

**TOWN OF OREGON
MUNICIPAL
CODE**

**A Codification of the General Ordinances
of Oregon, Wisconsin**

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2021



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PREFACE

Citation to the Oregon Municipal Code: This code should be cited as OMC; i.e., “see OMC 3.05.010.” A OMC title should be cited OMC Title 3. A OMC chapter should be cited Chapter 3.05 OMC. A OMC section should be cited OMC 3.05.010. Through references should be made as OMC 3.05.010 through 3.05.040. Series of sections should be cited as OMC 3.05.010, 3.05.020, and 3.05.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus OMC 3.05.020 is Title 3, Chapter 5, Section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the OMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

Legislation: The legislative source of most sections is enclosed in brackets at the end of the section. References to ordinances are abbreviated; thus “[Ord. 51 § 1, 1997.]” refers to Section 1 of Ordinance No. 51. “Formerly” followed by a OMC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

Codification tables: To convert an ordinance citation to its OMC number consult the codification tables. The parenthetical information at the end of each ordinance entry indicates where the ordinance has been codified. Ordinances designated as “Special,” “Repealed,” or “Not Codified” do not appear in the code.

Errors or omissions: Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: CPC@codepublishing.com, so that correction may be made in a subsequent update.

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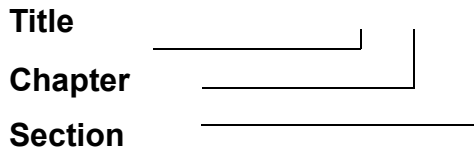
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How to Amend the Code

Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

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Typically, there are 9 vacant positions between sections; 4 positions between chapters; and several title numbers are “Reserved” to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an “addition”; that is, a new title, chapter, section, or subsection will be added. For example:

Section 1. Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

Section 1. A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

Section 2. Subsection D is added to Section 5.05.070, to read as follows:

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

Section 1. Section 5.05.030 is amended to read as follows:

-or-

Section 1. Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

Section 3. Subsection B of Section 5.05.070 is amended to read:

Repeals

Ordinances which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter can be reused at a later time when desired. For example:

Section 2. Section 5.05.020, License, is repealed.

Renumbering

If the ordinance renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

Codification Assistance

Code Publishing Company can assist either in specifying code numbers or in providing remedies for other codification related problems free of charge. Please call us at (206) 527-6831.

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.05 Use and Construction**
- 1.10 Issuance of Citations**

Chapter 1.01

CODE ADOPTION

(Reserved)

Chapter 1.05

USE AND CONSTRUCTION

(Reserved)

Chapter 1.10

ISSUANCE OF CITATIONS

(Reserved)

Title 2

GOVERNMENT AND ADMINISTRATION

Chapters:

- 2.05 General Provisions and Elections**
- 2.10 Joint Municipal Court – Municipal Judge**
- 2.15 Town Meetings**
- 2.20 Town Board**
- 2.25 Town Officers and Employees**
- 2.30 Boards, Commissions, and Committees**
- 2.35 Ethical Standards**
- 2.40 Finance**
- 2.45 Special Assessments**
- 2.50 Public Records**
- 2.55 Review of Administrative Determinations**
- 2.60 Municipal Board of Absentee Canvassers**

Chapter 2.05**GENERAL PROVISIONS AND ELECTIONS**

Sections:

2.05.010 Voter registration.

2.05.010 Voter registration.

The purpose of this chapter is to promote efficient order and expedite the registration process on election day.

Whereas, the Wisconsin Statutes allow voter registration for municipalities and the Town Board of the Town of Oregon wishes to do so, the Clerk is requested to proceed with establishing voter registration. [Ord. 38, 1988. Prior code § 2.1.1.]

Chapter 2.10**JOINT MUNICIPAL COURT – MUNICIPAL JUDGE**

Sections:

- 2.10.010 Court established.
- 2.10.020 Jurisdiction.
- 2.10.030 Municipal Judge.
- 2.10.040 Location.
- 2.10.050 Procedure.
- 2.10.060 Forfeitures.
- 2.10.070 Contempt of court.
- 2.10.080 Stipulation and deposits in Joint Municipal Court.
- 2.10.090 Court authority to impose alternative juvenile dispositions and sanctions.
- 2.10.100 Administering agreement.

2.10.010 Court established.

The Joint Municipal Court for the Village of Oregon and the Town of Oregon, created by Wis. Stat. Ch. 755, is hereby established and shall become operative and functional on the effective date of the ordinance codified in this chapter. [Ord. 51 § 1(a), 1997. Prior code § 2.2.1.]

2.10.020 Jurisdiction.

The Joint Municipal Court and the Municipal Judge shall have jurisdiction as provided in Wis. Stat. §§ 755.045 and 755.05, and as otherwise provided by Wisconsin law. [Ord. 51 § 1(b), 1997. Prior code § 2.2.2.]

2.10.030 Municipal Judge.

The Joint Municipal Court shall be presided over by a Municipal Judge.

a. Election – Term. The Municipal Judge of the existing Village of Oregon Municipal Court shall serve as the Judge for the Joint Municipal Court until the end of the Judge's current term. After that, the Municipal Judge shall be elected at large by the electors of the Village and the Town at the spring election in odd-numbered years for a term of four (4) years, commencing on May 1st succeeding the election. The Municipal Judge shall serve until a successor is elected and qualifies. Midterm vacancies in the office of Municipal Judge shall be filled by appointment, as agreed upon by the Village Board and the Town Board, pursuant to Wis. Stat. § 8.50(4)(fm).

b. Salary. The Municipal Judge shall receive a monthly salary paid by the Village, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by subsection (c) of this section.

c. Bond – Oath. The Municipal Judge shall execute and file with the Clerk of Courts for Dane County the oath prescribed by Wis. Stat. § 757.02 and a bond. The Municipal Judge shall not be qualified to act until a certified copy of the oath is filed with the Office of the State Administrator of Courts, as required by Wis. Stat. § 755.03.

d. Sessions. The Joint Municipal Court shall be open on the days and hours set by the Municipal Judge. [Ord. 58 § 1, 2001; Ord. 51 § 1(c), 1997. Prior code § 2.2.3.]

2.10.040 Location.

The Municipal Judge shall keep an office and hold court in the Village Hall of the Village of Oregon. [Ord. 51 § 1(d), 1997. Prior code § 2.2.4.]

2.10.050 Procedure.

The procedure in the Joint Municipal Court shall be as provided by this section and state law including, without limitation because of enumeration, Wis. Stat. Chs. 800 and 755 and §§ 23.50 to 23.85, 345.11, 345.20 to 345.53 and 972.11(3m). [Ord. 51 § 1(e), 1997. Prior code § 2.2.5.]

2.10.060 Forfeitures.

The Municipal Judge may impose punishment and forfeitures provided under Wisconsin law, and as provided in the ordinances of the Village and the Town. The Municipal Judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the Municipal Court, and shall pay over the amounts collected to the Village Clerk within fifteen (15) days of receipt. At such time, the Municipal Judge also shall report to the Village Clerk the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, assessment, fees and costs. [Ord. 51 § 1(f), 1997. Prior code § 2.2.6.]

2.10.070 Contempt of court.

The Municipal Judge may impose a sanction authorized under Wis. Stat. § 800.12(2) for contempt of court, as defined in Wis. Stat. § 785.01(1), in accordance with the procedures under Wis. Stat. § 785.03. The Municipal Judge may impose a forfeiture for contempt under Wis. Stat. § 800.12(1) in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture, penalty assessment under Wis. Stat. § 165.87, jail assessment under Wis. Stat. § 302.46, and any applicable domestic abuse assessment under Wis. Stat. § 973.055(1), a jail sentence not to exceed seven (7) days. [Ord. 51 § 1(g), 1997. Prior code § 2.2.7.]

2.10.080 Stipulation and deposits in Joint Municipal Court.

a. Village Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the Village Board for approval by resolution a schedule of deposits for violations of Village ordinances, except traffic regulations, which are governed by Wis. Stat. § 345.26, and all-terrain vehicle violations governed by Wis. Stat. § 23.33.

b. Town Deposit Schedule to Be Established. The Municipal Judge shall establish and submit to the Town Board for approval by resolution a schedule of deposits for violations of Town ordinances, except traffic regulations, which are governed by Wis. Stat. § 345.26.

c. Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of Village or Town ordinances for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stat. § 800.03, 800.04, and 800.09.

d. Traffic and All-Terrain Vehicle Deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Wis. Stat. Chs. 23 and 345 shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Wis. Stat. § 345.26 and all-terrain vehicle regulations enacted in accordance with Wis. Stat. § 23.33.

e. When Not Permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under OMC 2.10.070. [Ord. 51 § 1(h), 1997. Prior code § 2.2.8.]

2.10.090 Court authority to impose alternative juvenile dispositions and sanctions.

a. For a juvenile adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in Wis. Stat. § 938.343 and 938.344, in accordance with the provisions of those statutes.

b. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stat. § 938.343 or 938.344, the Municipal Court is authorized to impose any of the sanctions listed in Wis. Stat. § 938.355(6)(d), in accordance with the provisions of those statutes.

c. The municipal judge may impose community service as an alternative to a monetary forfeiture in the case of a juvenile violator. In such a case, the juvenile may be required to complete a community service project as specified by the court. Supervision of the juvenile upon whom the sentence is imposed shall be the responsibility of the parent, parents or legal guardian having custody of the juvenile. [Ord. 51 § 1(i), 1997. Prior code § 2.2.9.]

2.10.100 Administering agreement.

The Village Board and the Town Board are authorized to enter into an agreement to share the costs of maintaining the Joint Municipal Court. [Ord. 51 § 1(j), 1997. Prior code § 2.2.10.]

Chapter 2.15

TOWN MEETINGS

(Reserved)

Chapter 2.20**TOWN BOARD**

Sections:

2.20.010 Number of Town Supervisors.

2.20.010 Number of Town Supervisors.

a. Authority. The Oregon Town Board has been authorized by the Oregon Town meeting to exercise Village powers. Accordingly, the Town Board is authorized by Wis. Stat. § 60.21(1) to increase the size of its Board from three (3) Supervisors.

b. Increase in Number. The membership of the Town Board shall be increased to consist of five (5) Supervisors, with three (3) Supervisors to be elected in odd-numbered years, and two (2) Supervisors to be elected in even-numbered years.

c. Effective Date. The ordinance codified in this chapter shall take effect on January 1, 2000, but shall not be deemed to create any vacancy on the Town Board prior to the spring election in 2000. [Ord. 57 § 1, 1999. Prior code § 2.4.1.]

Chapter 2.25**TOWN OFFICERS AND EMPLOYEES**

Sections:

- 2.25.010 Town Constable.
- 2.25.020 Prohibition of receipt of gifts or gratuities by public officials.
- 2.25.030 Clerk appointed.

2.25.010 Town Constable.

a. Jurisdiction.

1. The Town Constable shall have the jurisdiction and authority to enforce all Town ordinances, including the power to issue citations for violations thereof. This power shall include the power to question persons and to detain persons upon reasonable suspicion to investigate potential violations of Town ordinances, but shall not include the power of arrest.

2. The Town Constable shall not have the jurisdiction or authority to enforce any other laws of the state of Wisconsin, and is not a traffic officer pursuant to Wis. Stat. § 340.01(22).

3. The Town Constable shall not have the authority to operate a motor vehicle as an authorized emergency vehicle pursuant to Wis. Stat. § 346.03 or operate a motor vehicle with police emergency lights pursuant to Wis. Stat. § 347.25(1m).

b. Duties. The Town Constable shall:

1. Enforce all laws within the Constable's jurisdiction and within his or her reasonable exercise of discretion cause to be prosecuted all violations of such law of which he or she has knowledge.

2. Serve, within Dane County, except as provided under Wis. Stat. § 60.351(3), any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by him by any court or officer.

3. Refrain from carrying on his or her person any firearm of any kind while acting in his or her capacity as Town Constable, except that a firearm may be transported, unloaded and cased in the Constable's vehicle and used solely, as reasonably necessary, and with due consideration for public safety, for animal control purposes.

4. Report to the Town Board once per month regarding all enforcement activities.

c. Nonexclusivity. Nothing in this section shall be construed as a limitation on the authority of the Town Board to provide for enforcement of any law or ordinance in any other lawful manner and shall not be construed as granting the Town Constable exclusive jurisdiction over any law enforcement matter within the Town. [Ord. 74 § 1, 2009. Prior code § 2.5.1.]

2.25.020 Prohibition of receipt of gifts or gratuities by public officials.

a. It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person:

1. Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or

2. Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or

3. Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.

b. The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the Town of Oregon.

c. Severability. The provisions of this chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of the ordinance codified in this chapter irre-

spective of whether or not one (1) or more provisions may be declared invalid. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. [Ord. 13 §§ 1, 2, 1974. Prior code § 2.5.2.]

2.25.030 Clerk appointed.

Pursuant to Wis. Stat. §§ 60.10(1)(b)(2m) and 60.30(1e), the Town Clerk shall be appointed by the Town Board to serve for a term of three (3) years, at a level of compensation to be set by the Town Board that may not be reduced during the term to which the person is appointed as Town Clerk. The Clerk may be reappointed at the end of the three (3) year term, and may be dismissed by the Town Board only for cause. [Ord. 59 § 1, 2004. Prior code § 2.5.3.]

Chapter 2.30**BOARDS, COMMISSIONS, AND COMMITTEES**

Sections:

- 2.30.010 Creation.
- 2.30.020 Membership.
- 2.30.030 Appointment.
- 2.30.040 Term.
- 2.30.050 Officers.
- 2.30.060 Power.
- 2.30.070 Functions.

2.30.010 Creation.

Pursuant to Wis. Stat. §§ 60.18(12), 61.35 and 62.23 (1968-1969), there is hereby created a “Plan Commission” for the Town of Oregon, Dane County, Wisconsin. [Ord. 4 § 1, 1969. Prior code § 2.6.1.]

2.30.020 Membership.

The Plan Commission shall at all times consist of seven (7) members composed of one (1) member of the Town Board and six (6) citizens of the Town of Oregon. In May of each year, the Town Chairperson shall appoint one (1) member to be the presiding officer to the Plan Commission for a term of one (1) year. [Ord. 65 § 1, 2007; Ord. 15 § 2, 1975; Ord. 4 § 2, 1969. Prior code § 2.6.2.]

2.30.030 Appointment.

The members shall be appointed by the Town Chairman, subject to the approval of the Town Board. [Ord. 4 § 3, 1969. Prior code § 2.6.3.]

2.30.040 Term.

The five (5) citizen members shall serve for an initial term of three (3) years and shall be appointed by June 1, 1969. Beginning in June 1972, the Town Chairman shall appoint two (2) citizen members for three (3) years, two (2) members for two (2) years and one (1) member for (1) year. Thereafter, appointments shall be for three (3) year terms.

The Town Board member shall be elected by a two-thirds (2/3) vote of the Town Board in April of each year. [Ord. 15 § 4, 1975; Ord. 4 § 4, 1969. Prior code § 2.6.4.]

2.30.050 Officers.

The members of the Plan Commission shall elect a Chairman and Secretary from among its membership. [Ord. 4 § 5, 1969. Prior code § 2.6.5.]

2.30.060 Power.

The Plan Commission shall have the power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Commission by the Town Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Town Board of the Town of Oregon. [Ord. 4 § 6, 1969. Prior code § 2.6.6.]

2.30.070 Functions.

It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the municipality, including areas outside of its boundaries which, in the commission’s judgment, bear relation to the development of the Town. The master plan, with the accompanying maps,

plats, charts 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, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways and buses, and 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 of terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The Commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. [Ord. 4 § 7, 1969. Prior code § 2.6.7.]

Chapter 2.35

ETHICAL STANDARDS

(Reserved)

Chapter 2.40

FINANCE

(Reserved)

Chapter 2.45

SPECIAL ASSESSMENTS

(Reserved)

Chapter 2.50**PUBLIC RECORDS**

Sections:

2.50.010 Records schedule.

2.50.020 Confidentiality of income and expenses provided to assessor for assessment purposes.

2.50.010 Records schedule.

a. Title and Purpose. This chapter is entitled the “Town of Oregon Ordinance to adopt the Wisconsin Municipal Records Schedule.” The purpose of this chapter is to provide the legal custodian(s) of public records in the possession of the Town of Oregon with the authority to retain and destroy those records.

b. Authority. The Town Board of the Town of Oregon, Dane County, Wisconsin, has the specific authority under Wis. Stat. §§ 19.21(4) and 60.83, to adopt an ordinance to address the management and destruction of public records.

c. Adoption of Wisconsin Municipal Records Schedule. The Wisconsin Municipal Records Schedule, as approved by the Public Records Board on August 27, 2018, attached hereto the ordinance codified in this chapter and incorporated herein by reference, is hereby adopted by the Town Board of Oregon as the Town’s official record retention schedule.

d. Notification to Wisconsin State Historical Society. When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in Wis. Stat. § 19.21(4), to the Wisconsin State Historical Society. [Ord. 87 § 1–4, 2019.]

2.50.020 Confidentiality of income and expenses provided to assessor for assessment purposes.

a. Adoption. This section adopts by reference Wis. Stat. § 70.47 (7)(af). Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Wis. Stat. § 19.35(1).

b. Exceptions. An officer may make disclosure of such information under the following circumstances:

1. The assessor has access to such information in the performance of his/her duties;
2. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
3. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
4. The officer is complying with a court order;
5. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Wis. Stat. § 74.37, in which case the base records are open and public. [Ord. 88 §§ 1, 2, 2019.]

Chapter 2.55

REVIEW OF ADMINISTRATIVE DETERMINATIONS

(Reserved)

Chapter 2.60**MUNICIPAL BOARD OF ABSENTEE BALLOT CANVASSERS**

Sections:

2.60.010 Municipal Board of Absentee Ballot Canvassers.

2.60.010 Municipal Board of Absentee Ballot Canvassers.

a. The Board of Absentee Ballot Canvassers shall be composed of the Town Clerk or a qualified elector of the Town designated by the Town and two (2) other qualified electors of the Town appointed by the Town for a term of two (2) years commencing on January 1st of each odd-numbered year. The initial terms of the appointment shall expire on January 1, 2021, unless reappointed. All appointments shall comply with Wis. Stat. §§ 7.52 and 7.53.

b. The Board of Absentee Ballot Canvassers shall operate pursuant to the provisions of Wis. Stat. §§ 7.52 and 7.53, as applicable.

c. Pursuant to Wis. Stat. § 7.52(1)(b), the Town may appoint additional inspectors to assist the Board of Absentee Ballot Canvassers in canvassing absentee ballots under this section.

d. The Town Board in lieu of canvassing absentee ballots at polling places hereby provides for the canvassing of absentee ballots by the Board of Absentee Ballot Canvassers, which shall canvass all absentee ballots at all elections held in the Town pursuant to procedures established by the state division governing elections.

e. The Town Clerk shall give at least forty-eight (48) hours' notice of any meeting of the Board of Absentee Ballot Canvassers under this section.

f. The Town Clerk, not later than the closing hour of the polls, shall post at the Town Hall and the Town website, and shall make available to any person upon request, a statement of the number of absentee ballots that the Town Clerk has mailed or transmitted to electors and that have been returned by the closing hour on Election Day. [Ord. 90 § 1, 2020. Prior code § 2.1.2.]

Title 3

PUBLIC SAFETY

Chapters:

- 3.05 Fire Department, Fire Prevention**
- 3.10 Fire Prevention Code**
- 3.15 Hazardous Materials**
- 3.20 Abandoned and Unclaimed Personal Property**

Chapter 3.05

FIRE DEPARTMENT, FIRE PREVENTION

(Reserved)

Chapter 3.10

FIRE PREVENTION CODE

(Reserved)

Chapter 3.15

HAZARDOUS MATERIALS

(Reserved)

Chapter 3.20

ABANDONED AND UNCLAIMED PERSONAL PROPERTY

(Reserved)

Title 4

PUBLIC WORKS

Chapters:

- 4.05 Streets and Sidewalks**
- 4.10 Driveways – Culverts**
- 4.15 Private Roads – Road Excavations – Trees and Shrubs**
- 4.20 Public Works Projects**
- 4.25 Regulations of Parks and Navigable Waters**
- 4.30 Cemeteries**

Chapter 4.05

STREETS AND SIDEWALKS

(Reserved)

Chapter 4.10**DRIVEWAYS – CULVERTS**

Sections:

- 4.10.010 Authority and purpose.
- 4.10.020 Jurisdiction.
- 4.10.030 Definitions.
- 4.10.040 General provisions.
- 4.10.050 Application statement.
- 4.10.060 Specifications.
- 4.10.070 Joint driveways.
- 4.10.080 Existing driveways and field roads.
- 4.10.090 Variances.
- 4.10.100 Expiration of permits.
- 4.10.110 Fees.
- 4.10.120 Violations.
- 4.10.130 Severability.
- 4.10.140 Permits issued under previous ordinance.
- 4.10.150 Driveway dedication.

4.10.010 Authority and purpose.

The Town Board of the Town of Oregon has the specific statutory authority, pursuant to Wis. Stat. §§ 86.07(2) and 236.45 and by its adoption of village powers under Wis. Stat. § 60.22(3), to provide regulations to promote the health and safety of the community, the transporting of public and emergency services personnel and equipment by regulating the placement, design, modification and maintenance of driveways and field roads accessing public highways in the Town of Oregon. [Ord. 85, 2017; Ord. 53 § 1, 1999. Prior code § 4.2.1.]

4.10.020 Jurisdiction.

This chapter applies to all driveways and field roads installed, altered, changed, replaced or extended after the effective date of the ordinance codified in this chapter. [Ord. 85, 2017; Ord. 53 § 2, 1999. Prior code § 4.2.2.]

4.10.030 Definitions.

“Bump-out” means a section of driveway measuring forty (40) feet in length and twenty-four (24) feet in width, and a sixteen (16) foot height restriction for branches shall be maintained, to allow for the safe passage of motor vehicles.

“Driveway” means a road or other traveled way giving access from a public highway to one (1) or more buildings located, or to be constructed, on adjacent land.

“Field road” means a road or other traveled way giving access from a public highway to farmland, farm accessory buildings, or other adjacent vacant land.

“Variance” means any deviation from the provisions of this chapter. [Ord. 85, 2017; Ord. 53 § 3, 1999. Prior code § 4.2.3.]

4.10.040 General provisions.

a. Permit Required. No person shall construct, relocate or extend a driveway or field road without first obtaining a permit from the Town Board, pursuant to this chapter.

b. Permit Application Procedure.

1. All applications for a permit, authorized by this chapter, shall be in writing on an official form furnished by the Town Clerk. All applications shall be filed with the Town Clerk together with the permit fee. Permit applications shall contain the name, address, and phone number of the applicant, the name of the property owner, a proof of the applicant's ownership or right to possess the subject property, identification of materials proposed to be used, along with a sketch of the subject property and the proposed location of the driveway or field road. The sketch shall be approximately drawn to scale and shall show dimensions and location of any improvements, and/or proposed improvements.

2. The Town Clerk shall forward the completed application to the Town Chairman, or designee. The Chairman or designee shall make arrangements with the applicant to conduct a site visit of the proposed location of the driveway or field road to determine compliance with the provisions of this chapter. Following the site visit, the Town Chairman or designee shall inform the Town Clerk of application compliance or noncompliance. If application is noncompliant, the Town Clerk, at the request of the applicant, will include consideration of a variance on the agenda of the next regularly scheduled Town Board meeting. Note: No Board approval is necessary, unless the driveway or field road is in need of a variance from the Board.

3. If Town Board consideration is necessary, because a variance is required, the Board shall review the report of the Town Chairman or designee who performed the site visit. The Town Board shall consider any variance and take action to approve or deny the permit. The Town Board may alter the proposed location of the driveway or field road on the applicant's sketch. Any changes to the location or design, or any variance allowed to the specifications of this chapter, must be acknowledged by the applicant by initialing the Board's approved revisions on the sketch and application form.

4. The Town Clerk shall provide a copy of the approved permit and sketch to the applicant and maintain a file of all permits and applications. [Ord. 85, 2017; Ord. 53 § 4, 1999. Prior code § 4.2.4.]

4.10.050 Application statement.

All permit applications shall contain the applicant's statement that:

a. The applicant represents all parties in interest and that such proposed driveway or field road is for the bona fide purpose of securing access to the applicant's property.

b. The Town, notwithstanding the construction of such driveway or field road, reserves the right to make any changes, additions, repairs, or relocations within the dedicated portion of the public right-of-way at any time, including relocation, reconstruction, widening, and maintaining the public right-of-way without compensating the owner of such private driveway or field road for the damage or destruction of such private driveway or field road.

c. The applicant and applicant's heirs, successor, or assigns agree to indemnify and hold harmless the Town, its officials, officers, agents, or employees against any claim or any cause of action for personal injury or property damage sustained because of granting such permit.

d. Utility relocation costs shall be the responsibility of the property owner. [Ord. 85, 2017; Ord. 53 § 5, 1999. Prior code § 4.2.5.]

4.10.060 Specifications.

a. The Portion of the Driveway/Field Road between the Traveled Portion of the Public Highway and the Private Property.

1. Visibility. As a standard, a driveway or field road shall be located as to permit a safe distance from a vehicle, at the driveway or field road, to see an approaching vehicle and to have adequate time to exit or enter the driveway or field road safely. An object measuring three and one-half (3 1/2) feet in height shall be visible from the driveway or field road at the edge of the traveled portion of the highway for a distance identified in the sight/stopping distance criteria table below.

Design Speed MPH	Stopping/Sight Distance in Feet	
	Minimum	Desirable
30	200	200
35	225	250
40	275	325
45	325	400
50	400	475
55	450	550

2. Approach. The driveway or field road approach angle at the edge of the traveled portion of the highway right-of-way must be between seventy (70) and one hundred ten (110) degrees.

3. Stormwater Runoff. The driveway or field road shall be constructed to prohibit stormwater runoff from flowing or encroaching onto the traveled portion of the public highway. A distance, a minimum of three (3) feet from the edge of pavement, the elevation of the driveway must be lowered a minimum of two (2) inches lower than the elevation of the edge of the pavement.

4. Grade. A driveway or field road surface shall be constructed with a maximum grade of 5 percent (5%) for a distance of thirty (30) feet from the edge of the existing roadway.

5. Width. The width of a driveway or field road surface shall be twenty-four (24) feet wide where it flares out to meet the edge of the pavement.

6. Culvert. A culvert with metal flared end sections shall be installed under each driveway or field road. The culvert shall measure eighteen (18) inches in diameter or equivalent capacity, and twenty-four (24) feet in length. For the purpose of adequate stormwater management, the Town Board may, in its discretion, require the dimensions of a culvert to exceed the minimum width or length requirements of this subsection. Unless a variance is granted by the Town Board, in no event shall a culvert measure less than the surface width of the driveway or field road. It will be the applicant/owner's responsibility to bear the cost and expense of installing the culvert. Installation shall be completed within a reasonable time after the issuance of a permit pursuant to this chapter. Culvert maintenance within Town right-of-way will be maintained by the Town. Total cost of new replacement of this existing culvert will be at the owner's expense.

7. Location.

A. A driveway or field road, outside of a Town subdivision, shall be located at least three hundred (300) feet from a paved or traveled portion of an intersecting public highway.

B. The nearest traveled edge of a driveway or field road shall be located a minimum of ten (10) feet from any property line.

8. Accesses.

A. One residential driveway access per lot.

B. The approach apron of a new or replacement concrete driveway must have a joint, full thickness of slab, installed four (4) feet from pavement edge for future road improvements. When road improvements occur, the town will replace with blacktop material. Concrete replacement will be at owner's expense.

b. The Portion of the Driveway Beyond the Public Right-of-Way.

1. Surface. A driveway shall have a minimum finished surface at least twelve (12) feet in width. The driveway shall have at least six (6) inches of two (2) inch rock, covered with at least three (3) inches of three-quarter (3/4) inch gravel, or other equivalent weight-bearing surface.

2. Width Clearance. The minimum width clearance along a driveway shall be twenty-four (24) feet.

3. Height Clearance. The minimum height clearance along the entire driveway shall be sixteen (16) feet.
4. Grades. The maximum allowable average grade of a driveway shall not exceed 12 percent (12%). In no event shall a segment of a driveway exceed 15 percent (15%).
5. Drainage. Ditches, roadway crowning and culverts which provide adequate drainage shall be required.
6. Curves in Long Driveways. Curves located on driveways measuring fifty (50) feet or more in length have a minimum inside radius of thirty-six (36) feet.
7. Safe Passage. Driveways measuring five hundred (500) feet or more in length shall include a bump-out that is a minimum of twenty four (24) feet in width, and a sixteen (16) foot height restriction for branches shall be maintained, for a distance of forty (40) feet, to allow for safe passage of vehicles. In addition, the following applicable requirements shall be satisfied:
 - A. A driveway over eight hundred (800) feet with visibility unobstructed by curves, steep topography or vegetation shall require a bump-out every five hundred (500) feet.
 - B. A driveway over eight hundred (800) feet with visibility obstructed by curves, steep topography, or vegetation shall require a bump-out every three hundred (300) feet.
8. Cul-de-Sac. At the end of any driveway in excess of five hundred (500) feet in length, a minimum thirty-six (36) foot radius cul-de-sac shall be provided.
9. Erosion Control. Adequate erosion control measures shall be employed during construction of the driveway or field road. All disturbed ground and side banks shall be seeded promptly after construction to control erosion.
10. Engineer's Plan. The Town Board may, in its discretion, require an engineer's plan at the applicant's expense as a condition of approval, based on the intended use and/or characteristics of the site of the proposed driveway or field road. [Ord. 85, 2017; Ord. 53 § 6, 1999. Prior code § 4.2.6.]

4.10.070 Joint driveways.

Joint driveways will not be permitted without a joint driveway agreement establishing the proposed joint driveway and manner of its construction, maintenance and use. The joint driveway agreement shall be recorded with the Register of Deeds and a copy provided to the Town Clerk. [Ord. 85, 2017; Ord. 53 § 7, 1999. Prior code § 4.2.7.]

4.10.080 Existing driveways and field roads.

When an existing field drive becomes a driveway for a residence, it shall comply with the current ordinance and fees. When washouts, erosion, or other conditions created by existing driveways or field roads become a potential hazard to a public highway, the Town Board shall provide written notice to the property owner of such conditions. If the property owner fails to correct such conditions within thirty (30) days of the date of the written notice by the Town Board, the owner shall be found in violation of this chapter. In addition, the Town Board shall take reasonable steps to eliminate the hazard, and charge the Town's cost to the property owner as a special charge, pursuant to Wis. Stat. § 66.60(16)(a). [Ord. 85, 2017; Ord. 53 § 8, 1999. Prior code § 4.2.8.]

4.10.090 Variances.

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper, as long as such modification does not violate the intent of this chapter as stated under OMC 4.10.010, Authority and purpose. Application for any such variance shall be made in writing to the Town Clerk. [Ord. 85, 2017; Ord. 53 § 9, 1999. Prior code § 4.2.9.]

4.10.100 Expiration of permits.

Unless construction of a driveway or field road has not commenced within one (1) year from the date of issuance of the permit, such permit shall lapse. [Ord. 85, 2017; Ord. 53 § 10, 1999. Prior code § 4.2.10.]

4.10.110 Fees.

Driveway or field road permit fees must be paid prior to a building permit being issued.

a. Standard Driveway Fee. The standard fee for a driveway permit shall be as set by the fee schedule adopted by resolution. This fee shall cover the cost of one (1) on-site inspection by the Town Chairman or designee. A reinspection fee as set by the fee schedule adopted by resolution shall be charged for each additional driveway inspection.

b. Standard Field Road Fee. The standard fee for a field road permit shall be as set by the fee schedule adopted by resolution. This fee shall cover the cost of one (1) on-site inspection by the Town Chairman or designee. [Ord. 85, 2017; Ord. 83 § 4, 2016; Ord. 53 § 11, 1999. Prior code § 4.2.11.]

4.10.120 Violations.

a. Violations in Construction or Modifications. It shall be unlawful to construct or modify any driveway or field road in violation of this chapter. Any person who fails to comply with the provisions of this chapter shall pay a fine equal to three (3) times the permit fee. The Town Board shall order such person to make the corrections or alterations necessary to comply with this chapter.

b. Violation Corrections. If a person fails to make the corrections or alterations as ordered, the Town Board may make the corrections or alterations and charge the Town's cost to the property as a special charge, pursuant to Wis. Stat. § 66.60(16)(a). [Ord. 85, 2017; Ord. 53 § 12, 1999. Prior code § 4.2.12.]

4.10.130 Severability.

Should any section or provision of this chapter be declared invalid, such decisions shall not affect the validity of the remaining portions of this chapter. [Ord. 85, 2017; Ord. 53 § 13, 1999. Prior code § 4.2.13.]

4.10.140 Permits issued under previous ordinance.

If a property owner fails to complete construction within one (1) year of issuance of a driveway or field road permit under the previous ordinance, the permit shall lapse and the current property owner of record shall apply for a new permit under this chapter and comply with all requirements contained herein. [Ord. 85, 2017; Ord. 53 § 14, 1999. Prior code § 4.2.14.]

4.10.150 Driveway dedication.

Under no condition shall any private driveway dedication occur prior to the private driveway first being upgraded to comply with Town road standards, and Wisconsin State Statutes. All standards related to design, grading, construction and drainage shall meet State Department of Transportation Standard Specifications for Roads and Bridge Construction and its supplements, or the Town's subdivision land division ordinance; the more restrictive provision shall apply. [Ord. 85, 2017; Ord. 53 § 15, 1999. Prior code § 4.2.15.]

Chapter 4.15

PRIVATE ROADS – ROAD EXCAVATIONS – TREES AND SHRUBS

(Reserved)

Chapter 4.20

PUBLIC WORKS PROJECTS

(Reserved)

Chapter 4.25**REGULATIONS OF PARKS AND NAVIGABLE WATERS**

Sections:

- 4.25.010 Definitions and terms.
- 4.25.020 Permits.
- 4.25.030 Prohibited items or uses.
- 4.25.040 Park hours.
- 4.25.050 Park closing and opening dates.
- 4.25.060 Fees and charges.
- 4.25.070 Shelter reservations.
- 4.25.080 General regulations.
- 4.25.090 Snowmobile operating regulations.
- 4.25.100 Town Board's rulemaking authority.
- 4.25.110 Penalties.
- 4.25.120 Enforcement.

4.25.010 Definitions and terms.

"Park" as hereinafter used shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Town of Oregon.

"Permit" shall mean written authorization for specific uses and times of facilities or areas as required. [Ord. 32 § 1, 1982. Prior code § 4.5.1.]

