open Space areas but shall not count toward the minimum required open space land.
- (i) Agricultural uses limited to the growing of crops outdoors including nurseries, sod farms, orchards, commercial vegetables, and crops for livestock consumption, but not including dairying or the raising and feeding of livestock and poultry.
- (j) Public use of Common Open Space may be allowed if agreed to by the Developer and the Village.

**I. Required Improvements and Design Standards.** Required improvements and design standards related to Conservation Subdivisions may be modified to create a lower impact on the natural environment and provide a greater degree of environmental protection. Infrastructure requirements and modifications shall be reviewed on an individual development basis to determine the appropriate infrastructure based on each site's unique attributes. Modifications to infrastructure design standards may include, but are not limited to, the following.

- (1) Elimination of concrete sidewalks and substitution with a trail system.
- (2) Utilizing existing or created open drainage ways in place of storm sewers.

- (3) Installing lower intensity street lighting with greater spacing between fixtures and lower wattage fixtures.
- (4) Different landscape treatments in lieu of planting conventional street trees.

**J. Financial Guarantees and Impact Fees.** Financial guarantees, including those required as part of a Conventional Subdivision Development Agreement, and impact fees, shall be applied to a Conservation Subdivision.

**§ 310-46. Planned Unit Development District.**

**A. Districts Established.**

1. **Methods.** A planned development district may be established with the landowner's consent through either a one-step process or a two- or multi-step process. If actual development of the project is to proceed in stages over an extended period of time, the applicant shall first submit a general plan covering all of the land included within the proposed planned development boundaries. Separate detailed plans shall then be submitted for each stage of development and shall follow the development concept established by the general plan. If development of the project is not to be done in stages, a general plan is optional and a single, detailed plan may be submitted in lieu thereof.
2. **Designation.**
  - (a) All General Planned Development districts shall be designated GPD.
  - (b) All Detailed Planned Development districts shall be designated DPD

**B. Purpose.** Planned development districts are intended to allow flexibility in land development (including, without limitation, the clustering of buildings) to promote creativity, variety and functionalism in the development of land and to such as entertainment and recreational complexes, which so not lend themselves to treatment in conventional zoning districts having uniform regulations and to encourage development compatible with its surroundings and consistent with the Village's Comprehensive Plan.

**C. Uses.** Any use or combination of uses can be approved as a planned development.

**D. District Standards.** All applications for a General or Detailed Planned Development shall meet the following standards:

- (1) **Size.** The area of land included within the planned development boundaries shall be at least 14,000 square feet.
- (2) **Density.** Residential densities shall be consistent with those prescribed in the Comprehensive Plan's recommendation for the site, or shall not exceed the

density permitted in a similar conventional zoning district which could be applied to the site.

- (3) **Space between principal buildings.** Spaces between principal buildings shall not be less than 20 feet.
- (4) **Setbacks.** A setback of at least 25 feet around the perimeter of a planned development shall be provided, which shall be landscaped and used only for recreation, direct access to the tract, utility rights-of-way, walks or drainage within such twenty-five-foot setback area that will be incorporated into the planned development. Setbacks for principal buildings within a planned development shall be a minimum of 25 feet measured from either a public street right-of-way line or a private street easement line.
- (5) **Screening.** Residential uses shall be screened from existing or proposed business or industrial uses in or adjacent to the planned development which might cause disturbances to such residential uses. Screening shall consist of decorative walls, fences, berms, hedges, scrubs, trees or combinations thereof.
- (6) **Open spaces.** All open spaces designated on a planned development plan shall be attractively landscaped with lawn and tree/scrub plantings and maintained so as not to create a nuisance or hazardous conditions. The location and development of appropriate recreation facilities shall be coordinated with the overall development of the project. Open space areas shall be platted as Outlots which shall have an undividable ownership interest in the open space Outlot(s). The Owner's Association shall be responsible for the maintenance and a public nuisance is thereby created, the Village may contract for corrective maintenance and charge the Owner's Association or the unit owners as necessary for reimbursement of such maintenance.
- (7) **Circulation facilities.** Adequate circulation facilities shall be planned and installed. Adequate access for pedestrians and public and private vehicles shall be provided. Parking and loading facilities shall be adequate for the proposed use(s) and shall be located so as to functionally serve the uses they support. Parking and loading facilities shall be adequately screened and landscaped. Private streets shall be constructed to comparable public street standards related to pavement type and thickness, sub-base, and curb requirements. A variation in width of pavement, type of curbing and location of sidewalks may be permitted where such variation will provide adequate vehicular traffic and parking capacity and pedestrian safety.
- (8) **Lighting.** Lighting shall conform to the established standards used by the Village for comparable types of development, or, for unique developments, lighting standards shall be developed which serve the functional needs of the project while minimizing any adverse impact on neighboring properties.
- (9) **Utilities.** All utility lines shall be installed underground. Transformers and substations shall be installed within buildings or otherwise screened from view.

This requirement may be waived by the Village Plan Commission only upon finding that compliance would not be feasible.

**(10) Signs.**

- (a)** Signing, exclusive of public signs, is limited to:
  - [1]** Non-illuminated signs of up to 4 square feet pertaining to the lease or sale of property.
  - [2]** Non-illuminated signs of up to 36 square feet pertaining to the construction of nonresidential buildings. The sign must be mounted on a wall of the building to which it pertains and must be removed immediately upon completion of the building.
  - [3]** An identification sign located at or near the entrance to the tract. Such a sign may be freestanding or attached to a structure.
  - [4]** Signs identifying nonresidential establishments.
  - [5]** Pedestrian or vehicular direction signs.
- (b)** Signs allowed under Subsection D(10)(a)[3] to [5] may be illuminated. If illuminated, the source of illumination shall not be visible or intermittent.

**E. Applications.**

- (1) Filing.** An application for a planned development shall be submitted with the required processing fee and 10 copies of the plans and other required documents to the Village Plan Commission.
- (2) General Planned Developments.** Applications for General Planned Developments shall cover the entire contiguous ownership of the applicant and contain sufficient information to fully describe the overall development concept. At a minimum, applications shall include:
  - (a)** A general plan project description and owner's statement of intent containing a written description of the overall development concept and a statement as to how the plan provides for or complies with each of the district standards enumerated under Subsection D where applicable. This statement shall also make reference to the plans or exhibits included in the plan and shall include a statistical sheet indicating the following in square feet acres, and percentage of the total tract, where applicable:
    - [1]** Gross land area.
    - [2]** Land covered by principal building.

- [3] Land devoted to parking drives and parking structures.
  - [4] Land devoted to landscaped open space.
  - [5] Proposed dwelling unit density, if applicable, and/or total square footage devoted to nonresidential uses.
  - [6] Proposed number of buildings.
  - [7] Dwellings units per building.
  - [8] Bedrooms per unit.
  - [9] Parking spaces provided, whether surface or in structures, and ratio per unit of residential, or per thousand square feet of building area if non-residential, or some other quantification showing that the parking provided is adequate for the proposed use(s).
- (b) A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area.
  - (c) A plat of survey showing the exterior boundaries, a legal description, existing topography at two-foot contour intervals and the area of the proposed general plan tract. Existing buildings, trees of five inches in diameter at four feet in height, significant tree groupings and significant site features are also to be shown with an indication of whether they are to be retained, removed or altered.
  - (d) A site plan showing the general location of proposed structures and a description of their intended use and approximate size and height, open spaces, community facilities, if any, setbacks and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems and parking and loading facilities.
  - (e) A general description of sign standards, including number and size, exclusive of individual sale, lease or construction signs and general standards for all landscape buffers.
- (3) **Detailed Planned Developments.** Applications for Detailed Planned Developments shall either cover the entire planned development area or, if a general plan has previously been approved, any portion thereof and shall contain information sufficiently specific enough to fully describe the proposed development. At a minimum, applications shall include:



- (a) A detailed plan project description and owner's statement of intent containing a written description of the development and a statement as to how the plan provides for or complies with each of the district standards enumerated under Subsection D where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:
- [1] Gross land area.
  - [2] Land covered by principal building or structures.
  - [3] Land devoted to parking, drives and parking structures.
  - [4] Land devoted to landscaped open space.
  - [5] Proposed dwelling unit density, if applicable, and/or total square footage devoted to non-residential uses.
  - [6] Proposed number of buildings.
  - [7] Dwelling units per building.
  - [8] Bedrooms per unit.
  - [9] Parking spaces provided, whether surface or in structures, and ratio unit of residential, or per thousand square feet of building area if nonresidential, or some other quantification showing that the parking provided is adequate for the proposed use(s).
- (b) A vicinity map showing the boundaries of the tract included in the detailed plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area. However, if the proposal is a development stage in an approved general planned development, only the general planned development boundary and the location of the detailed planned development within the general planned development must be shown.
- (c) A plat of survey showing the exterior boundaries, legal description and the area of the proposed detailed plan tract. Existing buildings, trees of five inches in diameter at four feet in height, tree groupings and site features are also to be shown with an indication of whether they are to be retained, removed or altered.

- (d) A site plan showing the dimensions and the detailed location of all proposed structures and a description of their intended use, size and height, open spaces, community facilities, if any, setbacks and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems, surface parking and garages, loading facilities, the location, type and size of all proposed signs, including sale, lease or construction signs, refuse collection facilities and tract lighting facilities.
  - (e) A site grading plan indicating existing and proposed topography at two-foot contour intervals and showing how positive runoff of surface waters will be achieved and the means by which ultimate disposal of the development's surface waters will be accomplished without creating adverse conditions on adjoining properties.
  - (f) A utility plan showing the proposed location of storm and sanitary sewers, water mains and laterals, parking and roadway storm inlets and elevations thereof.
  - (g) A landscape plan showing the location, number, size, and type of all landscape and screening elements. All plant material shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1). All planted material shall be maintained on a continuous basis, including seasonal tree and plant replacement.
- (4) **Minor modifications.** General and detailed plans may establish reasonable limits within which minor modifications may be allowed, provided that such minor modifications will not cause.
- (a) A change in the general character of the planned development.
  - (b) Substantial relocation of principal and accessory structures.
  - (c) Substantial relocation or reduction of parking, loading and recreation area.
  - (d) Substantial relocation of traffic facilities.
  - (e) An increase in land coverage by buildings and parking areas
  - (f) An increase in the gross floor area of buildings.
  - (g) A reduction in the amount of approved open spaces, landscaping or screening.

**F. Review and approval.**

- (1) **Plan Commission review.** Within 120 days after the first meeting of the Village Plan Commission following the filing of a planned development application, unless an extension is agreed to by the applicant, the application shall be reviewed by the Village Plan Commission and a recommendation made to the Village Board.
- (2) **Village Board action.** The Village Board shall consider a planned development application in the same manner it considers any amendment of this chapter. If the Village Board approves the planned development application, the approved provisions of the plan and a development agreement to be entered into by and between applicant and the Village shall constitute the zoning regulations for the district. In conjunction with such approval, the Village Board may impose on the applicant reasonable impact fees or other reasonable development exactions in accordance with the law. The Official Zoning Map of the Village shall be amended to show the district zoned GPD or DPD, as appropriate.
- (3) **Variations.** The Village Board may, by resolution, approve proposed variations to the detailed plans which are consistent with the spirit and intent of the plans.

**G. Issuance of Building Permits.** No building permits may be issued and no site work may commence until after an approved detailed plan has been approved and signed by the Village President and the Village Clerk. Existing buildings located in a general planned development may receive building permits if the permits are for building modifications which do not include the addition of more usable floor area or the establishment of uses not permitted by the development.

**§ 310-47. Park districts.**

The park districts are designed to provide area under the Village's zoning schemes which will enable the location of various governmental, institutional, religious and public utility uses. Because of the nature of these uses and their essential support of everyday community life, they are deemed as compatible with other surrounding uses. To this end these districts will promote the activities permitted and will minimize the impact on surrounding properties.

**A. P-1 Park District.**

- (1) **Principal uses:**
  - (a) Parks.
  - (b) Playgrounds.
  - (c) Forest preserves.
  - (d) Village halls.
  - (e) Police stations.

(f) Fire stations.

(2) **Conditional uses:**

(a) Public swimming pools.

(b) Golf courses.

(c) Recreation camps.

(d) Private campgrounds for recreational vehicles only.

(e) Archery ranges.

(f) Pole buildings.

(g) Pre-engineered buildings.

(h) Telephone, natural gas and electric power substations.

(i) Cemeteries.

(j) Municipal garages and repair facilities.

(k) Sewerage disposal plants, water filtration plants and their appurtenances.

(l) Community centers, recreation buildings, libraries and museums, public or private.

(m) Hospitals.

(n) Schools, nursery schools and day-care centers.

(3) **Area, yard and height requirements.**

(a) Lot width and area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading required by §§ 310-61 through 310-66 and all required yards.

(b) Building height: 30 feet maximum.

(c) Yards:

[1] Street:

[a] State, federal and county: 40 feet minimum.

[b] Village roads: 25 feet minimum.

[2] Rear: 30 feet minimum.

[3] Shore: 100 feet minimum.

[4] Side:

[a] Principal uses: none except when abutting residence districts, then six feet.

[b] Conditional uses: as determined by the Plan Commission.

(d) Ground floor per structure: not more than 50% of the lot area to be occupied by structures, buildings or impervious surfaces.

#### **§ 310-48. Lowland Resource Conservation District.**

The primary purpose of this district is to preserve, protect and enhance the streams and wetland areas in the Village. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water-based recreational resources of the Village.

**A. Principal uses.** The following uses are permitted in this district, provided that such uses are conducted in accordance with the Soil and Water Conservation District conservation standards and do not involve dumping, filling, or soil or peat removal or impair the natural fauna, flora, watercourses, water regimen or topography:

- (1) Boat landing sites.
- (2) Flood overflow and movement of water.
- (3) Forest and game management.
- (4) Fishing.
- (5) Impoundments of water.
- (6) Navigation and navigational structures.
- (7) Park and recreation area, not including the location or erection of buildings or structures.
- (8) Stream bank protection.
- (9) Swimming beaches.
- (10) Wilderness areas and wildlife preserves and refuges.