4.25.020 Permits.

Permits shall be required for the following from the office of the Town Clerk:

- a. All public meetings, assemblies, entertainments, tournaments or speeches;
- b. Exclusive use of any facility or play area;
- c. Selling or offering for sale any tangible or intangible item or soliciting for any trade, occupation, business or profession;
- d. The possession or drinking of any intoxicating beverages;
- e. Snowmobiles in designated areas, renewable yearly. [Ord. 32 § 2, 1982. Prior code § 4.5.2.]

4.25.030 Prohibited items or uses.

In addition to illegal activities, the following activities shall be prohibited within the boundaries of any park, unless the appropriate permit is obtained:

- a. Building of fires other than in firepits or grills;
- b. Possession or discharging of any firearm or weapon of any kind;
- c. Possession, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act;
- d. Hunting, trapping, or disturbing birds or wildlife;
- e. Throwing stones or missiles;
- f. Digging or removal of any turf, trees, shrubs, flowers or protected wildlife;
- g. Defacing, destroying or vandalizing any structure, sign or equipment other than an "official traffic control device" as defined in Wis. Stat. § 340.01(38);
- h. Operating or parking a motor vehicle in a park during closed hours;
- i. Littering in a park;
- j. Disposing of trash not relating to park usage;
- k. Possession or drinking of alcoholic beverages without a permit;

- l. Being abusive, boisterous or disorderly;
- m. Leading or riding horses in unauthorized parks or areas of parks;
- n. Removing any object of archaeological interest including any manmade article or implement originating from earlier cultures, all without the prior written consent of the Oregon Town Board. [Ord. 32 § 3, 1982. Prior code § 4.5.3.]

4.25.040 Park hours.

Unless otherwise specified by the Town Board, park hours shall be from sunrise to sunset. [Ord. 62 § 1, 2007; Ord. 32 § 4, 1982. Prior code § 4.5.4.]

4.25.050 Park closing and opening dates.

The Town Board will have full authority to open and close any park, facility or area because of season, condition, construction or when in the interest of public safety it is deemed necessary. [Ord. 32 § 5, 1982. Prior code § 4.5.5.]

4.25.060 Fees and charges.

The Town Board shall have the authority to establish such fees as are deemed necessary for use of any facility, shelter or land area or for the reservation of such areas.

- a. Fee schedules shall be available upon request;
- b. It shall be unlawful to use such areas without payment of such fee or charge. [Ord. 32 § 6, 1982. Prior code § 4.5.6.]

4.25.070 Shelter reservations.

- a. Shelters may be reserved by Town residents within any park for the exclusive use of groups, organizations or others on a first-requested basis;
- b. All reservation requests from Town residents will be made through the office of the Town Clerk;
- c. All reservation requests will be made at least one (1) week prior to the scheduled event;
- d. When any form of alcoholic beverages is served at the event for which a reservation permit has been issued, a valid alcoholic beverage permit must also be obtained. Said alcoholic beverage permits must be held by the person in charge and shall be presented to any park employee or law enforcement officer upon request;
- e. Any member of the Town Board or authorized law enforcement officer may revoke any reservation permit when, in the official's judgment, persons or property on or within park premises may be endangered by the continuance of the exclusive use;
- f. Persons in charge of any reservation shall be responsible for the conduct of those in attendance, which shall include disallowing alcoholic beverages to minors, general safety to those attending and cleanliness of public property under reservation. [Ord. 32 § 7, 1982. Prior code § 4.5.7.]

4.25.080 General regulations.

- a. No person shall interfere in any manner with any employee in the performance of his assigned duties;
- b. All sporting activities must be held in areas designated for that purpose;
- c. Motor vehicles are restricted to designated roadways and parking areas;
- d. Vehicular speed limits shall be restricted to fifteen (15) m.p.h. unless otherwise posted. Operating speeds shall be speeds that are reasonable, safe, and prudent so as not to interfere with the safety of park users;
- e. Bicycles and other nonmotorized vehicles shall comply with the rules and regulations applicable to those vehicles. No person shall ride a bicycle upon foot trails or lawns. Careless operation will be grounds for removal from the park;

f. All pets shall be effectively restrained on a leash no more than six (6) feet long and controlled at all times. No pets allowed in park shelters or buildings;

g. It shall be unlawful and a violation of this chapter to park, stop, or leave standing any motor vehicle within any Town park between the hours of 10:00 p.m. and 7:00 a.m. [Ord. 32 § 8, 1982. Prior code § 4.5.8.]

4.25.090 Snowmobile operating regulations.

Operation of snowmobiles shall be restricted to such parks as authorized and posted for such use by the Town Board. All snowmobiles must be operated in conformity with the state statutes and the following regulations:

- a. Unless otherwise established by the Town Board, trail hours shall be 8:00 a.m to 10:00 p.m.;
 - b. Snowmobiles must stay on marked trails;
 - c. All machines must have valid registration;
 - d. Maximum trail speed shall be speeds that are reasonable, safe and prudent but shall at no time exceed thirty (30) m.p.h.;
 - e. Snowmobiles must travel single file;
 - f. Careless or negligent operation will be grounds for suspension, fine or both;
 - g. Littering shall be prohibited;
 - h. No machines will be permitted on trails when a "Trail Closed" sign is posted;
 - i. All accidents or injuries must be reported immediately to the Dane County Sheriff's Department.
- State Law Reference: Wis. Stat. § 350.18. [Ord. 32 § 9, 1982. Prior code § 4.5.9.]

4.25.100 Town Board's rulemaking authority.

The Town Board is authorized to adopt additional or revised rules and regulations for the proper conduct and administration of the parks in the Town of Oregon not inconsistent with this chapter, to grant permits in conformity with the provisions hereof and to perform such other acts with reference to the management of said parks as are lawful and as they may deem expedient, to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the Town of Oregon and of visitors to said parks in their use of the same. [Ord. 32 § 10, 1982. Prior code § 4.5.10.]

4.25.110 Penalties.

a. Any person who shall violate any of the provisions of this chapter shall for each offense forfeit to the Town of Oregon not less than \$10.00 nor more than \$500.00 together with the costs of prosecution and court costs. The judgment so obtained may be enforced in the same manner as any civil judgment. Any person who has the ability to pay such forfeiture but refuses to do so may be confined in the county jail until such forfeiture is paid but in no event to exceed sixty (60) days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether such income or assets are subject to garnishment, lien or attachment by creditors.

b. In addition to the penalty above, any person damaging the property of the Town of Oregon or of another person shall remain liable in a civil action for the amount of that damage. [Ord. 69 § 1, 2008; Ord. 32 § 11, 1982. Prior code § 4.5.11.]

4.25.120 Enforcement.

Any law enforcement officer may arrest any offender whom he may detect in the violation of any of the provisions of this chapter. The officer shall have at all times the right to enter the premises of any building, structure or enclosure in any park for the purpose of inspection or investigating disturbances. [Ord. 32 § 12, 1982. Prior code § 4.5.12.]

Chapter 4.30**CEMETERIES**

Sections:

- 4.30.010 Title and purpose.
- 4.30.020 Authority.
- 4.30.030 Adoption of chapter.
- 4.30.040 Definitions.
- 4.30.050 Subdivision and numbering of this chapter.
- 4.30.060 Statement of policy.
- 4.30.070 New burials, cemeteries, and cemetery lots and new or expanded cemetery operations.
- 4.30.080 Purchase of lots in Town cemetery.
- 4.30.090 Ownership rights of burial in Town cemetery.
- 4.30.100 Care of lots at the Town cemetery.
- 4.30.110 Privileges and restrictions in Town cemeteries.
- 4.30.120 Rules for visitors to Town cemeteries.
- 4.30.130 Town cemetery burials.
- 4.30.140 Town cemetery monuments and markers.
- 4.30.150 Town cemetery vaults and mausoleums.
- 4.30.160 Trees, shrubs, and flowers at Town cemetery.
- 4.30.170 Miscellaneous.
- 4.30.180 Penalties.

4.30.010 Title and purpose.

The title of this chapter is the “Town of Oregon Town Cemetery Ordinance.” The purpose of this chapter is to regulate the construction, management, operation, and platting of cemeteries, the burial of human corpses, and other cemetery uses and activities in the Town. [Ord. 84 § 1, 2015.]

4.30.020 Authority.

The Town Board of the Town of Oregon has the specific authority under Wis. Stat. § 157.50(2), and general authority under its village powers under Wis. Stat. § 60.22, to adopt this chapter. [Ord. 84 § 2, 2015.]

4.30.030 Adoption of chapter.

This chapter, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the construction, management, operation, and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the Town, including cemeteries that are not owned, operated, or controlled directly by the Town. [Ord. 84 § 3, 2015.]

4.30.040 Definitions.

In this chapter:

“Burial” means entombment, inurnment, or interment and “bury” means to entomb, inurn, or inter.

“Cemetery” means any location for burial of human remains in the Town.

“Human remains” means the body of a deceased individual that is in any stage of decomposition or has been cremated.

“Lot” means a single grave lot platted in accordance with OMC 4.30.060, whether or not occupied by a grave.

“Outer burial container” means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.

“Sexton” means a Town employee or independent contractor employed or retained by the Town Board to administer, repair, maintain, manage, and operate a Town cemetery or any part of the operations of a Town cemetery consistent with this chapter. In the event no person is specifically designated as “sexton” by the Town Board, “sexton” means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the Town cemetery or any part of the operations or of any Town cemetery pursuant to this chapter.

“Town” means the Town of Oregon, Dane County, Wisconsin.

“Town Board” means the Board of Supervisors for the Town of Oregon, Dane County, Wisconsin, and includes designees of the Board authorized to act for the Board.

“Town cemetery” means a municipal cemetery owned, operated, and maintained by the Town of Oregon, Dane County, Wisconsin, under Wis. Stat. § 157.50, that is located within the Town.

“Town Chair” means the Chairperson of the Town of Oregon, Dane County, Wisconsin.

“Town Clerk” means the Clerk of the Town of Oregon, Dane County, Wisconsin.

“Town Treasurer” means the Treasurer of the Town of Oregon, Dane County, Wisconsin.

“Wis. Stat.” means the Wisconsin Statutes, including successor provisions to cited statutes. [Ord. 84 § 4, 2015.]

4.30.050 Subdivision and numbering of this chapter.

This chapter is divided into sections designated by digits separated by decimals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision. [Ord. 84 § 5, 2015.]

4.30.060 Statement of policy.

Every Town cemetery is owned, operated, directly controlled, and maintained by the Town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races shall be allowed to be buried in a Town cemetery. This chapter, adopted pursuant to Wis. Stat. § 157.50(2), governs the construction, management, administration, platting, maintenance, and operation of any Town cemetery and of any new cemetery or expanded cemetery of any other type in the Town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries. [Ord. 84 § 6, 2015.]

4.30.070 New burials, cemeteries, and cemetery lots and new or expanded cemetery operations.

a. Platting. Before any new block of any existing Town cemetery or any other new or expanded cemetery in the Town is opened for the sale of cemetery lots for burial of human remains after the effective date of the ordinance codified in chapter, the Town Board or the sexton for a Town cemetery and any person or agent for any other cemetery in the Town that is subject to Wis. Stat. § 157.065, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Dane County, Wisconsin, in accordance with Wis. Stat. § 157.065.

b. Single Grave Section. The Town Board or the sexton shall designate, for any Town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots. Unused portions of grave sections repossessed under Wis. Stat. Ch. 157, for nonpayment of assessments for care shall likewise be designated and sold as single-grave lots.

c. Purchase of New Lands. The Town Board or the sexton shall not purchase any land for cemetery purposes without approval of the electors of the Town at a regular or special Town meeting.

d. New or Expanded Cemeteries.

1. No person or authorized agent of any cemetery may conduct any burial, or construct, manage, plat, or operate any new or expanded cemetery of any type in the Town, after the date of adoption of the ordinance codified in this chapter, without written permit approval of the Town Board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under Wis. Stat. Ch. 985. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted and filed with the Town Clerk and recorded in the Office of the Register of Deeds for Dane County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to Wis. Stat. §§ 157.065 or 157.128. The minimum cemetery acreage must be at least two (2) contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a Town, County, or other zoning ordinance.

2. After the date of adoption of the ordinance codified in this chapter, any place in the Town where human remains are buried on private or public land without written permit approval of the Town Board and not timely removed within 30 days after receipt of written notice from the Town Board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this chapter, the Town may take action to abate the nuisance and recover its costs of doing so, as provided in the Town Public Nuisance Ordinance. This subsection does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with Wis. Stat. Ch. 157 and this chapter. [Ord. 84 § 7, 2015.]

4.30.080 Purchase of lots in Town cemetery.

a. Price of Lots. The Town Board shall from time to time by resolution fix a price on all lots to be sold for burials in any Town cemetery.

b. Sales of Lots.

1. Persons, or their authorized agents, desiring to purchase a lot in any Town cemetery for burial are referred to the Town Board, Town Clerk, or sexton. The Town Board, Town Clerk, or sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The Town Board, Town Clerk, or sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the office of the Town Clerk. Upon receipt of proper payment to the Town Treasurer, the Town Chair and Town Clerk shall issue a cemetery lot deed to the lot in the form prescribed by the Town Attorney. The original deed from the Town and the records of the cemetery kept by the Town Clerk or other designee of the Town Board are the only evidence of title to any lot. The deed shall be signed by the Town Clerk and Town Chair or other persons so designated by the Town Board and sealed and acknowledged so as to entitle the purchaser to record the deed with the Register of Deeds for Dane County, Wisconsin.

2. Persons conveying any cemetery lot in any Town cemetery shall comply with Wis. Stat. § 157.08 and this chapter. [Ord. 84 § 8, 2015.]

4.30.090 Ownership rights of burial in Town cemetery.

a. Ownership Conditions.

1. The owner of a Town cemetery lot, or his or her authorized agent, shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this chapter or any Town cemetery bylaws and regulations.

2. Upon full payment by any person of the purchase price of a Town cemetery lot, the Town Clerk and Town Chair shall issue a cemetery lot deed, under seal, as provided in OMC 4.30.080(b), and a copy of the deed shall be filed in the records of the Town as evidence of ownership of the lot. Lots for which lot deeds have been issued by the Town may not be subdivided except by consent in writing of the Town Board.

3. All repossessed vacant lots in any Town cemetery when resold are subject to the same fees and charges as other unoccupied lots.

b. Burial.

1. In this subsection, “relative” means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.

2. Any lot owner at any Town cemetery acquires the lot solely for the purpose of burial of the owner at the time of the owner’s death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the Town Clerk, for the burial of specific persons other than the owner and the owner’s spouse. If more than one (1) person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner’s spouse.

3. Unless otherwise directed in a writing filed with the Town Clerk by the lot owner under subsection (b)(2) of this section, the Town Board or the sexton shall permit the burial of persons at any Town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:

A. The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.

B. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the Town Clerk.

C. If no agreement under subsection (b) of this section is filed, the Town Board or the sexton may determine use, giving preference to relatives in the order listed in subsection (b)(1) of this section.

c. Ownership Rights. All burial rights in the cemetery lots located at any Town cemetery and purchased from the Town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the Town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will or final judgment in the decedent’s estate must be delivered to the Town Clerk before the Town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the Town cemetery lots and devise the lots to one (1) person.

d. Resale. Lot owners may not resell or transfer lots or parts of lots in any Town cemetery except as follows:

1. Reconveyance of lots or parts of lots may be made only upon written application filed with and approved by the Town Clerk. The application shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The application shall state the lot and block number. Upon approval by the Town Clerk, the owner of the lot shall execute a deed in the same form as an original deed from the Town under OMC 4.30.080(b), so as to entitle the purchaser to record the deed with the Register of Deeds for Dane County, Wisconsin.

2. The Town Clerk shall enter in the record kept for that purpose copies of all deeds of transfer and reconveyance of cemetery lots. No deed reconveyance may be received and filed by the Town Clerk until a fee based on fee schedule has been paid therefor.

3. The fee shall be deposited into the general Town municipal fund.

e. Reburial.

1. In this subsection, “reburial” means to disintomb, disinter, or disinter human remains that are buried in a cemetery and reentomb, reinter, or reinter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.

2. Any reburial of any person buried in a Town cemetery, or in any other cemetery in the Town, shall comply with the provisions of Wis. Stat. § 157.112. Any person seeking reburial shall seek approval from the appropriate cemetery authority. A County authorization for disinterment and reinterment shall be required prior to any reburial under Wis. Stat. § 69.18(4).

f. Use of Repossessed Lots. Whenever possible, lots repossessed under Wis. Stat. Ch. 157 in any Town cemetery will be resold and used for burials before new areas of the cemetery are used or platted. [Ord. 84 § 9, 2015.]

4.30.100 Care of lots at the Town cemetery.

a. Perpetual Care Fund for Town Cemetery. In order to assure reliable means for permanent care of Town cemeteries, a perpetual care fund is created for Town cemeteries. Income from this fund shall provide all or partial maintenance costs of the Town cemeteries. All lots sold in any Town cemetery shall be charged a perpetual care fee included in the price of the lot and each grave shall be provided with perpetual care services under subsection (b) of this section. A record of the perpetual care fund shall be kept in the office of the Town Clerk. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to Wis. Stat. § 157.11(8) and (9).

b. Perpetual Care. The Town assumes to use the net annual income received from the investments of the perpetual care fund under subsection (a) of this section in furnishing perpetual care of graves in Town cemeteries. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the Town Board or the sexton. The Town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the proceeds of each lot sale shall be added to the perpetual care fund of the Town and the proceeds from the fund used by the Town as provided in this subsection. Nothing in this chapter shall be construed as obligating the Town as to any alleged existing contract as to perpetual care. The Town Board shall operate and maintain the Town cemetery to provide proper and decent care of Town cemeteries and the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.

c. Costs of Care Fixed. The Town Board shall annually fix, as required under Wis. Stat. § 157.11(5), a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of any Town cemetery to be paid from the following sources as determined by the Town Board:

1. Payments from Dane County to the Town for veteran's graves under subsection (f) of this section and Wis. Stat. § 45.84.

2. Income of the perpetual care fund.

3. Assessments made under subsection (d) of this section.

4. A tax levied by the Town Board.

d. Assessments Against Unoccupied Lots. The Town Board may annually assess upon Town cemetery lots not occupied by graves amounts not to exceed the amounts reasonably required for actual and necessary costs for care of cemetery lots and care and improvement of the cemetery pursuant to Wis. Stat. § 157.11(7). Notice of the assessment, along with a copy of Wis. Stat. § 157.11, shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last-known post office address, directing payment to the cemetery authority within thirty (30) days and specifying that such assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been given for two (2) consecutive years or more for which assessments are unpaid, after notice as provided in Wis. Stat. § 157.11(2), the right to burial is forfeited until delinquent assessments are paid. When uniform care has been given for five (5) consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the Town, as cemetery authority, and may be sold, the payment of principal to be deposited into the perpetual care fund. Before depositing the payment of principal into the perpetual care fund, the cemetery authority may retain an amount necessary

to cover the cemetery authority's administrative and other expenses related to the sale, but the amount retained may not exceed 50 percent (50%) of the proceeds.

e. General Improvements. The Town Board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The Town Board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sodded and mowed, when determined necessary by the Town Board or the sexton. The grade of the cemetery lots shall be determined by the Town Board or the sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the Town Board or the sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the Town Board or the sexton.

f. Veterans Graves.

1. Pursuant to Wis. Stat. § 45.85, the Town Board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the Armed Forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.

2. Pursuant to Wis. Stat. § 45.85(1), the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The Town Board shall report to the Dane County Clerk, on or before September 1st of each year, the locations of the graves cared for by the Town Board under Wis. Stat. § 45.85, together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1st to June 30th. [Ord. 84 § 10, 2015.]

4.30.110 Privileges and restrictions in Town cemeteries.

a. Bylaws and Regulations. The Town Board may adopt bylaws and regulations for the management and care of any Town cemetery and may enforce those bylaws and regulations under Wis. Stat. § 157.11(2). The Town Board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under Wis. Stat. Ch. 985, in the County. If the person fails to comply within twenty (20) days thereafter, the Town Board may cause the action required to be done and recover the expense from the person required to take the action. The Town Board may also impose a forfeiture not exceeding \$10.00 for violation of the bylaws or regulations posted in three (3) conspicuous places in the cemetery, recoverable under Wis. Stat. Ch. 778.

b. Mounds Prohibited. No person may raise the level of the earth over any grave in a Town cemetery above the general level of the cemetery lot.

c. Limitations on Structures and Urns.

1. In this subsection "urn" means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the Town Board or sexton, that it cannot be readily moved from its placement on the lot. "Urn" does not include a vessel containing cremated human remains properly inurned on the lot.

2. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in any Town cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the Town Board or the sexton, and if so placed may be removed by the Town Board or the sexton without oral or written notice. Urns are not permitted at any Town cemetery on lots sold after the passage of the ordinance codified in this chapter. Urns existing in Town cemeteries prior to the passage of the ordinance codified in this chapter shall be removed by the Town or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail with return receipt requested by the Town Clerk that the urn has been removed from the lot and will

be destroyed or discarded unless the owner of the urn claims it within thirty (30) days after mailing of such letter.

d. Landscaping. All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the Town cemetery shall be performed by the Town by its officers, employees, independent contractors, or agents, including any sexton, unless otherwise provided in writing by the Town Board.

f. Access to Lots; Opening and Closing of Burial Places. The Town reserves the right for its officers, employees, contractors, and agents, including the sexton and the Town Board, necessary to the performance of normal Town cemetery operations to enter upon or cross over any lot in any Town cemetery in the performance of any duties or work necessary under this chapter. The Town Board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the Town cemetery, unless so ordered by a court of record to open or close such places.

g. No Assumption of Liability for Damages. The Town, and its officers, employees, contractors, and agents, including the sexton and the Town Board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any Town cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a Town cemetery.

h. Altering Physical Conditions. The Town Board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any Town cemetery.

i. Enforcement of Regulations and Ordinance. The Town Board may appoint, with citation issuance and service powers, any employee or agent of the Town, including the sexton, to administer and enforce its Town cemetery bylaws and regulations and this chapter. [Ord. 84 § 11, 2015.]

4.30.120 Rules for visitors to Town cemeteries.

a. Visiting Hours. Every Town cemetery shall be open to visitors at all times between the hours of dawn and dusk or one-half (1/2) hour after the official sunset. Permission to enter any Town cemetery at any other time must be obtained from the Town Board or the sexton.

b. Children. Children under sixteen (16) years of age shall not enter upon any Town cemetery except when accompanied by parents or guardians, unless this requirement is waived in writing by the Town Board or the sexton.

c. Refreshments. Persons, including picnic parties, with food, refreshments, or alcoholic beverages, are prohibited within any Town cemetery.

d. Dogs and Other Animals. Dogs are permitted in any Town cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight-impairment or other disability while in the Town cemetery. All other pets or domestic animals are prohibited without written consent of the Town Board or the sexton, except a service animal other than a dog accompanying a person with sight-impairment or other disability while in the Town cemetery.

e. Firearms. Firearms are prohibited in any Town cemetery except in conjunction with military funerals or specific memorial events permitted by the Town Board, the sexton, or other designees of the Town Board. At all other times, firearms, bows and arrows, slingshots, and other like articles are prohibited.

f. Visitors.

1. Visitors to Town cemeteries are required to use existing walkways and roadways whenever possible.

2. Except as provided in OMC 4.30.160, no person in any Town cemetery may do any of the following:

- A. Pick or cut any flowers, either wild or cultivated.
- B. Injure any shrub, tree, or plant.
- C. Mar or deface any monument, stone, or structure.

3. No person, except the owner of the cemetery lot, a person with the cemetery lot owner's consent, or a person with the written consent of the Town Board or the sexton who is engaged in official cemetery management and care duties for the Town, may do any of the following in a Town cemetery:

- A. Damage any grave or lot.
- B. Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
- C. Remove, damage, or destroy any vases, flower pots, urns, or other objects that have been placed on any cemetery lot.
- D. Move or remove any cemetery equipment without the written consent of the Town Board or the sexton.
- E. Remove or damage any Town cemetery property not included within subsections (f)(3)(A) through (D) of this section.

4. A. In this subsection, "recreational activity" means any activity undertaken for the purpose of exercise, relaxation, or pleasure, including practice or instruction in any such activity. "Recreational activity" includes hunting, fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature study, dancing, bicycling, horseback riding, horseshoe pitching, birdwatching, motorcycling, operating an all-terrain vehicle, ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, participation in water sports, weight and fitness training, sightseeing, rock climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, sport shooting, and any other sport, game, or educational activity.

B. No person may loiter, cause a public nuisance, or engage in any sport or other recreational activity on any Town cemetery property without the written consent of the Town Board or the sexton.

g. Vehicles.

1. Motor vehicles traveling within any Town cemetery may not exceed fifteen (15) miles per hour. No motor vehicle, except authorized maintenance vehicles for the Town, shall be driven except on roadways designated for that purpose, nor shall any motor vehicles be driven in a reckless manner in the cemetery.

2. No person may ride, operate, or make use of any of the following vehicles in any cemetery unless the vehicles are present in conjunction with the Town cemetery business or are authorized in writing by the Town Board or the sexton:

- A. Snowmobiles.
- B. Go-carts.
- C. All-terrain vehicles.
- D. Mopeds.
- E. Motor bicycles.
- F. Motorcycles.

G. Play vehicles and other amusement vehicles, including any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

3. No person, without the written consent of the Town Board or the sexton, may park or abandon any motor vehicle in any Town cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park or abandon a motor vehicle on any Town cemetery property for any purpose except engaging in official cemetery business. Any motor vehicle parked more than twenty-four (24) hours, without written consent of the Town Board or the sexton, shall be declared abandoned by the Town Board and may be towed or removed, or caused to be towed or removed, by the Town Board or the sexton.

h. Protection of Cemetery Property. No person without written consent of the Town Board or the sexton may do any of the following:

1. Trap, hunt, kill, injure, or disturb, or attempt to trap, hunt, kill, injure, or disturb any animal, bird, or waterfowl, wild or domestic.

2. Climb any tree.

3. Break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within any Town cemetery, except as otherwise provided in this chapter.

i. Littering, Soliciting, and Advertising Prohibited. No person may litter, dump, or deposit any rubbish, refuse, earth, or other material, including any placement of advertising, in any Town cemetery without the written consent of the Town Board or the sexton.

j. Sound Devices. No person may operate or play any amplifying system or sound device in any Town cemetery without the written consent of the Town Board or the sexton.

k. Authorized Notices. No person may post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any Town cemetery, except with the written consent, or at the direction, of the Town Board or the sexton. No person shall remove, deface, or damage in any manner any sign or notice posted in any Town cemetery by or at the direction of the Town Board or sexton unless approved by the Town Board or the sexton.

l. Working in Cemetery. All contractors or other persons having work in the Town cemetery shall notify the Town Clerk or the sexton prior to commencement of the work. All contractors or others doing work in the Town cemetery are responsible for the cost for any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the Town Board, pay that sum to the Town Board. [Ord. 84 § 12, 2015.]

4.30.130 Town cemetery burials.

a. Daylight Burials. Burials at any Town cemetery shall be made only during daylight hours, unless with written approval of the Town Board or the sexton.

b. Outer Containers. All burials and reinterments, at any Town cemetery, shall be made in a permanent outer burial container not constructed of wood.

c. Grave Digging. All graves at a Town cemetery and any other cemetery in the Town to be used for burials shall be opened and dug at no cost or expense to the Town, but shall be under the direction of the Town Board or the sexton. The minimum depth of graves shall be established by the Town Board from time to time and all graves shall be dug in strict conformity with the Town Board policy then in effect. The Town Board or the sexton may charge the full cost for any grave digging and opening service provided by the Town at any Town cemetery, including the fees for the sexton or other designee of the Town Board, for staking the plot, if the Town Board has authorized the Town or its officers, employees, contractors, or agents, including the sexton or other designees, to provide grave staking, grave openings, or digging services. The Town Board or the sexton may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the Town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the Town, shall be made with the Town Clerk, the sexton, or other person designated by the Town Board at least forty-eight (48) hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and all surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the Town Clerk or the sexton.

d. Burial Permit. No burial in the Town cemetery shall be permitted until a legal burial permit has been issued by the Town Clerk or the sexton.

e. Maintenance of Flowers, Wreaths, and Other Personal Items at Burial Sites. There shall be no responsibility on the part of the Town, its officers, employees, contractors, or agents, including the sexton or other designees of the Town Board, for the protection and maintenance of flowers, wreaths, plants, emblems, urns, family or personal items, memorials, or similar items used or placed at any Town cemetery in conjunction with funerals or burials, including disinterments, or memorial events. The Town Board shall place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations to each Town cemetery.

f. Number of Graves Per Lot. No lot at any Town cemetery may be used for the burial of more than one (1) body except in the following circumstances:

1. Two (2) remains from cremation shall be allowed in one (1) lot with one (1) headstone or two (2) flat markers to be placed only in line with other stones.
2. One (1) full body and one (1) remains from cremation shall be allowed in one (1) lot, with one (1) headstone or two (2) flat markers to be placed only in line with other stones.
3. All cremation remains shall be placed in a permanent outer burial container not constructed of wood.

g. Seasonal Burial; Duty to Bury. The Town Board or the sexton shall provide for cemetery services and burials at any Town cemetery during each season, including winter, whenever practicable, in compliance with Wis. Stat. § 157.114. However, the Town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are or will be in full compliance with this chapter, state law, and any bylaws and regulation established by the Town Board. The Town Board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services. [Ord. 84 § 13, 2015.]

4.30.140 Town cemetery monuments and markers.

a. Setting Grave Markers.

1. Grave markers, monuments, and foundations at any Town cemetery may be set only after the person desiring to set the marker, monument, or foundation obtains a permit therefor from the Office of the Town Clerk or the sexton. Grave markers, monuments, and foundations at any Town cemetery may be set by monument company employees or agents or other persons authorized by the lot owners, but not the Town Board or the sexton. Except as otherwise provided in this chapter, under no conditions will the Town Board or the sexton construct monument or marker bases or erect monuments or markers on bases.

2. All markers and monuments must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the Town Board or the sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a five (5) inch margin from the outer edges of the foundation.

3. The setting of grave markers, monuments, and foundations, and the transportation of all tools and related materials, within any Town cemetery is subject to the supervision and control of the Town Board or the sexton. Unless special arrangements are made in writing with the Town Board or the sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except national holidays. Truck operation is not permitted within any Town cemetery when, in the opinion of the Town Board or the sexton, the truck operation may cause damage to the driveways or other Town cemetery property. Except with written permission of the Town Board or sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

b. Limitations. All of the following apply to monuments and markers in Town cemeteries:

1. The Town Board or the sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds at a Town cemetery. The size of any monument or stonework must be provided to the Town Board or the sexton and approved before any work related to any monument, marker, or foundation will be permitted on a lot in a Town cemetery.

2. Only one (1) monument or marker shall be allowed per lot.

3. No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the Town Board or the sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than five (5) feet in height.

4. Temporary markers shall be removed or replaced with a permanent marker within one (1) year of burial.

5. A preneed marker may be placed on a lot or group of lots before burial.

6. No materials other than granite, marble, or standard bronze may be used for outside and above-ground portions of any marker or monument.

7. Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The Town Board or the sexton may require, at minimum, prior to burial, a deposit of \$1,000 payable to the Town Treasurer to insure timely placement of a proper marker or monument. The Town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.

c. Removal of Monuments. A marker or monument, once placed at a Town cemetery on its foundation, may not be removed, except by written permission of the Town Board or the sexton.

d. Payment. Any lot at a Town cemetery must be paid in full to the Town Treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the Town must be paid prior to burial. [Ord. 84 § 14, 2015.]

4.30.150 Town cemetery vaults and mausoleums.

Construction of vaults and mausoleums in any Town cemetery is prohibited unless approved in writing by the Town Board. [Ord. 84 § 15, 2015.]

4.30.160 Trees, shrubs, and flowers at Town cemetery.

a. Tree and Shrub Planting. The planting at any Town cemetery of trees and shrubs on newly purchased lots or parts of lots is prohibited except by written consent of the Town Board or the sexton.

b. Large Tree Removal. Lot owners may, with the written consent of the Town Board or the sexton, remove large trees on or adjacent to cemetery lots in any Town cemetery that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid for by the lot owners.

c. Fresh Flowers and Flags. All flower baskets at grave or lot sites at a Town cemetery shall be removed by October 15th of each year. Fresh cut flowers may be used in any Town cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed. All flags placed on graves for Memorial Day shall be removed by the day following Flag Day of that year.

d. Potted Plants. Potted plants at any Town cemetery may be set on lots, without disturbing the sod, if removed within five (5) days after being set. If a potted plant is not removed within five (5) days of being set on the lot, the potted plant may be picked up and destroyed by the Town Board or the sexton of the Town or removed and preserved for planting within the Town cemetery.

e. Artificial Flower Decorations; Baskets. Artificial flower decorations are prohibited in any Town cemetery unless in a vase or pot and when so used will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the Town Board or the sexton.

f. Flower Beds. Individual flower beds or growing plants other than trees or shrubs are permitted at any Town cemetery but must be of a reasonable size as determined by the Town Board or the sexton. In case of doubt, the Town Board or the sexton of the Town should be consulted. Flower beds or growing plants that are not maintained, become unsightly or undesirable, or are not of a reasonable size as determined by the Town Board or the sexton will be removed by the Town Board or the sexton.

g. Plant or Flower Removal. Plants or flowers planted in a Town cemetery may not be taken up or removed by any person, nor cuttings removed therefrom, without written consent from the Town Board or the sexton, except that plants in flower beds and growing plants authorized under subsection (f) of this section may be removed or cut by the person who planted the flower bed or growing plant.

h. Vine, Wreath, and Memorial Removals. Vines that interfere with the proper care of lots or graves or injure or damage the grass will be removed from any Town cemetery by the Town Board or the sexton when found objectionable. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the Town Board or the sexton. [Ord. 84 § 16, 2015.]

4.30.170 Miscellaneous.

a. Neglected Lots. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire Town cemetery. The Town Board or the sexton may notify, or attempt to notify, in writing a lot owner that any lot, or monument or marker thereon, is being neglected and that failure to comply with this chapter and Town cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected lot, may be cause for imposition of forfeitures under Wis. Stat. § 157.11(2).

b. Schedule of Payments. A schedule of the fees and charges for any Town cemetery, as established by the Town Board by resolution, shall be on file in the office of the Town Clerk. The Town Board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.

c. Fee Payment Location. All fees and charges for any Town cemetery in the current schedule of fees and charges adopted under subsection (b) of this section are payable to the Town Treasurer at the office of the Town Clerk, where receipts will be issued for the amounts paid.

d. Sexton. The Town Board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the Town cemetery or any part of the operations or of any Town cemetery pursuant to this chapter. The sexton may be a Town employee or may, with proper insurance and indemnification protection for the Town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this chapter, shall designate the authority, responsibility, and duties to the sexton by written resolution. The Town Board shall be responsible for proper supervision of the sexton.

e. Amendment of Chapter. The Town Board reserves the right to amend this chapter to conform with newly developed cemetery practices or any other legal purpose that the Town Board deems necessary and appropriate. Before this chapter is amended, a public hearing shall be held on the proposed amendment before the Town Board. Notice of the public hearing shall be published in a local newspaper at least ten (10) days prior to the hearing. [Ord. 84 § 17, 2015.]

4.30.180 Penalties.

a. Citation. The Town Board may establish a citation ordinance for enforcement of violations of this chapter and for any bylaws or regulations.

b. Penalties. Any person who violates any provision of this chapter or any bylaws or regulations shall, upon conviction, be fined and shall forfeit for any bylaw or regulation violation under OMC 4.30.110(a) and Wis. Stat. § 157.11(2), not more than \$10.00, and for a violation of this chapter, not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this chapter. The Town Board may withhold the issuance of any Town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

c. Abatement.

1. In lieu of or in addition to any other penalty for a violation of this chapter, if the violation consists of a physical condition, the Town Board may issue a written notice to the person responsible for the violation, if known, requiring the person responsible to remove the violation within thirty (30) days of receipt of the notice. Service of notice shall be by personal service or registered mail with return receipt requested.

2. If the person responsible for the violation of this chapter is unknown or the person responsible has not removed the violation within thirty (30) days of receipt of the notice described in subsection (c)(1) of this section, the sexton, or some other person designated by the Town Board, may immediately remove the violation in a manner approved by the Town Board. The cost of the abatement or removal may be recovered from the person responsible for the violation.

d. Injunctive Relief. In lieu of or in addition to any other penalty for a violation of this chapter the Town Board may seek to enjoin any continuing violation of this chapter as provided in Wis. Stat. Ch. 813. [Ord. 84 § 18, 2015.]

Title 5

PUBLIC UTILITIES

Chapters:

5.10 Water and Sewer Utilities Regulations

Chapter 5.10

WATER AND SEWER UTILITIES REGULATIONS

(Reserved)

Title 6

HEALTH AND SANITATION

Chapters:

- 6.05 Health and Sanitation**
- 6.10 Collection, Dumping and Disposal of Garbage, Rubbish,
Refuse and Recycling Materials**
- 6.15 Solid Waste Disposal Site**

Chapter 6.05

HEALTH AND SANITATION

(Reserved)

Chapter 6.10**COLLECTION, DUMPING AND DISPOSAL OF GARBAGE, RUBBISH, REFUSE AND RECYCLING MATERIALS**

Sections:

- 6.10.010 Purpose.
- 6.10.020 Definitions.
- 6.10.030 Curbside collection.
- 6.10.040 Town of Oregon Recycling Center (TORC).
- 6.10.050 Separation of recyclable materials.
- 6.10.060 Preparation of recyclable materials.
- 6.10.070 Requirements for multifamily dwellings.
- 6.10.080 Notification required.
- 6.10.090 Collection by unauthorized entities.
- 6.10.100 Disposal or dumping permit.
- 6.10.110 State law.
- 6.10.120 Severability and conflict.
- 6.10.130 Fines for violation.

6.10.010 Purpose.

The purpose of this chapter is to regulate the collection, dumping and disposal of garbage, rubbish, refuse and recyclable materials by persons or other entities within the Town of Oregon. Because of the possible danger to the health, safety and welfare of the public and due to a deep concern for the environment, such collection, dumping or disposal within the Town of Oregon shall only be permitted under the terms and conditions set forth below. [Ord. 41 § 1, 1991. Prior code § 6.2.1.]

6.10.020 Definitions.

“Bi-metal container” means a container for carbonated or fermented malt beverages that is made primarily of a combination of steel and aluminum.

“Collector” means the person or entity specifically authorized by the Town Board to collect garbage, rubbish and recyclable materials and to dispose of the same.

“Container board” means heavy-duty Kraft paper packaging material with a corrugated medium between two (2) flat paper liners used in the manufacture of shipping containers and related products, but excluding paper board such as used in cereal or laundry detergent boxes or holders for beverage cans and bottles.

“Dumping” or “disposal” includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning or burying waste, garbage, refuse, yard waste, rubbish, or sludge on, into or under any property or lands, whether publicly or privately owned, within the Town of Oregon.

“Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one (1) of the following criteria:

1. Is designed for serving food or beverages;
2. Consists of loose particles intended to fill space and cushion packaged articles in shipping containers;
3. Consists of rigid materials shaped to hold and cushion packaged articles in shipping containers.

“Garbage” means all waste which rots or decomposes.

“Hazardous waste” or “hazardous substance” means an item which requires special handling to avoid illness or injury to persons or damage to property or the environment, as defined in Wis. Admin. Code Ch. NR 181, as amended from time to time pursuant to Wis. Stat. § 144.62 (1989-1990), or other acts

pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials that are hazardous, and further including those solid substances found in household waste.

“HDPE plastic” means containers constructed of high density polyethylene, labeled by the SPI Code No. 2.

“Heavy objects” include, but are not limited to, major appliances, tires (up to four (4) constitute one (1) large item), mattresses, box springs, and auto or machinery parts over ten (10) pounds in weight or two (2) feet in length.

“LDPE plastic” means containers constructed of low density polyethylene, labeled by the SPI Code No. 4.

“Lead-acid batteries” shall mean automotive and related batteries that are comprised of lead plates with an acid electrolyte and does not include nickel-cadmium batteries, dry cell (flashlight) batteries or batteries used in calculators, watches, hearing aids or similar devices.

“Magazines” means magazines, catalogs, and other material printed on glossy paper.

“Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, refrigerator, microwave oven, oven, stove, water heater, furnace, boiler, dehumidifier, or any other item commonly referred to as “white goods.”

“Metal container” means tin-coated steel cans, bi-metal cans and aluminum cans used for food and other nonhazardous materials, but excluding aerosol cans and cans that held paint, paint-related products, pesticides or other toxic or hazardous substances.

“Multifamily dwelling” means a dwelling containing four (4) or more residential units, including condominiums, as well as dwelling units occupied seasonally.

“Newspaper” means printed matter excluding shiny surface paper and bound publications such as books, magazines, catalogs, phone books or similar publications.

“Noncollectable items” include, but are not limited to, concrete, construction materials, animal droppings, stumps, stones or cement blocks, televisions, fuel tanks of any type and drums larger than twenty (20) gallons.

“Nonrecyclable material” means all material for which the Town of Oregon or its representative collector cannot establish a present reasonable value for its collection as a recyclable.

“Office paper” means high grade printing and writing papers from small businesses and other commercial enterprises. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term excludes industrial process waste.

“Other paper” means all paper except newspaper, container board, magazines and office paper, but including grades of fiber materials with available markets for recycling.

“Other resins or multiple resins” means plastic materials labeled by the SPI Code No. 7.

“PETE plastic containers” means containers constructed of polyethylene terephthalate, labeled by the SPI Code No. 1.

“PP plastic” means containers constructed of polypropylene, labeled by the SPI Code No. 5.

“PS plastic” means containers constructed of polystyrene, labeled by the SPI Code No. 6.

“PVC plastic” means containers constructed of polyvinyl chloride, labeled by the SPI Code No. 3.

“Recyclable material” means identified material needing preparation standards, and including the following: newspaper, container board, unbroken brown, green and clear glass containers, metal containers, blow-molded HDPE and PETE containers, waste tires, waste oil, lead-acid batteries, magazines, yard waste, office paper and major appliances. “Recyclable materials” further means identified materials meeting preparation standards where economical markets or short-term storage is available, and shall include the following: other paper, HDPE containers that are not blow-molded, PS containers, PVC containers, PP containers, LDPE containers, other resins or multiple resins, bi-metal containers and other materials determined to have economical markets available.

“Refuse” means discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animals, gravel pit and

quarry spoils, toxic and hazardous waste, heavy objects, noncollectable items and material and debris resulting from construction or demolition.

“Residential unit” means an independent household capable of individual habitation by a family unit. A single-family dwelling shall be considered to be one (1) residential unit. Multifamily dwellings shall be considered to have multiple residential units, with a number of residential units equal to the number of family units to be housed therein. Residential units shall not include commercial housing businesses, such as motels, boarding houses or resorts.

“Rubbish” means all waste which does not easily rot or decompose, nor is considered recyclable. Rubbish specifically excludes yard waste, heavy objects and noncollectable items.

“Sludge” means sewage treatment residue in any form.

“Small business” means a business producing a maximum of four (4) thirty (30) gallon bags of garbage or the equivalent of four (4) thirty (30) gallon bags of garbage per week.

“Tires” for collection purposes shall mean rubber tires, including automobile and light truck tires, whose size is less than 1100 x 24.5.

“Waste” means garbage, refuse, rubbish and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from domestic and public service activities.

“Waste oil” means any contaminated or no longer suitable for use petroleum-derived or synthetic oil including, but not limited to, engine and other mechanical lubricants, hydraulic and transmission fluid, metal working fluid and insulating fluid or coolant. In no event shall waste oil include gasoline.

“Yard waste” consists of three (3) categories defined as follows:

1. “Yard debris” is nonwoody plant material, including but not limited to garden waste, weeds, fruits, vegetables, flowers, grass clippings, sod and shrubbery clippings of less than six (6) inches in length.
2. “Leaves” are defined as foliage of deciduous trees.
3. “Brush” is woody plant material not greater than four (4) inches in diameter and not greater than ten (10) feet in length. [Ord. 45 §§ 1 – 5, 1994; Ord. 41 § 2, 1991. Prior code § 6.2.2.]

6.10.030 Curbside collection.

The Town of Oregon reserves the right to refuse the services of any potential collector based on price, past performance or lack of prior experience. Acceptable collectors must be willing to provide a phone number to residents to call for clarification of curbside collection rules. Acceptable collectors must also be able and willing to demonstrate, to the Town Board of the Town of Oregon, their adequate understanding of this chapter.

Curbside collection may be arranged for by an individual resident or a group of residents (subdivision or street). Residential units receiving curbside collection will be subject to all the provisions of this chapter including those regarding the separation of recyclable materials or prohibition of noncollectable items. Residential units receiving curbside collection will be charged for each bag or can (not to exceed thirty (30) gallons) of nonrecyclable materials. The intent is to provide an incentive for residents receiving curbside collection to recycle.

Businesses, commercial enterprises, remodeling and new construction projects, and multifamily dwellings are responsible for the contracting of their own garbage, rubbish and recyclable material collection. Disposal of such waste is specifically banned from the Town of Oregon Recycling Center without the express written permission of the Town Board of the Town of Oregon.

Structures containing more than one (1) and less than three (3) residential units must maintain distinct and separate collection points for each unit which allows the collector to recognize violations or problems in complying with this chapter by individual residential unit. The collector has the right and responsibility to refuse pickup from those entities violating this chapter. The collector will provide a printed explanation of why pickup was refused on a particular item by leaving a self-adhesive sticker containing an adequate explanation stuck to the item. The sticker will also contain a phone number at the collector’s offices

where the resident may call for clarification of this chapter or curbside collection rules. [Ord. 45 § 6, 1994; Ord. 41 § 3, 1991. Prior code § 6.2.3.]

6.10.040 Town of Oregon Recycling Center (TORC).

The Town of Oregon will operate a recycling center for the purpose of collecting recyclables, nonrecyclables, garbage, rubbish and yard waste for those residents who do not receive curbside collection. Residents who receive curbside collection may voluntarily utilize this facility although this action will not abrogate their financial responsibility to their collector.

Any delivery to the TORC will be enclosed as in a trunk, tarped truck or in sealed containers so as to provide for adequate prevention of litter on roads or in the general vicinity of the TORC. Uncovered loads will be refused at the TORC.

The Town of Oregon will staff the TORC and maintain public hours which, at a minimum, will be two (2) Saturdays each month for eight (8) hours each day it is open. Hours or days of operation may be extended at the Town Board's discretion. The Town of Oregon also reserves the right to determine separate schedules for receiving certain materials. Under no circumstances will entities other than employees or agents of the Town of Oregon be permitted in the TORC outside of the posted hours of operation without the expressed written permission of the Town Board.

The Town of Oregon Recycling Center will provide, at a minimum, the following facilities:

a. Collection bins for the separation and collection of newspapers, clear glass bottles and jars, brown glass bottles and jars, PETE and HDPE containers, office paper, container board, metal cans and magazines. If technology allows and cost does not prohibit, the Town of Oregon may opt for the intermingling of recyclable materials.

b. A compactor for the collection of nonrecyclable garbage or rubbish for ultimate delivery to a designated Dane County landfill or other disposal site.

c. A compost pile for the disposal of leaves or yard debris.

d. A collection container for waste oil.

e. A burnpad for brush, clean wood, and sawdust. Dumping of any other yard waste, nonrecyclable paper products, metal, plastic, rubber, glass, chemicals, oil, recyclable material or any other material specifically banned from the burnpad will be in violation of this chapter.

f. A drop point for scrap metal such as metal paint cans, lawn furniture, small appliances or other metal objects which can be easily lifted. Arrangement for disposal of large deliveries of metal or heavy objects should be made with an individual contractor and cannot be delivered to the TORC.

g. A collection point for tires.

h. A collection point for lead-acid batteries.

The Town of Oregon Recycling Center will charge a fee for each container of garbage or rubbish (not to exceed thirty (30) gallons) placed into the compactor. The Town of Oregon will provide a system to charge residents for such usage which will at least equal the operation cost of the TORC. Monies gained from the sale of recyclables or other materials will be used to defray the total operating costs of the TORC. [Ord. 45 § 7, 1994; Ord. 41 § 4, 1991. Prior code § 6.2.4.]

6.10.050 Separation of recyclable materials.

The Town Board of the Town of Oregon mandates that commencing upon the effective date of the ordinance codified in this chapter, provided hereinafter, all entities within the Town of Oregon shall separate recyclable materials from garbage, rubbish, yard waste, heavy objects and noncollectable items.

a. Disposition of Recyclables. Residents who receive curbside pickup will use a method for separating recyclable material from other items in conformity with the rules of the collector. Residents using the TORC will separate all recyclables into the appropriate bins provided at the TORC. Residents also have the option of delivering recyclable materials to the recycling center of their choice.

b. Disposition of Yard Waste – Brush, Leaves and Yard Debris. Town of Oregon residents will neither receive curbside pickup of yard waste, nor will these items be accepted on the compactor at the TORC.

Residents may either: (1) pay a private contractor for the removal of these materials; (2) transport the materials to a Dane County compost site; (3) transport leaves and yard debris to the TORC composting site; (4) transport brush to the TORC burn pad; or (5) compost the materials on their personal compost pile.

c. Disposition of Heavy and Noncollectable items. Heavy or noncollectable items will not be picked up in curbside service nor will they be accepted at the TORC. Town residents may contact either the Town Hall or their collector for advice in handling these items. When possible, Town residents are urged to arrange pickup of old appliances by the seller of new appliances. [Ord. 45 § 8 – 10, 1994; Ord. 41 § 5, 1991. Prior code § 6.2.5.]

6.10.060 Preparation of recyclable materials.

Recyclable materials shall be prepared in the following manner, whether the materials are for curbside collection or delivery to the TORC:

a. Newspapers, office paper and magazines shall be dry and bundled in eight (8) to ten (10) inch bundles, boxed or placed in paper sacks.

b. Glass containers shall be empty, unbroken, rinsed and free of metal caps and rings and other contaminants such as window glass, drinking glass, ceramics, Pyrex, light bulbs, mirrors, china and similar material.

c. Metal cans shall be rinsed and have labels removed. Metal food cans should have ends removed and be flattened. Soft drink cans should be crushed.

d. Container board shall be dry, flattened, free of food debris and other contaminated materials and bundled into eight (8) to ten (10) inch bundles.

e. Plastic containers shall be rinsed and have metal and plastic rings and tops removed.

f. Lead-acid batteries shall have all caps firmly attached and be free from leaks.

g. Waste oil shall be from motor vehicles, free of contaminants, and in tightly sealed, nonleaking containers.

h. Additional preparation standards may be provided by notice to generators of waste and collectors/haulers, or by amendment to this section when other materials become recyclable depending on available economic markets. [Ord. 45 § 11, 1994; Ord. 41 § 6, 1991. Prior code § 6.2.6.]

6.10.070 Requirements for multifamily dwellings.

a. Owners of multifamily dwellings shall provide adequate, separate containers for handling and collection of recyclable materials enabling tenants to ensure that recyclable materials meet preparation standards. Owners shall provide containers for the complex or sub-units thereof marked for the collection of recyclable material to be shared in common by occupants of the multifamily dwellings. Such containers need not include provisions for major appliances, lead-acid batteries or used oil.

b. Owners of multifamily dwellings shall provide sufficient containers to accommodate the collection of the volume of recyclable materials generated by the occupants of the multifamily dwellings. The number of containers shall be sufficient to enable the handling, transportation and processing requirements of the collector or private hauler.

c. Owners of multifamily dwellings shall clearly mark and designate containers to be used for recyclable materials as required by Town rules and regulations. Such containers shall be maintained in a clean, safe and watertight condition. [Ord. 41 § 7, 1991. Prior code § 6.2.7.]

6.10.080 Notification required.

a. Owners of rental property shall notify all tenants on move-in, and on a regular basis thereafter at least semi-annually, of Town and Dane County recycling requirements.

b. Owners of commercial, retail, industrial, and governmental facilities will notify all users, including employees, agents and customers, on a regular basis at least semi-annually, of Town and Dane County recycling requirements. [Ord. 41 § 8, 1991. Prior code § 6.2.7.]

6.10.090 Collection by unauthorized entities.

Any recyclable materials placed at curbside for collection or brought to the TORC are the property of the Town of Oregon or the Town's collector or an authorized private collector unless specifically refused by the collector or the TORC. It is unlawful for any person other than those authorized by the Town Board of the Town of Oregon to collect or pick up or cause to be collected or picked up any recyclable materials. Any and each such collection in violation hereof from any recyclable material container shall constitute a separate and distinct offense punishable as hereinafter provided. [Ord. 41 § 9, 1991. Prior code § 6.2.9.]

6.10.100 Disposal or dumping permit.

Except as expressly permitted in this section, no individual or entity shall dump or dispose of waste, garbage, or rubbish within the Town of Oregon unless a permit to engage in such dumping or disposal is first obtained from the Town of Oregon under the conditions prescribed herein.

Exceptions to this requirement are:

- a. Sites used for dumping or disposal of yard waste or garbage from a residential unit or small business providing that such yard waste is placed in suitable composting containers or composted in such a way as not to cause a public or private nuisance.
- b. The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable ordinances of the Town of Oregon, or the discharge of waste products into any existing public sewage system located within the Town of Oregon.
- c. A farm on which only animal waste resulting from the operation of the farm is disposed of.
- d. Any dumping operation under the direction and control of the Town of Oregon.

Persons or entities who are permitted by the Town of Oregon to engage in dumping or disposal operations shall do so in a manner which does not constitute a public or private nuisance and in a way so that dust, dirt, and debris will not be carried by the wind across the boundary of the land parcel on which said operation is taking place. A suitable covering of gravel or dirt shall be placed within a reasonable time so as to make the dumping site compatible with the surrounding property and not to depreciate property values within the immediate area.

A public hearing will be held on any application for a permit to engage in dumping or disposal operations. The application shall be on file with the Town Clerk at least thirty (30) days before the public hearing and include the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan.

A notice of the public hearing shall be given as a Class 3 notice as described in Wis. Stat. § 985.07 (1989-1990). The cost of such publication shall be deposited by the applicant in advance.

The Town Board reserves the right to require the applicant to post a bond, the condition of which will be that this chapter shall be observed, that the dumping or disposal plan shall be carried out and any penalties imposed shall be paid. If any part of this chapter is violated and after a reasonable time the violation is not corrected, the Town of Oregon reserves the right to correct the violation and to charge the expense to the bond. The applicant, in making the application for a dumping or disposal permit, grants to the Town of Oregon the right to go onto the land to carry out the plan, if the applicant fails to do so in a reasonable time, at the owner's or occupant's expense.

Revocation of a dumping or disposal notice may be accomplished upon a published Class 1 notice by the Town of Oregon. [Ord. 45 § 12, 1994; Ord. 41 § 10, 1991. Prior code § 6.2.10.]

6.10.110 State law.

Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this chapter. [Ord. 41 § 11, 1991. Prior code § 6.2.11.]

6.10.120 Severability and conflict.

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid. [Ord. 41 § 12, 1991. Prior code § 6.2.12.]

6.10.130 Fines for violation.

Any person violating this chapter shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Fines may be levied in addition to payment for reparation of damages created to or cleanup required of public or private property. Agents or employees of the Town of Oregon may opt to issue a warning on first offenses in lieu of a fine depending on the severity of the violation and the violator's willingness to immediately correct violation. Imprisonment in the county jail can be ordered only for failure to pay fines or reparation expenses and shall be limited to one (1) day of confinement for each \$25.00 of fine or ordered reparation expense.

Any individual, corporation or municipality who places waste, garbage, refuse, yard waste, rubbish, heavy objects, noncollectable items or sludge on either public or private property anywhere within the Town of Oregon limits in a manner not in compliance with this chapter shall be subject to the fines set forth in this section. [Ord. 41 § 13, 1991. Prior code § 6.2.13.]

Chapter 6.15**SOLID WASTE DISPOSAL SITE**

Sections:

- 6.15.010 Use of site.
- 6.15.020 Identification of user.
- 6.15.030 Sticker identification system.
- 6.15.040 Hours of operation.
- 6.15.050 Sign to be posted.
- 6.15.060 Penalty.
- 6.15.070 Severability.

6.15.010 Use of site.

No person shall use or deposit any solid waste or refuse at the solid waste disposal site, hereinafter referred to as the “facility,” operated by the Town of Oregon in the Town of Oregon, Dane County, Wisconsin, unless said person is a resident of the Town of Oregon. [Ord. 17 § 1, 1975. Prior code § 6.3.1.]

6.15.020 Identification of user.

Any user of the facility shall, upon demand by the site attendant, present identification in the form of a valid Wisconsin driver’s license showing that said user is a bona fide resident of the Town of Oregon, Dane County, Wisconsin. [Ord. 17 § 2, 1975. Prior code § 6.3.2.]

6.15.030 Sticker identification system.

The Town Board may require that each Town of Oregon resident who intends to use the facility obtain from the Town Board, at such times as shall be reasonably prescribed by the Town Board, a sticker which the resident shall then attach to the windshield of each vehicle in which he intends to transport solid waste or other refuse to the facility. Any vehicle used to transport solid waste or other refuse to the facility shall have a sticker attached to its windshield. [Ord. 17 § 3, 1975. Prior code § 6.3.3.]

6.15.040 Hours of operation.

The facility shall be available for use as aforesaid by Town of Oregon residents at such hours as prescribed by the Town Board. No person shall use the facility except during said hours. [Ord. 17 § 4, 1975. Prior code § 6.3.4.]

6.15.050 Sign to be posted.

A sign shall be posted at the facility gate stating the terms and conditions of use of the facility as herein prescribed. [Ord. 17 § 5, 1975. Prior code § 6.3.5.]

6.15.060 Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$200.00 together with the costs of prosecution. [Ord. 17 § 6, 1975. Prior code § 6.3.6.]

6.15.070 Severability.

The provisions of this chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of the ordinance codified in this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this chapter or the

application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. [Ord. 17, 1975. Prior code § 6.3.7.]

Title 7

LICENSING AND REGULATION

Chapters:

- 7.05 Licensing of Dogs**
- 7.10 Regulation of the Sale of Alcohol Beverages**
- 7.15 Operator's Licenses**
- 7.25 Regulation and Licensing of Fireworks**
- 7.30 Street Use Permits**
- 7.35 Miscellaneous Business Licenses**
- 7.40 Licensees to Pay Local Claims – Appellate Procedures**
- 7.45 Cigarette Licenses – Nonintoxicating Liquor**

Chapter 7.05**LICENSING OF DOGS**

Sections:

- 7.05.010 License required.
- 7.05.020 Late fee.
- 7.05.030 Fees.
- 7.05.040 Issuance of license.
- 7.05.050 Incorporation by reference.
- 7.05.060 Dogs not to run at large.
- 7.05.070 Dogs prohibited in certain locations.
- 7.05.080 Owner's duty to remove refuse.
- 7.05.090 Harboring certain dogs prohibited.
- 7.05.100 Dog kennels.
- 7.05.110 Enforcement.
- 7.05.120 Rabies quarantine.

7.05.010 License required.

Every person residing in the Town of Oregon who owns a dog more than five (5) months of age on January 1st of any year, or five (5) months of age within the license year, shall annually, on or before the date the dog becomes five (5) months of age, pay the dog license tax and obtain a license therefor. [Ord. 55 § 1(a), 1999. Prior code § 7.1.1.]

7.05.020 Late fee.

The Town shall assess and collect a late fee as set by the fee schedule adopted by resolution from every owner of a dog five (5) months of age or over if the owner fails to obtain a license prior to April 1st of each year, or within thirty (30) days of acquiring ownership of a dog of licensed age, or if the owner failed to obtain a license on or before the date the dog reached the licensed age. All late fees received or collected shall not be subject to division with the County Treasurer pursuant to Wis. Stat. § 174.05(5) (1997-1998). Any late fee shall be established by the Town Board by resolution. [Ord. 83 § 4, 2016; Ord. 55 § 1(b), 1999. Prior code § 7.1.2.]

7.05.030 Fees.

a. The Town Board, by resolution, shall establish the annual dog license fee on dogs within the Town. In said resolution, the total fee shall be greater for unneutered male dogs and unspayed female dogs than the fee for neutered male dogs and spayed female dogs.

b. The Town Treasurer shall remit the dog license fee established by County Board resolution for dog licenses to the County Treasurer at the time settlement is made with the County Treasurer for collection of personal property taxes, in accordance with the procedure set forth in Wis. Stat. § 174.08 (1997-1998). [Ord. 83 § 4, 2016; Ord. 55 § 1(c), 1999. Prior code § 7.1.3.]

7.05.040 Issuance of license.

Upon payment to the Town Treasurer of the required fee, and upon presentation of evidence that the animal is currently immunized against rabies, the Treasurer shall issue to the owner a license to keep such dog for one (1) calendar year. The owner shall, upon procuring the license, place upon the dog a collar with the tag furnished by the Treasurer. [Ord. 55 § 1(d), 1999. Prior code § 7.1.4.]

7.05.050 Incorporation by reference.

Wis. Stat. Ch. 174 (1997-1998), pertaining to dogs, is hereby adopted as part of this chapter, and incorporated by reference by this action. [Ord. 55 § 1(e), 1999. Prior code § 7.1.5.]

7.05.060 Dogs not to run at large.

It is unlawful for any person owning or possessing any dog to permit such dog to run at large. For the purpose of this section, “running at large” means the presence of a dog at any place except upon the premises of the owner and not under the control of the owner or some other person. A dog shall not be considered to be running at large if it is on a leash and under the control of a person physically able to control the dog. [Ord. 55 § 1(f), 1999. Prior code § 7.1.6.]

7.05.070 Dogs prohibited in certain locations.

- a. No dogs are permitted in any cemetery.
- b. Dogs are permitted in Town parks, but must be leashed and under direct control of their owners or keepers. [Ord. 55 § 1(g), 1999. Prior code § 7.1.7.]

7.05.080 Owner’s duty to remove refuse.

The owner or person in charge of a dog shall immediately remove any solid fecal matter or other excretion expelled by such dog on any public or private property other than that of the owner. This section shall not apply to a person who is visually or physically handicapped. [Ord. 55 § 1(h), 1999. Prior code § 7.1.8.]

7.05.090 Harboring certain dogs prohibited.

No person shall own, harbor, or keep any dog which:

- a. Habitually pursues any vehicle upon any public street, alley or highway.
- b. Assaults or attacks any person or another animal.
- c. Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.
- d. Habitually barks or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy two (2) or more persons in the neighborhood who are of ordinary sensibilities. [Ord. 55 § 1(i), 1999. Prior code § 7.1.9.]

7.05.100 Dog kennels.

The term “dog kennel” as used herein means any establishment wherein dogs are kept for sale, breeding or sporting purposes. An establishment is presumed to be a kennel if more than three (3) dogs are kept or maintained therein.

- a. Kennels are permitted within the Town, with the following conditions:
 1. No kennel will be maintained within any subdivision, as defined in Wis. Stat. § 236.02(12) (1997-1998).
 2. All kennels will comply with all local ordinances and county zoning ordinances.
- b. The Town Board, by resolution, shall establish the minimum annual kennel fee within the Town.
 1. The amount of such fee shall be as set by the fee schedule adopted by resolution for a kennel license for up to twelve (12) dogs, plus an additional fee as set by the fee schedule adopted by resolution for each dog in excess of twelve (12) to the maximum of twenty-four (24) dogs.
- c. No more than twenty-four (24) dogs will be allowed at any established kennel.
- d. Kennels shall meet all applicable provisions of Wis. Stat. Ch. 174 (1997-1998). [Ord. 83 § 4, 2016; Ord. 55 § 1(j), 1999. Prior code § 7.1.10.]

7.05.110 Enforcement.

a. The Town Constable or any Town Supervisor shall, upon complaint, seize and restrain any animal for the keeping of which no license has been issued and for which one is required or, upon complaint, seize and restrain any animal that is running at large, and otherwise enforce the provisions of this chapter.

b. The Town Constable is authorized to issue citations for violation of any provision of this chapter.

c. The Town Constable or any Town Supervisor, upon restraining any animal running at large, will make all attempts to find the owner and return it. If unable to find the owner, the animal will be turned over to the Dane County Humane Society. [Ord. 55 § 1(k), 1999. Prior code § 7.1.11.]

7.05.120 Rabies quarantine.

a. Any person who has possession of a dog or other animal who has reason to believe that the animal has bitten a person, is infected with rabies or has been in contact with a rabid animal shall, upon order of the Town Constable or any Town Supervisor, turn over the animal to the Constable for quarantine. Such animal shall be taken to a secure veterinary medicine establishment, where such animal shall be kept under strict isolation under the supervision of a veterinarian for at least ten (10) days. In the alternative, if the owner of the animal produces a valid certificate or other evidence conclusively demonstrating that the animal is immunized currently against rabies, the Constable may order the animal to be quarantined on the premises of the owner. At the end of the quarantine period, if the veterinarian certifies that the dog or other animal has not exhibited any signs of rabies, the veterinary establishment or the owner may release said animal from quarantine.

b. The owner of the animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, as well as costs of supervision and examination of the animal by the veterinarian. If destruction of the animal is necessary, the owner shall also be responsible for these costs.

c. If an owner fails to comply with an order to quarantine an animal under this subsection, such owner shall forfeit the sum of \$500.00 for each day such violation continues until surrender of the animal, together with any applicable statutory assessments and costs.

d. If the animal cannot be captured, the Constable may destroy the animal only as a last resort or if the owner agrees. The Constable shall attempt to destroy the animal in a humane manner and in a manner which avoids damage to the animal's head. [Ord. 55 § 1(l), 1999. Prior code § 7.1.12.]

Chapter 7.10**REGULATION OF THE SALE OF ALCOHOL BEVERAGES**

Sections:

- 7.10.010 Purpose.
- 7.10.020 Statutory authority.
- 7.10.030 Definitions.
- 7.10.040 Licenses and permits required.
- 7.10.050 License classes and fees.
- 7.10.060 License requirements and restrictions.
- 7.10.070 Regulation of licensed premises and licenses.
- 7.10.080 Form and expiration of licenses.
- 7.10.090 Transfer of licenses.
- 7.10.100 Revocation and suspension of licenses.
- 7.10.110 Separability of provisions.

7.10.010 Purpose.

The Town Board of Supervisors of the Town of Oregon, Dane County, Wisconsin, finds that it is in the best interests of the public to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this chapter for such regulation will promote government and good order of the Town for its commercial benefit, and for the health, safety, welfare and convenience of the public. [Ord. 36 § 1, 1987. Prior code § 7.2.1.]

7.10.020 Statutory authority.

This chapter is enacted pursuant to Wis. Stat. § 125.10 (1985-1986), and the general police power of the Town Board. [Ord. 36 § 2, 1987. Prior code § 7.2.2.]

7.10.030 Definitions.

The definitions contained in Wis. Stat. § 125.02 (1985-1986) are hereby adopted and made a part of this chapter by reference. Ord. 36 § 3, 1987. Prior code § 7.2.3.]

7.10.040 Licenses and permits required.

No person, except as authorized by this chapter and Wis. Stat. Ch. 125 (1985-1986), shall within the Town of Oregon serve, sell, distribute, vend, offer or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity for which a license or permit is authorized under this chapter. [Ord. 36 § 4, 1987. Prior code § 7.2.4.]

7.10.050 License classes and fees.

There shall be the following classes of licenses, which, when issued by the Town Clerk under the authority of the Town Board after the payment of the appropriate fee as set by the fee schedule adopted by resolution, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stat. Ch. 125 (1985-1986). Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- a. Retail class "A" fermented malt beverage license;
- b. Retail class "B" fermented malt beverage license;
- c. Class "B" picnic license for fermented malt beverage license for bona fide clubs, state, county, or local fair associations, or agricultural societies, lodges, or societies, etc.;
- d. Class "B" fermented malt beverage license for six (6) month period;
- e. Wholesaler's fermented malt beverage license;

- f. Special wholesaler fermented malt beverage license;
- g. Operator's license;
- h. Manager's license;
- i. Retail class "A" intoxicating liquor license;
- j. Retail class "B" intoxicating liquor license;
- k. Retail class "B" intoxicating liquor license for six (6) month period;
- l. Pharmacist's license. [Ord. 83 § 4, 2016; Ord. 36 § 5, 1987. Prior code § 7.2.5.]

7.10.060 License requirements and restrictions.

a. Application Procedure. All applications for a license authorized under this chapter and Wis. Stat. Ch. 125 (1985-1986) shall be made in writing on forms prescribed by the State Department of Revenue, as approved by the Town Board. The application shall describe the physical premises, including every room and storage space, to be covered by the license. All applications shall be signed and sworn to by the applicant as provided by Wis. Stat. § 887.01 (1985-1986).

b. Filing of Application. All applications shall be filed with the Town Clerk. At the time of filing, the applicant shall pay to the Town Clerk the cost of publication of the application and the annual fee for the license as established in OMC 7.10.050. All applications must be on file with the Town Clerk at least fifteen (15) days before the Town Board may grant or deny the application, except as provided in Wis. Stat. § 125.04(3)(f)(3) (1985-1986), applicable to Class "B" "picnic" licenses.

c. Qualifications of Applicants.