(11) Hiking and natural trails.

**B. Area, height and yard requirements:** none. No buildings or structures are permitted.

**§ 310-49. Business districts.**

In order to provide for the varied daily consumer needs for the people, these several business-oriented districts are created. All activities are designed to support the welfare of the Village and its inhabitants as well as promote a stable commercial economy.

**A. B-1 General Business District.** The purpose of this zoning district is to further maintain and encourage the use and redevelopment of the principal business district in the Village. The promotion of retail sales and services will be the principal aim of this district.

**(1) Principal uses:**

- (a) **Creative arts:** art galleries, art studios, antique shops, museums, music studios, photography studios, dance studios and similar creative arts shops, with or without the incidental sale of related art, music or photo supply items.
- (b) **Food stores:** grocery stores, bakeries, confectioneries, meat markets, fruit and vegetable stands and similar food stores which sell food items primarily for off-premises consumption.
- (c) **Restaurants:** restaurants, lunch counters, ice cream parlors and other similar businesses which sell food items primarily for on-premises consumption, but specifically excluding the drive-in type of establishment where food is sold to and consumed by customers remaining in their vehicles.
- (d) **Recreational centers:** theaters, bowling alleys, billiard and pool rooms, physical culture and health studios, martial arts studios and other uses of similar nature and character.
- (e) **Wearing apparel:** clothing stores, including department and variety stores, dressmaking, millinery and tailoring shops, and shoe stores.
- (f) **Hardware:** hardware, paint and wallpaper stores; glass and mirror shops; tile and carpeting stores; toy, hobby and bicycle shops; sporting goods; automotive supplies; and house wares and home appliances.
- (g) **Offices:** business and professional offices of lawyers, doctors, dentists (including medical clinics), real estate agents, travel agencies, public utilities, civil engineers, insurance agents, etc.

- (h) **Personal care services:** barbershops, beauty parlors, laundry and dry-cleaning shops and shoe repair shops.
- (i) **Financial services:** banks, savings and loans associations, credit unions, loan offices, etc.
- (j) **Home furnishings:** furniture stores, radio, television and appliance stores, and interior decorating services.
- (k) **Drug and variety stores:** pharmacies and health care items, jewelry, gift and cosmetic items, newspapers, books, magazines, tobacco items, cameras, photo supplies, etc.
- (l) **Specialty services:** locksmiths, orthopedic and medical supply stores, office supplies, and music, dance, business or trade schools.
- (m) **Specialty sales:** coin and stamp shops, florists, secondhand shops, and catalog sales stores.
- (n) **Libraries:** [Added 4-11-2002]

(2) **Conditional uses:**

- (a) Automobile service stations.
- (b) Taverns: cocktail lounges, taverns, saloons or liquor stores operated in conjunction with or separate from restaurants, hotels, clubs, recreation centers, etc.
- (c) Undertaker and funeral homes.
- (d) Parking lots and facilities other than parking required by § 310-61 through 310-66.
- (e) Nightclubs and dance halls.
- (f) Public swimming pools.
- (g) Boarding, lodging and rooming houses.
- (h) Clubs, lodges, and fraternal or religious institutions.
- (i) Planned business development.
- (j) Any use which provides drive-up or drive-in service for its customers or which has vehicular access across a public sidewalk to off-street parking shall be considered a conditional use.
- (k) Residential dwelling units.

- (l) Fast processing minilab photo processing facility not to process more than 100 rolls per day on the average and dedicated primarily to retail traffic.
- (m) Winery, retail.
- (n) Bed-and-breakfast establishment.
- (o) Telephone and gas power substations.
- (p) Pet shops.
- (q) Self-service storage facility/mini storage. **[Added 10-29-1998]**
- (r) Day-care centers. **[Added 11-11-1999]**
- (s) Automobile and Truck Sales and Services. **[Added 02-14-2008]**
- (t) Light Industrial: May conduct retail activity as a conditional use provided that all requirements are complied with. **[Added 11-13-14]**

**(3) Area, yard and height requirements. [Added 10-29-1998]**

- (a) Lot:
  - [1] Width: 20 feet minimum.
  - [2] Area: 1,750 square feet minimum plus requirements of § 310-62.
- (b) Building height: 45 feet maximum.
- (c) Yard:
  - [1] Street. A street yard shall be provided equal to the average of the yards of the two abutting structures. If residential zoning is present on such block on the same street a twenty-five-foot yard shall be provided.
  - [2] Side:
    - [a] Principal uses: none; except when provided, a minimum five feet. When abutting on a residential zone, a minimum of 10 feet.
    - [b] Conditional uses: as determined by the Plan Commission after public hearing and review of premises.



[3] Rear: 10 feet.

[4] Shore: 100 feet minimum.

(d) Floor area ratio:

[1] One-story: 1.0:1.

[2] Two-story: 2.0:1.

[3] Three-story: 2.4:1.

[4] Four-story: 2.8:1.

[5] Over four-story: 3.0:1.

(e) Off-street parking: not required.

**B. B-2 Highway Business District.** The purpose of this business district is to provide a zone where certain commercial activities may be conducted outside of the downtown business area.

**(1) Principal uses:**

- (a) **Creative arts:** art galleries, art studios, antique shops, museums, music studios, photography studios, dance studios and similar creative arts shops, with or without the incidental sale of related art, music or photo supply items.
- (b) **Food stores:** grocery stores, bakeries, confectioneries, meat markets, fruit and vegetable stands and similar food stores which sell food items primarily for off-premises consumption.
- (c) **Restaurants:** restaurants, lunch counters, ice cream parlors and other similar businesses which sell food items primarily for on-premises consumption, but specifically excluding the drive-in type of establishment where food is sold to and consumed by customers remaining in their vehicles.
- (d) **Recreational centers:** theaters, bowling alleys, billiard and pool rooms, physical culture and health studios, martial arts studios and other uses of similar nature and character.
- (e) **Wearing apparel:** clothing stores, including department and variety stores, dressmaking, millinery and tailoring shops, and shoe stores.

- (f) **Hardware:** hardware, paint and wallpaper stores; glass and mirror shops; sporting goods; automotive supplies; housewares and home appliances; and building materials.
  - (g) **Offices:** business and professional offices of lawyers, doctors, dentists (including medical clinics), real estate agents, travel agencies, public utilities, civil engineers, insurance agents, etc.
  - (h) **Personal care services:** barbershops, beauty parlors, laundry and dry-cleaning shops and shoe repair shops.
  - (i) **Communication services:** newspaper offices, radio and television broadcasting stations, bookstores, telegraph offices, and print shops.
  - (j) **Financial services:** banks, savings and loan associations, credit unions, loan offices, etc.
  - (k) **Home furnishings:** furniture, radio, television and appliance stores, interior decorating services, and upholstery shops.
  - (l) **Drug and variety stores:** pharmacies and health care items, jewelry, gift and cosmetic items, newspapers, magazines, tobacco items, camera and photo supplies, etc.
  - (m) **Undertaker and funeral homes.**
  - (n) **Specialty services:** locksmiths, frozen food lockers, orthopedic and medical supply stores, office supplies, and music, dance, business or trade schools.
  - (o) **Specialty sales:** coin and stamp shops, florists, secondhand shops, pet shops and catalog sales stores.
- (2) **Conditional uses:**
- (a) Automobile service stations and car washes.
  - (b) Auditorium, stadium, gymnasium and other similar places of public events.
  - (c) Boarding, lodging and rooming houses.
  - (d) Clubs, fraternal or religious institutions and lodges.
  - (e) Auction facilities.
  - (f) Automobile sales and services.

- (g) Taverns, cocktail lounges, saloons or liquor stores operated in conjunction with or separate from restaurants, hotels, clubs, recreation centers, etc.
- (h) Boat and recreational vehicle sales, service or repair.
- (i) Animal hospitals, shelters, and kennels.
- (j) Parking lots and facilities other than parking required by §§ 310-61 through 310-66 of this chapter.
- (k) Bus and rail depots.
- (l) Hotels and motels.
- (m) Machinery and equipment sales and service.
- (n) Nightclubs and dance halls.
- (o) Public swimming pools.
- (p) Residential dwelling units.
- (q) Any use which provides drive-up or drive-in service for its customers or which has vehicular access across a public sidewalk to off-street parking shall be considered a conditional use.
- (r) Any use in conjunction with a permitted or conditional use which requires outdoor service, storage, display or sales shall be considered a conditional use.
- (s) Pre-engineered buildings.
- (t) Winery, retail.
- (u) Bed-and-breakfast establishment.
- (v) Telephone and gas power substations.
- (w) Self-service storage facility/mini storage. **[Added 10-29-1998]**
- (x) Day-care centers. **[Added 11-11-1999]**
- (y) Permanent structures for the retail sales of fireworks, as they are defined in subsection 167.10(1) (e), (f), (i), (j), (k), (l), (m), (n) and (p), Wis. Stats. **[Added 05-09-2019]**

**(3) Area, yard and height requirements. [Amended 6/9/16]**

**(a) Lot:**

- [1]** Width: 75 feet minimum.
- [2]** Area: 10,000 square feet minimum; except hotels and motels: 30,000 square feet minimum plus an additional 800 square feet for each lodging room in excess of 35.

**(b) Building height: 45 feet maximum.**

**(c) Yards:**

**[1] Street:**

**[a]** State, federal or county: 40 feet minimum.

**[b]** Village roads: 15 feet minimum.

**[2] Side:**

**[a]** Principal uses: six feet.

**[b]** Conditional uses: as determined by Plan Commission after hearing and review of proposal.

**[3]** Rear: 20 feet minimum.

**[4]** Shore: 100 feet minimum.

**(d) Floor area ratio:**

**[1]** One-story: 0.75:1.

**[2]** Two-story: 1.5:1.

**[3]** Three-story: 2.0:1.

**[4]** Four-story: 2.2:1.

**[5]** Over four-story: 2.25:1.

**(e) Lot area coverage. Not more than 75% of the land area is to be occupied by buildings, structures and parking areas.**

**(f) Off street parking. Off street parking shall be in accordance with §§ 310-61 through 310-66 of this chapter.**

**§ 310-50. Industrial districts.**

The purpose of this district is to provide for location of certain industrial or warehousing activities in the Village where exclusive manufacturing, industrial and related warehousing activities are carried out. Because of the objectionable nature of certain of these activities, this district shall be so located as to provide the least amount of incompatibility with areas requiring a pleasant, hazard- and nuisance-free environment.

**A. M-1 Industrial District.**

**(1) Principal uses:**

- (a)** Automotive upholstery.
- (b)** Commercial bakeries.
- (c)** Commercial greenhouses.
- (d)** Distributors.
- (e)** Food locker plants.
- (f)** Printing and publishing.
- (g)** Trade and contractors' offices.
- (h)** Warehousing and other inside storage.
- (i)** Wholesaling.
- (j)** Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- (k)** Accessory uses to the above-listed activities.
- (l)** Self-service storage facility/mini storage. **[Added 10-29-1998]**

**(2) Conditional uses:**

- (a)** Living quarters for watchman or caretaker, not to exceed one unit per lot.
- (b)** Farm machinery plants.
- (c)** Machine shops.

- (d) Painting.
- (e) Manufacture, fabrication, packing, packaging and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles and wood.
- (f) Automotive body repairs.
- (g) Crematories.
- (h) Manufacture and processing and storage of building materials, dry ice, flammables, gasoline, grains, and plastics.
- (i) Manufacture and bottling of alcoholic beverages.
- (j) Bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants, electroplating, enameling, lacquering, and lithographing.
- (k) Outside storage and manufacturing uses.
- (l) Commercial service facilities.
- (m) Governmental and cultural uses, such as fire and police stations.
- (n) Utilities.
- (o) Aggregate or ready-mix plant.
- (p) Crushed and broken stone quarry.
- (q) Mixing of asphalt.
- (r) Processing of topsoil.
- (s) Sand and gravel quarry.
- (t) Laboratories.
- (u) Manufacturing and bottling nonalcoholic beverages.
- (v) Storage and sale of machinery and equipment.
- (w) Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food, except cabbage, fish and fish instruments, jewelry, pharmaceuticals, tobacco and toiletries.

- (x) Sewage disposal plants.
- (y) Building contractor's storage yard.
- (z) Creameries.
- (aa) Condenseries.
- (bb) Manufacture and processing of abrasives, asphalt, batteries, bedding, bleach, carpeting, cement, cereals, dye, excelsior, felt, fish, fuel, furs, glucose, hair products, ice, ink, linoleum, matches, meat, oil cloth, peas, perfume, pickles, plastics, polish, potash, pyroxylin, rope, rubber, sausage, shoe and lampblackening, size, starch and textiles.
- (cc) Cleaning, pressing, and dying.
- (dd) Freight yards and terminals.
- (ee) Telephone and gas power substations.
- (ff) Day-care centers. **[Added 11-11-1999]**
- (gg) Parks, ball diamonds and playgrounds. **[Added 6-14-2001]**
- (hh) Medical, dental and clinical offices space. **[Added 2-5-2005]**
- (ii) Parking Lots and facilities other than parking required by sub-section 310-61 through 310-66 **[Added 12-11-2014]**

**(3) Area, height and yard requirements.**

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off street parking and loading areas required by § 310-62 and all required yards.
- (b) Building height: 60 feet maximum.
- (c) Yards:
  - [1] Street:
    - [a] State, federal or county: 40 feet minimum.
    - [b] Village roads: 25 feet minimum.
  - [2] Rear: 30 feet; 50 feet when abutting a residential district.

[3] Side: 20 feet; 50 feet when abutting a residential district.