1. All individuals, partners, and all officers and directors of Wisconsin corporations applying for licenses under this chapter must meet the following qualifications:

A. Be twenty-one (21) years of age or older;

B. Be a Wisconsin resident continuously for at least one (1) year immediately prior to the date of filing the application;

C. Does not have an arrest or conviction record subject to Wis. Stat. §§ 111.321, 111.322, and 111.335 (1985-1986).

2. All officers and directors of foreign corporations must meet the qualifications of subsections (c)(1)(A) and (B) of this section.

3. All corporations must designate an agent pursuant to Wis. Stat. § 125.04(6) (1985-1986). The agent must meet the qualifications of subsections (c)(1)(A) and (C) of this section and must, with respect to character, record, and reputation, be satisfactory to the Department of Revenue or the Town Board, whichever is applicable. Each corporate agent must have full written authority and control of the premises, as provided in Wis. Stat. § 125.04(6)(a)(2) (1985-1986).

d. Alcohol Awareness Training Program.

1. No person, including the licensee, a member of the licensee's immediate family or agent, shall on or after July 1, 1987, supervise the sale or service of alcohol beverages on any premises or in any place within the Town for which a license or permit is required under Wis. Stat. Ch. 125 (1985-1986), unless such person either holds a valid operator's license or has filed with the Town Clerk proof of successful completion of an approved alcohol awareness training program.

2. Effective for the 1986-1987 licensing year, no operator's license shall be issued or renewed unless the applicant presents proof of successful completion of an alcohol awareness training program approved by the state of Wisconsin or any Wisconsin municipality. The Town Clerk shall verify approval and maintain a list of approved alcohol awareness programs on file in the Town office.

e. Inspection of Application and Premises. The Town Clerk shall notify the Health Officer and Building Inspector of all license and permit applications. These officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be improved. These officials shall furnish to the Town Board in writing the information derived

from such investigation. No license or renewal of license provided for in this chapter shall be issued without an inspection or reinspection of the premises and report as herein required.

f. Health and Sanitation Requirements. No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants and to all such ordinances and regulations adopted by the Town.

g. Delinquent Taxes, Assessments, and Claims. No license shall be granted for any premises for which taxes (real or personal), assessments, or other claims of the Town are delinquent and unpaid, or to any person delinquent in payment of such claims to the Town. In the event of the sale of a premises or transfer of a license during a license year, the Town Board may condition the granting of a license upon payment of real estate or personal property taxes prorated to the date of sale. The Town Treasurer shall estimate the tax rate to be used.

h. Location of Premises.

1. No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than three hundred (300) feet from any established public or parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church, or hospital to the closest entrance to such premises.

2. Issuance for Sales in Dwellings Prohibited. No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any alcohol beverages in any dwelling, house, flat or residential apartment. [Ord. 36 § 6, 1987. Prior code § 7.2.6.]

7.10.070 Regulation of licensed premises and licenses.

a. Posting Licenses. Licenses issued under this chapter shall be posted and displayed as provided by Wis. Stat. § 125.04(10) (1985-1986). Failure to post a license as required therein shall be a presumption of operating without a license.

b. Gambling and Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time or on such premises.

c. Employment of Minors. No retail Class "B" licensee shall employ any person under twenty-one (21) years of age to serve, sell, dispense, or give away any alcohol beverage.

d. Safety and Sanitation Requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

e. Closing Hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

1. If a retail Class "A" license, between 12:00 midnight and 8:00 a.m.

2. If a retail Class "B" license, between 1:00 a.m. and 8:00 a.m., except as provided in this subsection. During that portion of each year for which the standard time is advanced under Wis. Stat. § 175.095, the closing hours shall be between 2:00 a.m. and 8:00 a.m., and on January 1st, the closing hours shall be between 3:00 a.m. and 8:00 a.m. Between 9:00 p.m. and 8:00 a.m., no person may sell fermented malt beverages on Class "B" licensed premises in an original package, container or bottle or for consumption away from the premises.

3. Hotels and restaurants whose principal business is the furnishing of food and lodging to patrons, bowling alleys and golf courses may remain open for the conduct of their regular business but may not sell intoxicating liquors or fermented malt beverages during prohibited hours specified above.

f. Quotas. The number of persons and places that may be granted a retail "Class B" liquor license under this chapter in the Town is limited as provided in Wis. Stat. § 125.51(4) (1985-1986).

g. Violations by Agents and Employees. A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee. [Ord. 36 § 7, 1987. Prior code § 7.2.7.]

7.10.080 Form and expiration of licenses.

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 and, unless sooner revoked, shall expire on June 30th thereafter except as otherwise provided. The Town Clerk shall affix his or her affidavit as required by Wis. Stat. § 125.04(4) (1985-1986). [Ord. 36 § 8, 1987. Prior code § 7.2.8.]

7.10.090 Transfer of licenses.

a. From Place to Place. Every alcohol beverage license issued by the Town may be transferred to another place or premises within the Town. Transfers shall be approved by the Town Board upon application on blanks furnished by the State Department of Revenue and the payment of a fee as set by the fee schedule adopted by resolution. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail license is entitled to more than one (1) transfer during the license year.

b. From Person to Person. Licenses issued under this chapter may be transferred to another person only under the terms and conditions as provided by Wis. Stat. § 125.04(12)(b) (1985-1986). [Ord. 83 § 4, 2016; Ord. 36 § 9, 1987. Prior code § 7.2.9.]

7.10.100 Revocation and suspension of licenses.

a. Grounds for Revocation or Suspension. A license issued under this chapter may be suspended or revoked by the Town Board under the procedures described herein upon the finding of a violation of this chapter or Wis. Stat. Ch. 125 (1985-1986).

b. Procedure. A license may be revoked or suspended pursuant to Wis. Stat. § 125.12(2) (1985-1986).

c. Automatic Revocation. Any license issued under this chapter shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or violation of Wis. Stat. Ch. 125 or any other state or federal alcohol beverage law.

d. Effect of Revocation of License. When a license is revoked under this section, the revocation shall be recorded by the Town Clerk, and no other license issued under this chapter may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.

e. Repossession of License. Whenever any license under this section shall be revoked or suspended, the licensee shall surrender the license to the Town Clerk. The Town Clerk or Constable shall have the right to take physical possession of the suspended or revoked license wherever it may be found and file it in the Clerk's office. [Ord. 36 § 10, 1987. Prior code § 7.2.10.]

7.10.110 Separability of provisions.

Should any section or provisions of this chapter be declared invalid, such decisions shall not affect the validity of the remaining portions of this chapter. [Ord. 36 § 11, 1987. Prior code § 7.2.11.]

Chapter 7.15**OPERATOR'S LICENSES**

Sections:

- 7.15.010 Purpose.
- 7.15.020 Operator's license.
- 7.15.030 Validity.
- 7.15.040 Temporary license.
- 7.15.050 Provisional license.
- 7.15.060 Fees.
- 7.15.070 Severability of provisions.

7.15.010 Purpose.

The purpose of this chapter is to authorize the issuance of operator's licenses. The ordinance codified in this chapter is enacted in the public interest and pursuant to the powers granted towns and town boards by the state of Wisconsin, Wis. Stat. § 125.17 (1989-1990). [Ord. 42 § 1, 1991. Prior code § 7.3.1.]

7.15.020 Operator's license.

Operator's licenses may only be issued upon written application. The applicant must appear in person before the Town Board only upon submitting an original application. Renewal of an operator's license shall only require a written application be submitted to the Town Clerk. An operator's license will be valid for one (1) year and expire on June 30th. [Ord. 42 § 2, 1991. Prior code § 7.3.2.]

7.15.030 Validity.

Operator's licenses granted by the Town Board and issued by the Town Clerk are valid only within the Town of Oregon. [Ord. 42 § 3, 1991. Prior code § 7.3.3.]

7.15.040 Temporary license.

A Temporary operator's license may be issued under the terms of OMC 7.15.020 except that:

- a. This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
- b. No person may hold more than one (1) license of this kind per year.
- c. The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license. [Ord. 42 § 4, 1991. Prior code § 7.3.4.]

7.15.050 Provisional license.

The Town Clerk may issue provisional operator's licenses, in accordance with Wis. Stat. § 125.17(5) (1989-1990).

- a. A provisional operator's license may be issued only to a person who has applied for an operator's license under OMC 7.15.020, while they are taking the responsible beverage server training course as required by Wis. Stat. § 125.17(6) (1989-1990).
- b. A provisional operator's license may not be issued to any person who has been denied a license under OMC 7.15.020 by the Town Board.
- c. A provisional operator's license expires sixty (60) days after its issuance or when a license under OMC 7.15.020 is issued the holder, whichever is sooner.
- d. The official who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application.
- e. One (1) renewal of a provisional license is permitted if an application is made before the expiration of the first provisional license. [Ord. 42 § 5, 1991. Prior code § 7.3.5.]

7.15.060 Fees.

The fee for an operator's license shall be as set by the fee schedule adopted by resolution. The fee for a temporary or provisional operator's license shall be as set by the fee schedule adopted by resolution. The fee paid for a provisional license shall be applied to the cost of an operator's license upon issuance. In the event that an operator's license is denied or a provisional license is revoked, the fee paid shall not be refundable. [Ord. 83 § 4, 2016; Ord. 42 § 6, 1991. Prior code § 7.3.6.]

7.15.070 Severability of provisions.

Should any section or provision of this chapter be declared invalid, such decisions shall not affect the validity of the remaining portions of this chapter. [Ord. 42 § 7, 1991. Prior code § 7.3.7.]

Chapter 7.25

REGULATION AND LICENSING OF FIREWORKS

(Reserved)

Chapter 7.30

STREET USE PERMITS

(Reserved)

Chapter 7.35

MISCELLANEOUS BUSINESS LICENSES

(Reserved)

Chapter 7.40

LICENSEES TO PAY LOCAL CLAIMS – APPELLATE PROCEDURES

(Reserved)

Chapter 7.45

CIGARETTE LICENSES – NONINTOXICATING LIQUOR

(Reserved)

Title 8

MOTOR VEHICLES AND TRAFFIC

Chapters:

- 8.05 Traffic Code**
- 8.10 Speed Limits**
- 8.15 Operator's License**
- 8.20 Bicycles**
- 8.25 Snowmobiles**
- 8.30 Parking**

Chapter 8.05**TRAFFIC CODE**

Sections:

- 8.05.010 State traffic laws adopted.
- 8.05.020 State administrative code provisions adopted.
- 8.05.030 Registration record of vehicle as evidence.
- 8.05.040 School bus warning lights.
- 8.05.050 Penalties.
- 8.05.060 Enforcement.

8.05.010 State traffic laws adopted.

a. Statutes Adopted. Except as otherwise specifically provided in this code, the statutory provisions in Wis. Stat. Chs. 340 to 349, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this code 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 code. Any future amendments, revisions or modifications of the statutory regulations in Wis. Stat. Chs. 340 to 348 incorporated herein are intended to be made part of this code 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. Any person who shall, within the Town of Oregon, Dane County, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.

b. Other State Laws Adopted. There also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this code shall be as provided in Wis. Stat. Chs. 340 to 348, and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided:

1. Wis. Stat. § 941.01, Negligent Operation of Vehicle Off Highway;
2. Wis. Stat. § 941.03, Highway Obstruction;
3. Wis. Stat. § 943.11, Entry into Locked Vehicle;
4. Wis. Stat. § 943.23, Operating Motor Vehicles Without Owner's Consent;
5. Wis. Stat. § 947.045, Drinking in Motor Vehicle on Highway.

c. Statutes Specifically Incorporated by Reference. Whenever this code incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes 1995-1996, as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws.

d. General References. General references in this code 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 authorities. [Ord. 49 § 1-1, 1997. Prior code § 8.1.1.]

8.05.020 State administrative code provisions adopted.

a. Administrative Regulations Adopted. The following administrative rules and regulations adopted by the Secretary of the 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. Wis. Admin. Code TRANS 146, Vehicle Registration and Fuel Trip Permits (Penalties of Wis. Stat. §§ 341.04(3) and 341.45(b) apply);
2. Wis. Admin. Code TRANS 302, Vehicle Marking;

3. Wis. Admin. Code TRANS 305, Standards for Vehicle Equipment;
4. Wis. Admin. Code TRANS 328, Motor Carrier Safety Requirements for Intrastate Transportation of Hazardous Material;

5. Wis. Admin. Code TRANS 300, Transportation of School Children;

6. Wis. Admin. Code TRANS 304, Slow Moving Vehicle Emblem.

b. Noncompliance Prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town of Oregon a vehicle that is not in conformity with the requirements of subsection (a) of this section or the provisions of Wis. Stat. § 110.075 and Wis. Stat. Ch. 347, incorporated by reference in OMC 8.05.010.

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 of the same as if he or she had operated the vehicle. The provisions of Wis. Stat. § 347.04 relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this section.

d. Safety Checks.

1. Operators to Submit to Inspection. When directed to do so by a 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 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 Wis. Stat. § 110.075(5), 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 Administrative Code, incorporated herein by reference, shall be as provided in the provisions of Wis. Stat. § 110.075 and Wis. Stat. Ch. 347, and as provided in subsection (c) of this section, together with the costs of the prosecution and applicable penalty assessment. [Ord. 52 § 1, 1997; Ord. 49 § 1-2, 1997. Prior code § 8.1.2.]

8.05.030 Registration record of vehicle as evidence.

When any vehicle is found upon a street or highway in violation of any provision of this code 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 code, and specifically OMC 8.05.010, and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Wis. Stat. § 346.485(5)(b) shall be a defense for an owner charged with such violation. [Ord. 49 § 1-3, 1997. Prior code § 8.1.3.]

8.05.040 School bus warning lights.

Notwithstanding the provisions of Wis. Stat. § 346.48(2)(b)(2), adopted by reference in OMC 8.05.010 to the contrary and except as provided in Wis. Stat. § 349.21(2), 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 crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded. [Ord. 49 § 1-4, 1997. Prior code § 8.1.4.]

8.05.050 Penalties.

a. Forfeiture Penalty. The penalty for violation of any provision of this code shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Wis. Stat. §§ 814.63(1) and (2) or 814.65(1), the penalty assessment and the jail assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stat. §§ 165.87, 302.46, and 346.655, respectively, 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 sixty (60) days. Any person eighteen (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 code may, upon order of the Court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (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, 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. Pursuant to Wis. Stat. § 66.117, no person who has been convicted of a violation of any provision of this code shall be issued a license or permit by the Town until the forfeiture imposed for such violation and any assessments, court costs, fees or surcharges are paid.

c. Forfeitures for Violation of Uniform Moving Traffic Regulations. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in OMC 8.05.010 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statutes, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this code for any offense described in Wis. Stat. Chs. 341 to 348, 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 forfeiture for violation of nonmoving traffic violations adopted by reference in OMC 8.05.010 as described in Wis. Stat. Chs. 341 to 348 shall be found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

e. Other Violations. Any person who shall violate any provision of this code for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00. [Ord. 49 § 1-5, 1997. Prior code § 8.1.5.]

8.05.060 Enforcement.

a. Enforcement Procedures.

1. How Enforced. This code shall be enforced in accordance with the provisions of Wis. Stat. §§ 66.12, 345.20 to 345.53 and Ch. 800.

2. Applicable Court Proceedings. Except where otherwise specifically provided by the laws of the state of Wisconsin or this code, the traffic regulations in this code shall be enforced in circuit court or the Town of Oregon Municipal Court.

3. Authority of Law Enforcement Officers. Law enforcement officers authorized to enforce the provisions of this code shall include any person employed by the Town of Oregon as a law enforcement officer or any person employed as a law enforcement officer by a municipality authorized to provide police services in the Town of Oregon pursuant to an inter-municipal agreement with the Town of Oregon.

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 code except those provisions which describe or define nonmoving traffic violations.

2. Parking Citations. The Town's Attorney shall recommend a citation for use in enforcing the nonmoving traffic offenses in this code. Such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this code, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in OMC 8.05.010, and all provisions regarding nonmoving traffic violations in this code. 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 the Town Constable.

c. Deposits and Stipulations.

1. Uniform Traffic Offenses.

A. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this code 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 code in accordance with Wis. Stat. § 66.12(1)(b) whenever the provisions of Wis. Stat. § 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Wis. Stat. § 345.11, and may be accepted within ten (10) days of the date of the alleged violation. Stipulations may be accepted by the Municipal Court.

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 Wis. Stat. § 345.26 or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Municipal Court. Deposits may be brought or mailed to the Municipal Court within ten (10) days of the issuance of the citation in lieu of a court appearance. 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 (7) days to the Municipal Court.

2. Nonmoving Traffic Offenses.

A. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of nonmoving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Town Clerk or the Municipal Court the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within sixty (60) days of the date of citation. When payment is made as provided in this subsection, no court costs shall be charged.

B. Failure to Pay or Appear in Court. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Town may pursue the remedies available under Wis. Stat. §§ 345.28 and 345.34 to 345.47.

C. Deposits Returned to Town. Persons receiving deposits for nonmoving traffic violations under this subsection shall pay over such deposits to the Town Treasurer within seven (7) 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.

D. Bond. Any person authorized to accept deposits under Wis. Stat. § 345.26 or this section shall qualify by taking the oath prescribed by Wis. Stat. § 19.01.

3. Notices and Receipts. Every person accepting a forfeited penalty or money deposit under this section shall comply with Wis. Stat. § 345.26. Every person accepting a stipulation under the provisions of this section shall comply with the applicable provisions of Wis. Stat. §§ 343.28, 345.26 and 345.27, 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 Wis. Stat. § 345.11.1.

4. Registration Suspension Program.

A. The Town shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Wis. Stat. § 345.28 and Wis. Admin. Code TRANS 128, and all amendments or changes thereto.

B. The Town Board shall designate a delegated authority for purposes of Wis. Stat. §§ 85.13 and 345.28 and Wis. Adm. Code TRANS 128 to perform, on behalf of the Town, all functions required of a local authority under said statutes and code including, but not limited to:

i. Preparing and completing all forms and notices and notifying the Wisconsin Department of Transportation of unpaid citations for nonmoving traffic violations;

ii. Specifying whether the registration of vehicles involved in unpaid citations for nonmoving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for nonmoving traffic violations;

iii. Determining the method by which the Town will pay the Wisconsin Department of Transportation for administration of the program and establishing the effective date for participation; and

iv. Taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

C. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Wis. Stat. § 345.28(4)(d). Such costs include the prepayment required by the Department of Transportation under Wis. Stat. § 85.13, as well as a fee as set by the fee schedule adopted by resolution for the Town's administrative costs in preparing the notices required by Wis. Stat. § 345.28(3). The authority designated by the Town Board may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.

D. This subsection shall not be interpreted as requiring that all unpaid citations for nonmoving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Town's participation in such program shall be in addition to any and all other means legally available to enforce such citations. [Ord. 83 § 4, 2016; Ord. 49 § 1-6, 1997. Prior code § 8.1.6.]

Chapter 8.10**SPEED LIMITS**

Sections:

8.10.010 Speed limits within the Town of Oregon.

8.10.010 Speed limits within the Town of Oregon.

a. The speed limit on Netherwood Road (formerly Catholic Church Road), in the Town of Oregon, Dane County, Wisconsin, is as follows:

1. Twenty-five (25) miles per hour from its intersection with CTH “MM” (North Main Street), westerly for a distance of 0.3 miles.

2. Thirty-five (35) miles per hour from a point 0.3 miles west of its intersection with CTH “MM” (North Main Street), westerly to a point 1.3 miles west of its intersection with CTH “MM” (North Main Street).

3. Fifty (50) miles per hour from a point 1.3 miles west of its intersection with CTH “MM” (North Main Street), westerly to its intersection with CTH “D.”

b. The speed limits on the following portions of roadways in the Town of Oregon, Dane County, Wisconsin, are twenty-five (25) miles per hour for all vehicles:

1. On French Glen from C.T.H. “A” northwest to Oregon Trail.

2. On Oregon Trail from C.T.H. “MM” west to the intersection with French Glen and French Court and from the intersection of French Glen and French Court southwest 0.08 miles.

3. On French Court from Oregon Trail northwest 0.04 miles.

4. Sheil Drive from Hillcrest Lane east 0.51 miles.

5. Della Road from Sheil Drive south 0.15 miles.

6. Ralph Road from Della Drive west 0.12 miles.

7. Wesley Road from Sheil Drive north 0.05 miles.

8. Jean Circle from Sheil Drive southwest 0.24 miles.

9. Marie Road from Jean Circle south 0.07 miles.

10. Twin Oaks Court from Partridge Hill Drive northwest 0.03 miles.

11. Grey Owl Court from Partridge Hill Drive northeast 0.15 miles.

12. Quail Court from Partridge Hill Drive east 0.09 miles.

13. Ravenoaks Trail from Sun Valley Parkway to Knollwood Drive.

14. Ahwahnee Court from 0.05 miles west to Ravenoaks Trail to 0.09 miles east to Ravenoaks Trail.

15. Knollwood Drive from the south intersection with Ravenoaks Trail to 0.11 miles north of the north intersection with Ravenoaks Trail.

16. Trail Ridge Court from Blue Heron Way northeast 0.13 miles.

17. Blue Heron Way from Ravenoaks Trail to Partridge Hill Drive.

18. Owentsia from Knollwood Drive to Partridge Hill Drive and from Partridge Hill Drive west 0.02 miles.

19. Union Road from its intersection with Lincoln Road, northerly to its end.

20. Lincoln Road from a point 0.3 miles west of its intersection with Union Road, easterly to its intersection with Union Road.

c. Signs consistent with these speed limit declarations shall be erected at appropriate intervals on such Town highways in conformity with the Manual on Uniform Traffic Control Devices.

d. Penalties. Any person operating a vehicle in excess of the fixed speed limits set forth in this chapter shall be required to pay a forfeiture calculated in accordance with Wis. Stat. § 346.60(2)(a) or (3m)(a) (1997-1998), whichever is applicable, together with all applicable statutory assessments and court costs. [Ord. 54 §§ 1 – 3, 1999; Ord. 27, 1980. Prior code § 8.2.1.]

Chapter 8.15

OPERATOR'S LICENSE

(Reserved)

Chapter 8.20

BICYCLES

(Reserved)

Chapter 8.25

SNOWMOBILES

(Reserved)

Chapter 8.30**PARKING**

Sections:

8.30.010 Right-of-way parking prohibited.

8.30.010 Right-of-way parking prohibited.

a. The stopping, standing or parking of any vehicles or trailers on any Town road right-of-way in the Town of Oregon is prohibited. No vehicle or trailer shall be parked on any Town road right-of-way except in accordance with Town ordinance.

b. The Town Constable, Town Chairman or their designee will enforce this chapter and will be authorized to issue either warnings or citations. In addition to issuance of citations, the Town is authorized to have illegally parked vehicles towed at owner's expense. The cost of said towing and any storage shall be borne by the vehicle's owner.

c. Proper signage must be displayed at required locations. The Town Chairman, or designee, shall place appropriate traffic signs on all Town highways at the municipal border on or before the effective date of the ordinance codified in this chapter.

d. Each citation will carry a bond amount of \$50.00, with each new day allowing for another citation. Each day, or partial day, of continued violation shall constitute a separate offense.

e. Any failure to pay any parking citation may result in further processing pursuant to Wis. Stat. § 345.28. [Ord. 86 § 1, 2017. Prior code § 8.4.1.]

Title 9

OFFENSES AND NUISANCES

Chapters:

- 9.05 State Statutes Adopted**
- 9.10 Offenses Against Public Safety and Peace**
- 9.15 Offenses Against Property**
- 9.20 Offenses Involving Alcoholic Beverages**
- 9.25 Offenses by Juveniles**
- 9.30 Social Hosts**
- 9.35 Public Nuisances**
- 9.40 Regulation of Lewd and Sexually Explicit Conduct**

Chapter 9.05

STATE STATUTES ADOPTED

(Reserved)

Chapter 9.10**OFFENSES AGAINST PUBLIC SAFETY AND PEACE**

Sections:

- 9.10.010 Malicious injury to property.
- 9.10.020 Cruelty to animals.
- 9.10.030 Molesting birds or animals.
- 9.10.040 Noxious weeds.
- 9.10.050 Writing on walls, etc.
- 9.10.060 Concealed weapons prohibited.
- 9.10.070 Trespass.
- 9.10.080 Disorderly conduct.
- 9.10.090 Minors under seventeen (17) not to be allowed on streets after certain hours.
- 9.10.100 Destruction of property prohibited.
- 9.10.110 Fraud on hotel or restaurant keeper.
- 9.10.120 Drunkenness.
- 9.10.130 Animals not to be permitted to run at large.
- 9.10.140 Prohibition of noises disturbing the public peace.
- 9.10.150 Vehicle abandonment prohibited – Removal – Disposal.
- 9.10.160 Sale and discharge of fireworks restricted.
- 9.10.170 Storage of junk, etc., regulated.
- 9.10.180 Indecent conduct and language prohibited.
- 9.10.190 Obedience to officers.
- 9.10.200 Open cisterns and excavations.
- 9.10.210 False fire or police reports.
- 9.10.220 Littering prohibited.
- 9.10.230 Penalty.
- 9.10.240 Severability.

9.10.010 Malicious injury to property.

No person shall willfully and unlawfully break or damage any street lamp, street improvement, building, windows or other public or private property in the Town of Oregon, or shall willfully and unlawfully destroy or injure any lawn, garden, shrub, tree or other property in the Town. [Ord. 9 § 1, 1972. Prior code § 9.2.1.]

9.10.020 Cruelty to animals.

No person shall cruelly beat, strike, cut, maim, or injure any animal within the Town of Oregon; or keep, feed, or house in a cruel manner any animal within the Town of Oregon. [Ord. 9 § 2, 1972. Prior code § 9.2.2.]

9.10.030 Molesting birds or animals.

No person shall molest any birds, birds' nests, birds' eggs, squirrels, or other animals, or kill any birds, squirrels or other animals within the Town of Oregon. No person shall throw stones, or shoot, or use any implement with the intention of killing or frightening any birds or animals within the Town of Oregon, except as permitted under rules and regulations regulating hunting during authorized hunting seasons. [Ord. 9 § 3, 1972. Prior code § 9.2.3.]

9.10.040 Noxious weeds.

The statutory provisions in Wis. Stat. §§ 94.20, 94.21, and 94.22 (1969-1970), which set forth the duty of every person owning, occupying, or controlling any land to destroy the noxious weeds growing thereon, the appointment and duties of weed commissioners, and the entry of weed-cutting costs on the tax roll are adopted as a portion of this code and made a part of this section so far as applicable to towns. [Ord. 9 § 4, 1972. Prior code § 9.2.4.]

9.10.050 Writing on walls, etc.

No person shall write, draw, or post any obscene or indecent language, pictures, or drawings on any fence, wall, sidewalk or other surface contiguous to any public streets, alleys, or sidewalks or on any floor, ceiling, inner or outer wall, or other part of any tavern, filling station, church, school, or other building open to or frequented by patrons or the public within the Town of Oregon. [Ord. 9 § 5, 1972. Prior code § 9.2.5.]

9.10.060 Concealed weapons prohibited.

No person, except a sheriff, constable, police officer, or other deputy, shall carry or wear concealed about his person any pistol, slingshot, brass knuckles, blackjack, bowie knife, dirk-knife or dagger, or other deadly weapon within the limits of the Town. [Ord. 9 § 6, 1972. Prior code § 9.2.6.]

9.10.070 Trespass.

a. No person shall trespass upon the property or buildings belonging to another person within the Town of Oregon without the permission of the lawful owner or occupant.

b. No person shall permit any animal belonging to him, or under his control, to trespass upon the property belonging to another person within the Town of Oregon without the permission of the lawful owner or occupant. [Ord. 9 § 7, 1972. Prior code § 9.2.7.]

9.10.080 Disorderly conduct.

No person, in a public or private place, shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. [Ord. 9 § 8, 1972. Prior code § 9.2.8.]

9.10.090 Minors under seventeen (17) not to be allowed on streets after certain hours.

a. It shall be unlawful for any person under the age of seventeen (17) years to be upon the streets or alleys or other public places in the Town of Oregon between the hours of 10:00 p.m. and the following 4:00 a.m. unless accompanied by his or her parent or guardian, provided, however this section shall not apply to minors returning home from functions authorized by the governing body of any school or from their places of employment.

b. It shall be unlawful for a parent or guardian to permit any person under his or her control, if such person is under the age of seventeen (17) years, to be upon the streets, alleys or other public places in the Town of Oregon between the hours of 10:00 p.m. and the following 4:00 a.m., unless accompanied by his or her parent or guardian, or unless such minor is returning from an approved school function as provided in subsection (a) of this section. [Ord. 9 § 9, 1972. Prior code § 9.2.9.]

9.10.100 Destruction of property prohibited.

No person shall willfully injure or intentionally deface, destroy, or unlawfully remove, take, or meddle with any property of any kind or nature belonging to the Town of Oregon or its departments, or to any private person, without the consent of the owner or proper authority. [Ord. 9 § 10, 1972. Prior code § 9.2.10.]

9.10.110 Fraud on hotel or restaurant keeper.

No person shall, having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house, or restaurant, intentionally abscond without paying for it. [Ord. 9 § 11, 1972. Prior code § 9.2.11.]

9.10.120 Drunkenness.

No person shall within the Town of Oregon be drunk or intoxicated so as to disturb the good order and quiet of the Town or be found at any place within the Town in such a state of intoxication that he is unable to care for his own safety or for the safety of others. [Ord. 9 § 12, 1972. Prior code § 9.2.12.]

9.10.130 Animals not to be permitted to run at large.

No owner or keeper of any animal shall permit the same to run at large in the Town of Oregon except upon his own property. Any animal shall be deemed to be at large unless under the control of a person by means of a chain, rope, or cord of sufficient strength to control the action of such animal, or such other personal presence and attention as will reasonably control the conduct of said animal. [Ord. 9 § 13, 1972. Prior code § 9.2.13.]

9.10.140 Vehicle abandonment prohibited – Removal – Disposal.

a. No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and the continuing of same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

b. No person, firm or corporation occupying or having charge of any building or premises, or any part thereof, shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, or other mechanical or electrical device, instrument, or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.

c. Compression Brakes Prohibited.

1. No operator of a motor vehicle shall use brakes which are in any way activated or operated by the compression of the engine of the motor vehicle or any unit or part thereof, commonly referred to as “jake brakes,” “Jacob’s brakes,” “engine brakes,” or “compression brakes” on any state trunk, county trunk highway, or Town road within the Town of Oregon, except in cases of emergency. For purposes of this section, “cases of emergency” are defined as circumstances which present an immediate danger to life or property.

2. Emergency Vehicle Exceptions. The prohibition set forth in this subsection (c) shall not apply to “authorized emergency vehicles,” as that term is defined by Wis. Stat. § 340.01(3), when responding to an emergency call, when in pursuit of an actual or suspected violator of the law, or when responding but not upon returning from a fire alarm. [Ord. 76 § 1, 2010; Ord. 9 § 14, 1972. Prior code § 9.2.14.]

9.10.150 Storage or abandonment of vehicles prohibited.

a. No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property in the Town of Oregon, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Pursuant to Wis. Stat. § 342.40 (1969-1970), whenever any vehicle has been left unattended without the permission of the property owner for more than twenty-four (24) hours, the vehicle is deemed abandoned and constitutes a public nuisance.

b. Any vehicle in violation of this section shall be impounded until lawfully claimed and disposed of under subsection (c)(3) of this section except that if a law enforcement officer or Town Supervisor determines the cost of towing and storage charges for the impoundment will exceed the value of the vehicle, the vehicle may be junked prior to expiration of the impoundment upon determination that the vehicle is not wanted for evidence or other reason.

c. 1. Any law enforcement officer of the Town of Oregon who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property in the Town of Oregon which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the Town Board of the abandonment and of the location of the impounded vehicle.

2. The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle plus any forfeiture imposed hereunder. Costs not recovered from the sale of the vehicle may be recovered in a civil action against the owner.

3. Any abandoned vehicle which is determined by a law enforcement officer or Town Supervisor to have a value in excess of \$100.00 shall be retained in storage for a period of fourteen (14) days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. After the expiration of said fourteen (14) days, the vehicle shall be sold at public auction with notice of said sale to be given by publication of a Class 1 notice at least one (1) week prior to the sale.

4. Any abandoned vehicle which is determined by a law enforcement officer or Town Supervisor to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

5. Within five (5) days after the sale or disposal of a vehicle as provided in subsections (c)(3) or (4) of this section, the Town shall advise the State of Wisconsin, Department of Motor Vehicles, of the sale or disposition on such forms as supplied by the division. [Ord. 25, 1979; Ord. 9 § 15, 1972. Prior code § 9.2.15.]

9.10.160 Sale and discharge of fireworks restricted.

Wis. Stat. § 167.10 (1969-1970), regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full. [Ord. 9 § 16, 1972. Prior code § 9.2.16.]

9.10.170 Storage of junk, etc., regulated.

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris, which tends to substantially depreciate property values in the neighborhood, except in an enclosure which houses such property from public view, or upon permit issued by the Town Board. The building inspector 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. [Ord. 9 § 17, 1972. Prior code § 9.2.17.]

9.10.180 Indecent conduct and language prohibited.

No person shall use an indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Town of Oregon. [Ord. 9 § 18, 1972. Prior code § 9.2.18.]

9.10.190 Obedience to officers.

No person shall resist or in any way interfere with an officer of the Town of Oregon while such officer is doing any act in his official capacity and with lawful authority, or shall refuse to assist any officer in carrying out his duties when so requested by the officer. [Ord. 9 § 19, 1972. Prior code § 9.2.19.]

9.10.200 Open cisterns and excavations.

No person, persons or corporation being the owner or occupant of any lot, part of lot or parcel of land within the Town of Oregon shall leave open and not securely guarded any cistern, well or other dangerous

excavations on such lot or part of lot or parcel of land in this Town. [Ord. 9 § 20, 1972. Prior code § 9.2.20.]

9.10.210 False fire or police reports.

No person within the limits of the Town of Oregon shall intentionally falsely report in any manner directly or indirectly, to any police officer or any Town officer or officer or member of the Fire Department for the purpose of misleading any such officer or Fire Department member that a crime or a violation of this code has been or is being committed or that there is any fire in the Town or any territory protected by said fire department. [Ord. 9 § 21, 1972. Prior code § 9.2.21.]

9.10.220 Littering prohibited.

No person shall throw or deposit any glass, refuse, or waste, filth, or other litter upon the streets, alleys, highways, public parks, or other property of the Town of Oregon, or upon any private property within the Town of Oregon. [Ord. 9 § 22, 1972. Prior code § 9.2.22.]

9.10.230 Penalty.

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to a forfeiture of not to exceed \$500.00 together with the costs of prosecution. [Ord. 70 § 1, 2008; Ord. 9 § 23, 1972. Prior code § 9.2.23.]

9.10.240 Severability.

The provisions of this chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of the ordinance codified in this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. [Ord. 9 § 24, 1972. Prior code § 9.2.24.]

CHAPTER 9.15

OFFENSES AGAINST PROPERTY

(Reserved)

CHAPTER 9.20

OFFENSES INVOLVING ALCOHOLIC BEVERAGES

(Reserved)

Chapter 9.25**OFFENSES BY JUVENILES**

Sections:

- 9.25.010 Statutes adopted.
9.25.020 Statutes specifically incorporated by reference.
9.25.030 Town jurisdiction over juveniles.

9.25.010 Statutes adopted.

Except as otherwise specifically provided in this code, the following sections of the Wisconsin Statutes are hereby adopted by reference:

- a. Wis. Stat. § 125.07(4), Underage Alcohol Violations;
- b. Wis. Stat. § 125.085(3), Falsification of Identification by Underage Person;
- c. Wis. Stat. § 125.09, Possession of Alcohol Beverages on School Grounds or at School Related Activities;
- d. Wis. Stat. § 938.343, Disposition of Juvenile Adjudged to Have Violated a Civil Law or Ordinance;
- e. Wis. Stat. § 938.344, Disposition; Certain Intoxicating Liquor, Beer and Drug Violations;
- f. Wis. Stat. § 938.355(6)(d)(2), Sanctions for Violation of an Order: Suspension of Operating Privileges;
- g. Wis. Stat. § 938.355(6)(d)(4), Sanctions for Violation of an Order: Supervised Work Program or Community Service;
- h. Wis. Stat. § 961.573(2), Possession of Drug Paraphernalia by Underage Person;
- i. Wis. Stat. § 961.574(2), Manufacture or Delivery of Drug Paraphernalia by Underage Person;
- j. Wis. Stat. § 961.575(2), Delivery of Drug Paraphernalia by Underage Person. [Ord. 48 § 2-1, 1997. Prior code § 9.5.1.]

9.25.020 Statutes specifically incorporated by reference.

Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1995-1996, as from time to time amended, repealed or modified by the Wisconsin Legislature, and shall include subsequent session laws. [Ord. 48 § 2-2, 1997. Prior code § 9.5.2.]

9.25.030 Town jurisdiction over juveniles.

- a. Adoption of State Statute. Wis. Stat. § 938.17(2) is hereby adopted and by reference made a part of this section as if fully set forth herein.
- b. Provisions of Chapter Applicable to Juveniles Aged Twelve (12) or Older. Subject to the provisions and limitations of Wis. Stat. § 938.17(2), complaints against juveniles aged twelve (12) and over may be brought on behalf of the Town of Oregon and may be prosecuted utilizing the procedures authorized in Wis. Stat. § 938.17(2).
- c. Juvenile Defined. For purposes of this chapter, “juvenile” shall have the meaning defined in Wis. Stat. § 938.02(10m).
- d. Citation Process. The citation forms authorized in Wis. Stat. § 938.237 may be used to commence an action against juveniles for violations of civil laws and ordinances in Municipal Court. [Ord. 48 § 2-3, 1997. Prior code § 9.5.3.]

Chapter 9.30**SOCIAL HOSTS**

Sections:

- 9.30.010 Purpose and findings.
- 9.30.020 Definitions.
- 9.30.030 Prohibited acts.
- 9.30.040 Exceptions.
- 9.30.050 Penalties.

9.30.010 Purpose and findings.

The Town Board of the Town of Oregon, Wisconsin, intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Town Board of Oregon finds:

a. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

b. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

c. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

d. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.

e. A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs. [Ord. 81 § a, 2012.]

9.30.020 Definitions.

For purposes of this chapter, the following terms have the following meanings:

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

“Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half (1/2) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

“Event or gathering” means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

“Host” or “allow” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.

“In control” means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

“Parent” means any person having legal custody of a juvenile:

1. As natural, adoptive parent or stepparent;
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

“Present” means being at hand or in attendance.

“Residence,” “premises,” or “public or private property” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

“Underage person” means any individual under twenty-one (21) years of age. [Ord. 81 § b, 2012.]

9.30.030 Prohibited acts.

It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does (1) consume any alcohol or alcoholic beverage; or (2) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

a. A person is responsible for violating this chapter if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

b. A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible. [Ord. 81 § c, 2012.]

9.30.040 Exceptions.

This chapter does not apply in cases where a person procures for, sells, dispenses of or gives away alcohol beverage to an underage person in the direct company of his or her parent, guardian or spouse who has attained the legal drinking age, who has consented to the underage person acquiring or consuming the alcohol beverages and is in a position to observe and control the underage person.

a. This chapter does not apply to legally protected religious observances.

b. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment. [Ord. 81 § d, 2012.]

9.30.050 Penalties.

A person who violates any provision of this chapter is subject to a forfeiture of not less than \$100.00 nor more than \$2,000, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture is paid. [Ord. 81 § e, 2012.]

CHAPTER 9.35
PUBLIC NUISANCES

(Reserved)

CHAPTER 9.40

REGULATION OF LEWD AND SEXUALLY EXPLICIT CONDUCT

(Reserved)

Title 10

LAND USE REGULATIONS

Chapters:

- 10.05 Building Code**
- 10.10 Uniform Dwelling Code**
- 10.15 Addition of Land to the Town of Oregon, Dane County**
- 10.20 Electrical Code**
- 10.25 Plumbing Code**
- 10.30 Gas Code**
- 10.35 Residential Property Maintenance Code**
- 10.40 Commercial/Industrial Property Maintenance Code**
- 10.45 Grievances by Handicapped Persons Regarding Access to
Public Buildings**
- 10.50 Fair Housing**

Chapter 10.05**BUILDING CODE**

Sections:

- 10.05.010 Title.
- 10.05.020 Purpose.
- 10.05.030 Scope.
- 10.05.040 Building Inspector.
- 10.05.050 Building permits and inspection.
- 10.05.060 Construction standards.
- 10.05.070 Sanitation.
- 10.05.080 Private garages.
- 10.05.090 Nonresidential site plan review.
- 10.05.100 Electrical code adopted by reference.

10.05.010 Title.

This chapter shall be known as the building code of the Town of Oregon. [Ord. 5 § 1, 1969. Prior code § 10.1.1.]

10.05.020 Purpose.

The purpose of this chapter is to provide minimum regulations, provisions and requirements in the Town of Oregon to ensure safety to persons and property, safe and stable design, good workmanship in the methods of construction and uses of materials in any building constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; to regulate the equipment, maintenance, condition, use, occupancy and safety of all buildings in the Town and to promote public health, safety and general welfare. This chapter shall apply in the Town to new structures and to alterations and additions to existing structures. [Ord. 5 § 2, 1969. Prior code § 10.1.2.]

10.05.030 Scope.

New buildings hereafter erected in the Town of Oregon shall conform to all the requirements of this chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time the ordinance codified in this chapter was enacted. The term “new building” shall not include a building used exclusively for agricultural purposes or a temporary building or shed used exclusively for construction purposes, not exceeding two (2) stories in height, and not used for living quarters. The provisions of this chapter supplement the laws of the state of Wisconsin pertaining to construction and use and the Dane County zoning ordinance. This chapter in no way supersedes or nullifies such laws and ordinances. [Ord. 5 § 3, 1969. Prior code § 10.1.3.]

10.05.040 Building Inspector.

a. The Town Board shall appoint a Building Inspector who shall have the power and duty to enforce the provisions of this chapter and the provisions of all other ordinances, laws and orders of the state of Wisconsin which relate to building construction.

b. The Building Inspector may pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained herein.

c. The Building Inspector may, at all reasonable times in performance of his duties, enter upon any public or private premises and make inspections thereof and require the production of the building permit

for any building, permanent building equipment, electrical or plumbing work.

d. If the Building Inspector shall find at any time that the ordinances, laws, order, plans or specifications are not being complied with, he shall revoke the building permit and written notice of such action shall be posted at the site of the work. When any such permit is revoked, no further work shall be done upon such building until the permit is reinstated, excepting such work as the Building Inspector shall by written order require to be done as a condition precedent to the reissuance of the permit.

e. Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he shall order the owner or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

f. The Building Inspector shall by personal, oral or written notice require the owner or occupant of any premises within the Town to remove therefrom and dispose of, within a reasonably stated time, any unsightly articles or material visible to the public, and which he reasonably finds detrimental to the appearance, neatness and cleanliness of the neighborhood or the Town in general. Any such owner or occupant failing to comply with written notice aforesaid shall be subject to a forfeiture as provided by the Town Board.

g. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such order to the Town Board, such an appeal to be in writing. As to building permits for dwellings, appeal may be made to the Town Board when the Building Inspector does not issue a permit because of the use of materials and methods of construction not specified in this code. The Town Board, in its discretion as evidenced by a majority vote of the members present, may approve alternative materials and methods if the Board is satisfied the alternative materials and methods are consistent with the purposes of this code, as specified in OMC 10.05.020, and generally accepted in the building profession as adequate and reasonable for the purposes intended.

h. With the consent of the Town Board, the Building Inspector may appoint one (1) or more persons as Deputy Building Inspectors, and may delegate to them the above-mentioned powers and duties. [Ord. 5 § 4, 1969. Prior code § 10.1.4.]

10.05.050 Building permits and inspection.

a. No new building or structure or any part thereof, as defined in OMC 10.05.030, shall hereafter be erected, enlarged, altered, moved, demolished or used within the Town of Oregon, except as herein provided, until a permit therefor shall first have been obtained from the Building Inspector, by the owner or his authorized agent.

b. 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, the name and address of the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

c. With such application there shall be submitted a complete set of plans and specifications covering the proposed building, alterations, or improvements, including a dimensioned plan of the tract showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the state building code shall bear the stamp of approval of the Department of Industry, Labor, and Human Relations. Such plans and specifications shall be submit-

ted in duplicate; one (1) set shall be returned after approval as hereinafter provided, the other set shall remain on file in the office of the Clerk. All plans and specifications shall be signed by the designer.

d. If the Building Inspector finds that the character of the structure and work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs, or moving, provided the cost of such work does not exceed \$2,000.

e. If the Building Inspector determines that the building will comply in every respect with all ordinances of the Town of Oregon and all applicable laws and orders of the county of Dane and of the state of Wisconsin, he shall officially approve and stamp one (1) set of the plans, return it to the owner, and issue a building permit therefor which shall state the use to which said building is to be put. Said permit shall be kept and displayed at the site of the proposed building in a conspicuous place unobstructed from public view. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building or the occupants except with the written consent of the Building Inspector. If adequate plans are presented to the Building Inspector, he may at his discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building.

f. The Building Inspector may authorize in writing minor repairs or alterations valued at less than \$200.00 which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued. However, such repairs or alterations shall not be made until written authorization from the Building Inspector is obtained.

g. The following fees shall be as set by the fee schedule adopted by resolution and shall be paid for building permits:

1. New buildings, additions, or alterations
 - First \$500.00 or less
 - Above \$501.00
 - Per \$1,000 or fractional part thereof
 - Plus: The sum of \$75.00 in the event the new building is subject to Wis. Admin. Code Ch. IND 22 (Energy Conservation).
2. Repair work
 - For every \$1,000 or fractional part thereof
3. Open sheds
4. Fire escapes
5. Reshingling and reroofing
 - For every \$1,000 or fractional part thereof
6. Maximum fee
7. Wrecking of a building
8. Certificate of occupancy
 - A. New buildings
 - B. Change in use or occupancy in existing buildings
9. Installation of elevator

h. Building permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date of issue thereof. In the event of construction after one (1) year from date of issue thereof, a new building permit must be obtained pursuant to all the requirements of this code then in force. The fees for such new building permit shall be based upon the cost of the construction remaining to be done.

i. Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. After inspection, the Building Inspector shall issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon the making of which changes the certificate shall be issued. After the issuance of such certificate, no structural part of said building shall be changed.

j. Buildings shall have a final inspection before occupancy, except as herein provided. If, on final inspection by the Building Inspector, no violation of this or any other ordinance, law or order be found, the fact shall be so certified by the Building Inspector, who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used, also the maximum load and the maximum number of persons who may be accommodated on each floor of buildings to be used for public purposes. No building or part thereof shall be occupied until such certificate has been issued, except with the written consent of the Building Inspector; nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate. [Ord. 83 § 4, 2016; Ord. 24 § 5, 1979; Ord. 5 § 5, 1969. Prior code § 10.1.5.]

10.05.060 Construction standards.

a. State Code Adopted.

1. Wis. Admin. Code Chs. IND 50 through 64, so far as applicable, are adopted by reference and made a part of this code.

2. Application to Dwellings. The following provisions of the Wisconsin Administration Code, in addition to the other provisions of this section, shall apply to dwellings occupied by two (2) or less families: Wis. Admin. Code Chs. IND 65 (Fire Prevention) and IND 22 (Energy Conservation).

b. Definition. The term “dwelling” as used herein includes every building occupied in whole or in part as a residence by not more than two (2) families. The building terms used herein shall have the meaning given them in the Wisconsin Administration Code. Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.

c. Excavations. No excavation in excess of six (6) inches below the adjacent grade shall be permitted on any lot or parcel of land within the Town except for the erection of a building or for other legitimate purpose; and no such excavation made for the erection of a building or other purpose shall be permitted to remain longer than deemed necessary by the Building Inspector for the accomplishment of such purpose; and in no case shall an excavation remain longer than three (3) days without being protected with snow fencing or other approved barricades.

d. Foundations.

1. The exterior walls of all dwellings shall have foundations which extend below the frost line and have suitable provision at the bottom to keep load distribution within the carrying capacity of the soil.

2. Strength. Foundation walls of all dwellings shall be of adequate strength and thickness to resist lateral pressures from adjacent earth and to support their vertical loads; but the thickness shall be not less than the thickness of walls supported by them and in no case less than eight (8) inches.

3. Thickness. If built of rubble stone, the thickness of foundation walls of all dwellings shall be not less than eighteen (18) inches. If built of brick, concrete hollow blocks, or solid blocks, the thickness shall be not less than ten (10) inches, with the exception that when such walls of buildings not exceeding thirty-five (35) feet in height do not extend more than five (5) feet below the adjacent ground level, the minimum thickness of solid brick or concrete walls shall be eight (8) inches, and the minimum thickness of hollow walls of brick and walls of hollow block or solid block shall be ten (10) inches. Poured concrete foundations of eight (8) inch thickness may be used for one (1) story wood frame structures.

4. Masonry Foundations. In masonry unit foundation walls, the top course shall be of solid masonry units or solid masonry material and shall not be less than four (4) inches thick.

5. Height. Foundation walls for frame construction shall extend at least eight (8) inches above the adjacent ground surface after filling is completed.

6. Ventilation of Crawl Spaces. Except for slab on ground floors, cross ventilation shall be provided for crawl spaces enclosed by foundation walls, whether they be excavated or not, with a minimum opening of two (2) square feet for each twenty-five (25) feet of exterior wall.

7. Floating Mat. Footings for other than small frame structures not exceeding one (1) story in height and one thousand two hundred fifty (1,250) square feet in area shall be located on permanently undisturbed soil; except that a continuous foundation mat of reinforced concrete or other approved construction may be used when floated directly on the ground provided with a layer of broken stone not less than six (6) inches thick, or other adequate means of subsoil drainage. The reinforcement shall be in addition to any piping installations for radiant heat purposes and the structural slab shall be not less than four (4) inches thick of approved concrete. The requirements governing ventilation of crawl spaces shall not nullify the use of floating slab foundations provided adequate provision is made for damp-proofing and waterproofing when required by soil conditions.

e. Frame Walls.

1. In frame wall construction all structural parts are of wood or are dependent upon a wood frame for support. This includes walls with facing or veneer other than wood, such as brick, tile, stone, and stucco.

2. Wall studs shall be not less than two (2) inches by four (4) inches, sixteen (16) inches center to center.

3. Where exterior walls or parts thereof are sheathed, the sheathing shall not be less than one (1) nominal inch in thickness of lumber, or of three-quarter (3/4) inch thick composition sheathing board. If no sheathing is used, diagonal let-in bracing shall be used at all corners. This shall consist of one-by-fours (1x4s) let into the outside face of studding at approximately forty-five (45) degrees and extended from plate to sill wherever possible. When openings occur near the corner, knee braces shall be installed from the corner post to the sill and to the top plate, extending over at least three (3) stud spaces.

4. All sheathing shall be covered with water-resistant building paper of saturated asphalt felt, except when composition sheathing is used which is impregnated or coated with a moisture-resisting material and which is provided with tongued and grooved or shiplap joints. Each lap shall be not less than four (4) inches, with at least a four (4) inch lap around openings. Vapor-resistant building material shall not be allowed outside of the studding.

5. Ledger or ribbon boards used to support joints shall not be less than one (1) by four (4) inches, shall be cut into the studs, and securely nailed with not less than two (2) ten-penny nails to each stud. When ledger boards are used, the outside walls shall be completely fire stopped with not less than two (2) inch material.

f. Masonry Veneer on Frame Construction.

1. Masonry veneer applied to the walls of frame structures shall rest directly upon the foundations of the structure and shall not be less than three and five-eighths (3 5/8) inches in thickness. Such veneer shall be backed up with waterproof building paper or saturated felt which shall extend down and under the bottom course of veneer.

2. Flashing shall be installed where necessary to prevent moisture from penetrating behind the wall.

3. The masonry veneer shall be securely attached to the frame structure at intervals of not more than twenty-four (24) inches horizontally and sixteen (16) inches vertically with corrugated, galvanized metal ties.

4. Sheathing shall be securely attached to the framework of the structure back of the masonry veneer by properly nailing to each stud with not less than two (2) eight-penny nails.

g. Stucco on Frame Construction.

1. Flashings or other measures adequate to prevent penetration of moisture behind the stucco surface shall be used at horizontal and vertical intersections of stucco with other material.

2. Back plastering shall be required where sheathing or its equivalent is omitted.

3. Where stucco is used over frame construction, it shall be on expanded metal lath weighing not less than three and four-tenths (3.4) pounds per square yard or wire fabric not lighter than nineteen (19) gauge.

h. Wood Framing Caps.

1. All wooden members shall be so framed, anchored, tied and braced together as to develop the maximum strength and rigidity adequate for the purpose for which they are used. All members shall be sound and free from knots and shakes which would impair their strength and shall be dry and well seasoned. All framing lumber or board lumber for subflooring, roofboarding, sheathing, shingle, lath, etc., shall be No. 2 common or better.

2. All wooden members shall be of sufficient size and strength to carry the load safely without exceeding the allowable working stresses of the material. The strength of timber shall be determined from actual dimensions and not from nominal dimensions.

A. The maximum spans for wood floor joists, ceiling joists and rafters shall be as listed in Table A.

B. All sills and all bearing plates for roof rafters framing into masonry walls shall be bolted to the masonry walls with one-half (1/2) inch bolts imbedded firmly into the masonry and spaced not more than eight (8) feet apart.

i. Chimneys.

1. Wis. Admin. Code §§ 52.10, 52.11, and 52.12 of Rules of Department of Industry, Labor and Human Relations, are incorporated herein.

2. Solid and Liquid Fuel-Fired Equipment. In lieu of masonry chimneys in one (1) and two (2) family dwellings for solid and liquid fuel-fired equipment, chimney assemblies of approved acid, weather and heat-resisting materials may be constructed as herein provided. Such assemblies shall be designed and constructed so as to prevent a temperature greater than two hundred fifty (250) degrees Fahrenheit on the exterior exposed surface. All combustible construction shall be maintained with a clearance of not less than two (2) inches from the outside surface of the installation. Chimney assemblies tested and approved by accredited authoritative agencies which meet the requirements of this chapter shall be accepted for use with solid and liquid fuel-fired equipment.

3. Gas Fuel-Fired Equipment. In lieu of masonry construction, chimneys in one (1) and two (2) family dwellings for flues and vents from gas-fired appliances may be constructed with a lining of approved corrosion-resisting metal. The enclosure shall be so constructed and designed as to prevent a temperature greater than two hundred fifty (250) degrees Fahrenheit on the exterior exposed surface. Clearances shall be maintained from combustible construction as provided in subsection (a) of this section. Flue assemblies which have been tested and approved by accredited authoritative agencies and which meet the requirements of this code shall be accepted for use with gas-fired heating equipment.

4. One (1) Family and Multiple-Family Dwellings. In one (1) family and multiple-family dwellings which are not more than two (2) stories and attic in height, alternate chimney construction as herein described may be supported on concrete-filled pipe columns or may be hung from attic or ceiling joists of adequate strength protected with component materials to afford a fire resistance of not less than three-quarter (3/4) hour, provided all clearances are maintained as specified in this code and the vents are supported on corrosion-resistive metal brackets of not less than No. 16 U.S. Gage.

TABLE A
MAXIMUM CLEAR SPANS IN FEET OF JOISTS AND BEAMS

Size in Inches	Spacing in Inches	40 pound live load		30 pound roof load		Uninhabitable Attics 20 lb. Live Load Plastered	Roofs
		Floors 40 lb. Live Load Plastered Ceilings	Floors and Habitable Attics 30 lb. Live Load Plastered Ceilings	Floors No Plastered Ceilings	Ceiling Joists Plastered		
2x4	12				10-0	7-0	8-0
	16				9-0	6-6	7-0
2x6	12	9-0	10-0	10-6	15-0	12-0	12-6
	16	8-6	9-0	9-0	14-0	10-0	10-9
2x8	12	12-0	13-0	14-0	20-0	14-6	16-0
	16	11-4	12-0	12-0	18-0	13-0	14-0
2x10	12	15-0	16-0	17-6	24-0	18-0	20-0
	16	14-0	15-0	15-0	22-0	16-6	18-0
2x12	12	18-6	19-0	21-0	28-0	21-6	24-0
	16	16-6	18-0	18-0	27-0	20-0	21-0
2x14	12	21-6	23-0	24-0		25-0	28-0
	16	19-6	21-0	21-0		23-0	25-0
3x6	12	10-0	11-6	13-0		12-6	15-0
	16	9-6	10-6	11-6		11-6	13-6
3x8	12	14-0	15-0	17-0		16-6	20-0
	16	12-6	13-6	15-0		15-0	17-6
3x10	12	17-6	18-6	21-6		26-0	25-0
	16	16-0	17-0	19-0		19-0	22-0
3x12	12	21-0	22-6	26-0		23-0	27-0
	16	19-6	20-6	22-6		21-6	23-6
3x14	12	24-6	26-0	28-0		25-0	28-0
	16	22-6	24-0	26-0		23-0	27-6

NOTE: Stress-Grade Materials. The wood beam and wood joist Table A are based on average materials available in general yard lumber stocks with a working stress in bending of one thousand (1,000) pounds per square inch and a modulus of elasticity of one million (1,000,000) pounds per square inch. When stress-grade lumber or other stress-grade materials are used and the material is properly identified and controlled as to strength and quality, higher working stresses may be used in accordance with the accepted engineering practice standards governing the specific material.

j. Size of Rooms.

1. Each unit shall provide space of not less than the floor areas indicated below, for each of the following purposes:

A. <u>Living, Dining and Cooking</u>	<u>Square Feet</u>
Living, dining and cooking – When in one room	220
Living, dining – When in one room	160
Living only in one room – When dining space is provided in kitchen or in a separate room	140
Kitchen – Cooking only	60
Each additional room for living purposes – When provided	70
B. <u>Sleeping</u>	
Major bedroom	100
Additional bedrooms	70
C. <u>Bathing</u>	
Bathroom – Sufficient for installation of water closet, lavatory and tub or shower	

2. Ceiling Heights. In all dwellings or dwelling units, the average ceiling height shall be seven (7) feet six (6) inches for the entire first floor area with a minimum ceiling height of seven (7) feet zero (0) inches. The minimum ceiling height shall be seven (7) feet six (6) inches for all floor areas above the first floor except under sloping roofs where the minimum shall be seven (7) feet six (6) inches for not less than fifty (50) percent of the floor area.

3. Basement Rooms. Every basement room used for living or sleeping quarters shall be at least seven (7) feet six (6) inches high, from finished floor to finished ceiling. The exterior wall shall be damp-proof. The damp-proofing treatment shall be continuous from the top of the footing to the finished grade and according to reasonably accepted methods in the profession. [Ord. 24 § 6, 1979; Ord. 5 § 6, 1969. Prior code § 10.1.6.]

10.05.070 Sanitation.

a. Toilet Rooms and Washing Facilities. In every single-family or two (2) family dwelling, each dwelling unit shall be provided with a separate kitchen sink. A complete bath with lavatory, water closet and tub or shower shall be provided for each dwelling unit. All sinks, lavatories, wash tubs, bathtubs and showers shall be provided with hot water from a heater capable of supplying adequate hot water.

Rooms with private water closets shall not be considered in counting either the number of rooms or the number of fixtures.

All concealed water pipes, storage or flushing tanks, and all exposed pipes or tanks subject to freezing temperatures shall be satisfactorily protected against freezing. All piping and appliances shall be so installed as to drain by gravity or by approved bleeds.

b. Repairs. Every building of this classification, and all parts thereof, shall be kept in good repair and the roof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed therefrom as to prevent dampness in the walls and ceilings. All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating applied in a workman-like manner. Plumbing equipment shall be maintained so as to be impervious to water and heating equipment and incinerators shall be maintained in good order and repair.

c. Cleanliness. Every building shall be kept clean, and shall also be kept free from vermin and any accumulation of dirt, filth, rubbish, garbage or other objectionable matter in or on the same or in the yards, courts, passages, areas or alleys connected with or belonging to the same. Interior surfaces shall be as nearly impervious to water and joints between surfaces as tight as is reasonably practical. Floors of toilet and bathrooms shall be of impervious surfaces and made of nonabsorbent material.

d. Windows. The outside windows in every sleeping or living room shall have a total sash area of at least ten (10) percent of the floor area of the room, but not less than twelve (12) square feet. The top of at least one (1) such window shall be not less than six and one-half (6 1/2) feet above the floor, and at least fifty (50) percent of the required window area must open. The outside windows in all basement areas shall have a total sash area of at least one (1) percent of the floor area. All attics shall have windows or louvers with a sash area of one (1) percent of the floor area for ventilation purposes. Windows in each habitable room, bathroom windows and all door openings to the exterior of the dwelling shall be provided with screens of no less than No. 16 wire mesh which will effectively prevent the entrance of flies and mosquitoes. Every dwelling or residence building having basement windows or exterior basement doors shall have screens of not less than No. 16 wire mesh on all doors, and fifty (50) percent of windows, when open. All windows shall be so constructed and maintained to eliminate excessive draft and infiltration.

Exception. The provisions of the requirement for basement windows may be waived for single-family dwellings if provisions are made for proper artificial lighting, and if ventilation is provided in accordance with the Heating, Ventilation and Air Conditioning Code as set forth in Wis. Admin. Code Ch. 59. A sixteen (16) inch by sixteen (16) inch square opening must be provided for fire equipment if artificial ventilation is provided. [Ord. 5 § 7, 1969. Prior code § 10.1.7.]

10.05.080 Private garages.

a. Classification.

1. An “attached private garage” shall mean a private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or private garage so constructed as to form an integral part of the principal building.

2. A “detached private garage” shall mean a private garage entirely separated from the principal building.

3. “Fire protected” shall mean as follows:

A. Four (4) inch brick or stone.

B. Metal lath or perforated lath and three-quarter (3/4) inch plaster for one (1) vertical side or the underside of the ceiling.

C. Five-eighths (5/8) inch fire rated sheetrock for one (1) vertical side or the underside of the ceiling.

b. Footings and Foundations. Footings and foundations as regulated in this chapter shall be provided for all private garages, except that private garages of frame or noncombustible frame construction may be provided with foundation walls of concrete or masonry not less than three (3) feet six (6) inches below the adjoining grade, including overhead door openings, or with an approved continuous floating foundation slab of concrete not less than four (4) inches in thickness for detached garages. Such walls and exterior wall curbs shall be not less than eight (8) inches above the adjoining grade and eight (8) inches in thickness.

c. Floor Surface. The floor in all private garages shall be of approved noncombustible material. No openings or pits in the floor shall be permitted, except for drainage.

d. Construction. Private garages shall be constructed as follows:

1. Load-bearing foundation walls, masonry walls, and partitions shall be constructed as required herein except as stated above.

2. Detached private garages of wood frame construction shall be constructed as regulated in this chapter with the following exceptions:

A. Studs may have a maximum spacing of twenty-four (24) inches on centers. Doubling of studs shall not be required at jambs of openings less than forty (40) inches.

B. Diagonal corner bracing may be applied on the inside surface of studs.

C. Corner posts may consist of two (2) two-by-four (2x4) studs or a single four-by-four (4x4) stud.

D. Top plates may be single, provided the rafters are placed over the studs and plates are lapped to provide ties.

E. Horizontal bracing and collar beams may be two-by-fours (2x4s) with a maximum spacing of six (6) feet on centers.

F. All framing walls shall be securely anchored to the foundation with one-half (1/2) inch by six (6) inch bolts placed four (4) feet on center.

e. Attached Private Garages. Private garages may be attached to or made part of residence buildings when in compliance with the following regulations:

1. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this code. [Ord. 5 § 8, 1969. Prior code § 10.1.8.]

10.05.090 Nonresidential site plan review.

a. Purpose and Intent. This section provides minimum regulations, provisions and requirements for safe, aesthetically pleasing design and quality standards for improvements to land other than single-family residential dwellings, agricultural structures, or accessory buildings. Its purpose is to protect and foster public health, as well as to encourage industrial and business development in the Town of Oregon that is consistent with the desire to preserve the rural character of the Town while providing a diversified tax base to help make the Town more affordable. This chapter is implemented under Town authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments and to assist in the full implementation of the Town's land use plan, and fulfill the vision of planning development to preserve our productive farmland, precious wetlands, sheltering woodlands, wildlife habitats, open spaces and scenic views.

b. Scope of Site Plan Review Authority. The following developments shall be subject to site plan review:

1. Any commercial development.

2. Any industrial development.

3. Any development of public utility or governmental facilities.

4. Any designated parking area including five (5) or more parking spaces associated with the above developments, or as required by Dane County.

5. Any upgrade or addition or change to the exterior of any of the above developments.

c. Site Plan Review Procedure.

1. Application. Applications for building permits for any construction, expansion or conversion of structures other than single-family residences, agricultural structures or agricultural accessory buildings shall require site plan approval from the Town Board, upon recommendation of the Plan Commission, in accordance with the requirements of this section. The applicant shall submit thirteen (13) sets of site plans, including specifications of proposed structures, machinery and use to enable the Town Board, Plan Commission or their expert consultants to determine whether the proposed application meets all requirements applicable to this section.

A. Site Plan Application Submittal Requirements.

i. Site plans shall be prepared in recognized architectural scale. Scale of plan, site size, building area and lot coverage, and north arrow shall be shown.

ii. Document title, date prepared, applicable owner's and developer's names and addresses noted. Where applicable, names and addresses of all professionals involved in any preparation of the design plans shall be provided.

- iii. Existing and proposed topography shown at a contour interval of not less than two (2) feet indicating proposed grade on a preliminary grading plan and the location of proposed improvements.
- iv. Building and yard setback lines indicated.
- v. Locate all outdoor lighting proposed to illuminate the site. Provide lighting type and product information.
- vi. Indicate and locate all electrical and other easements on the subject property.
- vii. Locate existing and general location of proposed municipal services and proposed connection locations, if applicable.
- viii. Locate any proposed stormwater management facilities, including retention/detention areas.
- ix. Identify existing and proposed road names.
- x. Locate existing and proposed public road rights-of-way.
- xi. Show all drives, curb cuts, and ingress/egress locations.
- xii. Identify and show the locations of all driveways on adjoining property within two hundred (200) feet of the subject project.
- xiii. Identify parking area and show number of spaces.
- xiv. Show location and type of proposed and existing landscaping plantings and buffer areas for adjoining properties.
- xv. Show pedestrian sidewalks and walkway locations.
- xvi. Sketch outline of any development phasing plans.
- xvii. Provide a written project summary including operational information, construction schedule and estimate of project value (including all site improvement costs).
- xviii. Provide building elevations, drawn to scale, showing building materials to be used.
- xix. List external building materials and note building front design standards identified in this chapter.
- xx. Where applicable, one hundred (100) year recurrence interval floodplain and floodway shall be indicated. See water resources map in land use plan.
- xxi. Where applicable, wetland as delineated in the WDNR Wetland Inventory and a seventy-five (75) foot setback line from such wetland shall be shown.

2. Administration.

A. Upon requesting a building permit, the applicant shall be advised by the Town Clerk if a site plan review is required. If required, a copy of this chapter and a site plan review application shall be provided to the applicant.

B. A member of the Plan Commission, or designee, shall make a preliminary review of the application and site plan. If complete, a report of findings, along with the application and site plan, shall be submitted to the Plan Commission, a minimum of one (1) month prior to the Plan Commission meeting. If not complete, the applicant shall be notified and advised of items missing or incomplete. Appearance before the Plan Commission shall not be scheduled unless it has been determined that the application meets all submittal requirements. Within sixty (60) days of receipt of the application, the Town Board, acting upon recommendation of the Plan Commission, shall authorize the Building Inspector, or designee, to issue or reject a building permit.

C. As a part of the building permit issuance process, the site plan application shall be reviewed by the Plan Commission, which may consult with any professional consultants retained by the Town for such purpose, at applicant's expense.

3. Site Plan Review Standards. All proposed site plans shall be reviewed on a case-by-case basis. In acting on any site plan, the Town Board and Plan Commission shall consider the following:

A. The layout of the site with regard to ingress and egress to public streets, the arrangement and improvement of interior traffic patterns, roadways/driveways, and the location of areas for parking and for loading and unloading. The traffic pattern shall be designed to minimize traffic hazards.

B. The adequacy of the proposed water supply, drainage, sanitary and waste disposal services.

C. The landscaping and appearance of the completed site. This shall include requirements for any trees, shrubs, plants or grass lawns, and screening, so as to not impair the value of adjacent properties nor impair the intent of this section.

4. Effects of Public Service. Prior to approval of the application, the Town Board and Plan Commission may obtain advice from the Building Inspector, professional consultants, or others, including whether development of the property in the manner set forth in the site plan will place additional impacts upon existing municipal services and utilities. Should additional facilities be needed, the Town Board shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities at the applicant's expense.

d. Site Plan Design Standards.