- (4) Ground floor per structure. Not more than 60% of the land area is to be occupied by buildings or structures.
- (5) Green space. Not less than 10% of the parcel shall be natural or pervious landscaping.
- (6) Off-street parking. Parking spaces shall be provided in accordance with §§ 310-61 through 310-66 of this chapter.
- (7) Performance standards. Performance standards shall be in accordance with § 310-75 of this chapter.

**B. M-2 Light Industrial District. [Added 9-11-1997]**

- (1) **Principal uses:** any principal use permitted in the B-2 Highway Business District.
- (2) **Conditional uses:**
  - (a) Living quarters for watchman or caretaker, not to exceed one unit per lot.
  - (b) Any use listed as a conditional use in the B-2 Highway Business District, except the following: residential dwelling unit.
  - (c) Production, fabrication, processing, servicing, testing, repair or storage of materials, equipment and goods where the undertaking involves activities to be carried on inside or within enclosed buildings and excepting activities involving the processing of abrasives, asphalt, batteries, bedding, bleach, cabbage, carpeting, cement, dye, excelsior, felt, fish, fuel, furs, glucose, hair products, ice, ink, linoleum, matches, meat, oil cloth, peas, perfume, pickles, polish, potash, pyroxylin, rope, rubber, sausage, shoe and lampblackening, size, and starch.
  - (d) Shopping centers and other planned business developments.
- (3) **Area, height and yard requirements. [Added 6/9/16]**
  - (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off street parking and loading areas required by § 310-62 and all required yards.
  - (b) Building height: 60 feet maximum.
  - (c) Yards:
    - [1] Street:



- [a] State, federal or county: 40 feet minimum.
  - [b] Village roads: 25 feet minimum.
- [2] Rear: 30 feet; 50 feet when abutting a residential district.
- [3] Side: 20 feet; 50 feet when abutting a residential district.
- (4) Ground floor per structure. Not more than 60% of the land area is to be occupied by buildings or structures.
- (5) Green space. Not less than 10% of the parcel shall be natural or pervious landscaping.
- (6) Off-street parking. Parking spaces shall be provided in accordance with §§ 310-61 through 310-66 of this chapter.
- (7) Performance standards. Performance standards shall be in accordance with § 310-75 of this chapter.

**§ 310-51. Agricultural districts.**

- A. A-1 Agricultural District.** The A-1 Agricultural District is intended to provide for, maintain, preserve and enhance agricultural lands historically utilized for crop production and which are generally suited for small farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activities.

**(1) Permitted uses:**

- (a) Apiculture (beekeeping).
- (b) Contract sorting, grading and packaging of fruits and vegetables.
- (c) Corn shelling, hay baling and threshing services.
- (d) Floriculture (cultivation of ornamental flowering plants).
- (e) Grazing or pasturing.
- (f) Horticultural services.
- (g) Keeping and raising of domestic stock for agribusiness, breeding, recreation or show.

- [1] Keeping of animals shall be limited as follows:

- [a] No more than one horse, cow, sheep or similar animal over six months of age shall be kept for each two acres;
    - [b] No more than five chickens, ducks or similar poultry over two months of age shall be kept for each acre; or
    - [c] No more than eight rabbits or hare, over two months of age, shall be kept for each acre.
  - [2] The keeping and raising of hogs or fur-bearing animals, except rabbits, is prohibited.
  - [3] Combinations of the above shall be apportioned to the total acreage, and the Zoning Administrator shall determine the total number of animals allowed.
- (h) Orchards.
  - (i) Plant nurseries.
  - (j) Raising of grain, grass, mint and seed crops.
  - (k) Raising of tree fruits, nuts, and berries.
  - (l) Sod farming.
  - (m) Vegetable raising.
  - (n) Viticulture (grape growing).
  - (o) General farm buildings, including barns, silos, sheds and storage bins.
  - (p) Single-family detached dwelling with garage.
- (2) **Permitted accessory uses:**
- (a) Garages and carports.
  - (b) Home occupations as specified in § 310-8B.
  - (c) One roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in area.
- (3) **Conditional uses:**
- (a) Campgrounds.
  - (b) Parking for Special Events.

- (4) **Parcel area and width.** Parcels shall have a minimum area of five acres and shall be not less than 330 feet in width.
- (5) **Building height and area.**
  - (a) No farm building or farm-related building shall exceed 50 feet in height.
  - (b) No farm dwelling or other residential dwelling shall exceed 35 feet in height.
  - (c) The total minimum floor area of a farm dwelling or other residential dwelling shall be 1,200 square feet for a one-story dwelling and 1,800 square feet for a multistoried dwelling. Multistoried dwellings shall have a minimum first floor area of 1,000 square feet.
- (6) **Yards.**
  - (a) A minimum street yard (setback) of 100 feet from the road center line or 42 feet from the road right-of-way, whichever is greater, shall be required.
  - (b) A minimum shore yard of 75 feet from the high-water elevation of any navigable waters shall be required.
  - (c) There shall be a side yard on each side of all structures of not less than 25 feet in width.
  - (d) There shall be a rear yard of not less than 50 feet.

**§ 310-52. Business Park District. [Added 11-8-2001]**

**A. Purpose. This district is intended to:**

- (1) Provide a course of predictability in business park development, set a minimum level of standards by which a business park can be developed, and establish a regulatory framework within which time the community and the developer can work together to plan rationally for future business and industrial growth.
- (2) Provide for maintenance of open space areas, water detention areas, landscaping and other common areas to promote an attractive and aesthetically pleasing corporate environment.
- (3) Provide for adequate transportation mobility into and throughout the business park as to avoid traffic congestion problems.
- (4) Promote a planned business environment that stresses employee amenities, maintained in a high-quality fashion consistent with first class office/industrial developments within the metropolitan area.

**B. Permitted uses.**

- (1) The uses hereinafter permitted shall be restricted to those which require a pleasant, hazard- and nuisance-free environment (located in a mutually compatible environment within a large park and campus-type setting) and do not create either an appreciable nuisance or hazard to other property or the public in general:
  - (a) Medium restrictive industrial, including manufacturing.
  - (b) Warehousing.
  - (c) Industrial.
  - (d) Hospitality.
  - (e) Limited retail.
  - (f) Service.
  - (g) Office.
- (2) Examples of permitted uses, which are not exhaustive, include the following: art supply stores, automated teller machines, automobile and truck rental, banks, blueprinting and photostating shops, business machine sales and rental, computer sales and rental, construction buildings or trailers, credit unions, currency exchanges, dental offices, dish antennas, donut shops, employment agencies, finance companies, golf courses and country clubs, graphics and drafting services, health clubs, hotels and motels, medium restrictive industry, insurance offices, laboratories, medical or scientific, mail order houses, medical offices, meeting and banquet halls, newspaper distribution agencies, offices, business and professional, offices, government and institutional, optometry offices, parks, playgrounds, forest preserves, permitted public uses, plazas and public spaces, post offices, radio and television studios, real estate offices, recording studios, research and development facilities, restaurants, savings and loans and savings banks, schools and educational institutions, commercial schools, stationery stores, tax preparation offices, transportation ticket offices, travel agencies, union halls, wholesaling, and manufacturing facilities.

- C. Conditional uses.** Except where specifically permitted as a principal use referred to above, those uses set forth as principal and conditional uses in the B-1 General Business District and B-2 Highway Business District shall be conditional uses in the Business Park District and may be permitted in the event after an appropriate public hearing the Plan Commission determines that permitting said use or uses would be consistent with the general purpose and intent of this chapter as set forth in §§ 310-3 and 310-4 and this section.

**D. Prohibited uses.** The following operations and uses shall not be permitted on any property within the Business Park District:

- (1) Junkyards.
- (2) Refining of petroleum or of its products.
- (3) Commercial excavation of building materials.
- (4) Dumping, disposal, incineration, or reduction of garbage, sewage, or other refuse.

**E. Development standards.**

- (1) **Parking requirements.** No parking shall be permitted on any street or at any other place other than on paved parking spaces to be constructed on each lot. Off-street parking shall be in accordance with the provisions of § 310-66.
- (2) **Landscaping.** In an attempt to unify the building sites and their architecture in the park, landscaping as a design element will play the key role in creating and conveying the park-like working environment.
  - (a) **Purpose.** The purpose of the requirements in this section is to provide for appropriate landscaping and screening of parking and other outdoor areas that will:
    - [1] Protect residential environments from effects of more intensive adjacent uses.
    - [2] Protect users of parking areas from excessive wind, glare, and temperature extremes.
    - [3] Reduce the adverse effects on public streets and adjacent properties of noise, blowing dust and debris and motor vehicle headlight glare.
    - [4] Discourage unsafe access to and circulation within off-street parking areas.
    - [5] Contribute to improved community appearance and maintenance of property values.
  - (b) The Architectural and Site Plan Review Committee (Committee) of the Business Park Association, if any, must approve the landscaping plans and specifications prior to construction of a building on a building site. If there is no such committee, then approval of the Zoning Administrator must be obtained prior to construction.

- (c) Landscaping must be completed within 60 days of occupancy unless weather and ground conditions do not permit or unless the Committee or Zoning Administrator, if there is no committee, grants written permission for an extension of the completion date for reasonable cause.
- (d) All landscaping must be maintained in a well-kept condition.
- (e) Types of landscaping materials permitted. Varieties of living landscape materials used shall be healthy, hardy, and drought-resistant; be suitable for climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and be compatible with the slope of the site, with existing vegetation to be preserved, and with utilities below ground level. When appropriate, materials used shall be protected from damage from pedestrian or vehicular traffic by tree grates, pavers, or other measures.
- (f) Ground cover in landscapes strips. Grass or other ground cover shall be planted over all landscaped strips, including berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonable complete coverage within three months after planting. Nonliving landscaping materials such as sand, stone, rocks, or barks may be substituted for living cover over a maximum of 30% of the landscaped area.
- (g) Installation procedures. All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen.
- (h) Berming. For optimum screening effectiveness and improved landscape design, parking screening strips shall be bermed so as to partially conceal parked cars from view of the street except where, in the judgment of the Committee or, in the absence of a committee, Zoning Administrator, the size or configuration of existing or proposed topography of the lot makes this infeasible or unnecessary or where erosion, drainage, or maintenance problems might result. Berms, where installed, shall be a minimum of two feet with a desired average of four feet in height wherever professionally acceptable.
- (i) Maintenance of landscaping. The owner, occupant, tenant, and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping and screening so as to preserve at least the same quantity and quality as initially approved.
- (j) Curbing. All parking island strips and parking screening strips shall be separated on all sides from the parking surface by curbing.

- (k) Uses requiring landscaping or screening. A minimum of 5% of the parking area for industrial-type uses and 10% for all other uses shall consist of landscaping. Any landscaped strip required hereunder may be credited toward this requirement. A screen for off-street loading shall be a minimum of six feet high.
- (l) Sizes of minimum plant materials.
  - [1] **Shade tree.** A deciduous tree with a minimum caliper of two inches.
  - [2] **Conifer.** A coniferous tree with a minimum six-foot height.
  - [3] **Ornamental.** A deciduous tree or large shrub with a minimum caliper of two inches or minimum height of six feet.
  - [4] **Caliper average.** Three inches for all deciduous tree plantings.
- (m) **Street plantings.** The standards are expressed in terms of shade trees required per linear foot of roadway, easement, or buffer strip and include the full width of each. For determining numbers of conifers and ornamentals applicable to the standard, a conifer at least 10 feet in height shall equal a shade tree and two ornamentals as specified above shall equal a shade tree.
  - [1] **Major entry.**
    - [a] **Boulevards** (first 400 linear feet). One tree each side per 40 linear feet of roadway.
    - [b] **Median.** Two trees per 40 linear feet of median length plus one tree for each 25 linear feet of median where median is wider than 30 feet.
  - [2] **Roads on the perimeter of business park.**
    - [a] Primary screening by berm not less than two feet in height nor greater than eight feet in height, averaging four feet in height.
    - [b] Provide one tree per 44 linear feet of frontage.
  - [3] **Preservation of trees.** All reasonable efforts shall be made to preserve the existing trees on each building site.
  - [4] **Building site plantings.** Each building shall include a minimum of one shade tree in frontage areas for each 50 linear feet of building site frontage. It is recommended that trees be grouped in clusters.

- F. Underground utilities.** All exterior on-site utilities, including drainage systems, sewers, gas lines, water and electrical, telephone, and communications wires, shall be installed and maintained underground.
- G. Water retention/detention areas.** To increase the maximum allowable building to gross land area ratio, water detention areas will be provided in one or more locations in a business park to handle storm-water drainage from all improved sites within a business park. The water retention/detention areas shall be adequately landscaped so as to maintain aesthetic conformity with the entire business park landscape design. Such water retention/detention areas and any lot retention/detention areas shall be maintained to achieve a high-quality environment. The Village shall have the right, but not the obligation, to enforce the maintenance of said water retention/detention areas in proper proceedings, either in equity or at law.
- H. Maintenance of unimproved sites and condition of improved lots.** Sites that are not improved or built upon shall be maintained in a clean and neat appearance by the property owner. Weeds and brush should be removed bimonthly during the months from April through November. The owner or occupant of any lot should at all times keep it and the buildings, improvements, and appurtenances thereon in a safe and clean condition and comply with all applicable governmental, health, fire, and safety ordinances and regulations. (Trash shall be removed expeditiously.)
- I. Storage areas.** Storage, service, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:
- (1) No materials, supplies, or equipment shall be stored upon a site except inside a closed building or behind a durable material wall not less than six feet in height, screening such material, supplies or equipment from adjacent sites so as not to be visible from neighboring properties and streets. No stored items shall protrude above the screen. The outdoor storage of uncontained bulk material is prohibited. Any outdoor storage areas shall be located in the side or rear yard adjacent to the main structure and not exceed 1,000 square feet in area. Any attempted variation to these standards would be allowed only if approved by the Village Board after a hearing before the Plan Commission.
  - (2) All trash receptacles and storage areas, service yards, electrical cage enclosures, incineration and similar equipment for the disposal of materials and storage tanks shall be screened from view from access streets and front yards of adjacent properties by means of a fence, berm, wall or dense opaque landscaping materials. Deposited refuse shall not be visible from outside the refuse enclosure. Storage areas shall be kept in a neat and orderly manner. The contents of all storage and trash areas must be directly related to the primary use of the business. Refuse collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme. Silos and other tall containers shall not be placed on front yards or other conspicuous locations and shall not exceed the building height requirements listed below.
- J. Architecture.**



**(1) Building exterior wall materials.**

- (a)** For buildings of less than 20,000 square feet, the front exterior walls shall be defined as the closest walls to the most major streets the property adjoins and shall be of masonry, stone, glass or architectural precast concrete panels. The side exterior walls may be of metal, except that the lower third or lower seven feet, whichever is less, of the wall shall be of masonry, stone, glass or architectural precast concrete panels. In no event shall concrete blocks be allowed on any exterior surface of a building. Factory-colored split-faced block (or equal) is acceptable.
- (b)** For buildings of more than 20,000 square feet, the same instructions as above shall apply, except that the lower four feet of the side exterior wall should be of masonry, stone, or architectural precast concrete panels.
- (c)** Common brick and concrete block are specifically prohibited on any exterior surface of a building.
- (d)** One dominant material should be selected and expressed with its own natural integrity. Materials which convey permanence, substance, timelessness, and restraint are required.
- (e)** Low maintenance should be a major consideration.
- (f)** Materials shall blend with those existing in the adjacent area of the property.

**(2) Color and texture.**

- (a)** Simple and uniform texture patterns are encouraged to create shadow patterns which will reduce the high visibility of the building.
- (b)** Variations in color shall be kept to a minimum.
- (c)** Colors shall be subdued in tone.
- (d)** Accent colors may be used to express corporate identity.

**(3) Building roofs.** Sloped roof treatments are acceptable with certain exceptions. Sloped roofs may be of any traditional roof material except wood, fiberglass, and asphalt, unless specifically approved by the Architectural and Site Plan Review Committee.

**(4) Height limitations.** No building erected shall exceed 45 feet in height. If a building exceeds 45 feet in height, the front yard setback should be increased by one foot for every one foot in excess of 35 feet. The maximum height shall be 60 feet

**K. Lighting guidelines.**

- (1) **Lighting shall be designed to achieve the following objectives:**
  - (a) To contribute to the safe and efficient use of a development site.
  - (b) To contribute to the site security.
  - (c) To complement and reinforce the architecture and site design character.
  - (d) To keep on-site parking lot lighting fixtures and illumination levels consistent throughout the park.
  - (e) To prevent casting glare onto adjacent lots and streets.
  - (f) To encourage conformity with energy savings guidelines.
  - (g) Architecturally, to articulate and animate the particular building design, as well as provide the required functional lighting for safety and clarity of pedestrian movement.
- (2) Committee approval and, in absence of a committee, Zoning Administrator approval of the lighting plans and specifications must be procured prior to construction of a building on a building site.

**L. Setbacks and bulk requirements.**

- (1) **Front yard setback:** fifty-foot building and twenty-five-foot parking (twenty-five-foot green space between space between front parking curb and right-of-way).
- (2) **Side yard setback:** fifteen-foot building and five-foot parking (five-foot green space from parking lot to property line).
- (3) **Rear yard setback:** twenty-foot building and five-foot parking (five-foot green space from parking lot to property line).
- (4) **The floor/land area ratio shall not exceed 85%.**
- (5) In the event that parking is placed in the front yard, then the building shall be set back a minimum from the back curb of the parking area to allow for a five-foot buffer between the parking area and the building. The front parking area shall be partially screened from view from the street by berming or landscaping.
- (6) **Minimum lot area and square footage:** 10,000 square feet; however, no building permit will be issued on any parcel of land in a Business Park District containing less than 40,000 square feet.

(7) **Minimum lot width:** 50 feet; however, no building permit will be issued to any parcel of land in a Business Park District having a width less than 200 feet at the building line.

**M. Loading.** Sufficient space for loading and unloading shall be provided on each lot to accommodate trucks not less than 70 feet in length. Improvements shall be designed and located on each building site so that vehicles may not be loaded or unloaded on or from any major street. Any exterior docks shall be designed as to not hamper pedestrian movement in and out of the building.

**N. Architectural and Site Plan Review Committee.** Notwithstanding the provisions of § 310- 13 of this chapter, in the event a business park has developed covenants which are satisfactory to the Village Board relating to architectural and site plan review, which covenants establish an Architectural and Site Plan Review Committee, then in that event said Committee shall review site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, and utilization of landscaping and open space to assure that a proposed improvement is consistent with the covenants approved by the Village Board. Once the Architectural and Site Plan Review Committee has approved a proposed improvement and certifies the same to the Zoning Administrator, said certification will satisfy the requirements of § 310-13 relating to site plan and regulations and architectural review. In the event a business park has not established covenants which are satisfactory to the Village Board, then in that event the Zoning Administrator shall review the site plans for business park development consistent with the provisions of § 310-13, and once the Zoning Administrator has been satisfied, a building permit, conditional use permit, or occupancy permit for any use which is otherwise in conformance with all other aspects of the ordinances of the Village may be issued without the necessity of a hearing before the Plan Commission. In the event a business park has developed covenants which are satisfactory to the Village Board relating to architectural and site plan review, each and every application for a building permit within a business park shall be accompanied by a letter from the Architectural and Site Plan Review Committee.

ARTICLE V  
**Conditional Uses**  
**[Amended 02-14-2019]**

**§ 310-53. Approval procedure.**

**A. Application.** Application for a conditional use permit shall be made in duplicate to the Zoning Administrator on Village forms and shall include the following where pertinent and necessary for proper review by the Plan Commission:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use

of the structure or site; number of employees; and the zoning district within which the subject site lies.

- (3) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, property boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards; and area subject to inundation by floodwaters. In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes; ground surface elevations; mean and historic high-water lines on or within 40 feet of the subject premises; and existing and proposed landscaping.
- (4) Additional information as may be required by the Village Board and/or Plan Commission and Zoning Administrator.
- (5) Fee receipt from the Village Clerk-Treasurer in the amount as set by the Village Board, plus the cost of legal notice and publication.

**B. Costs.** Costs incurred by the Plan Commission and/or Village Board in retaining legal, planning, engineering and other technical and professional advice in connection with the review of conditional use applications and the preparation of conditions to be imposed on such uses shall be charged to the applicant. The applicant shall be notified if costs will be incurred.

**C. Hearing date.** The Zoning Administrator shall forward the completed application to the Village Clerk-Treasurer, who shall schedule a conditional use hearing date before the Plan Commission.

**D. Notice and publication.** A Class 2 notice shall be published a minimum of 14 days prior to the Plan Commission public hearing and shall state the reason for the conditional use application.

**E. Review and action.**

- (1) **Review.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply system and the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shore-land cover, natural beauty and wildlife habitat and shall hold a public hearing after giving due notice to the parties in interest.
- (2) **Standards.** The Plan Commission shall recommend approval, denial, or conditional approval of the conditional use application. When recommending approval of the conditional use permit, the Plan Commission shall find that:

- (a) Such use and/or structures are in accordance with the purpose and intent of the zoning district in which it is located.
  - (b) Such use and/or structures are found to be not hazardous, harmful, offensive, or adverse to the environment or value of the neighborhood and community. The establishment, maintenance or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (c) The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish and impair property values within the neighborhood.
  - (d) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (e) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided
  - (f) Adequate measures have been or are being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (g) The conditional use in all other respects shall conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified pursuant to the recommendation of the Plan Commission.
- (3) **Conditions and guaranties.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. Conditions such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, performance bonds, lighting, fencing, location, size, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood-proofing, ground cover, diversions, statements of financial responsibility and/or capacity, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or additional parking may be recommended by the Plan Commission and required by the Village Board upon their finding that these are necessary to fulfill the purpose and intent of this chapter. In all cases in which conditional uses are granted, the Village Board shall require such evidence and guaranties as it may deem

necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- (4) **Compliance required.** Compliance with all other provisions of this chapter, such as, but not limited to, lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses.
- (5) **Issuance.** The Village Board, upon recommendation from the Plan Commission, may issue a the conditional use permit, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and the Comprehensive Plan and are not hazardous, harmful, offensive or otherwise adverse to the environmental quality, water quality, shore-land cover or property values within the Village. The Village Board may grant, vary or deny an application for a conditional use. However, a variance or denial of the Plan Commission's recommendation shall be approved by not less than a simple majority of the entire Village Board.

#### **§ 310-54. Denial, revocation and expiration of conditional use.**

**A. Effect of denial.** No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of such order of denial except on the grounds of new evidence or proof of change of conditions found to be acceptable by the Plan Commission.

**B. Revocation.** In any case where a conditional use has not been substantially completed within one year from the date of granting thereof, without further action by the Village Board, the conditional use or authorization thereof shall be null and void. A conditional use approval shall authorize only one particular conditional use and shall expire if the conditional use shall cease for more than 12 months for any reason. However, the owner of an established authorized conditional use may be changed if the use remains unchanged.

**C.** Should a permit applicant, his/her heirs or assigns fail to comply with the conditions of the permit issued by the Village Board, or should the use or characteristics of the use be changed without prior approval by the Village Board the permit shall be revoked. The process for revoking a permit shall generally follow the procedures for granting the permit.

#### **§ 310-55. Existing conditional uses.**

All uses existing at the effective date of this chapter which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this chapter are declared to be conditional uses to the extent of the existing operation and shall be subject to the conditional use procedures as if being established anew.

#### **§ 310-56. Residential and related uses.**

Except where specifically permitted as a principal use in § 310-45, all residential and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving such

uses, the Plan Commission shall consider such evidence presented at the public hearing which bears upon the general purpose and intent of this chapter set forth in §§ 310-3 and 310-4 and upon the particular land use problems related to development of the site or sites as proposed.

**§ 310-57. Commercial and related uses.**

Except where specifically permitted as a principal use in a zoning district, all other commercial and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving these uses, the Plan Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing which bears upon the general purpose and intent of this chapter as set forth in §§ 310-3 and 310-4 and upon the particular land use problems related to development of the site or sites as proposed.

**§ 310-58. Industrial and related uses.**

Except where specifically permitted as a principal use in a zoning district, all other industrial and related uses shall be conditional uses and may be permitted as specified. In approving and disapproving these uses, the Plan Commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing which bears upon the general purpose and intent of this chapter as set forth in §§ 310-3 and 310-4 and upon the particular land use problems related to development of the site or sites proposed.

**§ 310-59. RESERVED.**

**§ 310-60. Outside storage of boats and recreational vehicles.**

**A.** Single-family and duplex dwellings are limited to the outside storage of one boat or recreational vehicle per residential unit. Parking of such vehicles shall be in a side or back yard only. Parking of more than one such vehicle can be granted by Plan Commission as a conditional use.

**B.** Multifamily dwellings. Outside storage of such vehicles shall be considered a conditional use and be granted only under the provisions of this article.

**ARTICLE VI**  
**Traffic, Parking and Access**

**§ 310-61. Traffic visibility.**

**A.** No obstructions, such as structures, parking or vegetation, shall be permitted in any district above the height of 2.5 1/2 feet above the plane through the mean center-line roadway grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 50 feet from their intersection.

**B.** In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 100 feet.

**§ 310-62. Loading requirements.**

**A.** Location. All loading berths shall be located on the same lot as the use served. All loading berths which abut a residence district shall be completely screened therefrom by walls or shrubbery not less than seven feet in height. No loading berth shall be located within 100 feet of a street right-of-way. No loading berth shall be located in a front yard.

**B.** Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

**C.** Utilization. Space used for any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

**D.** Surfacing. All open off-street loading berths shall be improved with a compacted base and a paved wearing surface as approved by the Zoning Administrator.

**§ 310-63. Driveways.**

All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

**A.** Distance between residential driveway openings shall be a minimum of feet between all driveways and 4 feet at from all lot lines. Distance between commercial/industrial driveway openings shall be a minimum of 20 feet between all driveways and 10 feet from all lot lines.

**B.** Vehicular entrances and exits for high traffic businesses (banks, restaurants, motels, funeral homes; vehicle sales, service, washing and repair stations; public parking lots, etc) shall be greater than 200 feet from any pedestrian entrances or exits for a place of public assembly (school, church, medical center, park, playground, library, public emergency shelter, etc).

**C.** Permit to cut the curb shall be obtained from the Public Works Superintendent prior to such action.

**D.** Driveway aprons shall be paved with seven inches of reinforced concrete from curb of street to the right-of-way line.

**§ 310-64. Highway access.**

**A.** No direct access shall be permitted to the existing or proposed right-of-way of State highways nor to any controlled access arterial street without permission of the State Department of Transportation.



**B.** Temporary access to the above rights-of-way may be granted by the Village Board after review and recommendation by the Wisconsin Department of Transportation. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

**§ 310-65. Parking requirements.**

**A. Access.** Adequate access to a public street or other officially approved means of access shall be provided for each parking space.

**B. Size.** Size of each parking space shall be not less than 200 square feet with minimum width of 10 feet, exclusive of the space required for ingress and egress.

**C. Clearance.** Enclosed parking spaces shall have a vertical clearance of at least seven feet.

**D. Location.** Location shall be on the same lot as the principal use unless authorized as a conditional use by the Plan Commission.

**E. Surfacing.** Surfacing of all open off-street parking shall be improved with a compacted base and a paved surface as approved by the Zoning Administrator. Any parking area shall be so arranged and marked to provide for the orderly and safe parking and storage of vehicles.

**F. Landscaping.** All public and private off-street parking areas which serve five vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this chapter shall be provided with accessory landscape areas totaling not less than 5% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance, shall be subject to approval by the Zoning Administrator. Those parking areas for five or more vehicles, if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six feet.