1. Grading. Grading shall:

- A. Ensure a positive drainage consistent with established water runoff patterns in the area;
- B. Allow for installation and maintenance of appropriate landscape materials;
- C. Allow for natural topography to be respected in the development of the site;
- D. Provide screening of unpleasant views;
- E. Comply with grading standards identified in OMC Title 11, as set forth in OMC 11.30.050.

2. Landscaping Standards and Objectives. Landscape standards recognize the functional importance of, and the public benefits associated with, a well-designed landscaped area which enhances landscape features in the visual environment, promotes public safety, moderates the microclimate and reduces nuisances, such as noise and glare. The standards set forth below fulfill those objectives.

A. Landscaping Standards.

i. Planting Plan. Applicants shall design a landscape planting plan that most effectively achieves the desired aesthetic results, and is consistent with the need of providing readily accessible and visible parking. The landscape planting plan shall show any parking lot tree islands, all materials to be planted and list the plant type and size.

ii. Approved Materials. The applicant may use decorative fences, earth berms, ground covers, existing vegetation and shrubs of the mature height of not less than two (2) feet, except for unsuitable species. These features shall contribute to the overall landscape objectives.

iii. Existing Trees. The preservation of desirable existing trees is encouraged.

iv. Unsuitable Species. Several shrubs and trees, which are not native to Wisconsin, have an established history of spreading to nearby parks and conservancy areas. These nonnative plants tend to become overly abundant and ultimately eliminate many desirable native species. The control and eradication of these unsuitable plants creates a costly management problem. The following species of plant material are unsuitable for use as landscape plants:

- Honeysuckle
 - *Lonicera x-bella*
 - *Lonicera morrowi*
 - *Lonicera tartarica*
- Buckthorn (common), *Rhamnus cathartica*
- Tall hedge buckthorn, *Rhamnus frangula*
- Norway maple, *Acer platanoides*
- Box elder, *Acer negundo*
- Cottonwood, *Populus deltoids*
- White poplar, *Populus alba*

3. Screening Standards.

A. Parking Areas. Parking areas shall be planned and landscaped to provide a screened barrier for the purpose of obstructing light beams and reducing noise nuisances, to provide adequately screened spaces for the designated site use, and blend with the overall desired community appearance.

i. Off-Street Parking and Loading Areas.

(a) All loading and open off-street parking areas for five (5) or more vehicles will require canopy trees. The standards are designed to enhance the visual environment, promote public safety and reduce nuisances, such as noise and glare.

SCHEDULE FOR SUGGESTED TREE STANDARDS

Number of Stalls	Trees Required
1 to 4	0 trees
5 to 12	1 tree
13 to 24	2 trees
25 to 36	3 trees
37 to 42	4 trees
43 to 54	5 trees

*Increase tree quantity by one (1) for each twelve (12) parking spaces.

ii. Additional Screening. A screened parking barrier shall be provided for the purpose of achieving desired aesthetic and environmental results from both within the interior and along the perimeter of parking areas. This is accomplished by planting perimeter landscaping and islands in required parking areas. The following standards apply:

(a) Screen the parking area effectively from views, from public rights-of-way, public recreation sites and residentially zoned lands.

(b) Plans for parking areas shall indicate snow storage areas.

(c) The screening area plan shall be subject to design review to determine the functional conditions of the screen and the aesthetic appearance of the proposal. Designs should strive for some level of diversity in utilizing landscape elements. This may include some combination of trees and shrubs, fence and landscape berms.

B. Mechanical Equipment, Loading Docks, Storage, Service and Trash Areas. Mechanical equipment, loading docks, storage, service and trash areas shall be screened for the purpose of providing a desirable aesthetic view and reducing loading area noise. Landscaping materials may be used, or building materials used in the building construction may be used for screening walls. Screening walls may not consist of unrelated building construction material, and must complement the building and site.

4. Building Design. Any new construction or exterior improvement to real property that is within the scope of site plan review authority and for which application for a building permit is required shall comply with the following criteria:

A. Buildings shall be designed to complement the immediate neighborhood and rural character of the Town.

B. Building design shall be of high quality, and shall address requirements stipulated by other Town ordinances.

C. Materials shall be of high quality, with low maintenance materials preferred.

D. Colors shall be harmonious with other buildings in the neighborhood and/or with the rural setting.

E. Building front shall be the side facing the road.

F. Building elevations shall be designed to blend into the environment.

G. Additions shall relate to the existing building in terms of scale, materials and color in order to be visually pleasing and to blend into the natural environment.

5. Building Relationships.

A. New developments shall consider activities on adjacent properties with relationship to access from abutting roads, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.

B. In the development of the site, areas with high visibility to residential units should be landscaped in a manner complementary to the building forms. The relationship of any building to the public right-of-way should be completed in a manner that presents an attractive, properly located structure.

6. Utility Service. It shall be the goal of the Town to eliminate overhead wiring within the Town. New development and major additions shall make provision for underground service.

7. Driveways. All driveways shall conform to the standards of Chapter 4.10 OMC.

8. Lighting. Exterior illumination shall be kept to the minimum required for identification and safety and designed to avoid light pollution and light trespass to neighboring properties.

A. Illumination of building facades shall be of the minimum wattage needed for building recognition and limited to business hours except as made necessary by subsection (d)(8)(C) of this section. Illumination shall be from above and directed below the horizontal, typically at a forty-five (45) degree angle or less below the horizontal.

B. Illumination of all building identification signs shall be of the minimum wattage needed for legibility and limited to business hours except as made necessary by subsection (d)(8)(C) of this section. Illumination shall be from above and directed below the horizontal.

C. Illumination shall be the minimum necessary to meet security and safety considerations of the property or to illuminate signage, parking or service areas during the hours of usage. For security, the use of lights activated by motion detectors is recommended.

D. Deflective lighting styles which direct all light below the horizontal shall be required to avoid light pollution and light shining onto neighboring property and public rights-of-way.

E. Mercury vapor lamps and metal halide lamps using mercury shall not be used unless a variance is requested due to requirements for accurate color rendition. Fully shielded fixtures shall be used. Lighting shall not have more than three (3) foot-candles' intensity at the property lines.

e. Administration and Enforcement.

1. Variances. Variances may be approved by the Plan Commission where literal compliance with the specifications and standards would be ineffective or unnecessary. Topographic constraints, existing vegetation, traffic safety, or compliance with fire or other public safety requirements may necessitate variances. The applicant shall address the following criteria when requesting a variance:

A. The specific conditions that are unique to the applicant's site that do not exist on other land.

B. The manner in which the strict application of the standards would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners.

C. Reasons that a variance to the standard would preserve, not harm, the public safety and welfare and not alter the essential aesthetics of the area.

D. All proposed variances will be reviewed by the Plan Commission on a case-by-case basis.

2. Fees.

A. The fee for review of the design review application shall be determined from time to time by resolution adopted by the Town Board. The fee shall be paid at the time of submission of the application.

B. Reimbursements. The applicant shall reimburse the Town for its actual cost of consulting fees associated with the review of the proposed project, including but not limited to review by the consulting engineer, planning consultant and legal counsel. applicant shall be notified by the Town regarding the need to request professional services prior to any such expense being incurred.

3. Penalties. Any person violating any provision of this section shall, upon conviction, forfeit not less than \$100.00 nor more than \$500.00 for each offense. Each day a violation continues shall be deemed a separate violation. Nothing herein shall preclude the Town from maintaining a separate action to prevent, abate or remove violations.

f. Severability. The provisions of this chapter shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of the ordinance codified in this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. [Ord. 60 § 1, 2005. Prior code § 10.1.9.]

10.05.100 Electrical code adopted by reference.

The Town Board of the Town of Oregon, Dane County, Wisconsin, has the specific authority to adopt this section per Wis. Admin. SPS 316 in its entirety. This section was adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given. The ordinance codified in this section is effective on August 6, 2019. [Ord. 89, 2019.]

APPENDIX**1. SAMPLE OF A LANDSCAPING POINTS SCHEDULE**

Note: Some communities use a point schedule to aid in determining the landscaping requirements. Specimens are tabulated in the following manner:

POINT SCHEDULE FOR LANDSCAPE ELEMENTS

<u>Landscape Element</u>	<u>Minimum Planted Size</u>	<u>Points</u>
Canopy Trees	2 – 2 1/2" or 1 1/2 – 2" for multi-stem trees	50 pts.
Canopy Trees	1 1/2 – 2" or 8/10 ft.	30 pts.
Evergreen Trees	4 ft.	30 pts.
Low Ornamental Trees	5 ft. and BB stock	20 pts.
Tall Shrubs	2 1/2 ft. – 4 ft.	9 pts.
Medium Shrubs	18" – 36"	6 pts.
Low Shrubs	15" – 24"	3 pts.
Walls, decorative fences, earth berms, ground covers and shrubs with a mature height of less than two (2) feet.		No fixed points.

2. PUBLICATIONS/REFERENCES:

A. "A Guide to Selecting Landscape Plants for Wisconsin," E.R. Hasselkus, UW-Extension Publication A2865. This may be used to determine which plants are "low-ornamental trees" and "tall/medium/low shrubs." It is also available electronically through UW-Extension website:

(www.uwex.edu/ces/wihort/landscape/publications.htm)
or may be borrowed from the Town Hall.

B. Water resources map in Town of Oregon land use plan.

C. Dane County ordinances.

D. Town of Oregon land division and subdivision ordinance.

Chapter 10.10**UNIFORM DWELLING CODE**

Sections:

- 10.10.010 Purpose.
- 10.10.020 Wisconsin Uniform Dwelling Code adopted.
- 10.10.030 Building permit required.
- 10.10.040 Building permit fees.
- 10.10.050 Penalties.
- 10.10.060 Severability.

10.10.010 Purpose.

The purpose of this chapter is as follows:

- a. To exercise jurisdiction over the construction and inspection of new one (1) family and two (2) family dwellings, multifamily dwellings and commercial buildings, as well as additions that increase the physical dimensions of dwellings and commercial buildings, alterations to building structure or alterations to a building's heating, ventilating, air conditioning, electrical or plumbing system;
- b. To provide plan review and on-site inspections performed by persons or agencies certified by the Department of Commerce (DCOMM);
- c. To establish and collect fees to defray the cost thereof; and
- d. To provide remedies and penalties for violations of this chapter. [Ord. 56 §§ 1, 2, 1999; Ord. 40 § 1, 1990. Prior code § 10.2.1.]

10.10.020 Wisconsin Uniform Dwelling Code adopted.

a. The following chapters of the Wisconsin Administrative Code, as adopted and effective as of the effective date of the ordinance codified in this chapter, together with all amendments thereto, are hereby adopted and by reference made a part of this chapter as if fully set forth in this section. Any act required to be performed or prohibited by an Administrative Code provision incorporated by reference in this section is required or prohibited by this section. Any future amendments, revisions or modifications of the Administrative Code provisions as incorporated in this subsection are intended to be made part of this article to secure uniform statewide regulation of the construction regulated under these Administrative Code provisions. The Administrative Code provisions included in this incorporation by reference are as follows:

- Wis. Admin. Code Chs. 17 and 19, Electrical Code;
- Wis. Admin. Code Chs. COMM 20 through 25, Uniform Dwelling Code;
- Wis. Admin. Code Chs. 50 through 64, Building and Heating, Ventilating and Air Conditioning Code;
- Wis. Admin. Code Ch. COMM 66, Uniform Multi-Family Dwelling Code;
- Wis. Admin. Code Ch. COMM 69, Barrier Free Design;
- Wis. Admin. Code Ch. COMM 70, Historic Building Code;
- Wis. Admin. Code Chs. COMM 75 through 79, Existing Building Code;
- Wis. Admin. Code Chs. COMM 80 through 86, Uniform Plumbing Code.

b. The Building Inspector, as certified by DCOMM, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code and other Administrative Codes adopted by the Town.

c. Any existing Town Ordinances pertaining to the construction of new dwellings which conflict with the Wisconsin Uniform Dwelling Code are hereby repealed. [Ord. 56 §§ 3, 4, 1999; Ord. 40 § 2, 1990. Prior code § 10.2.2.]

10.10.030 Building permit required.

Prior to commencing any of the following work, the owner or agent shall obtain a valid permit from the Town Building Inspector:

- a. New buildings.
- b. Additions that increase the physical dimensions of a building, including decks.
- c. Any alterations to the building structure, or alterations to the building's heating, electrical or plumbing systems.
- d. Replacement of major building equipment, including furnaces and central air conditioners. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered.
- e. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Re-siding, reroofing, finishing interior surfaces, and installation of cabinetry shall be included in permit requirements. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
- f. No building permit is required for repairs performed for maintenance or replacement purposes in an existing building which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, or fire protection, and which do not increase a given occupancy or use.
- g. New agricultural construction encompassing two hundred (200) square feet or more and all silos and grain bins shall be subject to a building recording fee. [Ord. 66 § 1, 2007; Ord. 56 § 5, 1999. Prior code § 10.2.3.]

10.10.040 Building permit fees.

The building permit fee shall be determined from time to time pursuant to resolution adopted by the Town Board. [Ord. 40 § 4, 1990. Prior code § 10.2.4.]

10.10.050 Penalties.

The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits. In addition, whoever violates any provision of this chapter shall upon conviction thereof forfeit not less than \$25.00 nor more than \$500.00 for each violation. Each day that such violation continues constitutes a separate offense. [Ord. 40 § 5, 1990. Prior code § 10.2.5.]

10.10.060 Severability.

The provisions of this chapter shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of the ordinance codified in this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby. [Ord. 40 § 6, 1990. Prior code § 10.2.6.]

Chapter 10.15**ADDITION OF LAND TO THE TOWN OF OREGON, DANE COUNTY**

Sections:

10.15.010 Detachment of land from Village – Annexation to Town.

10.15.010 Detachment of land from Village – Annexation to Town.

The Village Board of the Village of Oregon unanimously adopted a detachment ordinance on the June 19, 1978, detaching from the corporate limits of the Village of Oregon the following described real estate:

The Northwest 1/4 of the Northeast 1/4 of Section Fourteen (14), Township 5 North, Range 9 East, Town of Oregon, Dane County, Wisconsin.

The Town Board of the Town of Oregon having no objection to the detaching of said lands from the Village of Oregon and the annexation thereof to the Town of Oregon;

The Town Board of the Town of Oregon, Dane County, Wisconsin, does ordain as follows:

The detachment ordinance adopted by the Village Board of the Village of Oregon detaching the above-described territory from the Village of Oregon and the annexation thereof to the Town of Oregon is hereby accepted.

The ordinance codified in this chapter shall take effect on the day after passing and posting in accordance with the requirements of law. [Ord. 23, 1978. Prior code § 10.3.1.]

Chapter 10.20
ELECTRICAL CODE
(Reserved)

Chapter 10.25

PLUMBING CODE

(Reserved)

Chapter 10.30

GAS CODE

(Reserved)

Chapter 10.35

RESIDENTIAL PROPERTY MAINTENANCE CODE

(Reserved)

Chapter 10.40

COMMERCIAL/INDUSTRIAL PROPERTY MAINTENANCE CODE

(Reserved)

Chapter 10.45

**GRIEVANCES BY HANDICAPPED PERSONS
REGARDING ACCESS TO PUBLIC BUILDINGS**

(Reserved)

Chapter 10.50

FAIR HOUSING

(Reserved)

Title 11

LAND DIVISION AND SUBDIVISION CODE

Chapters:

- 11.05 General Provisions**
- 11.10 Definitions**
- 11.15 Land Suitability Requirements**
- 11.20 Plat and Land Division Review and Approval Procedure**
- 11.25 Technical Requirements for Plats and Certified Surveys**
- 11.30 Required Improvements**
- 11.35 Park and Public Land Dedication**
- 11.40 Condominium Developments**
- 11.45 Variances – Penalties and Violations**

Chapter 11.05**GENERAL PROVISIONS**

Sections:

- 11.05.010 Purpose.
- 11.05.020 General provisions.
- 11.05.030 Interpretation and conflicts.
- 11.05.040 Severability.
- 11.05.050 Repeal.
- 11.05.060 Title.
- 11.05.070 Certification.
- 11.05.080 Effective date.

11.05.010 Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the community, and the regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other danger; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to minimize the public impact from the subdivision of large tracts into smaller parcels of land; and to facilitate the implementation of the goals, objectives and policies as stated in the Town of Oregon land use plan. [Ord. 50 § 1 (37-1-1), 1996. Prior code § 10.10.1-1.]

11.05.020 General provisions.

a. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or replat, and no such subdivision, land division or replat shall be entitled to be recorded, without compliance with all requirements of this chapter and the following:

1. The provisions of Wis. Stat. Ch. 236 and § 80.08 (1995-1996).
2. All other Town ordinances.
3. Applicable provisions of the land division and subdivision regulations of Dane County, Wisconsin, Chapter 75 of the Dane County Code of Ordinances, and all other applicable provisions of the Dane County Code of Ordinances.
4. Master plans, Town of Oregon land use plans or components of such plans prepared by state, regional, county or municipal agencies when duly adopted by the Town Board.
5. The provisions of Wis. Admin. Code Ch. ILHR 83 and 85 for subdivisions, land divisions or replats not served by public sanitary sewer.
6. The provisions of Wis. Admin. Code Ch. Hy. 33 for subdivisions, land divisions or replats which abut a state trunk highway.
7. The provisions of Wis. Admin. Code Ch. NR 116 relating to floodplain management.
8. All other applicable state statutes and administrative rules.

b. Jurisdiction. These regulations shall apply to all lands divided within the political boundaries of the Town. These regulations shall not apply to:

1. Transfers of interests in land by will, succession or court order;
2. Leases, mortgages and easements;
3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, or if the effect of the sale or exchange on existing lots does not reduce their size below minimum sizes required by this chapter or other applicable laws.

c. Building Permits. The Town shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division or replat originally submitted to the Town on or after the effective date of the ordinance codified in this chapter until the applicant has complied with all of the provisions and requirements of this chapter.

d. Applicability to Condominiums. This chapter is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Wis. Stat. § 703.27(1) (1995-1996). For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision. [Ord. 50 § 1 (37-1-2), 1996. Prior code § 10.10.1-2.]

11.05.030 Interpretation and conflicts.

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 Town of Oregon and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where the requirements of this chapter conflict with the requirements of other Town ordinances or the requirements of another governing body or agency with authority to approve or object to a land division or plat, the land division or plat shall comply with the most restrictive requirements. [Ord. 50 § 1 (37-1-3), 1996. Prior code § 10.10.1-3.]

11.05.040 Severability.

The provisions of this chapter shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this chapter irrespective of whether or not one (1) or more provisions may be declared invalid. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby. [Ord. 50 § 1 (37-1-4), 1996. Prior code § 10.10.1-4.]

11.05.050 Repeal.

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed. [Ord. 50 § 1 (37-1-5), 1996. Prior code § 10.10.1-5.]

11.05.060 Title.

This chapter shall be known as, referred to, or cited as the "Town of Oregon land division and subdivision ordinance." [Ord. 50 § 1 (37-1-6), 1996. Prior code § 10.10.1-6.]

11.05.070 Certification.

a. Town Board Certification. The Town Board is an approval body for all land divisions and subdivisions within the jurisdictional limits of the Town. No certified survey map or final plat shall be recorded at the Dane County Register of Deeds unless such certified map or final plat contains a Certificate in substantially the following form:

b. Town Board Approval Certificate:

Approved for recording per Oregon Town Board action of
(month and day) _____, (year) _____.

Oregon Town Clerk

[Ord. 50 § 1 (37-1-7), 1996. Prior code § 10.10.1-7.]

11.05.080 Effective date.

The ordinance codified in this title shall take effect and be enforced from and after its passage and publication as provided by law. [Ord. 50 § 1 (37-1-8), 1996. Prior code § 10.10.1-8.]

Chapter 11.10**DEFINITIONS**

Sections:

11.10.010 Definitions.

11.10.010 Definitions.

“Certified survey map” means a map of land division, not a subdivision, prepared in accordance with Wis. Stat. § 236.34 (1995-1996), and in full compliance with the applicable provisions of this chapter. A certified survey map has the same legal force and effect as a subdivision plat.

“Commission” means the Town of Oregon Plan Commission.

“Condominium development” means a real estate development in which the condominium form of ownership pursuant to Wis. Stat. Ch. 703 (1995-1996) is utilized.

“Cul-de-sac roads” means roads closed at one (1) end with turnarounds which are less than one thousand (1,000) feet in length.

“Dead-end roads” means roads closed at one (1) end without turnarounds.

“Development plan” means a total site plan of an area of land thirty-five (35) acres or more in size all under the control of a subdivider or subdividers at the time of submission for review. Any development plan shall specify and clearly illustrate the location, relationship and nature of all primary and secondary uses, public and private easements, public and private streets, pedestrian paths and common open spaces.

“Extraterritorial plat approval jurisdiction” means the unincorporated area within three (3) miles of the city limits of a city of the first, second, or third class if the city has a subdivision ordinance or official map, or within one and one-half (1 1/2) miles of the corporate limits of a city of the fourth class or a village, if the city or village has a subdivision ordinance or official map.

“Groundwater recharge area” means an area within the Town, as depicted in the land use plan, where significant groundwater recharge occurs, and, therefore, appropriate measures are needed to protect water quality. Density limitations have been established to address this necessary protection.

Land Disturbing. The following definitions relate to classification of land disturbing activities:

1. “Existing grade” means elevation of the ground surface prior to commencing excavation or fill activities.

2. “Excavation” means removal or quarrying of organic or inorganic soil or rock.

3. “Fill” means deposition or placement of organic or inorganic soil or rock.

4. “Grading” means altering the elevation of the ground surface by excavating and/or filling.

“Land divider” means any person, firm, corporation or other entity requesting review or action on a land division.

“Land division” means a division of a lot or parcel of land for the purpose of transfer of ownership or building development which is not a subdivision where the act of division creates four (4) or less lots, parcels or building sites of fifteen (15) acres each or less in area, regardless of whether the act of division also creates one (1) or more lots, parcels or building sites of fifteen (15) acres or more.

“Land use plan” means a plan for guiding and shaping the use of the land in the Town that has been adopted by the Town Board. For purposes of this title, it is the intent of the Town Board that the land use plan is a “master plan” for purposes of regulating land division decisions.

“Lot” means a land area of thirty-five (35) acres or less intended for a building site.

“Official map” means a map indicating the location, width and extent of existing and proposed streets, highways, parkways, parks and playgrounds adopted by the Town in accordance with Wis. Stat. § 62.23(6) (1995-1996).

“Parcel” means contiguous lands under the control of a subdivider or subdividers not separated by streets, highways or railroad rights-of-way.

“Plat” means a map of a subdivision.

“Shoreland area” means all lands within three hundred (300) feet of the shoreline of navigable rivers or streams, and/or within one thousand (1,000) feet of the shoreline of navigable lakes and ponds or flow-ages to the landward side of the flood plain, whichever is greater. For the purposes of this chapter, the term “navigable waters” applies to all nonintermittent streams indicated on the seven and one-half (7.5) minute series of the United Geological Survey Quadrangles, all lakes and all ponds over fifteen (15) acres in surface area as listed in the “Surface Water Resources of Dane County” published by the Wisconsin Conservation Commission, 1961.

Stormwater Definitions.

1. “Stormwater runoff” means that portion of rainwater which is not captured by structures and vegetation or infiltrated into the ground which flows over the surface of the ground.

2. Stormwater Runoff Model. Stormwater runoff calculations shall be based on the most recent version of U.S. Soil Conservation Service Technical Release 20 or 55.

3. Design Storms. The design storms for drainage facilities shall be the two (2), five (5), ten (10), and twenty-five (25) year, twenty-four (24) hour storms as defined in NRCS Technical Releases 55 or 20.

4. “Stormwater facilities” means manmade or modified features used to store or transport stormwater runoff. These features may include conduits, pipes, channels, ditches, culverts, streams, roadways, ponds, lakes, and pumping stations.

5. “Closed watershed” means a natural drainage basin or watershed which does not discharge stormwater runoff resulting from a two (2) year, twenty-four (24) hour storm occurring over the drainage basin or watershed with the land in a predeveloped condition.

6. “Open watershed” means a natural drainage basin or watershed which discharges stormwater runoff resulting from a two (2) year, twenty-four (24) hour storm occurring over the drainage basin or watershed with the land in a predeveloped condition.

7. “Pass-through drainage” means stormwater runoff from a watershed or portion of a watershed which drains through the proposed development.

8. “Stormwater runoff discharge type” means a description of the nature of the discharge. Stormwater discharge type is generally described as a point discharge such as a ditch or a pipe, or a diffuse discharge such as sheet flow or shallow concentrated flow.

9. “Stormwater discharge peak flow rate” means the maximum volumetric rate of discharge expressed in cubic feet per second or acre-feet per day.

10. “Stormwater discharge velocity” means the speed of the discharge in feet per second.

11. “Stormwater discharge volume” means the volume of stormwater runoff released from an area during a rain event.

12. “Ground cover” means vegetation or structures which provide a stable, noneroding surface over the soil.

“Subdivider” means any person, firm, corporation or other entity requesting review or action on a subdivision.

“Subdivision” means a division of a lot or parcel of land for the purpose of transfer of ownership for nonagricultural uses or of building development where:

1. The act of division creates five (5) or more lots, parcels or building sites of less than fifteen (15) acres in area.

2. Five (5) or more lots, parcels, or building sites of less than fifteen (15) acres in area are created by successive land divisions within any period of five (5) years.

3. The five (5) or more lots, parcels or building sites include any parcel retained that is developed and any adjacent parcel that is fifteen (15) acres or less in area excluding rights-of-way.

4. Exemption. If the property or parcel is purchased for agricultural purposes and is used for agricultural purposes for a period of five (5) years from the date of purchase, the parcel is not considered a building site in the subdivision.

All area calculations are exclusive of any dedications, rights-of-way, easements or reservations. The term “subdivision” shall include resubdivision of a parcel of land and when appropriate to the context shall relate to the process of subdividing or to the land subdivided, regardless of change of ownership.

“Subdivision, Type I” means a subdivision located outside of an urban service area, sanitary district or a utility district, or a subdivision located within an urban service area or such district in which sanitary sewer facilities will not be available within two (2) years from the date of the submission of the final plat.

“Subdivision, Type II” means a subdivision located within an urban service area, sanitary district or utility district in which public sanitary sewer facilities are available or will be available within two (2) years from the date of submission of the final plat.

“Substantial income from a farm operation” means an amount of income deemed necessary for a farm residence to qualify as a permitted use in the Agriculture-Exclusive District pursuant to Section 10.123 of the Dane County Zoning Code.

1. For a primary farm residence, “substantial income from a farm operation” for a farm owner or operator shall be no less than \$500.00 per month in gross farm income, averaged over a three (3) year period. Gross farm income of \$18,000 is required over a three (3) year period.

2. For a secondary farm residence, “substantial income from a farm operation” for at least one (1) occupant of the residence shall mean at least twenty (20) percent of his or her total net income shall come from farm operations.

Any person who certifies the earning of substantial income from a farm operation for purposes of compliance with Dane County requirements shall utilize the then-current certification form required by the Dane County Zoning Office.

“Town” means the Town of Oregon, Dane County, Wisconsin.

Town Board Classification Definitions.

1. “Arterial roads” means town roads serving traffic moving through the Town, connecting generators and destinations such as trade or business areas, or primary high capacity roads. Provides limited access to abutting property.

2. “Collector roads” means town roads serving traffic from an area such as a subdivision or section of the Town to an arterial road or rural community. Main road or entrance for a subdivision. Provides access to abutting property.

3. “Local roads” means town roads serving local residences and providing access to property. Does not provide connection to high capacity roads, or trade or business areas.

4. “Cul-de-sac roads” means roads closed at one (1) end with a circular turnaround. Limit of one thousand (1,000) foot maximum length.

5. “Dead-end roads” means roads closed at one (1) end without turnaround.

“Utility easement” means an easement to place, replace, maintain or move utility facilities.

Additional definitions may be found in the Dane County zoning ordinance. [Ord. 50 § 2 (37-2-16), 1996. Prior code § 10.10.2-1.]

Chapter 11.15**LAND SUITABILITY REQUIREMENTS**

Sections:

11.15.010 Suitability requirements applicable to all land divisions.

11.15.010 Suitability requirements applicable to all land divisions.

a. Land Suitability. No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board, upon the recommendation of the Plan Commission, for reasons of flooding, inadequate drainage, incompatible surrounding land use, 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 land division of the community. The Town Board, 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 the proposed use and afford the subdivider or land divider an opportunity to present evidence regarding such unsuitability if the subdivider or land divider so desires. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

b. Existing Flora. The subdivider or land divider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses, and other nonnoxious plants not actually lying in public roadways, drainage ways, building foundation sites, private driveways, waste disposal areas, paths, and trails. The subdivider, land divider or developer of individual lots shall protect and preserve such trees and other flora during construction in accordance with sound conservation practices (such as the possibility of preserving trees by well islands or retaining walls), whenever abutting grades are altered. If a lot is wooded prior to development, the owner developing the lot may clear no more than a maximum of one (1) acre of existing flora as a part of the construction process.

c. Lot Size. Lots shall not be smaller than two (2) acres. Lots containing long, narrow means of access shall not be approved unless the lot contains at least two (2) suitable sites for placement of private waste disposal drainfields.

d. Special Density Restrictions – Groundwater Recharge Area. The maximum residential density allowed in the groundwater recharge area is one (1) dwelling unit per twenty (20) acres of contiguous land owned with a minimum lot size of eight (8) acres. Parcels zoned Agriculture-Exclusive or Agriculture-Transition (A-3) within the groundwater recharge area must meet the thirty-five (35) acre ratio requirement of one (1) land division per thirty-five (35) acres. If outside an urban service area, such development shall only be allowed on soils that have no limitations for conventional and mound type on-site septic systems. In order to prevent the occurrence of multiple land divisions by successive land owners, this residential density limitation shall run with the land, shall be cumulative, and shall apply to those persons or entities owning land within the Town on the adoption of this provision, and to their grantees, heirs, successors and assigns.

e. Deed Restrictions and Covenants. The Town may, as deemed necessary, require deed restrictions or covenants to be recorded by the land divider or subdivider, and/or may require similar notations to be included on plats and certified survey maps.

f. General Restrictions. The following shall apply to all land divisions and subdivisions:

1. No development will be allowed in resource protection areas, as defined by the land use plan or by the Dane County regional planning commission.

2. The site design shall address soil characteristics and subsurface geological conditions. Development is prohibited in areas of shallow bedrock, or areas of silty or sandy soils or on slopes steeper than twelve (12) percent.

3. The Town Board finds that steep and/or wooded slopes (greater than twelve (12) percent) are extremely sensitive environmental features that are vital to the Town. Development, including roadways, driveways and buildings, on steep slopes is prohibited to minimize soil erosion, disruption of important

wildlife habitat and to keep maintenance costs for foundations, roads, utilities and waste disposal systems to a minimum.

4. Existing vegetation shall be recognized in the site design process. The preservation of mature plant species, hedgerows, and woodlots should be encouraged to preserve the rural character of the Town.

5. Building form and siting shall respond to the topography and significant landforms on the site. When building on a hillside, the architectural form of the structure shall reflect the underlying topography and retain the integrity of the natural slope.

6. Building placement and lot layout shall be designed to provide a functional relationship to the site's topography, existing vegetation and other natural features. Natural land features shall be recognized and integrated into the site design to minimize their disruption.

7. Structures shall be sited to take advantage of solar and wind efficiencies where possible. North facing slopes reduce solar access and increase exposure to winter winds. South facing slopes provide the benefits of solar orientation and wind protection.

8. The siting of buildings shall take advantage of stream, lake, and agricultural views. Site design shall also consider the impact of new structures on views from off site.

9. The Township will require all proposed public recreational development to conform to all of the policies and performance standards in the Town of Oregon land use plan, particularly those aimed at protecting the agricultural character and farm vitality of the community.

10. During construction, site disturbance shall be minimized to prevent soil erosion by action of wind or water, and sediment transport and deposition due to stormwater runoff. Permanent ground cover shall be selected to prevent soil erosion after construction. Soil erosion control measures shall be per the Construction Site Erosion and Stormwater Design Manual of Practice by the Wisconsin Department of Natural Resources, and shall be approved by Dane County.

11. New lots shall be created by dividing land along natural boundaries such as hills and woods whenever possible.

12. When dividing a parcel of land, road access to the remaining parcel shall not be cut off.

13. The Town may retain the services of professional consultants (including planners, engineers, architects, landscape architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposed land division or subdivision coming before the Plan Commission. The submittal of a development proposal application or petition by a petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal.

The Town Clerk shall not execute an approved certified survey map or plat until all such charges for professional review are paid by the petitioner.

14. Driveways. The design and location of driveways shall conform with the Town driveway ordinance.

15. It is recognized that airstrip facilities currently exist in the Town of Oregon. New residential development shall not encroach on existing airstrip operations in the Town. [Ord. 50 § 3 (37-3-17), 1996. Prior code § 10.10.3-1.]

Chapter 11.20**PLAT AND LAND DIVISION REVIEW AND APPROVAL PROCEDURE**

Sections:

- 11.20.010 Preliminary review.
- 11.20.020 Submission of a preliminary plat.
- 11.20.030 Preliminary plat review and approval.
- 11.20.040 Final plat review and approval.
- 11.20.050 Certified survey map procedure.
- 11.20.060 Administrative forms and fees.
- 11.20.070 Replats.
- 11.20.080 Other divisions of land.
- 11.20.090 Development agreements.

11.20.010 Preliminary review.

a. Preapplication Consultation. Before filing a preliminary plat or application for a land division by certified survey, the subdivider or land divider is encouraged to consult with the Plan Commission for advice regarding general land subdivision requirements. The subdivider or land divider may obtain information on meeting dates, agenda deadlines and filing requirements from the Town Clerk. The subdivider or land divider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider or land divider of the purpose and objectives of these regulations, the other ordinances and planning rules of the Town and to otherwise assist the subdivider or land divider in planning the development. In so doing, the subdivider or land divider and Plan Commission 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 or land divider will gain a better understanding of the subsequent required procedures. The Town shall charge no fee for this preliminary consultation. [Ord. 50 § 4 (37-4-26), 1996. Prior code § 10.10.4-1.]

11.20.020 Submission of a preliminary plat.

a. Preliminary Plat Review and Approval.