**G. Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance, and in a parking area containing four or more parking spaces such lighting shall be extinguished 1/2 hour after the close of business, except as may be otherwise permitted or required by the Village Board upon recommendation by the Plan Commission for maintaining illumination after the time specified. Also see section §310-75 Performance Standards.

**H. Paving.** Distance from all lot lines shall be a minimum of 4 feet for residential and 10 feet for commercial/industrial.

**I. Employee parking.** Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

**J. Off-street parking spaces.** For residential development 2 units or less, off-street parking is allowed in the driveway or garage only. One additional 10-foot-wide maximum parking space may be allowed in the front or side yard, located between the driveway and the nearest side lot line. For residential development 3 units or more, and commercial/industrial development, off-street parking spaces open to the sky may be located in the front or side yards. Employee parking spaces are allowed in the rear yard.

**K. Number of parking stalls.** Combinations of any of the uses listed below shall provide the total of the number of stalls required for each individual use. The following table indicates the parking spaces required for various possible land uses and which requirements are subject to the following modifications. If a property contains different seasonal uses which would use the same parking facilities, the use which requires the greatest number of spaces shall be the use upon which the parking requirement for the property shall be based. If a property contains various uses which would be operating simultaneously, the parking requirement for the property shall be cumulative to reflect all uses. Depending on lot layout, final approval is at the discretion of the Village Engineer.

Use	Number of Parking Stalls
Single-family dwellings and mobile homes	2 per dwelling (includes driveway area)
Multifamily dwellings	2 per dwelling
Hotels and motels	1 per bed and 1 per employee
Clubs, lodges, fraternities, sororities, dormitories, and lodging and boarding houses	1 per bed and 1 per employee
Sanitariums, hospitals, institutions, rest and nursing homes	1 per 2 beds and 1 per employee
Medical and dental clinics	5 per doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 per 3 seats and 1 per employee
Use	Number of Parking Stalls
Colleges and secondary schools	1 per 6 students and 1 per employee
Elementary and middle schools	1 per employee
Restaurants, bars and places of entertainment	1 per 3 seats and 1 per employee
Repair shops and retail services stores	1 per 300 square feet of floor area and 1 per employee
Manufacturing and processing plants, laboratories and warehouses	1 per employee
Parks	As determined by the Village Board
Financial institutions and business, governmental and professional offices	1 per 300 square feet of floor area and 1 per employee
Funeral homes	1 per 4 seats
Handicap stalls	Per State requirement
Housing for elderly	75 per dwelling with ½ built before occupancy and

	the balance reserved until ordered installed by the Village Board
Automobile repair garages and service garages	1 per employee plus 1 per 250 square feet of floor area used for repair work
Motor vehicle sales (new and used)	1 per 500 square feet of floor area used plus 1 per 8 vehicles displayed outdoor.

**L. Uses not listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

**M. Exemption.** When the application of off-street parking regulations specified above results in a requirement of not more than three spaces on a single lot in any business district, such parking spaces need not be provided. However, where two or more uses are located on a single lot, only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.

#### **§ 310-66. Reserved**

### **ARTICLE VII Modifications**

#### **§ 310-67. Height.**

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modifications shall be in accord with the following:

- A.** Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
- B.** Special structures.
  - (1)** Flagpoles, windmills, elevator penthouses, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks may be exempted from the height limitations of this chapter, upon application for and granting of a conditional use permit for a height increase over 100% but not, in any case, to exceed 140% of the maximum allowable height.
  - (2)** Special structures as enumerated in Subsection B (1) above shall comply with all applicable State codes. Special structures in excess of 50 feet in height shall have

plans and specifications prepared, signed, and sealed by a registered Wisconsin professional engineer.

- C. **Essential services.** Utilities, water towers, and electric or communication transmission lines are exempt from the height limitations of this chapter.
- D. **Communication structures.** Communication structures, - such as radio and television transmission and relay towers, mobile service support structures, aerials and observation towers, shall be located from the nearest residential lot line a distance greater than its height.
- E. **For commercial/industrial development,** private electrical generation towers or panels and gasoline and other permanently mounted volatile liquid storage tanks may be permitted as conditional uses subject to §§ 310-53 and 310-54 of this chapter.

For residential development, private electrical generation towers or panels may be permitted as conditional uses subject to §§ 310-53 and 310-54 of this chapter. Private gasoline and other permanently mounted volatile liquid storage tanks are prohibited.

- F. **Building height measurements.** Building height measurements on lots exceeding 6% of the natural grade may be modified to the mean elevation across the depth of building area only.
- G. **Siting and Construction of Mobile Service Support Structures and Facilities.** This section shall regulate (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. The proposed tower, antenna, and equipment shall meet the requirements of Wis Stats. 66.0404, as amended, including the following.

(1) **Definitions.**

- (a) See Wis Stats. 66.0404, as amended, for definitions.

(2) **Application process.**

- (a) See Wis Stats. 66.0404, as amended, for the application process.

(3) **Setbacks and site development.** All setbacks shall be measured from the base of the tower or structure.

- (a) **Setbacks from property lines.** All new towers shall be setback a minimum of 50 feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)

- (b) **Setback from road right of way of all streets.** All new towers shall be setback from all streets a minimum as defined in the Village zoning ordinances.
  - (c) **Setback from ordinary high-water mark (OHWM).** All new towers shall be setback a minimum of 75 feet from the OHWM of any navigable body of water.
  - (d) **Guy wire anchor setback.** All guy wire anchors shall be at least 25 feet from all property lines.
  - (e) An existing legal substandard mobile service support structure or facility existing at the time of the adoption or amendment of this ordinance may be continued although the structure's size and/or location does not conform to the required setback(s). Additions, enlargements, reconstruction or replacement, within the scope of this Chapter, shall conform with the legally established setback lines, as detailed in Village zoning ordinances.
  - (f) Equipment shelters/buildings shall be limited to 350 square feet or less in size per mobile service provider and 15 feet in height measured from the lowest finished grade to the ridge of the highest roof line of the structure.
  - (g) The leased area/equipment compound intended for the location of the mobile service support structure and mobile service facility shall maintain a minimum size of twenty-five hundred (2,500) square feet.
  - (h) All sites must be served by a minimum 30-foot-wide easement. All sites shall use existing access points and roads whenever possible. Any new access point to the site shall be approved by the applicable road jurisdiction.
  - (i) Any parcel created shall meet the minimum lot area, width and frontage requirements in accordance with Village zoning ordinances.
  - (j) The maximum total height of a mobile service support structure shall be 200 feet.
- (4) Screening shall be appropriate to the neighborhood in which it is located.
  - (5) **Advertising.** No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
  - (6) **Abandonment, removal and security for removal.**

- (a) Any mobile service support structure and facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Time may be extended upon review and approval of the Village, if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:
  - [1] The owner of such mobile service support structure and facility shall remove such within 90 days of receipt of notice from the Village notifying the owner of such abandonment. If removal to the satisfaction of the Village does not occur within 90 days, the Village Board may order removal utilizing the established security for removal as provided below and salvage. If there are two or more users of a single tower, then this provision shall not become effective until all operation of the tower cease. The mobile service support structure shall notify the Village when the facility is no longer in operation.
- (b) **Removal.** It is the express policy of the Village and this chapter that mobile service support structure be removed once they are no longer in use and not a functional part of providing service and that it is the mobile service support structure owners responsibility to remove such structure and restore the site to its original condition or a condition approved by the Village. This restoration shall include the removal of any subsurface structure or foundation including concrete used to support the structure down to ten feet below the surface. After a mobile service support structure is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts.
- (c) **Security for removal.** The Mobile service support structure shall provide to the Village, prior to issuance of a zoning permit, a performance bond in the amount of \$20,000.00 or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the structure will be removed when no longer in operation. The Village will be named as the obligee in the bond and must approve the bonding company.
- (7) More than one service provider allowed to use antenna facilities. The applicant shall allow the sharing of antenna facilities with at least two other service providers through the use of a collocation agreement.
- (8) **Severability.** If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance. This ordinance shall take effect upon passage and posting.
- (9) **Fees.** As permitted by Wisconsin Statute.
  - (a) The Fee for a new structure or a Class 1 Collocation is \$3,000.

- (b) The Fee for a Class 2 Collocation is \$500.

**§ 310-68. Yards and Street Yards.** Amended 01-09-20

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- A. **Uncovered stairs.** Uncovered stairs, landings and fire escapes may project six feet into any yard but not closer than three feet to any lot lines.
- B. **Architectural projections.** Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.
- C. **Accessory uses.** Residential detached garages and detached accessory structures are permitted in the rear yard only. A maximum of 1 detached garage and 1 accessory structure is allowed per lot. They shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than the lesser of 30% of the rear yard area or 10% of the lot area and shall not be closer than five feet to any lot line or five feet to an alley line. Detached accessory structures shall not exceed the lot area coverage of the principal structure, except after application and approval of conditional use under the provisions of this chapter. Gazebos may be permitted in any yard after application and approval as a conditional use under the provisions of this chapter. Detached accessory structures which do not comply with the standards herein may be permitted after application and approval as a conditional use under the provisions of this chapter. The Plan Commission and Village Board shall consider the character of the neighborhood and the architecture of surrounding buildings when approving such structures.
- D. **Essential services, etc.** Essential services, utilities, and electric or communication transmission lines are exempt from the yard and distance requirements of this chapter.
- E. **Landscaping.** Landscaping and vegetation are exempt from the yard requirements of this chapter.
- F. **Special structures.** Section §310-67B (1) and (2) are subject to the following yard and setback requirements:
  - (1) Special structures are not permitted in a front yard.
  - (2) Special structures shall meet minimum side yard requirements for principal structures and rear yard setback requirements for accessory structures for the zoning district in which such special structure is to be erected.
- G. **Additions to existing buildings or structures.** Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

- H.** Average street yards. The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in any residential district and five feet in any business district, except in the business districts permitting zero street yard.

**§ 310-69. Fences.** Created 01-09-20

- A. Definitions.** The following words and terms, for purposes of this Ordinance, shall have the meanings herein provided:

**Administrator.** The administrator of the Department and designees thereof.

**Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.

**Berm.** A mound of earth higher than the final elevation of a lot.

**Department.** The Village of Genoa City Department of Zoning Administration.

**Dog Enclosure.** Any outdoor structure or enclosure used to restrict dogs to a contained yard area.

**Fence(s).** “Fence” means a vertical screen device used to provide privacy, visual or otherwise, or for containment. “Fence” includes but is not limited to trellises, railings and walls.

**Fence, Agricultural/Farm.** A fence consisting of chicken wire, deer fence, hog wire, high tensile wire strands, used in the agricultural, farming and livestock business, specifically for livestock, animal and bird control.

**Fence, Patio.** A privacy fence which fully or partially encloses a patio.

**Fence, Privacy.** A **privacy fence** is any type of barrier that creates a border and defines an area and limits visibility.

**Fence, Stockade.** a solid **fence** of half-round boards pointed at the top.

**Fence, Good Neighbor.** A fence constructed of solid or spaced boards, where the face boards are installed at the center of the posts so that the fence looks the same from both sides.

**Install, Installation, Installed.** To construct, erect, install, place, or replace over 16 lineal feet (lf)

**Lot-Double Frontage.** An interior lot having street frontage on the front and rear of the lot.

**Person.** Any person, firm, corporation, association or other legal entity.



**Property Owner.** A Person that owns or controls real property situated in the village.

**Trellis.** A frame or structure of open latticework.

**Vision Clearance Area.** A triangular area on a lot at the intersection of two streets or a street and an alley, driveway, at the intersection of a driveway/alley and sidewalk, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the property lines to a minimum distance of fifteen (15') feet from their intersection.

**B. Permit.**

- (1) **Permit Required.** No Person shall install a Fence in the Village without first obtaining a Fence Permit and complying in all respects with the terms and conditions and this Ordinance. A Fence Permit shall be valid only for the term of issuance, unless sooner suspended or revoked. A Fence Permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet (l.f.) of a Fence.
- (2) **Permit Application.** A Zoning Permit application shall be filed with the Department, consisting of the following:

  - (a) A fully completed Zoning Permit application form and payment of full permit fee.
  - (b) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the Fence and its distances from the existing structures on the property.
  - (c) A photo of the type of fence being installed.
  - (d) If the Fence is proposed to be installed on rented or leased property, the written consent of the owner(s) of the property.
  - (e) Other information as may be required by the Department to assist in the review of the application.
- (3) **Permit Fee.** A permit fee shall be remitted upon submittal of the Fence application, the amount of which shall be established, from time to time, by resolution of the Village Board.
- (4) **Application Review and Approval Required, Permit Issuance.** The Administrator shall review, approve and issue the Fence Permit application, provided that the application is in compliance with this Ordinance and the standards of this Ordinance for the Fence to be installed have been met. The Fence Permit may contain reasonable conditions stated in the permit.
- (5) **Completion of Installation.** A Fence authorized by a Fence Permit shall be fully installed in accordance with this Ordinance and permit conditions, within ninety (90) days of the date of permit issuance. A Fence Permit shall expire ninety (90) days after the date of issuance. After a Fence Permit expires, no work requiring such a permit shall be commenced, resumed or undertaken until a new permit is issued or the original permit is extended.

The permit applicant may file a written request for an extension of the Fence Permit, stating the reason for the request, for up to ninety (90) additional days to complete the Fence installation. The Administrator, in administering this Code, shall grant the request if good cause is shown.

**(6) Responsibility of Department.** The Department, through the Administrator, shall:

- (a) Review and issue Fence Permits where the application is in compliance with this Ordinance.
- (b) May issue reasonable site-specific conditions.
- (c) May waive or reduce vision clearance requirements where:
  - [1] Traffic can safely approach and enter the intersection, alley, driveway or street given existing traffic control devices or other physical conditions of the area; or,
  - [2] Topographic conditions are so extreme or building structures exist such that it is not practical to provide required vision clearance.
- (d) May inspect the Fence for compliance with this Ordinance and the Permit.
- (e) Shall enforce this Ordinance with the assistance of the Village Attorney.

**(7) Responsibility of Applicant.** The applicant is solely responsible for installing the Fence:

- (a) Within the boundaries of their property determined by survey, in compliance with this Ordinance and the Permit, including, but not limited to, proper materials, height, setback and vision clearance.
- (b) In compliance with any subdivision covenants or restrictions, deed restrictions, utility easement restrictions, land use restrictions of record, including applicable plan review and approval, or waiver requirements.
- (c) In a manner as will not obstruct storm water drainage, violate a Village approved storm water plan, or unreasonably divert storm water onto the property of another.

**C. Fence Installation.**

**(1) General Requirements.** No Fence shall be installed, except in strict compliance with this Ordinance, site specific permit conditions, and the following requirements:

- (a) Structural and support components of a Fence shall face away from adjacent properties.
- (b) Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a "Good Neighbor Fence" is installed.

- (c) Fences shall be installed plumb and the top finish of the Fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the Fence.
  - (d) The height of the Fence shall be controlled by the applicable provisions of the Village Zoning Ordinance for the district in which the Fence will be located. Fence height shall be measured from the surface of the ground immediately below the Fence. Berms, retaining walls or other methods to raise the elevation of the site shall require approval by the Department prior to installation.
  - (e) The project site shall be marked by Diggers Hotline before digging holes for Fence installation.
  - (f) No Fence in the Vision Clearance Area shall exceed three (3') feet in height above the mean street grade.
  - (g) The height of walls and Fences shall be measured vertically from the finished grade on the exterior side of the Fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a Fence is prohibited. If a Fence is placed on a berm, the berm shall be included in the height of the fence and the height shall be measured vertically from the base of the berm, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review, or an exception is granted by the Village Board.
  - (h) All Fences shall be no closer than six (6") inches to the public sidewalk.
- (2) **Obstruction of Ingress/Egress Area of a Dwelling.** No Fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three (3') feet shall be maintained between any solid Fence and any such window or opening in a dwelling.
- (3) **Modifications.** All modifications to an existing Fence shall comply with this Ordinance.
- (4) **Fences in Front Yards.** Fences installed in a front yard shall comply with the following requirements:
- (a) In residentially zoned areas on corner, interior, through and reverse frontage lots, Fences, not exceeding four (4') feet in height, shall be allowed within a residentially required front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line. No Fence over four (4') feet in height shall be permitted within residentially required front yard setback areas. Fences over three (3') feet in height shall not encroach within vision clearance areas.
  - (b) Fences on residentially zoned lots, including interior and corner double-frontage lots, fronting a street, shall be installed in accordance with front yard setback requirements.
  - (c) Notwithstanding Section 310-69 C.(4.)a. and 310-69 C.(4.)b., in residentially zoned areas on a corner lot, where the primary entrance faces a street side yard, fences not exceeding six feet (6') in height are allowed within the residentially

required front yard setback area, provided the fence is not installed closer than fifteen (15') feet to the street side yard lot line.

- (d) No Fence shall be installed in any B-1, B-2, BP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review.

**(5) Fences in Rear/Side Yard.** Fences in rear and side yards shall meet the following requirements:

- (a) No Fence or wall shall exceed six (6') feet in height in any side or rear yard. Fences not greater than six (6') feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure or the required building setback, whichever is furthest from the road right-of-way.
- (b) A wall or solid Fence not more than six (6') feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided such a wall or solid Fence does not extend into a required front yard.
- (c) Fences which exceed three (3') feet in height in side or rear yards shall not encroach within vision clearance areas.
- (d) No Fence shall be installed in any B-1, B-2, BP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review. A Fence shall not exceed the height established unless approved in conjunction with a Conditional Use Permit/Site Plan Review.

**(6) Fences on Corner Lots.** No Fence over three (3') feet in height shall be permitted within a vision clearance area of any portion of the lot.

**(7) Fences on a Lot-Double Frontage.** Fences shall be installed in accordance with the required front yard setback on both streets, except where otherwise approved in conjunction with a Conditional Use Permit, Site Plan Review, or variance from the Zoning Board of Appeals.

**(8) Approved Fence Materials.** All Fences shall meet the following material requirements:

- (a) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chain-link (with a minimum thickness of nine (9) gauge and a required top rail support), privacy or board-on-board cedar or treated wood.
- (b) No Fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a fence.

- (c) Agricultural/Farm Fences shall only be permitted in agriculturally zoned districts and shall not exceed (6') feet in height.
- (d) Residential front yard Fences shall be fifty (50%) percent open (see-through) and be of split rail, wrought iron or picket design with the exceptions of fences constructed in compliance with Section 310-69 C(4)(c).

**D. Maintenance of Fences.**

Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every Fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.

**E. Existing Fences.**

Any Fence existing upon the effective date of this Ordinance shall not be enlarged, extended or replaced, except in strict compliance with all of the requirements of this Ordinance.

**F. Prohibitions.**

**(1) Prohibited Fences.** No Person shall install:

- (a) An electric or razor wire Fence.
- (b) Any wire or chain-link-type Fence with the cut or salvage end of the Fence exposed at the top.
- (c) A Fence which creates a hazard to users of the street, sidewalk or to nearby property.
- (d) A Fence composed solely of Fence posts.
- (e) An incomplete Fence, consisting only of posts and supporting members.

**(2) Barbed Wire Fences Restricted.** No Person shall construct, use or maintain any barbed wire Fence on residential, business or institutionally zoned property.

Barbed wire Fences may be installed in M-1 or M-2 Zoning Districts under circumstances whereby no more than three (3) strands of barbed wire are horizontally situated above a Fence of boards or woven wire not less than seventy-two (72") inches in height, excluding the barbed wire. Barbed wire may be used on top of a six (6) foot Fence surrounding a public utility, public use, or on a site storage area as approved under a Conditional Use Permit or Site Plan Review. Notwithstanding the above, barbed wire shall not be used along a property line abutting a residentially zoned area.

**G. Fences Permitted Without A Permit.**

The following types of Fences are permitted, as specified, without a permit, subject to

the following restrictions and providing that said Fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:

- (1) Snow fencing shall be permitted in all districts not exceeding four (4') feet in height provided it is removed from May 1 to November 1 of each year. No snow Fence shall extend into the street right-of-way line unless installed by the Village or a contractor having a permit from the Village.
- (2) Agricultural/Farm Fences are limited to agriculturally zoned or used districts.
- (3) Decorative Fences not exceeding two (2') feet in height shall be permitted in all districts. Such Fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.
- (4) Underground electrical Fences are permitted in all districts.
- (5) Arbors and/or trellises shall not be used as a Fence.

#### **H. Non-Boundary Related Fence Standards**

Fences and/or enclosures for swimming pools shall be permitted as required in Section 310-97 (F) of the Code of General Ordinances.

Fences surrounding tennis courts, and baseball and/or softball field backstops may be erected in conformance with accepted industry standards. A Fence Permit shall be required for such installation.

#### **I. Dog Enclosures**

Dog enclosures shall be permitted in residential districts subject to the following criteria:

- (1) No dog enclosure shall be installed on a lot unless approved by the Department and a permit is issued.
- (2) Dog enclosures shall be obscured from view from neighboring properties at grade and adjacent streets. Existing structures (i.e., sheds, garages) may be used to obscure view.
- (3) Dog enclosures must be located in the buildable area directly behind and adjacent to the principal building. In no event shall a dog enclosure encroach into a required setback or be located closer to a corner or interior side property line than the principal building.
- (4) No dog enclosure shall be in excess of two hundred fifty (250) square feet in area, nor more than six (6') feet in height above the surface of the ground, as measured from the ground level at the lowest grade level within five (5') feet of either side thereof.
- (5) Dog enclosures may be constructed of any material permitted for a residential Fence.
- (6) No dog enclosure shall be constructed contrary to required vision clearance area requirements.

## **J. Visual Clearance Violations**

**(1) Administration of Visual Clearance Violations.** The Administrator shall have the duty of establishing, restoring and maintaining visual clearance. When the Administrator has determined that visual clearance has not been established, restored or maintained, as required within this Ordinance, the Administrator shall, in writing, notify the owner, operator or other party responsible for managing and/or maintaining the offending property that visual clearance must be established or restored within fifteen (15) days from the date of notice. The notice shall further provide that the notified party or agent shall have the opportunity to be personally heard by the Administrator within said period, and failure to request a hearing shall waive the opportunity to be heard. The fifteen (15) day compliance period may be extended upon written request, for good and sufficient reason. The failure of the owner, operator or other responsible party to provide or restore visual clearance within the time prescribed shall authorize the Administrator to do or to have done such work as will establish or restore visual clearance, bill the owner, operator or other responsible party for the actual costs of the service rendered, and demand payment be made within thirty (30) days of the billing date. The failure of the owner, operator or other responsible party to promptly pay said bill shall authorize the Administrator to charge the cost against the property in noncompliance as a special assessment, pursuant to the authority of Section 66.60, Wisconsin Statutes. The special assessment shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be a One Hundred (\$100.00) Dollar administrative charge added to the charge and special assessment to cover administrative costs of charging and specially assessing the property.

The order of the administrator may be appealed to the Board of Appeals upon written notice of said appeal being served upon or sent by registered mail to the Administrator within ten (10) days after the date of the order.

**(2) Public Nuisance.** Obstruction to visual clearance, as regulated by this Section, shall be deemed to be a public nuisance and the Village Attorney is authorized to abate said nuisance.

## **K. Administration, and Appeals**

**(1) Administration.** It shall be the duty of the Administrator to administer and enforce this Ordinance.

**(2) Appeals.** An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation under this Section 310-69 of the Ordinance by the Administrator may appeal such denial, decision, determination or interpretation to the Zoning Board of Appeals.

**(3) Application Procedure.**

- (a)** Any application for an Appeal shall be taken within 30 days from denial letter by application on forms provided by the Administrator. The application must be filed with the Village Clerk's office. In order to be accepted for filing, the application must be accompanied by a receipt from the Village Clerk/Treasurer indicating payment of the fee established therefore by the Village Board, from time to time, by resolution.
- (b)** Any application for an Appeal shall be taken pursuant to the procedure set forth in Section 310-80 of the Zoning Ordinance.

**ARTICLE VIII**  
**Nonconforming Uses and Structures**

**§ 310-70. Existing uses and structures.**

- A. Conditions.** The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:

  - (1)** Only that portion of the land or water in actual use may be so continued, and the nonconforming use may not be extended, enlarged, substituted or moved except when required to do so by law or order or to comply with the provisions of this chapter.
  - (2)** Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50% of the Village's equalized value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the use provisions of this chapter.
  - (3)** Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring use.
- B. Abolishment or replacement.**

  - (1)** If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to all provisions of this chapter<sup>28</sup>.
  - (2)** When a nonconforming structure is damaged by fire, explosion, flood or other calamity to the extent of more than 50% of its current equalized value, it shall not be restored except so as to comply with the use provisions of this chapter.
- C. Existing substandard structures.**

  - (1)** The use of a structure existing at the time of the adoption or amendment of this



Editor's Note: Original § 10-5-60(2)(c) and (d), which immediately followed this subsection, were delete at time of adoption of Code (see Ch.1, General Provisions, Art. II).

chapter may be continued although the structure's size or location does not conform to the established building setback line along arterial streets and highways or the yard, area, lot coverage, height, parking, loading, access and lot area provisions of this chapter.

- (2) Additions and enlargements to existing substandard structures are permitted; however, they shall conform to applicable building setback lines along arterial streets and highways and the yard, height, parking, area, lot coverage, loading and access provisions of this chapter.
- (3) Existing substandard structures which are damaged or destroyed by fire, explosion, flood or other calamity may be reconstructed and, insofar as is practicable, shall conform to the established building setback lines along arterial streets or highways and the yard, area, lot coverage, height, parking, loading and access provisions of this chapter.
- (4) A current file of all nonconforming uses and structures shall be maintained by the Zoning Administrator listing the following: property location, use of the structure, land or water and equalized value of the structure at the time of its becoming a nonconforming structure.

#### **§ 310-71. Changes and substitutions.**

- A. Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the yard, height, parking, loading and access provisions of this chapter, it shall not revert back to a nonconforming use or substandard structure. Once a more restrictive nonconforming use has been substituted for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use.
- B. If partial correction of the nonconforming use or substandard structure is accomplished, such improvement shall become the minimum level of acceptable nonconforming use and the minimum level of substandard structure.

#### **§ 310-72. Floodland nonconforming uses.**

Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths and other factors associated with the one-hundred-year recurrence interval flood.

#### **§ 310-73. Existing substandard lots.**

- A. In any residential district, a one-family detached building and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds'

office before the effective date or amendment of this chapter, provided that such lot or parcel meets all the following requirements:

- (1) Lot:
  - (a) Width: 40 feet minimum.
  - (b) Area: 4,000 square feet minimum.
- (2) Building:
  - (a) Area:
    - [1] Minimum: 700 square feet per dwelling unit.
    - [2] Maximum: 40% lot area.
  - (b) Height: 35 feet maximum.
- (3) Yards:
  - (a) Street: 25 feet from lot line minimum.
  - (b) Rear: 25 feet minimum.
  - (c) Side: total side yards not less than 20% of lot width, provided that either side yard is not reduced to less than five feet per side.
- (4) Other. All other requirements for the district not modified herein shall also apply.

**B.** In the R-2 and R-3 Residential Districts, permitted uses may be erected on any legal lot or parcel of record in the County Register of Deeds' office before the effective date or amendment or this chapter, provided that such lot or parcel meets all the following minimum requirements:

- (1) Lot:
  - (a) Width: 80% of district minimum.
  - (b) Area: 90% of district minimum.
- (2) Building area: 90% of district minimum.
- (3) Side yards: total side yards not less than 20% of lot width, provided that neither side yard is reduced to less than five feet per side.
- (4) Other. All other requirements for the district not modified herein shall also apply.