1. Submission. Before submitting a final plat for approval, the subdivider or land divider shall submit a preliminary plat prepared in accordance with OMC 11.25.010 or proposed certified survey map and an application for land division or subdivision on the form prescribed by the Town of Oregon. The subdivider or land divider shall submit twelve (12) copies of the preliminary plat, prepared in accordance with this chapter. The Town Clerk shall submit copies of the preliminary plat to the Plan Commission and to the Town Engineer for review. The Engineer shall promptly submit to the Plan Commission a written report of the Engineer's recommendations and reactions regarding the proposed plat.

2. Supplementary Date Filed with Preliminary Plat. The subdivider or land divider shall also file the following materials with the preliminary plat:

A. Preliminary Layout of Public Improvements. The subdivider or land divider shall file four (4) complete sets of engineering reports and preliminary plans for the construction of any public improvements required by this chapter, specifically addressing stormwater drainage facilities (size and location), traffic patterns, typical roadway and drainageway cross-sections, erosion control measures, pavement design, grading plan (existing contours, proposed grades and limits of grading) and other improvements necessary in the subdivision or land division.

B. Preliminary Street and Drainageway Plans and Profiles. The subdivider or land divider shall provide street and drainageway layout and profiles showing existing ground surface and proposed street and drainageway grades, including extensions for a reasonable distance beyond the limits of the proposed

subdivision when requested. Such plans and profiles shall also address modifications to existing roads. The subdivider or land divider shall provide details for any drainage or other structures included in the proposed improvements. All elevations shall meet the approval of the Town Board.

C. Soil Testing. The subdivider or land divider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision or land division, their effect on the subdivision or land division and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in OMC 11.15.010, the Town Board 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. Where the proposed subdivision or land division will not be served by public sanitary sewer, the subdivider or land divider shall comply with Wis. Admin. Code Ch. ILHR 85, delineating areas with three (3) foot and six (6) foot groundwater and bedrock levels.

D. Use Statement. A statement of the proposed use of lots stating the type of residential buildings with number of proposed dwelling units; types of business or industry intended to reveal the effect of the development on traffic, fire hazards and congestion of population.

E. Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the area, including dimensions.

F. Area-Wide Information. The subdivider or land divider shall provide an area map to the Town with the following information:

- i. Existing upland watersheds and internal watersheds;
- ii. Existing route and discharge points of pass-through drainage and site-generated drainage;
- iii. Proposed drainage route, including description of drainage facilities;
- iv. Potential extensions for any proposed temporary cul-de-sacs; and
- v. Where the subdivider or land divider owns property adjacent to that proposed to be divided, the Plan Commission or Town Board may require the subdivider or land divider to submit a preliminary plat for the remainder of the property owned to show the possible relationship between the proposed division and future subdivisions.

G. Erosion Control and Stormwater Management. A preliminary erosion control plan and stormwater management plan.

H. Development Report. The land divider shall include the following information in the development report:

- i. Analysis and design calculations for proposed drainage system, including analysis of pass-through drainage and site-generated drainage, and impacts on downstream lands receiving drainage directly from proposed development;
- ii. Maps showing areas used in calculations and analysis in subsection (a)(2)(H)(i) of this section; and
- iii. Pavement design (if applicable).

I. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat or land division that it is a correct representation of all existing land divisions and features and in full compliance with the provisions of this chapter. [Ord. 50 § 4 (37-4-27), 1996. Prior code § 10.10.4-2.]

11.20.030 Preliminary plat review and approval.

a. Submission and Referral.

1. Submission. The Town Clerk shall be the only official authorized to accept submission of a subdivision or land division. Upon receiving a completed application for subdivision or land division and supporting documents from a subdivider or land divider, the Town Clerk shall examine the materials submitted to see whether they appear to comply with the requirements of OMC 11.20.020(a) or with OMC 11.20.040. If the documents do not appear complete, the Town Clerk shall return the submission to the subdivider or land divider, identifying the necessary additional documents needed before the subdivision or land division is deemed submitted. If the documents appear complete, the Town Clerk shall fill in the date of submission on the application.

2. Referral. Pursuant to Wis. Stat. § 236.12(6) (1995-1996), the Town elects that the land divider or subdivider shall be responsible for referring copies of the preliminary plat to each of the state agencies authorized to object to the land division or plat, as well as the other governing bodies with approval jurisdiction over the plat or land division. Prior to the Plan Commission's action on the land division or preliminary plat, the land divider or subdivider shall certify in writing to the Town Clerk full compliance with these referral requirements.

3. Within twenty (20) days of the date of receiving the copies of the plat, any state or County agency having authority to object under subsection (a)(2) of this section shall notify the subdivider or land divider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections are satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections are satisfied. Any sanitary district within the Town may file objections with the Plan Commission or Town Board at any time prior to, and including, the Board's public hearing on the land division.

4. Timing of Documents Related to Town Approvals. The Town may not approve a plat or certified survey map unless all required documents have been submitted by the developer and reviewed by objecting agencies. The Plan Commission or Town Board may request extensions of time for the review of the documents. If the developer refuses to agree to an extension of the time for review of plat or certified survey map, the Town Board shall reject the plat or certified survey map.

b. Plan Commission Review – Public Hearing – Board Approval.

1. Following submission of the preliminary plat or land division and referral to the authorized review agencies, the Town Clerk shall schedule a public hearing on the preliminary plat or land division before the Plan Commission. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the preliminary plat or land division by listing it as an agenda item in the Plan Commission's meeting notice published in the official Town newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. The Town Clerk shall mail written notice of the public hearing to all property owners within one thousand (1,000) feet of the proposed plat or land division. The subdivider or land divider shall pay the Town's cost of such notification.

2. Public Hearing. A public hearing shall occur no less than thirty-one (31) days after the deemed submission of the preliminary plat or land division. At the public hearing, the Plan Commission shall consider the input of the public and any consultants retained by the Town to review the proposed preliminary plat or land division, and shall negotiate with the subdivider or land divider on any changes deemed advisable and the kind and extent of necessary public improvements. Following the public hearing, the Plan Commission shall recommend to the Town Board the approval, conditional approval or rejection of the preliminary plat or land division.

3. Board Action. The Town Board may schedule a further public hearing before the Town Board if deemed appropriate for the particular subdivision or land division proposed. After review of the Plan Commission's recommendation and any further negotiation with the subdivider or land divider deemed necessary, the Town Board shall, within ninety (90) days of the deemed submission date of the preliminary plat or land division, approve, approve conditionally or reject the plat or land division. The Town Clerk shall provide written notice to the subdivider or land divider of any conditions for approval or the reasons for rejection. Failure of the Town Board to act within ninety (90) days of the deemed submission of the subdivision or land division shall constitute approval of the preliminary plat or land division, unless an objecting agency files an objection or unless the review period is extended by agreement with the subdivider or land divider.

c. Effect of Preliminary Plat Approval. 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 thirty-six (36) months of preliminary plat approval or conditional approval, conforms substantially to the preliminary plat layout and meets the conditions of preliminary plat approval, 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 Plan Commission and Town Board at the time of its submission. [Ord. 78 § 1, 2011; Ord. 50 § 4 (37-4-28), 1996. Prior code § 10.10.4-3.]

11.20.040 Final plat review and approval.

a. Final Plat Review and Approval.

1. The subdivider or land divider shall file twelve (12) copies of the final plat within six (6) months of the approval date of the preliminary plat. If the final plat is not submitted within said six (6) months, the preliminary plat approval is deemed void. The following additional items shall be filed with the final plat:

A. A certified abstract of title or title insurance commitment current to within one (1) week prior to filing, showing title or control in the subdivider or land divider. The Town Attorney may require further title evidence as deemed necessary.

B. Four (4) copies of the final plans and specifications of public improvements required by this chapter.

C. If the subdivider has changed any of the information submitted pursuant to OMC 11.20.020(a)(2), or if the Plan Commission or Town Board has conditioned approval of the preliminary plat upon modification of such supplementary data, the subdivider or land divider shall file all such information with the final plat.

2. The subdivider shall, within two (2) days of filing, transmit copies as required for preliminary plats under OMC 11.20.030(a)(2). The Town Clerk shall also refer the final plat to the Town Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or title insurance commitment shall be referred to the Town Attorney for examination and report. The Town Clerk shall also refer the final plans and specifications of public improvements to the Town Engineer for review. The recommendations of the Plan Commission and Town Engineer shall be made within thirty (30) days of the filing of the final plat. The Town Engineer shall examine the plat and final plans and specifications of public improvements for technical details, including whether the final plat substantially conforms to the preliminary plat and, if found satisfactory, shall so certify in writing to the Plan Commission with a recommendation on approval. The Town Engineer's conclusions shall be made part of the record at the proceedings where the final plat is considered. If the plat or the plans and specifications are unsatisfactory, the Town Engineer shall return them to the subdivider or land divider and so advise the Plan Commission.

3. The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the subdivider or land divider and all other approving and objecting agencies of any objections in the same manner noted for preliminary plats under OMC 11.20.030(a)(3).

4. If the final plat lies within one thousand (1,000) feet of any incorporated municipality, the Town Clerk shall give at least fifteen (15) days' prior written notice to such municipality of the meeting at which the final plat is scheduled for final action by the Town Board.

5. The Town Board shall, within sixty (60) days of the date of filing of the final plat with the Town Clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the subdivider by the Town Clerk. The Town Board may not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met. Failure of the Town Board to act within sixty (60) days of submission, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the plat.

6. If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Town Board will

be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved.

7. After the Town Board approves the final plat and required improvements either installed or a contract and sureties insuring their installation are filed, the Town Clerk shall execute the certificate inscribed upon the plat attesting to such approval and return the plat to the subdivider for recording with the County Register of Deeds. [Ord. 78 § 2, 2011; Ord. 50 § 4 (37-4-29), 1996. Prior code § 10.10.4-4.]

11.20.050 Certified survey map procedure.

a. Land Division – Certified Survey Procedure.

1. When an owner proposes to divide land into two (2) or no more than four (4) lots or parcels, any one (1) of which is less than fifteen (15) acres, or when an owner proposes to divide a block, lot or outlot into not more than four (4) lots or parcels within a recorded plat without changing the boundaries of said block, lot or outlot, the owner or land divider may subdivide by use of a certified survey map, prepared in accordance with Wis. Stat. § 236.34 (1995-1996) and this chapter.

2. Submission and Review. The land divider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, twelve (12) copies of the final map in the form of a certified survey map shall be submitted to the Town. The certified survey shall be reviewed, approved or disapproved by the Plan Commission pursuant to the procedures used for preliminary plats in OMC 11.20.030(b), including notice and hearing requirements. [Ord. 50 § 4 (37-4-30), 1996. Prior code § 10.10.4-5.]

11.20.060 Administrative forms and fees.

a. Forms. The subdivider or land divider shall complete and sign the forms furnished by the Town Clerk relating to the proposal submitted. These forms include:

1. Preliminary parcel division inquiry.
2. Land division record.
3. Submittal requirements.
4. Agreement for services.
5. Submittal form letter.
6. Other forms as adopted by the Town and attached hereto.

b. Fees for Review of Plats, Replats and Certified Surveys.

1. General. The subdivider shall pay the Town all fees required herein and at the times specified. In the event fees are not timely paid, the Town shall not be required to take any further action with respect to the plat or certified survey map. Nonpayment of fees shall be deemed sufficient cause for rejection of the plat or certified survey map.

2. Engineering Fee. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or certified survey map, including inspections required by the Town. The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Subdivider shall pay the fee within fifteen (15) days of each billing by the Town Clerk.

3. Administrative Fee. The subdivider shall pay a fee equal to the cost of any legal, other consultant, administrative or fiscal work which may be undertaken by the Town in connection with the plat or certified survey map.

4. Escrow for Fees and Administrative Charges. At such time as the subdivider submits a preliminary plat or certified survey map for review by the Plan Commission and Town Board, it shall deposit with the Town, in escrow, the sum required by the following schedule to guarantee the timely payment of all the Town's fees:

A. Minor subdivision (certified survey map): as established by the Town Board by resolution.

B. Subdivisions – including condominiums: as established by the Town Board by resolution.

In the event the amount deposited with the Town falls below twenty-five (25) percent of the amount required to be deposited, the Plan Commission or the Town Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event subdivider withdraws his plat or minor subdivision, or same is approved, and money remains in escrow over and above the Town's fees, the excess shall be refunded to subdivider. The escrow account shall not draw interest for the benefit of subdivider. The Town Clerk, with the approval of the Town Board, shall have the right to draw upon the escrow to reimburse the Town for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the Town shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.

5. Preliminary Plat/Certified Survey Map Review Fee.

A. The subdivider shall pay a fee as established by the Town Board by resolution for the second and each subsequent lot or authorized dwelling unit within the preliminary plat or certified survey map to the Town at the time of first application for preliminary plat or certified survey map approval to assist in defraying the cost of review.

B. The subdivider shall pay a reapplication fee as established by the Town Board by resolution to the Town at the time of reapplication for approval of any preliminary plat which has previously been filed.

6. Final Plat Review Fee.

A. The subdivider shall pay a fee as established by the Town Board by resolution for the second and each subsequent lot or authorized dwelling unit within the final plat to the Town at the time of first application for final plat approval of said plat to assist in defraying the cost of review.

B. The subdivider shall pay a reapplication fee as established by the Town Board by resolution to the Town at the time of reapplication for approval of any final plat which has previously been reviewed.

7. Condominium Development Review Fee. The developer shall pay a fee as established by the Town Board by resolution for each unit shown on a condominium plat, less an amount as established by the Town Board by resolution for each lot shown on a preliminary plat or certified survey map for the same project. [Ord. 83 § 4, 2016; Ord. 50 § 4 (37-4-31), 1996. Prior code § 10.10.4-6.]

11.20.070 Replats.

a. Replat Procedure.

1. Except when an Assessor's plat is ordered pursuant to Wis. Stat. § 70.27(1) (1995-1996), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stat. §§ 236.40 through 236.445 (1995-1996). The subdivider or land divider, or person wishing to replat, shall then proceed as specified in OMC 11.20.030.

2. The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall mail notices of the proposed replat and public hearing 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 one thousand (1,000) feet of the exterior boundaries of the proposed replat. [Ord. 50 § 4 (37-4-32), 1996. Prior code § 10.10.4-7.]

11.20.080 Other divisions of land.

a. Parcel Division Inquiry. Any land divider who shall divide land in the Town resulting in a subdivision, land division or which is otherwise exempt from municipal regulation pursuant to Wis. Stat. § 236.45(2)(a)(1), (2), and (3) (1995-1996) shall comply with the following procedure:

1. The land divider shall prepare a preliminary parcel division inquiry which shall be submitted to the Plan Commission for review. The inquiry shall include all required submittal requirements pursuant to OMC 11.20.060(a).

2. Upon approval of the preliminary land division inquiry by the Plan Commission, the land divider shall submit to the Plan Commission a preliminary plat, certified survey map or land survey prepared by a registered surveyor. If the proposal results in a preliminary plat or certified survey map, the land divider shall comply with all regulations required for such a division. If the division results in a transaction which is otherwise exempt from a municipal regulation pursuant to Wis. Stat. § 236.45(a)(1), (2), and (3) (1995-1996), the survey shall include an accurate legal description of the parcel(s) to be created, the acreage of each proposed parcel, locations of all proposed driveways, locations of public road frontage, locations of natural waterways or other topographic features, locations of proposed public or private easements, and descriptions of intended uses.

3. Upon the recommendation of the Plan Commission, the Town Board shall approve, approve conditionally, or reject the division based on a determination as to its conformance with the provision of this section and other applicable Town ordinances.

4. No building permit shall be issued for construction on a parcel created by a division which does not comply with the provisions of this section. [Ord. 50 § 4 (37-4-33), 1996. Prior code § 10.10.4-8.]

11.20.090 Development agreements.

a. Contract. Prior to installation of any required improvements and prior to approval of the final plat or certified survey map, the subdivider or land divider shall enter into a written contract with the Town requiring the subdivider or land divider to furnish and construct said improvements at the subdivider's or land divider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of public improvements by the Town Engineer prior to acceptance of the improvements. The developer may construct the project in such phases as the Town Board approves, which approval shall not be unreasonably withheld. If construction in phases is permitted, the amount of any bond or other security required in subsection (b) of this section shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary before commencement of the installation of improvements.

b. Financial Guarantees.

1. The agreement shall require the subdivider or land divider to furnish security to the Town in an amount equal to one hundred twenty-five (125) percent of the Town Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. In the sole discretion of the Town Board, the subdivider or land divider may furnish such security in the form of a performance bond, escrow deposit or an irrevocable letter of credit issued by a national or state chartered financial institution running to the Town of sufficient duration to assure the completion of installation of the improvements.

2. On request of the subdivider or land divider, the agreement may provide for completion of part or all of the improvements covered prior to acceptance of the plat. In such event, the amount of the deposit, bond or letter of credit shall be reduced in sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not completed within the specified period, the Town shall demand performance from the party furnishing the security and may apply any security held to the cost of the required improvements. Any balance remaining after completion of such improvements shall be returned to the subdivider or land divider. The Town Board, at its option, may extend the security for additional periods not to exceed two (2) years each.

3. The time for completion of the work and the several parts thereof shall be determined by the Town Board, upon recommendation of the Town Engineer after consultation with the subdivider or land divider. The completion date shall form part of the agreement. [Ord. 78 § 3, 2011; Ord. 50 § 4 (37-4-34), 1996. Prior code § 10.10.4-9.]

Chapter 11.25**TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS**

Sections:

11.25.010 Technical requirements for preliminary plats.

11.25.020 Technical requirements for final plats.

11.25.030 Technical requirements for certified surveys.

11.25.010 Technical requirements for preliminary plats.

a. Preliminary Plats.

1. General. The preliminary plat shall be based upon a survey by a registered land surveyor and the plat prepared on mylar, tracing cloth or paper of good quality at a scale of not more than one (1) inch equals one hundred (100) feet and shall show correctly on its face the following information:

A. Title under which the proposed subdivision is to be recorded, which shall not duplicate the name of any plat recorded in Dane County.

B. Location of proposed subdivision by government lot, recorded private claim, quarter-quarter section, section, Township, range, county and state noted immediately under the name of the proposed subdivision.

C. Date, scale and north point referenced to a magnetic, true or other identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the subdivision is situated.

D. Names and addresses of the owner, subdivider and land surveyor preparing the plat.

E. Entire area contiguous to the plat owned or controlled by the owner or subdivider, even if only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

2. Plat Data. All preliminary plats shall show the following:

A. Exact location of the proposed subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the subdivision is situated and a corner established in U.S. Public Land Survey that establishes one (1) end of this line.

i. A description of the material of which the corner marker is composed.

ii. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby.

iii. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the plat.

B. Existing contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on the U.S.G.S. datum.

C. High water elevation of all lakes, streams, ponds, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.

D. Location, right-of-way width and names of all existing streets, alleys or other public ways (showing existing traffic pattern), 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.

E. Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.

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 centerline elevations, all to U.S.G.S. datum.

G. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, electric and communication facilities, whether overhead or underground, 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 sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

H. Locations of all existing property boundary lines, structures, drives, streams and water-courses, marshes, rock outcrops, trees greater than six (6) inches in trunk diameter, heavily wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

I. Location, width and names of all proposed streets and public ways, depicting proposed traffic pattern.

J. Approximate dimensions and area in square feet of all lots together with proposed lot and block numbers.

K. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public or nonpublic uses not requiring lotting.

L. Approximate radii of all curves.

M. Existing zoning on and adjacent to the proposed subdivision.

N. Town and corporate limit lines within the exterior boundaries of the subdivision or immediately adjacent thereto.

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, and notice of application for Department of Natural Resources approval, where applicable.

Q. Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

R. Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

S. Proposed phases of development, if applicable. [Ord. 50 § 5 (37-5-40), 1996. Prior code § 10.10.5-1.]

11.25.020 Technical requirements for final plats.

a. Final Plat.

1. General. 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 Wis. Stat. § 236.20 (1995-1996) and this chapter.

2. Additional Information. The final plat shall also show the following information correctly on its face:

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. Setbacks or building lines required by the Town Board.

E. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

F. Special restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.

G. Exact location and description of street lighting and lighting utility easements.

H. Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the land.

3. Supporting Documents. The subdivider shall submit the following documents when filing the final plat:

A. Covenants and Restrictions. All restrictive covenants and deed restrictions for the proposed subdivision.

B. Property Owners' Association. The legal instrument(s) creating a property owners' association for the ownership and/or maintenance of common lands in the subdivision.

C. Joint Maintenance Agreements. The legal instrument(s) allocating maintenance responsibilities for any facilities owned jointly by more than one (1) lot owner, including but not limited to joint well or driveway agreements.

D. All certificates required by Wis. Stat. § 236.21 (1995-1996); in addition, the surveyor shall certify full compliance with all of the provisions of this chapter.

4. Survey Requirements.

A. Examination. The Town Engineer shall examine all final plats within the Town and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.

B. Maximum Error of Closure. 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 (1) part in ten thousand (10,000), nor in azimuth four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

C. Street, Block and Lot Dimensions. 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 checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in five thousand (5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

D. Plat Location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town, the tie required by Wis. Stat. § 236.20(3)(b) 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.

E. Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Wis. Stat. § 236.15 (1995-1996). [Ord. 50 § 5 (37-5-41), 1996. Prior code § 10.10.5-2.]

11.25.030 Technical requirements for certified surveys.

a. Certified Survey Map.

1. General. When a subdivider proposes a land division, the subdivider shall submit a certified survey map prepared by a registered land surveyor in accordance with Wis. Stat. § 236.34 (1995-1996) and this chapter.

2. Additional Information. The certified survey map shall also show the following information correctly on its face:

A. All existing buildings and other features pertinent to proper division.

B. Existing watercourses and drainage ditches showing existing drainage patterns onto, through and from the mapped parcel. Drainage paths shall be indicated by arrows showing the direction of drainage. Closed watersheds shall be labeled accordingly.

C. Setbacks or building lines required by the Town Board.

D. All lands reserved for future acquisition.

E. Date of map.

F. Graphic scale.

G. Name and address of the owner, subdivider and surveyor.

H. Existing zoning on, and adjacent to, the proposed land division.

I. Square footage for each lot or parcel.

3. Supplementary Drainage Data. If the land divider proposes to change existing drainage onto, through or from the parcel, the land divider shall depict the proposed changes on the certified survey map.

4. Certificates.

A. The surveyor shall certify, on the face of the Map, full compliance with all the provisions of this chapter. The Plan Commission, 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 mortgagees' certificate in substantially the same form as required by Wis. Stat. § 236.21(2)(a) (1995-1996).

5. Recordation. The subdivider shall record the map with the Dane County register of deeds within thirty (30) days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Town Board.

b. Subdivision Created by Successive Land Divisions. When it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this section, the Town Board may in lieu thereof order an Assessor's plat to be made under Wis. Stat. § 70.27 (1995-1996), and may assess the cost thereof as provided in such section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may reasonably apply. [Ord. 50 § 5 (37-5-42), 1996. Prior code § 10.10.5-3.]

Chapter 11.30**REQUIRED IMPROVEMENTS**

Sections:

- 11.30.010 General requirements.
- 11.30.020 Erosion control.
- 11.30.030 Grading – Design and construction.
- 11.30.040 Streets – Design and construction.
- 11.30.050 Drainage – Design and construction.
- 11.30.060 Final inspection and acceptance.

11.30.010 General requirements.

a. Private Contracts. The developer shall engage one (1) or more general contractors whose qualifications have been approved by the Town Board for one (1) or more of the major phases of the construction such as site preparation, grading and surfacing of roads.

b. Scheduling. All scheduling of the contemplated improvements shall be approved by the Town Board. Developer shall submit a written construction schedule for proposed improvements prior to the start of construction. The Town Board may require a written update for the construction schedule at weekly or monthly intervals. Construction shall not proceed until all approvals and conditional requirements are satisfied.

c. General Layout.

1. Pedestrian Corridors.

A. Pedestrian pathways may be required by the Town Board through the center of a block.

B. Sidewalks. Paved sidewalk shall be required along both sides of proposed and modified streets unless otherwise directed by the Town Board.

2. Streets.

A. Compliance with Statutes. In laying out a subdivision, the subdivider shall conform to the provisions of Wis. Stat. Ch. 236 (1995-1996) and all applicable Town regulations. All streets and roads shall comply with Wis. Stat. § 86.26 (1995-1996). In all cases where the requirements of this chapter are different from the requirements of Wis. Stat. Ch. 236 or Wis. Stat. § 86.26, the more restrictive provision shall apply.

B. Dedication. The subdivider shall dedicate land and improve streets as provided in this chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety.

C. Compliance with Land Use Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to any Town land use plan and to this chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

D. Continuation of Streets. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall extend to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board, such extension is unnecessary for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.

E. Private Roads. Private roads shall be allowed for access to multifamily and condominium lot developments. Cul-de-sac length restrictions shall apply.

i. All private roads shall be platted as outlots. Every outlot designated as for a private road shall have deed restrictions recorded with the County Register of Deeds, giving enforcement powers to the Town, before a building permit will be issued for a structure on any property served by said private road.

ii. The deed restriction shall require the land owners served by the private road to provide for maintenance of the road.

iii. If the property owners fail to fulfill their obligations, then the deed restrictions shall give full authority to the Town to fulfill those conditions, and then assess all costs associated with said action, including legal fees, if any, to the property owners served by the road.

iv. Each property served by a private road shall have deed restrictions recorded indicating their responsibility for the private road and outlot.

F. Lot Access. Each proposed lot shall have direct access to a private or public roadway by an individual or shared driveway.

G. Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the remainder of the street. Street names shall be subject to approval by the Plan Commission and the Town Board.

3. Easements.

A. Utility Easements. The Town Board, on the recommendation of appropriate agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

B. Drainage Easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:

i. The subdivider shall provide a stormwater easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or

ii. The watercourse, drainage way, channel or stream may be relocated in such manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.

iii. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Town Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

C. Easement Locations. Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Town Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Town Board that easements and any easement provisions incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

4. Drainage and Surface Water.

A. Existing Drainage Patterns. Existing drainage patterns, including discharge rate and type, shall be maintained to the fullest extent feasible.

B. Drainage from Upstream. Drainage from upstream areas shall be passed through the proposed development. The existing drainage patterns, including discharge rate and type, shall be maintained to the fullest extent possible.

C. Closed Watersheds and Existing Ponding Areas. Closed watersheds or sub-watersheds shall not be filled or drained. Existing ponding areas, including small areas which temporarily pond water, shall not be filled or drained. These areas are a significant source of groundwater recharge.

D. Wooded Slopes and Bluffs. Drainage may be directed over or down wooded slopes and bluffs in a diffuse sheet flow pattern. Pipes, ditches or other methods of channelization shall not be allowed.

5. Sanitary Sewerage System.

A. The subdivider shall make adequate sewage disposal system sites available to each lot within the subdivision or land division. All systems shall be privately owned.

B. Private sewage disposal systems shall comply with Wis. Admin. Code ILHR §§ 83.09 and 85.06 and with the Dane County sanitation ordinance.

6. Water Supply Facilities.

A. The subdivider shall make adequate water supply sites or facilities available to each lot within the subdivision or land division. All systems shall be privately owned.

B. Private water supply systems shall comply with Wis. Admin. Code ILHR §§ 83.09 and 85.06 and with Dane County sanitation ordinance.

7. Other Utilities.

A. The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate services available to each lot in the subdivision or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Town Board specifically allows overhead poles for the following reasons:

i. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable; or

ii. The lots to be served by said facilities can be served directly from existing overhead facility.

8. Signs and Parking.

A. The subdivider shall install a street name sign designed to meet Town specifications at the intersections of all streets proposed to be dedicated.

B. The subdivider shall design all residential or other lots to provide adequate off-road parking.

9. Fencing Regulations.

A. The Town of Oregon requires compliance with Wis. Stat. Ch. 90, Fences.

B. The Town of Oregon will distribute a copy of the UW-Extension Fact Sheet, "Fences in Agricultural Area." [Ord. 72 § 1, 2009; Ord. 50 § 6 (37-6-50), 1996. Prior code § 10.10.6-1.]

11.30.020 Erosion control.

a. Permit Required. The subdivider shall be responsible for obtaining and complying with a permit under Wis. Admin. Code Ch. NR 216, Wisconsin Pollution Discharge Elimination System. A copy of the application and the permit shall be supplied to the Town.

b. The subdivider shall be responsible for obtaining and complying with a permit under Subchapter II, Erosion Control System, Chapter 14 of the Dane County Code of Ordinances. A copy of the permit application and approval shall be supplied to the Town.

c. Town Enforcement. The permanent drainage system for the subdivision shall be designed to prevent erosion after the completion of construction of the subdivision improvements.

d. The Town reserves the right to enforce erosion control plans as approved by the County or the Wisconsin Department of Natural Resources. [Ord. 50 § 6 (37-6-51), 1996. Prior code § 10.10.6-2.]

11.30.030 Grading – Design and construction.

- a. The development shall be graded to meet the general layout requirements described above.
- b. Additional considerations for grading include:
 1. Proposed grading shall be shown with existing and proposed contours on the plat. The limits of grading shall be specifically shown.
 2. In addition to grading for streets and drainage ways, the lots, greenways and open space areas shall be graded to eliminate slopes steeper than three (3) horizontal to one (1) vertical caused by the construction, and to establish the drainage pattern shown by the drainage arrows on the plat.
 3. Stable vegetated slopes steeper than twelve (12) percent in the groundwater recharge area shall not be graded, compacted, or disturbed.
 4. Drainage facilities such as ponds and major channels shall be graded and stabilized with vegetation and other erosion control measures during the early stages of construction in order to allow the vegetation to become established and minimize erosion after all drainage facilities are in place and operating.
 5. All graded or disturbed areas shall be stabilized by vegetation or other ground cover. [Ord. 50 § 6 (37-6-52), 1996. Prior code § 10.10.6-3.]

11.30.040 Streets – Design and construction.

- a. Design.
 1. Design of streets shall meet the general layout requirements described above.
 2. The subdivider shall meet with the Plan Commission to determine the classification for the proposed roads and any intersecting existing roads. This information shall be used to design the proposed roads and modifications to existing roads.
 3. The Plan Commission may request to the Town Board that traffic counts with speeds be performed on existing roads prior to determining classification.
 4. Design standards for each street classification are shown in Table I.
 5. Roadways shall intersect at an angle of seventy (70) degrees to one hundred ten (110) degrees for intersections of proposed roads and for intersections of proposed and existing roads. No more than two (2) roads (including driveways) shall intersect at one (1) point.
 6. New intersections or modified existing intersections shall be located and designed in accordance with Table I. This includes new intersections with existing roads, and new streets added to existing intersections. This may require reconstruction of an existing intersection to meet the design criteria on Table I.
 7. Intersection design shall be in accordance with requirements for at-grade intersections as stated in “A Policy in Geometric Design of Highways and Streets” by the American Association of State Highway and Transportation Officials. The vision (sight) triangle at each intersection of public and/or private roads shall be shown as an easement on the corner lots with restrictions regarding the height of objects in the triangle. The developer shall clearly state whether intersection shall be controlled or uncontrolled.
 8. Vision (sight) triangle easements shall be provided on all corner lots including existing lots adjacent to a new road.
 9. Road ditches shall be provided on both sides of new and existing roads within the development.
 - A. The stormwater drainage system shall be designed so that surface water drainage shall not cross the road surface during storms of up to and including the twenty-five (25) year storm.
 - B. Road ditches shall meet the requirements of OMC 11.30.050, Drainage – Design and construction, and shall be considered as part of the drainage facilities for the development.
 10. Paved sidewalks shall be provided on both sides of new and existing roads within the development.
 - A. Sidewalks shall follow the longitudinal grade of the road, and shall not be more than one (1) foot lower than the travel lanes of the road.
 - B. Sidewalks shall be located in an easement on the lot adjacent to the property line. No sidewalk shall be located within a street right-of-way or ditch line.

b. Construction.

1. All roadway construction and materials used shall be installed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this chapter, whichever is more restrictive.

2. Roadway Subbase – Stable and Nonorganic Material Required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Town Engineer. Subbase shall be compacted prior to placement of subsequent layers.

3. Roadway Gravel Base Course. Roads shall have a minimum roadway gravel base course thickness of nine (9) inches of compacted-in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower layer. The top layer of gradation No. 2 shall not be less than three (3) inches deep compacted in place. Each layer of gravel base course shall be compacted prior to placing subsequent layers.

A. The base course shall be compacted to the extent necessary to produce a condition in which no appreciable displacement of material laterally and longitudinally under heavy construction equipment shall occur and shall conform to line, grades and shape shown on the approved plans, profiles and cross-sections.

B. On arterial or collector roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.

4. Asphalt Pavement. Roads shall have a minimum thickness of three (3) inches compacted asphalt pavement, placed in two (2) layers, a binder course one and one-half (1 1/2) inches thick and a surface course of one and one-half (1 1/2) inches. On arterial or collector roads, the Town Board may, as an alternative to the above standards, have the Town Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Town Board shall have the sole discretion in determining the use and construction classification utilized.

A. The asphalt binder course shall be placed after a satisfactory inspection of the gravel base course.

B. The asphalt surface course shall be placed no less than one (1) year and no more than two (2) years after completion of the asphalt binder course. The roadway shall be inspected prior to placing the asphalt surface course, and any deficiencies shall be corrected by the subdivider.

C. Materials.

i. Asphalt Cement. Asphalt cement shall conform to ASTM D 946, Penetration Grade 85-100. Asphaltic concrete material shall be five (5) to seven (7) percent by weight of the composite mixture.

ii. Asphalt Surface Course Aggregates. Including mineral filler (when required), shall be sound, angular crushed stone, crushed gravel or sand conforming to the gradation requirements for Gradation No. 3, subsection 401.2.5 of the Wisconsin Division of Highways, Standard Specifications for Road and Bridge Construction. Mixtures made in the laboratory with aggregates and asphalt cement proposed for the work shall yield a Marshall stability of not less than one thousand two hundred (1,200), a void content of the compacted mixture between two (2) percent and six (6) percent, and a flow value of not more than eighteen (18).

If the proposed aggregates are primarily crushed limestone, natural sand shall be blended with the crushed stone in such proportions, within the range of gradation, to provide workability of the finished mixture satisfactory to the Engineer.

iii. Asphalt Base Course Aggregates. Base course aggregates shall conform to the gradation requirements for Gradation No. 1, subsection 401.2.8 of the Wisconsin Division of Highways, Standard Specifications for Road and Bridge Construction.

D. Compaction. Each layer of asphaltic pavement shall be compacted with a smooth drum roller prior to placing subsequent lifts.