**C.** In the B-1 General Business District, permitted uses may be erected on any legal lot or parcel of record in the County Register of Deeds' office before the effective date or

amendment of this chapter, provided that such lot or parcel meets all of the following minimum requirements:

- (1) Lot:
  - (a) Width: 80% of district minimum.
  - (b) Area: 80% of district minimum.
- (2) Building area: 80% of district minimum.
- (3) Side yards, when required:
  - (a) Principal uses: not less than five feet per side.
  - (b) Conditional uses: as determined by the Plan Commission after public hearing and review of proposal.
- (4) **Variance.** In the event a legal lot or parcel of record in the County Register of Deeds' office before the effective date or amendment of this chapter does not meet the minimum requirements of this Subsection C, permitted uses of the B-1 General Business District may be erected after application and consideration as a conditional use in accordance with §§ 310-53 through 310-60. In the event the Plan Commission recommends and the Village Board approves conditions which permit the erection of structures and permitted uses on such parcel herein described, then the conditions shall be deemed a variance in accordance with § 62.23(7)(e), Wis. Stats.
- (5) **Other.** All other requirements for the district not modified herein shall also apply.

**D.** If two or more adjacent substandard lots are owned by the same owner, then the substandard lots shall not be used, built upon or sold except in compliance with this section.

- (1) If two adjacent lots have a total width of less than 150 feet but more than 80 feet, then the lots may each be developed, provided that the width of each lot shall not be less than the width of the majority of the lots located within 300 feet of the subject lots and fronting on the same street as the subject lots.
- (2) If two or more adjacent lots have a total width of more than 150 feet, then the lots shall be re-divided in accordance with the minimum normal lot standards of the district in which the lots are located.



**EXHIBIT “A”**  
**TO ORDINANCE NO 02-08-07C**

**ARTICLE IX. Performance Standards.**

**§ 310-74. Purpose; compliance required.**

- A. Intent.** This chapter (Chapter 310:Zoning) permits specific uses in specific uses districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, land, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards and all applicable standards set forth by the Wisconsin Department of Commerce and Natural Resources in the Wisconsin Administrative Code, and with other applicable local, state, and federal codes and standards.
- B. Payment of Testing.** If the Village considers it necessary or advisable that a standard listed below (odors, vibration, noise, lighting, etc.) be measured by an independent testing firm, the building owner, at the Village’s request shall make available for inspection and testing the item in question, furnishing all necessary operation and access. If the standard measured is outside the limits allowed in this ordinance the building owner shall pay all costs arising out of or relating to such inspection, and testing. If, however, the standard measured is within the limits allowed in this ordinance, the Village shall pay all costs arising out of or relating to the inspection and testing.

**§ 310-75. Performance Standards.**

- A. Air pollution.** No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property.
- (1) Control of Hazardous Air Pollutants and Emissions.** Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Ch.NR400 through NR449, Wis. Adm. Code, or other applicable laws or regulations. Hazardous pollutants are specifically controlled in accord with NR445.
- (2) Control of Particulate Emissions and Dust.**
- (a)** Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch.NR415, Wis. Adm. Code, or in accord with other applicable laws or regulations which regulate particulate emissions.
- (b)** Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads

or parking lots shall be kept to a minimum by appropriate paving, spraying/watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with Ch.NR415.04, Wis. Adm. Code, or other applicable laws or regulations.

- B. Fire and explosive hazards.** All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against hazard of fire and explosion and with adequate fire-fighting and fire suppression equipment and devices that are standards in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000,

- C. Glare and heat.** No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- D. Water quality protection.**
- (1) No activity shall locate, store, discharge or permit the discharge of any treated untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.
  - (2) No activity shall discharge any liquid, gaseous, solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standard and the application of those standards set forth in Chs.NR102 to 105, Wis. Adm. Code, for all navigable waters in the county.
- E. Odors.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises. The guide for determining odor measurement and control shall be Ch. NR 154, Wis. Adm. Code.

**F. Radioactivity and electrical disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**G. Vibration.**

- (1) No operation or activity in any district, except the Business and Industrial Districts, shall emit vibrations which are discernible without instrumental outside the premises. No vibration shall be transmitted that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure-borne motion necessary to cause a person to be aware of the vibration by such direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
- (2) No operation or activity in the Business and Industrial Districts shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles per second)	Displacement (inches)	
	Outside the Premises	Outside the District
0 to 10	0.0020	0.0004
11 to 20	0.0010	0.0002
21 to 30	0.0006	0.0001
31 to 40	0.0004	0.0001
41 to 50	0.0003	0.0001
Over 50	0.0002	0.0001

- (3) Vibrations not directly under the control of the property user and vibrations from temporary construction activities shall be exempt from the above standard.

**H. Noise.**

- (1) No activity shall produce a sound level outside the property or district boundary that exceeds the following sound level measured by a sound-level meter and associated octave band filter:

Octave Band Frequency (cycles per second)	Maximum Permitted	Sound Level in Decibels
	Along Residential Property Boundaries	Along all other District Boundaries
0 to 75	72	75
Above 75 to 150	67	70
Above 150 to 300	59	63

Above 300 to 600	52	57
Above 600 to 1,200	46	52
Above 1,200 to 2,400	40	45
Above 2,400 to 4,800	34	40
Above 4,800	32	38

- (2) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness

**I. Parking, Driveways, Loading Areas, and Storage Areas.**

- (1) In order to protect the local groundwater supply, and to reduce dust, all areas used for continuous driving access (including parking facilities, driveways, loading areas, and storage areas) shall be paved with either asphalt or concrete prior to the occupancy of the building. Peripheral edge landscaping shall be installed around the edges of parking areas visible from public streets or residential areas.
- (2) **Existing Nonconforming Uses.** All unpaved areas approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

**J. Screening of outdoor storage.** No portion of any lot shall be used for open or unscreened storage of any kind. Outdoor storage areas shall be screened from view of any public street right-of-way, public walk, or public open space area and from all residential zoning districts. The screening of all such areas shall consist of the following:

- (1) **Walls and fences.** Solid walls or solid fences at least six feet in height and in no case lower in height than the enclosed storage area when a height exceeding six feet is approved by the Plan Commission. Access to such storage areas shall be through solid gates that shall be closed except when said outdoor storage area is in use for the transport of stored materials.
- (2) **Accessory permanent structures.** An accessory permanent structure may be used to screen such storage areas. Access to such outdoor storage areas shall be through solid gates that shall be closed except when said outdoor storage area is in use for the transport of stored materials. All such accessory permanent structures used for storage shall be subject to the architectural review standards and requirements of this chapter.
- (3) **Outdoor storage area maintenance required.** Fencing and landscaping for outdoor storage areas shall be maintained in good condition and kept litter-free.
- (4) **Outdoor storage location in off-street parking space or drive prohibited.** No outdoor storage areas shall be permitted in any off-street parking space or drive.



- (5) **Building permit required for the construction of outdoor storage enclosures.** A building permit shall be required for the construction of any outdoor storage enclosure.
- (6) **Existing Nonconforming Uses.** All unscreened storage areas approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

**K. Exterior lighting standards and lighting plan required.** Existing lighting plans shall be required in all non-residential districts. At the time any exterior light is installed or substantially modified, and whenever a zoning permit application is made, an exterior lighting plan shall be submitted to the Plan Commission in order to determine whether the requirements of this subsection have been met and that adjoining property will not be adversely impacted by the proposed lighting. This standard does not address illumination levels of fixture height which may be required by the Village for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property.

- (1) **Lighting plan elements.** A lighting plan submitted pursuant to the requirements of this subsection shall have, at a minimum, the following elements:
  - (a) A catalog page, cut sheet, or photograph of the luminaire, including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles.
  - (b) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
  - (c) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in foot candles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (2) **Exterior lighting shall meet one of the following standards:**
  - (a) Requirements for the use of non-cutoff-type luminaires. When a light source or luminaire has non-cutoff-type luminaire, the maximum permitted illumination shall be 0.30 footcandle and the maximum permitted luminaire height shall be 25 feet.
  - (b) Requirements for semi-cutoff-type luminaires (with angle greater than 80°) When a luminaire has semi-cutoff of light at an angle greater than 80° the maximum permitted illumination shall be 2.0 footcandles and the maximum permitted luminaire height shall be 30 feet.

- (c) Requirements for full-cutoff-type luminaires (with angle of 80° degrees or less). When a luminaire has fullcutoff of light at an angle of 80° or less and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination shall be 2.0 footcandles and the maximum permitted luminaire height shall be 40 feet.
- (3) Exterior lighting used for parking lots, recreational facilities, product display, or security shall not be permitted to spill-over on operators of motor vehicles, pedestrians, and uses of land in the vicinity of the light source.
  - (a) **Orientation.** Exterior lighting fixtures shall be oriented so that the lighting element (or a transparent shield) is not visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaires, or luminaires with cutoff optics, and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
  - (b) **Minimum Lighting Standards.** All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles, exclusive of approved anti-vandal lighting.
  - (c) **Intensity of Illumination.** The intensity of illumination measured at the property line, shall not exceed 0.5 footcandles.
  - (d) **Location.** Light fixtures shall not be permitted within required setbacks.
  - (e) **Flashing, Flickering, and Other Distracting Lighting.** Flashing, flickering, and other distracting lighting which distracts motorists is prohibited.
  - (f) **Accent Lighting.** Accent lighting and low voltage lighting (12 volts or less) is exempt from these regulations.
  - (g) **Existing Nonconforming Uses.** All lighting fixtures approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.
- (4) For the purposes of this subsection, light shall be measured as follows:
  - (a) **Metering equipment.** Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus 5%. The meter shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 30 days of its use.

- (b) **Method of measurement.** The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the interior line of the bufferyard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same source off. The differences between the two readings shall be compared to the maximum permitted illumination allowed under this subsection.

## ARTICLE X

### Board of Appeals

#### § 310-76. Establishment.

There is hereby established a Board of Appeals for the Village for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

#### § 310-77. Membership; terms of office.

- A. **Appointment.** The Board of Appeals shall consist of five members appointed by the Village President and approved by the Village Board. The Village President shall make his nominations at least one month prior to their appointment.
- B. **Terms.** Terms shall be for staggered three-year periods.
- C. **Chairman.** The Board shall choose its own Chairman.
- D. **Alternate members.** Two alternate members may be appointed by the Village President for a term of three years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- E. **Zoning Administrator.** The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
- F. **Oaths.** Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within five days of receiving notice of their appointment<sup>29</sup>.
- G. **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

#### § 310-78. Meetings; rules of conduct.

The Board herein adopts rules for the conduct of the business of the Board of Appeals in accordance with the provisions of this chapter. The Board may adopt further rules as necessary.

29. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II)

- A. Meetings.** Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. Minutes.** Minutes of the proceedings and a record of all actions shall be kept by the Board showing the vote of each member upon each question, the reason for the determination and the finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- C. Vote.** The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation and permit a temporary, unclassified or substituted use.

**§ 310-79. Powers.**

The Board of Appeals shall have the following powers:

- A. 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.
- B. Variances.**
  - (1) To hear and authorize appeals for variances to this chapter where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured.
  - (2) No variance shall have the effect of permitting any use in a district that is prohibited in that district, or of permitting standards lower than those required by the Wisconsin Statutes, Wisconsin Administrative Code or Department of Natural Resources, or of permitting the elevation of any building lying on floodlands to be lower than that specified in this chapter.
- C. Permits.** In exercising the above-mentioned powers the Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
- D. Assistance.** The Board may request assistance from other Village officers, departments, commissions and boards.
- E. Oaths.** The Chairman may administer oaths and compel the attendance of witnesses.

**§ 310-80. Appeals and applications.**

- A.** Appeals to the Board of Appeals may be taken by any person aggrieved or an officer, department, board or bureau of the Village affected by the decision of the Zoning Administrator. Such appeals shall be filed in the office of the Zoning Administrator within 30 days after the date of written notice of the decision or order of the Zoning Administrator.
- B.** Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed in the office of the Zoning Administrator.
- C.** Such appeals and applications shall include the following:
  - (1)** Name and address of the appellant or applicant and all abutting and opposite property owners of record.
  - (2)** Plat of survey prepared by a land surveyor registered in Wisconsin showing all of the information required for a zoning permit or detailed acceptable substitute.
  - (3)** Additional information as required by the Board of Appeals.
  - (4)** Fee receipt from the Zoning Administrator in the amount as set by the Village Board.
- D.** Costs incurred by the Board of Appeals and/or Village Board in retaining legal, planning, engineering and other technical and professional advice in connection with the review of appeal applications shall be charged to the applicant. The applicant shall be notified if costs will be incurred.

**§ 310-81. Hearings.**

The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 2 notice thereof and give due notice to the parties in interest, the Zoning Administrator and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

**§ 310-82. Conditions for grant of variance.**

No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Preservation of intent.** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use.

- B. Exceptional circumstances.** There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be amended.
- C. Economic hardship and self-imposed hardship not grounds for variance.** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of property rights.** The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of detriment.** No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- F. Additional requirements in floodland areas.**
  - (1) No variance shall be granted where:
    - (a) Filling and development would be contrary to the purpose and intent of the C-1 Lowland Resource Conservation District.
    - (b) A change in the boundaries of the C-1 Lowland Resource Conservation District would result.
    - (c) A lower degree of flood protection than a point two feet above the one-hundred-year recurrence interval flood for the particular area would result.
    - (d) Any action contrary to the provisions of Ch. NR 166, Wis. Adm. Code, would result.
  - (2) See also requirement set forth in Chapter 290, Shoreline-Wetland Zoning.

**§ 310-83. Notice to Department of Natural Resources.**

A copy of all notices of applications for variances to flood-land regulations shall be transmitted to the Department of Natural Resources within 10 days of the filing of the application. A copy of all decisions related to variances to flood-land regulations shall be transmitted to the Department of Natural Resources within 10 days of the effective date of such decision.

**§ 310-84. Decision; conditions; expiration of variance or permit.**

- A.** The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Administrator and the Plan Commission.

- B.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- B.** Variances, substitutions or use permits granted by the Board shall expire within six months unless work equal to 20% of the dollar amount stated on the permits has been completed by such date.

**§ 310-85. Resubmission.**

No application for variance may be resubmitted to the Board of Appeals after its denial within a period of six months of the original denial.

**§ 310-86. Review by court of record.**

Any person aggrieved by a decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.

**ARTICLE XI  
Changes and Amendments**

**§ 310-87. Authority.**

- A.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district or amend or supplement the regulations established by this chapter or amendments thereto.
- B.** Such change or amendment shall be subject to the review and recommendation of the Plan Commission prior to action by the Village Board.

**§ 310-88. Petitions.**

- A.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk-Treasurer, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following items:
  - (1)** Plan prepared by a surveyor or engineer registered in Wisconsin drawn to a scale of not less than one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.
  - (2)** Owners' names and addresses of all properties lying within 300 feet of the area proposed to be zoned.
  - (3)** Additional information required by the Village Board or Plan Commission.

(4) Hearing fee as set by the Village Board, plus the cost of legal notice and publication.

- B. Costs incurred by the Plan Commission and/or Village Board in retaining legal, planning, engineering and other technical and professional advice in connection with the review of petitions for any change to the district boundaries or amendments to the regulations shall be charged to the applicant. The applicant shall be notified if costs will be incurred.
- C. The Village Clerk-Treasurer shall forward such petition to the Plan Commission for hearing and recommendations.

**§ 310-89. Notice and hearings.**

- A. The Plan Commission shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice under Ch. 985, Wis. Stats.
- B. Due notice of all public hearings on petitions for changes to the C-1 Lowland Resource Conservation District or other district boundaries lying in flood-land areas or amendments to regulations affecting the flood-lands shall be transmitted to the Department of Natural Resources.

**§ 310-90. Recommendation by Plan Commission.**

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The Plan Commission's recommendation shall be presented in writing to the Village Board at the next scheduled meeting of the Village Board

**§ 310-91. Protest.**

In the event of a protest against such district change or amendment to the regulations of this chapter, signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.

**§ 310-92. Village Board action.**

- A. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall, by simple majority, act on such recommendation for proposed change or amendment and:
  - (1) Approve the recommended change or amendment.
  - (2) Refer the matter back to the Plan Commission for further consideration and recommendation



(3) Disapprove the recommended change or amendment.

- B.** Within 60 days after referral back to the Plan Commission, the Commission shall make a final recommendation to the Village Board. The Village Board may take such action as it deems appropriate by a simple majority vote at a properly constituted meeting.

**§ 310-93. Floodland boundary changes limited.**

The Village Board shall not permit changes to the floodland boundaries that are inconsistent with the purpose and intent of this chapter or in conflict with the applicable rules and regulations of the Department of Natural Resources (DNR) and the Federal Insurance Administration (FIA).

- A.** Changes in the floodway boundaries shall not be permitted where the change will increase the flood stage elevation in excess of 1.0 foot. Flood stage increases exceeding 0.1 foot in height shall not be permitted unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. Petitions for floodway changes shall show the affects of the change within the associated flood fringe utilizing the equal degree of encroachment principle and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- B.** Removal of land from the floodlands shall not be permitted unless the land has been filled to an elevation of at least two feet above the elevation of the one-hundred-year recurrence interval flood and further provided that such lands are contiguous to lands lying outside of the floodlands.
- C.** A copy of all notices for amendments or rezoning in the floodland shall be transmitted to the DNR and the FIA. Amendments to the floodland boundaries or regulations shall not become effective until approved by the DNR and FIA. In the case of floodland boundary changes, an official letter of map amendment from the FIA shall also be required.

**ARTICLE XII  
Administration**

**§ 310-94. Zoning Administrator.**

- A. Office created.** There is hereby created the office of Zoning Administrator for the Village.
- B. Duties and powers.** The Zoning Administrator shall have the following duties and powers. He shall:
- (1) Record all permits issued, inspections made, work approved and other official actions.
  - (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the C-1 Lowland Resource Conservation District.

- (3) Establish that all necessary permits that are required for flood-land uses by state and federal law have been secured.
- (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this chapter.
- (5) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters; give notice of all violations of this chapter to the owner, resident agent or occupant of the premises; and report uncorrected violations to the Village Attorney in a manner specified by the Attorney.
- (6) Assist the Village Attorney in the prosecution of violations of this chapter.
- (7) Issue zoning permits upon application for the erection or use of a structure or use of land or water, provided that such erection or use complies with all provisions of this chapter.
- (8) Have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.
- (9) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (10) Recommend to the Village Board and Plan Commission any additional use regulations as he shall deem necessary.
- (11) Request assistance and cooperation from the Police Department and Village Attorney.
- (12) Review all sites when directed by the Plan Commission. Such review shall be considered equivalent to a review by the Commission itself.

**§ 310-95. Zoning permit.**

- A. Application.** Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Administrator and shall include the following where pertinent and necessary for proper review:
- (1) Name and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
  - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- (3) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show the type, slope and boundaries of soils shown on the Operations Soil Survey Maps prepared by the United States Department of Agriculture Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
- (4) Additional information as may be required by the Plan Commission or Zoning Administrator.
- (5) Fee receipt from the Village Clerk-Treasurer in an amount specified in Subsection C of this section.

**B.** A zoning permit shall be granted or denied by the Zoning Administrator in writing within 30 days of application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four months unless work equal to 10% of the dollar amount of the permits has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not seventy-five-percent completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.

**C. Fees.**

- (1) All applicants shall pay a zoning permit fee as set by the Village Board.
- (2) Zoning permit fees do not include and are in addition to building permit fees established by the Village Building Code<sup>30</sup>.
- (3) Fees for conditional uses shall be computed in accordance with § 310-53A of this chapter.
- (4) Fees for amendments shall be in accordance with § 310-88A(4) of this chapter.
- (5) A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.
- (5) Fees for written determinations by the Zoning Administrator shall be as set by the Village Board.

**§ 310-96. Remedial action.**

Whenever an order of the Zoning Administrator has not been complied with within 30 days after

30. Editor's Note: See Ch. 114, Building Construction

written notice has been mailed to the owner, resident, agent or occupant of the premises, the Zoning Administrator, the Village Board or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent or occupant from using such structure, land or water.

#### **§ 310-97 Swimming Pool Standards**

- A. Definition:** A swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1 ½ ) feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term 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.
- B. Exempt Pools:** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (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. 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. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector 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. The required building permit fee pursuant to the City Building Code 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 shall not issue a permit for construction as provided for in subsection (2), above, unless the following construction requirements are observed:
  - (1) Approved Materials:** 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 code and with any and all ordinances of the City now in effect or hereafter enacted.
  - (2) Plumbing:** 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) Electrical Installations:** 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.

**E. Setbacks and Other Requirements:**

- (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (2) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

**F. Enclosure:**

- (1) **Fence; In-ground pools:** All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool which can withstand 200 pounds of force from any direction and with no opening therein (other than doors or gates) which shall allow passage of a four (4") inch diameter sphere. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (2) **Above-Ground Pools; Pool Wall Barrier:**
  - a. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than four (4) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool and which can withstand 200 pounds of force from any direction.
  - b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

- G. Compliance:** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

- H. Draining and Approval Thereof:** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.
- I. Filter System Required:** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- J. Dirt Bottoms Prohibited:** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- K. Penalties:** Any person in violation of this ordinance shall be given a written notice to comply with the terms and provisions of the ordinance within five (5) days of the date of the notice or be subject to forfeitures of \$25 to \$100 per day for each day that each violation continues.

# APPENDIX

**DERIVATION**

**TABLE**



DERIVATION TABLE  
**DT:1**  
**Village of Genoa City**  
**Derivation Table of 1984 Code to 2004 Code**

<b>Chapter/Title From 1984 Code</b>	<b>Location in 2004 Code</b>
<b>Title 1, General Provisions</b>	
Ch. 1, Use and Construction	Ch. 1, Art. I
Ch. 2, Use of Citation	REP
<b>Title 2, Government and Administration</b>	
Ch. 1, Village Government and Elections	Ch. 47
Ch. 2, Village Board	Ch. 82
Ch. 3, Municipal Officers and Employees	Ch. 62
Ch. 4, Boards and Commission	Ch. 15
Ch. 5, Finance	Ch. 41
Ch. 6, Special Assessments	Ch. 9, Art. I
Ch. 7, Ethical Standards	Ch. 35
Ch. 8, Review of Administrative Determinations	Ch. 5
Ch. 9, Public Records	Ch. 70
<b>Title 3, Public Safety</b>	
Ch. 1, Law Enforcement	Ch. 28, Art. I
Ch. 2, Fire and Rescue	Ch. 28, Art. II
Ch. 3, Fire Prevention Code	Ch. 139, Art. I
<b>Title 4, Public Works</b>	
Ch. 1, Streets and Sidewalks	Ch. 234
Ch. 2, Trees and Shrubs	Ch. 251
<b>Title 5, Public Utilities</b>	
Ch. 1, Water and Sewer Utilities	Ch. 270, Art. I
Ch. 2, Cable Television	NI
Ch. 3, User Charge and Sewer Use	Ch. 270, Art. II

**NCM** = Not Code material (legislation is not general or permanent in nature).  
**Rep** = Repealed effective with adoption of Code; see Ch. 1 Art. I  
**NI** = Not included in Code but saved from repeal.  
**NLP** = New legislation is pending

**Village of Genoa City**  
**Derivation Table of 1984 Code to 2004 Code**  
**DT:2**  
**GENOA CITY CODE**

<b>Chapter/Title from 1984 Code</b>	<b>Location in 2004 Code</b>
Ch. 3, Wellhead Protection	Ch. 305
<b>Title 6, Health and Sanitation</b>	
Ch. 1, Health and Sanitation	
§§ 6-1-1 to 6-1-3	Ch. 62
§ 6-1-4	Ch. 270, Art. I
§§ 6-1-5 to 6-1-8	Ch. 149
§ 6-1-9	Ch. 101
§ 6-1-10	Ch. 228
Ch. 2, Water Pollution	Ch. 200, Art. I
<b>Title 7, Licensing and Regulation</b>	
Ch. 1, Licensing of Dogs and Cats: Animals	Ch. 101
Ch. 2, Fermented Malt Beverages	Ch. 160
Ch. 3, Pharmacists' Permits: Cigarette Sales	
§ 7-3-1 Pharmacists' Permits	REP
§ 7-3-2, Cigarette Sales	Ch. 246, Art. I
Ch. 4, Direct Sellers	Ch. 128
Ch. 5, Amusement Parlors and Arcades	Ch. 97, Art. I
Ch. 6, Entertainment Licenses	Ch. 97, Art. II
Ch. 7, Sauna and Massage Establishments	Ch. 217
Ch. 8, Mobile Homes and Mobile Home Parks	Ch. 180
Ch. 9, Taxicabs	Ch. 240
Ch 10, Fireworks	Ch. 143
<b>Title 8, Motor Vehicles and Traffic</b>	
Ch. 1, Traffic and Parking	Ch. 265
Ch. 2, Bicycles	Ch. 108, Art. I
Ch. 3, Snowmobiles	Ch. 223
Ch. 4, Junked, Stored, or Abandoned Vehicles	Ch. 261

**NCM** = Not Code material ( legislation is not general or permanent in nature).

**REP** = Repealed effective with adoption of Code; see Ch. 1, Art. I.

**NI** = Not included in Code but saved from repeal.

**NLP** = New legislation is pending.

**Village of Genoa City**  
**Derivation Table of 1984 Code to 2004 Code**  
**DT:3**

<b>Chapter/Title From 1984 Code</b>	<b>Location in 2004 Code</b>
<b>Title 9, Offenses and Nuisances</b>	
Ch. 1, State Statutes Adopted	
§ 9-1-1	Ch. 194, Art. I
§§ 9-1-2 and 9-1-3	Ch. 21
Ch. 2, Offenses Against Public Safety and Peace	
§§ 9-2-1 to 9-2-14 and 9-2-17	Ch. 194, Art. II
§ 9-2-15	Ch. 175, Art. I
§ 9-2-18 (in-line skates)	Ch. 108, Art. II
§ 9-2-18 ( truancy)	Ch. 175, Art. II
§ 9-2-19	Ch. 108, Art. III
Ch. 3, Offenses Against Property	Ch. 194, Art. III
Ch. 4, Obscenity	REP
Ch. 5, Offenses Involving Alcoholic Beverages	Ch. 93
Ch. 6, Public Nuisances	Ch. 186
Ch. 7, Public Nuisances- Lack of Maintenance	Ch. 205, Art. I
Ch. 8, Tobacco Products	Ch. 246, Art. II
<b>Title 10, Land Use Regulations</b>	
Ch. 1, One-and Two- Family Dwelling Code	Ch. 114, Art. II
Ch. 2, Building Regulations	Ch. 114, Art. I
Ch. 3, Flammable Liquids; Fire District Regulations	Ch. 139, Art. II
Ch. 4, Floodplain Zoning	Ch. 280
Ch. 5, Zoning	Ch. 310
Ch. 6, Subdivision Regulations	Ch. 295
Ch 7, Mobile Homes	Ch. 180
Ch. 8, Lawn Maintenance	Ch. 205, Art. II
Ch. 9, Uniform Street Numbering System	Ch. 118
Ch. 10, Annexations to the Village	NI

**NCM** = Not Code material  
**REP** = Repealed effective with adoption of Code; see Ch. 1, Art. I  
**NI** = Not included in Code but saved from repeal  
**NLP** = New legislation is pending

**DISPOSITION  
LIST**

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Village of Genoa City adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was an ordinance adopted 5-8-2003.

§ DL-1. Disposition of legislation.

_____	Enactment	Adoption Date	Subject	Disposition
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## GENOA CITY INDEX

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