E. Asphalt Tack Coat. Asphalt tack coat shall be applied to the asphalt binder course prior to placement of the asphalt surface course. The binder course pavement surface shall be swept clean of dust and debris prior to application of tack coat.

i. Tack coat shall consist of asphaltic material of Type RS-1, RS-2, MS-1 or MS-2 emulsified asphalts diluted as specified in Section 401. This work shall be in accordance with Section 402 of the Wisconsin Division of Highways Standard Specifications.

5. Asphalt Shoulders. Asphalt shoulders shall be constructed of three (3) inches of asphalt surface course or a binder course one and one-half (1 1/2) inches thick and a surface course of one and one-half (1 1/2) inches. Asphalt shoulders shall be constructed to the same standards as asphalt pavement.

6. Gravel Shoulders. Gravel shoulders shall be constructed of a minimum of six (6) inches of compacted-in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 or No. 2 in the lower layer. The top layer of gradation No. 2 shall not be less than three (3) inches deep compacted in place. Each layer of gravel base course shall be compacted prior to placing subsequent layers.

7. Paved Sidewalks. Sidewalks shall be paved. Materials and construction shall be in accordance with Section 602 of the Wisconsin Division of Highways Standard Specifications.

8. Construction Inspection and Testing. Although the Town representative may conduct inspections as necessary at any state of construction, the subdivider shall contact the Town Engineer for required inspections after the following phases of construction are completed by the subdivider, but prior to placement of subsequent layers:

A. Subbase shall not yield under the action of heavy equipment. The subdivider may elect not to repair yielding areas until completion of the gravel base course. Subbase shall be inspected no more than seventy-two (72) hours prior to placing gravel base course.

B. Gravel base course shall not yield under the action of heavy equipment. The subdivider shall repair any yielding areas and have those areas reinspected. This procedure shall be followed until all areas pass. Gravel base course shall be inspected no more than seventy-two (72) hours prior to placing asphalt binder course. In the event of rain after inspection, but prior to paving, the Town Engineer may require another inspection.

C. Asphalt binder course shall not yield under the action of heavy equipment or display cracks or potholes. The subdivider shall repair any yielding areas and have those areas reinspected. This procedure shall be followed until all areas pass. Asphalt binder course shall be inspected no more than seventy-two (72) hours prior to placing asphalt surface course. Asphalt tack coat shall be applied after passing inspection.

D. Asphalt surface course and shoulders shall be inspected after completion. The surface shall be smooth and free of cracks or other deficiencies.

8. Certification of Roadway Improvements. The subdivider shall supply certification from a registered engineer or land surveyor that the roadway has been constructed to grades and elevations in accordance with the plans approved by the Town. The Town may also request records including but not limited to survey records showing adequate depth of the layers of pavement structure.

9. Tests of Materials. The Town reserves the right to obtain a sample of the roadway base material prior to installation in the roadway to determine that the material meets specifications.

10. Pavement Samples. The Town may take samples of asphalt during pavement construction operations for purposes of determining that the material meets specifications.

11. Barricades. The subdivider shall construct permanent Class I barricades at the ends of all dead-end roads included in the subdivision.

12. Traffic signs. The subdivider shall provide and install traffic signs, street signs, striping, culvert posts and other road accessories to promote health and safety, as required by the Town Board. [Ord. 50 § 6 (37-6-53), 1996. Prior code § 10.10.6-4.]

11.30.050 Drainage – Design and construction.**a. Design.**

1. Design of all drainage and surface water facilities shall meet the general layout requirements described above.

2. The drainage system, including the road ditches, shall be designed to prevent flooding roads and buildings during the twenty-five (25) year, twenty-four (24) hour storm as defined in the Natural Resource Conservation Service Technical Release 20 or Technical Release 55. The drainage system shall consist of ditches along roads and lot lines, culverts at road crossings and driveway culverts, drainage swales along lot lines or across lots, and stormwater detention ponds.

3. The stormwater system shall convey and/or store the runoff generated within the proposed development, and runoff generated upstream and passing through the proposed development during the twenty-five (25) year, twenty-four (24) hour storm as described above.

4. The drainage system design shall include ground cover which will not erode during any storms up to and including the twenty-five (25) year, twenty-four (24) hour storm.

5. The proposed development shall maintain existing discharge points, discharge rates and discharge types (sheet flow, ditch flow, etc.) for all storms up to and including the twenty-five (25) year, twenty-four (24) hour storm as much as practicable. Existing localized potholes or ponds shall not be filled or drained without the approval of the Town since these are an important source of groundwater recharge.

6. Existing closed drainage basins shall not be altered to drain without the approval of the Town. Drainage of these areas can increase downstream flows, and reduce groundwater recharge.

7. During small storms (less than two (2) inches of rainfall), the drainage system shall allow infiltration as much as practicable.

8. Runoff routed down slopes greater than twelve (12) percent shall be spread over the face of the slope in a diffuse pattern in order to maximize infiltration and minimize erosion on the slope. Ditches or culverts shall not carry drainage down the slope.

9. The Town may request analysis of specific downstream ditches or culverts at road crossings to determine the effects of the development on the existing drainage system or roads.

10. If the stormwater system results in a change in the peak rate of discharge, the volume of discharge, or the type of discharge (sheet flow versus channelized flow), and the stormwater is not discharged to an existing waterway, pond, lake, stream, storage area, or established drainageway, the subdivider shall be responsible for obtaining drainage easements from the downstream property owner(s) until the discharge reaches an existing waterway, pond, lake, stream, storage area, or established drainageway. The Town shall assist the subdivider with acquiring the drainage easements by eminent domain, if necessary. The subdivider shall be responsible for all costs associated with acquisition of the drainage easements.

11. The developer shall provide to the Town of a copy of the certified survey map or subdivision plat showing the existing drainage patterns and the proposed drainage patterns after development. Subdivision plats shall also provide a copy of design calculations to showing the performance of the proposed system in both large and small storms.

12. The one hundred (100) year, twenty-four (24) hour storm shall also be analyzed. Areas which are inundated during the one hundred (100) year storm shall be deed-restricted to prohibit buildings or other structures which could be damaged by flood water. Roadways may be inundated during the one hundred (100) year, twenty-four (24) hour storm.

b. Changes to Existing Drainage. Changes to existing drainage patterns shall meet the following criteria:

1. The proposed drainage system, including road ditches, shall be designed to prevent flooding roads and buildings on both the newly created parcels and any other parcels of land.

2. The proposed drainage system, including road ditches, shall be designed to prevent flooding or ponding on upstream or downstream lands.

c. Construction.

1. All construction and materials used for stabilizing drainageways, ditches, and culverts shall be installed in accordance with the construction methods as listed in the appropriate sections of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction and its supplements, and this chapter, whichever is more restrictive.

2. Major drainage system components such as main receiving ditches or ponds shall be constructed as early as practicable during construction of the development in order to allow ground cover on these components to stabilize prior to receiving substantial runoff. [Ord. 50 § 6 (37-6-54), 1996. Prior code § 10.10.6-5.]

11.30.060 Final inspection and acceptance.

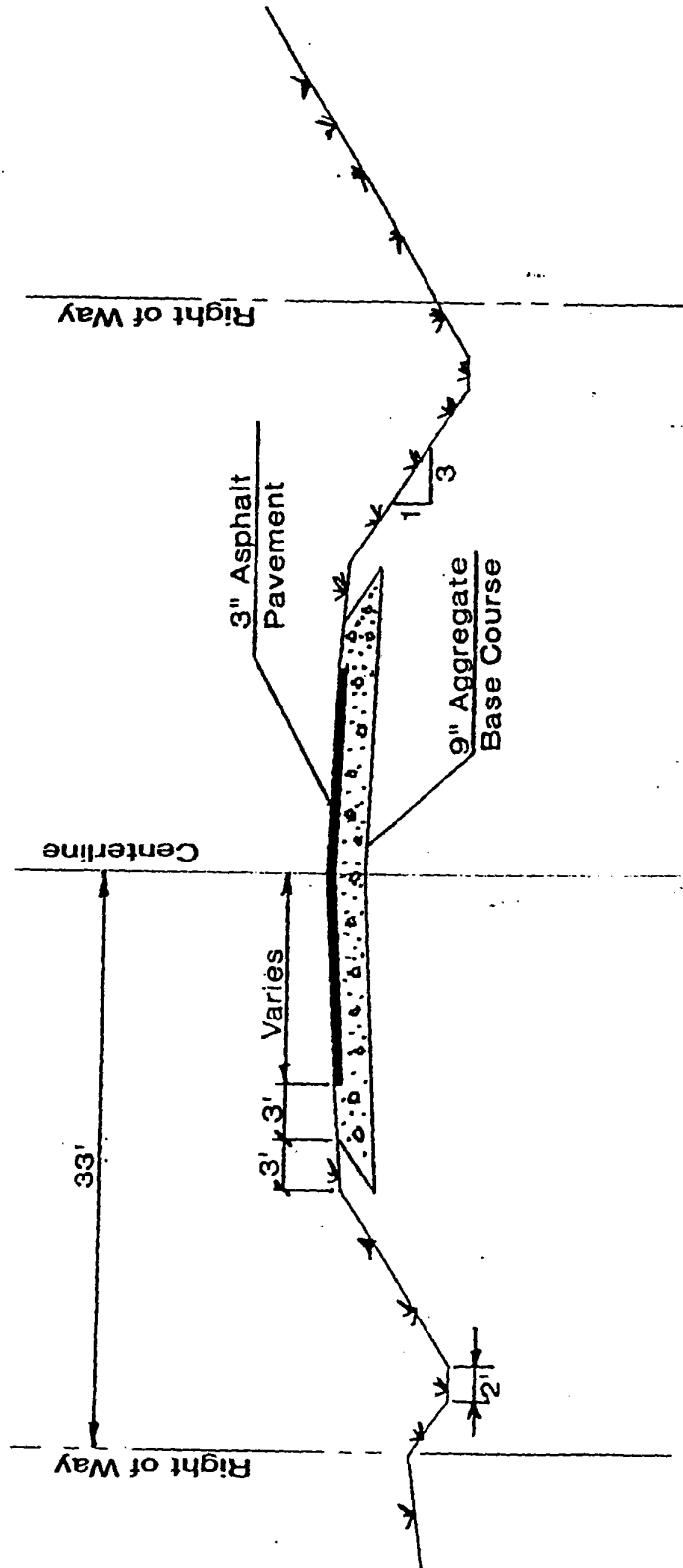
a. Final Inspection. The subdivider or representative and the Town Engineer or representative shall both be present for a final inspection of the public facilities, including, but not limited to, the roadways and stabilized drainage facilities. The Town Engineer or representative shall provide written notice of any deficiencies found at the final inspection. The subdivider shall inform the Town when all deficiencies have been corrected, and the Town Engineer or representative shall perform a follow-up inspection. This procedure shall be repeated until all deficiencies have been satisfactorily corrected.

b. Town Acceptance of Public Improvements. After the Town Engineer accepts the public improvements, the Engineer shall notify the developer in writing of this approval. The Town Clerk shall compile a final billing for inspection fees. This bill together with affidavits will be sent to the developer. The developer and all general contractors shall sign the affidavits swearing that there are no claims for damage or injuries as a result of the project nor any outstanding claims for surveyors, construction liens or unpaid wage claims.

1. Release of Security. When the developer has paid the inspection bill, and executed and returned the required affidavits, the Town Board shall permit reduction of the security furnished for the public improvements to an amount equal to one-quarter (1/4) of the anticipated cost of the improvements, which shall remain in force and effect for a period of one (1) year after the completion of the public improvements and acceptance by the Town Board to guarantee the improvements against defects in workmanship or materials. If any defects should appear during the guarantee period, the developer shall replace any improvement, or part thereof, or repair the defective work in an acceptable manner as required by the Town Board. Within ninety (90) days of the expiration of said one (1) year guarantee period, the Town Board will release the security to the developer. [Ord. 50 § 6 (37-6-55), 1996. Prior code § 10.10.6-6.]

MINIMUM DESIGN STANDARDS FOR TOWN ROADS IN NEW SUBDIVISIONS

ROADWAY											
DESIGN CLASS	DESIGN SPEED	RIGHT-OF-WAY WIDTH	ROADWAY WIDTH	TRAVEL LANE WIDTH	MINIMUM SHOULDER WIDTH AND SURFACE	MINIMUM PAVED CORNER RADIUS AT INTERSECTION	MINIMUM TANGENT BETWEEN HORIZONTAL REVERSE CURVES	MAXIMUM LONGITUDINAL GRADE	MINIMUM INTERSECTION SPACING	MINIMUM DRIVEWAY SPACING	PAVEMENT STRUCTURE
Arterial	55 mph	66 ft.	36 ft.	12 ft.	3 ft. paved and 3 ft. gravel	30 ft.	100 ft.	8%	600 ft.	Shared driveways encouraged	Design based on traffic; per Wis. DOT standards
Collector	45 mph	66 ft.	30 ft.	12 ft.	3 ft. gravel	25 ft.	100 ft.	8%	200 ft. or 2 lots	N/A	1 1/2 in. asphalt surface course over 1 1/2 in. asphalt binder course over 9 in. gravel base course
Local	30 mph	66 ft.	30 ft.	11 ft.	3 ft. gravel	25 ft.	0 ft.	8%	200 ft. or 2 lots	N/A	
Cul-de-Sac Stem	30 mph	66 ft.	30 ft.	11 ft.	3 ft. gravel	25 ft.	0 ft.	8%	N/A	N/A	
Cul-de-Sac Bulb	N/A	60 ft. radius	53 ft. radius	50 ft. radius	3 ft. gravel	N/A	N/A	8%	N/A	N/A	
Dead End	Determine classification of road after continuation. Use standards above.										



TOWN OF OREGON TYPICAL ROAD SECTION

Pavement crown: min=1.5%, max=2.5%

All cut or fill slopes shall be 3(horizontal):1(vertical) or flatter.

Chapter 11.35**PARK AND PUBLIC LAND DEDICATION**

Sections:

- 11.35.010 General park and public land dedication requirements.
- 11.35.020 Land dedication.
- 11.35.030 Reservation of additional land.
- 11.35.040 Design and development of park area.
- 11.35.050 Fees in lieu of land.

11.35.010 General park and public land dedication requirements.

In order that adequate open spaces and sites for public uses may be properly located and reserved, and in order that the cost of providing public areas, such as but not limited to parks and recreation areas, may be equitably apportioned on the basis of additional need created by the subdivision development, each land divider shall be required to dedicate land or fees in lieu of land for park or other public uses. [Ord. 50 § 7 (37-7-76), 1996. Prior code § 10.10.7-1.]

11.35.020 Land dedication.

a. Dedication Calculation. All subdividers shall be required to dedicate developable land to the Town for park or other public uses, other than streets or drainageways, at a rate of two thousand two hundred (2,200) square feet per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the land use plan or plan component of the Town of Oregon is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon recommendation from the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

b. Number of Dwelling Units. Land dedications shall be based upon the number of dwelling units specified on the plat or certified survey map, or other land division. The land dedication shall not exceed the maximum number of dwelling units permitted by the Dane County Zoning Ordinance. If the plat or certified survey does not specify the number of dwelling units, the land dedication or fee in lieu of land shall be based upon the maximum number of dwelling units permitted by Dane County Zoning Ordinance.

c. Utility Laterals. The subdivider shall provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to adjacent properties.

d. Access to Dedicated Lands. All lands dedicated under this section shall have at least one hundred (100) feet of frontage on a public street. Public access must be unrestricted.

e. Adaptability. Any land dedicated as a requirement of this section shall be reasonably adaptable for the intended park, recreation or other specified uses, and shall be at a location convenient to the people to be served. Factors used in evaluating adequacy shall include, but not be limited to, size, shape, topography, geography, tree cover, access and location. [Ord. 50 § 7 (37-7-77), 1996. Prior code § 10.10.7-2.]

11.35.030 Reservation of additional land.

When public parks and sites for other public areas as shown on any land use plan or plan component lie within the proposed area for development and are greater in area than required by the Town by OMC 11.35.020, the owner shall reserve for acquisition by the Town, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year after final plat approval, unless extended by mutual agreement. [Ord. 50 § 7 (37-7-78), 1996. Prior code § 10.10.7-3.]

11.35.040 Design and development of park area.

a. General Design. In the design of a land division or subdivision, the developer shall provide suitable sites of adequate area for parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the preliminary plat and final plat, or certified survey map, and shall comply with the Town of Oregon land use plan, or component of said plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

b. Dedication. When parklands are dedicated, the subdivider is required to:

1. Properly grade and contour for proper drainage;
2. Provide surface contour suitable for anticipated use of area; and

3. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Town, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall neither be excessively acid nor excessively alkaline.

c. The Town Board may require certification of compliance by the Town Engineer. The costs of such report shall be paid by the subdivider.

d. Development of parklands is to be completed as soon as ten (10) percent of the planned lots or dwelling units are sold, or two (2) years, as determined by the Town Board.

e. If the subdivider fails to satisfy the requirements of this section, the Town Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholdings of all building permits until such costs are paid, or the assessing of such costs as special charge against the developer's remaining lands pursuant to Wis. Stat. § 66.60(16) (1995-1996), in the discretion of the Town Board. [Ord. 50 § 7 (37-7-79), 1996. Prior code § 10.10.7-4.]

11.35.050 Fees in lieu of land.

a. Method of Calculation. Where, in the opinion of the Town Board, there is no land suitable for parks within the proposed subdivision or the dedication of the land would not be compatible with the Town's land use plan or any park plan, or the Town Board determined that a cash contribution would better serve the public interest, the Board may require the subdivider to contribute cash payment in lieu of land according to the following provisions:

1. The amount of fee imposed in lieu of land shall be as established by the Town Board by resolution for each dwelling unit.

2. The fee per dwelling unit shall be adjusted annually for inflation by using the Consumer Price Index, National Series (assuming May 1996 equals one hundred (100)) for all nonfood items as published by the U.S. Department of Labor, Bureau of Labor Statistics.

3. Payment shall be in a lump sum prior to the recording of a final plat, certified survey map, or land division.

b. Combination. The Town Board may require the subdivider to satisfy the dedication requirement of this section by combining land dedication with fee payments.

c. Exemption. Any land divider or subdivider shall be exempted from parkland dedication or payment of fees in lieu of land if the land divider or subdivider records a deed restriction prohibiting the construction of any dwelling units on any new parcels created by the land division or subdivision. Such deeds shall be recorded prior to the Town's approval of the final plat or certified survey map.

d. Park Fund. Funds paid to the Town under any fees in lieu of land provision or contributed from other sources for park development and improvements are to be placed in a separate fund designated for park development and improvement projects. The Town Board shall have the final right to approve or reject such projects. Said funds shall be continuing and shall not lapse at the end of the budget period. [Ord. 83 § 4, 2016; Ord. 50 § 7 (37-7-80), 1996. Prior code § 10.10.7-5.]

Chapter 11.40**CONDOMINIUM DEVELOPMENTS**

Sections:

11.40.010 Provisions applicable to condominiums.

11.40.010 Provisions applicable to condominiums.

a. Purpose.

1. The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

2. The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.

3. Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

- A. Additional population density;
- B. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
- C. Additional demands upon Town area parks, recreation areas, utility facilities and schools;
- D. Additional traffic and street use.

b. Portions of Chapter Applicable to Condominium Developments. The following sections of this chapter shall apply to condominium developments:

1. OMC 11.15.010 and 11.30.010 through 11.30.060, relating to land suitability and construction practices;

2. OMC 11.20.020 and 11.20.030, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in OMC 11.25.010 of this chapter shall not apply, since condominiums have separate technical standards set forth in Wis. Stat. Ch. 703 (1995-1996);

3. OMC 11.20.060(b)(1), (2), (3), (4), and (7) relating to fees for review;

4. OMC 11.30.010 through 11.30.060, relating to required improvements and design standards;

5. OMC 11.35.010 through 11.35.040, relating to dedication requirements.

c. This chapter shall not apply to the following condominiums:

1. Any condominium plat recorded prior to the effective date of the ordinance codified in this chapter;

2. Any conversion of a structure or structures in existence on the effective date of the ordinance codified in this chapter to a condominium after the effective date of the ordinance codified in this chapter. [Ord. 50 § 8 (37-8-84), 1996. Prior code § 10.10.8-1.]

Chapter 11.45**VARIANCES – PENALTIES AND VIOLATIONS**

Sections:

- 11.45.010 Variances and exceptions.
- 11.45.020 Enforcement and penalties.
- 11.45.030 Interpretation of chapter.

11.45.010 Variances and exceptions.

a. Where, in the judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and Town Board in the analysis of the proposed project.

b. The Plan Commission shall not recommend nor shall the Town Board grant variances or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

c. Any recommendations by the Plan Commission shall be transmitted to the Town Board. The Town Board, if it approves the variance, shall do so by motion or resolution, and instruct the Town Clerk to notify the Plan Commission and the subdivider. [Ord. 50 § 9 (37-9-87), 1996. Prior code § 10.10.9-1.]

11.45.020 Enforcement and penalties.

a. Enforcement.

1. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor subdivision, replat or condominium development within the jurisdiction of this chapter until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

2. Stop Work Orders. If any person, firm or corporation proceeds with any land dividing or developing activity in violation of this chapter, the Town Engineer shall serve a stop work order on the owner or his or her representative and a copy thereof shall be posted on the site. The stop work order shall not be removed except by written permission of the Town Engineer after satisfactory evidence is supplied of compliance with this chapter.

b. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Wis. Stat. §§ 236.30, 236.31, 236.32, 236.335, and 236.35 (1995-1996). In addition to the foregoing, the Town of Oregon may seek imposition of forfeitures pursuant hereto of not less than \$20.00 nor more than \$200.00 per viola-

tion. Each day that a violation continues shall be deemed a separate offense. [Ord. 50 § 9 (37-9-88), 1996. Prior code § 10.10.9-2.]

11.45.030 Interpretation of chapter.

a. Abrogation and More Restrictive Requirements. 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.

b. 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 Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

c. Severability. If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or applications.

d. Repeal of Conflicting Ordinances. All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

e. Effective Date. The ordinance codified in this chapter shall take effect upon passage and publication as provided by law. [Ord. 50 § 9 (37-9-89), 1996. Prior code § 10.10.9-3.]

Title 12

COMPREHENSIVE PLAN

Chapters:

12.05 Comprehensive Plan Adopted

Chapter 12.05**COMPREHENSIVE PLAN ADOPTED**

Sections:

12.05.010 Adopted.

12.05.010 Adopted.

a. Pursuant to Wis. Stat. §§ 60.22(3) and 62.23(2) and (3), the Town of Oregon is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2).

b. The Town Board of the Town of Oregon, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Wis. Stat. § 66.1001(4)(a).

c. The Plan Commission of the Town of Oregon, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document entitled, "Town of Oregon, Dane County, Wisconsin 2006 Comprehensive Plan," containing all of the elements specified in Wis. Stat. § 66.1001(2).

d. The Town has held at least one (1) public hearing on this chapter, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d).

e. The Town Board of the Town of Oregon, Wisconsin, does, by enactment of the ordinance codified in this chapter, formally adopt the document entitled, "Town of Oregon, Dane County, Wisconsin 2006 Comprehensive Plan," pursuant to Wis. Stat. § 66.1001(4)(c).

f. The ordinance codified in this chapter shall take effect upon passage by a majority vote of the members-elect of the Town Board and posting as required by law. [Ord. 64, 2007. Prior code § 10.11.1.]

Tables

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Resolution List and Disposition Table	C-1

CROSS-REFERENCE TABLE

This table provides users with the current disposition of sections from the prior Oregon Code of Ordinances. Thus, prior code section 2.2.3 currently appears in this code as OMC 2.10.030.

The prior code section information was derived from the Oregon Code of Ordinances, last revised in 1999, published by the Town of Oregon, WI.

Prior code	Herein	Prior code	Herein
2.1.1	2.05.010	4.2.12	4.10.120
2.2.1	2.10.010	4.2.13	4.10.130
2.2.2	2.10.020	4.2.14	4.10.140
2.2.3	2.10.030	4.2.15	4.10.150
2.2.4	2.10.040	4.5.1	4.25.010
2.2.5	2.10.050	4.5.2	4.25.020
2.2.6	2.10.060	4.5.3	4.25.030
2.2.7	2.10.070	4.5.4	4.25.040
2.2.8	2.10.080	4.5.5	4.25.050
2.2.9	2.10.090	4.5.6	4.25.060
2.2.10	2.10.100	4.5.7	4.25.070
2.4.1	2.20.010	4.5.8	4.25.080
2.5.1	2.25.010	4.5.9	4.25.090
2.5.2	2.25.020	4.5.10	4.25.100
2.5.3	2.25.030	4.5.11	4.25.110
2.6.1	2.30.010	4.5.12	4.25.120
2.6.2	2.30.020	5.1.1	Suspended
2.6.3	2.30.030	5.1.2	Suspended
2.6.4	2.30.040	5.1.3	Suspended
2.6.5	2.30.050	5.1.4	Suspended
2.6.6	2.30.060	5.1.5	Suspended
2.6.7	2.30.070	5.1.6	Suspended
4.2.1	4.10.010	5.1.7	Suspended
4.2.2	4.10.020	5.1.8	Suspended
4.2.3	4.10.030	5.1.9	Suspended
4.2.4	4.10.040	5.1.10	Suspended
4.2.5	4.10.050	5.1.11	Suspended
4.2.6	4.10.060	5.1.12	Suspended
4.2.7	4.10.070	5.1.13	Suspended
4.2.8	4.10.080	5.1.14	Suspended
4.2.9	4.10.090	5.1.15	Suspended
4.2.10	4.10.100	5.1.16	Suspended
4.2.11	4.10.110	5.1.17	Suspended

Prior code	Herein	Prior code	Herein
5.1.18	Suspended	7.1.11	7.05.110
5.1.19	Suspended	7.1.12	7.05.120
5.1.20	Suspended	7.2.1	7.10.010
5.1.21	Suspended	7.2.2	7.10.020
5.1.22	Suspended	7.2.3	7.10.030
5.1.23	Suspended	7.2.4	7.10.040
5.1.24	Suspended	7.2.5	7.10.050
5.1.25	Suspended	7.2.6	7.10.060
5.1.26	Suspended	7.2.7	7.10.070
6.2.1	6.10.010	7.2.8	7.10.080
6.2.2	6.10.020	7.2.9	7.10.090
6.2.3	6.10.030	7.2.10	7.10.100
6.2.4	6.10.040	7.2.11	7.10.110
6.2.5	6.10.050	7.3.1	7.15.010
6.2.6	6.10.060	7.3.2	7.15.020
6.2.7	6.10.070	7.3.3	7.15.030
6.2.7	6.10.080	7.3.4	7.15.040
6.2.9	6.10.090	7.3.5	7.15.050
6.2.10	6.10.100	7.3.6	7.15.060
6.2.11	6.10.110	7.3.7	7.15.070
6.2.12	6.10.120	7.4.1	Suspended
6.2.13	6.10.130	7.4.2	Suspended
6.3.1	6.15.010	7.4.3	Suspended
6.3.2	6.15.020	7.4.4	Suspended
6.3.3	6.15.030	7.4.5	Suspended
6.3.4	6.15.040	7.4.6	Suspended
6.3.5	6.15.050	7.4.7	Suspended
6.3.6	6.15.060	7.4.8	Suspended
6.3.7	6.15.070	7.4.9	Suspended
7.1.1	7.05.010	7.4.10	Suspended
7.1.2	7.05.020	7.4.11	Suspended
7.1.3	7.05.030	7.4.12	Suspended
7.1.4	7.05.040	7.4.13	Suspended
7.1.5	7.05.050	7.4.14	Suspended
7.1.6	7.05.060	7.4.15	Suspended
7.1.7	7.05.070	7.4.16	Suspended
7.1.8	7.05.080	8.1.1	8.05.010
7.1.9	7.05.090	8.1.2	8.05.020
7.1.10	7.05.100	8.1.3	8.05.030

Prior code	Herein	Prior code	Herein
8.1.4	8.05.040	10.1.8	10.05.080
8.1.5	8.05.050	10.1.9	10.05.090
8.1.6	8.05.060	10.2.1	10.10.010
8.2.1	8.10.010	10.2.2	10.10.020
8.4.1	8.30.010	10.2.3	10.10.030
9.2.1	9.10.010	10.2.4	10.10.040
9.2.2	9.10.020	10.2.5	10.10.050
9.2.3	9.10.030	10.2.6	10.10.060
9.2.4	9.10.040	10.3.1	10.15.010
9.2.5	9.10.050	10.10.1-1	11.05.010
9.2.6	9.10.060	10.10.1-2	11.05.020
9.2.7	9.10.070	10.10.1-3	11.05.030
9.2.8	9.10.080	10.10.1-4	11.05.040
9.2.9	9.10.090	10.10.1-5	11.05.050
9.2.10	9.10.100	10.10.1-6	11.05.060
9.2.11	9.10.110	10.10.1-7	11.05.070
9.2.12	9.10.120	10.10.1-8	11.05.080
9.2.13	9.10.130	10.10.2-1	11.10.010
9.2.14	9.10.140	10.10.3-1	11.15.010
9.2.15	9.10.150	10.10.3-2	Suspended
9.2.16	9.10.160	10.10.4-1	11.20.010
9.2.17	9.10.170	10.10.4-2	11.20.020
9.2.18	9.10.180	10.10.4-3	11.20.030
9.2.19	9.10.190	10.10.4-4	11.20.040
9.2.20	9.10.200	10.10.4-5	11.20.050
9.2.21	9.10.210	10.10.4-6	11.20.060
9.2.22	9.10.220	10.10.4-7	11.20.070
9.2.23	9.10.230	10.10.4-8	11.20.080
9.2.24	9.10.240	10.10.4-9	11.20.090
9.5.1	9.25.010	10.10.5-1	11.25.010
9.5.2	9.25.020	10.10.5-2	11.25.020
9.5.3	9.25.030	10.10.5-3	11.25.030
10.1.1	10.05.010	10.10.6-1	11.30.010
10.1.2	10.05.020	10.10.6-2	11.30.020
10.1.3	10.05.030	10.10.6-3	11.30.030
10.1.4	10.05.040	10.10.6-4	11.30.040
10.1.5	10.05.050	10.10.6-5	11.30.050
10.1.6	10.05.060	10.10.6-6	11.30.060
10.1.7	10.05.070	10.10.7-1	11.35.010

Prior code	Herein
10.10.7-2	11.35.020
10.10.7-3	11.35.030
10.10.7-4	11.35.040
10.10.7-5	11.35.050
10.10.8-1	11.40.010
10.10.9-1	11.45.010
10.10.9-2	11.45.020
10.10.9-3	11.45.030

ORDINANCE LIST AND DISPOSITION TABLE

This table lists all ordinances. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. “Not codified” indicates that the ordinance could have been codified but was not for some reason (superseded by a later ordinance, codified in a separate publication). “Special” means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy, street vacation).

- 1 Office of municipal justice (Repealed by 51)
- 2 Dogs (Repealed by 26)
- 3 Mobile homes and mobile home parks (Suspended)¹
- 4 Plan commission (2.30)
- 5 Building code (10.05)
- 6 Amends Ord. 3 §§ 1 and 13, mobile homes and mobile home parks (Suspended)
- 7 Adds. Ord. 3 § 2(g), mobile homes and mobile home parks (Suspended)
- 8 Traffic (Repealed by 49)
- 9 Offenses against public policy and public safety, peace and quiet (9.10)
- 10 Subdivisions (Repealed by 50)
- 11 Amends Ord. 10, subdivisions (Repealed by 50)
- 12 Speed limits (Superseded by 54)
- 13 Prohibits receipt of gifts or gratuities (2.25)
- 14 Subdivisions (Repealed by 50)
- 15 Amends Ord. 4 §§ 2 and 4, plan commission (2.30)
- 16 Highway excavations and driveway permits (Repealed by 28)
- 17 Solid waste disposal site (6.15)
- 18 Subdivisions (Repealed by 50)
- 19 Speed limits (Superseded by 54)
- 20 Subdivisions (Repealed by 50)
- 21 Driveway permits (Repealed by 28)
- 22 Subdivisions (Repealed by 50)
- 23 Annexation (10.15)
- 24 Amends Ord. 5 § 5(g); repeals and replaces Ord. 5 § 6(a), building code (10.05)
- 25 Amends Ord. 9, abandoned vehicles (9.10)
- 26 Repeals and replaces Ord. 2, dogs (Repealed by 55)
- 27 Speed limits (8.10)
- 28 Highway excavations and driveway permits (Repealed by 53)
- 29 Subdivisions (Repealed by 50)
- 30 Park regulations (Superseded by 32)
- 31 Amends Ord. 10, temporary prohibition of subdivisions (Repealed by 50)
- 32 Park regulations (4.25)
- 33 Subdivisions (Repealed by 50)
- 34 Town constable (2.25)
- 35 Newspaper recycling (6.10)
- 36 Alcohol (7.10)
- 37 Subdivisions (Repealed by 50)
- 38 Voter registration (2.05)

1. Code reviser's note: Chapter 7.07, Mobiles Homes, originally consisted of Prior Code §§ 7.4.1 through 7.4.16, and was amended by Ords. 3, 6, 7 and 83. This chapter was suspended at the city's request due to the Town of Oregon following Dane County Zoning Ordinance Chapters 10.103(14) and 10.255.

- 39 Subdivisions (Repealed by 50)
- 40 Uniform dwelling code (10.10)
- 41 Solid waste disposal and recycling (6.10)
- 42 Operator's licenses (7.15)
- 43 Cable television franchise (Suspended)¹
- 44 Subdivisions (Repealed by 50)
- 45 Amends Ord. 41 §§ 2, 3, 4, 5(A) and (B)(2), 6 and 10; repeals Ord. 41 § 5(B)(1), solid waste disposal and recycling (6.10)
- 46 Subdivisions (Repealed by 50)
- 47 Subdivisions (Repealed by 50)
- 48 Juvenile code (9.25)
- 49 Repeals Ord. 8, traffic code (8.05)
- 50 Land division and subdivision code (11.05, 11.10, 11.15, 11.20, 11.25, 11.30, 11.35, 11.40, 11.45)
- 51 Joint municipal court for Village of Oregon and Town of Oregon; repeals Ord. 1 (2.10)
- 52 Traffic code (8.05)
- 53 Driveways and field roads (4.10)
- 54 Speed limits (8.10)
- 55 Repeals and replaces Ord. 26, dogs (7.05)
- 56 Amends Ord. 40 §§ 1(a) and (b) and 2(b); repeals and replaces Ord. 40 §§ 2(a) and 3, building code (10.05)
- 57 Adds prior code § 2.4.1, town supervisors (2.20)
- 58 Amends Ord. 51 § 1(c)(1), joint municipal judge (2.10)
- 59 Adds prior code § 2.5.3, town clerk (2.25)
- 60 Adds prior code § 10.1.9, site plan regulations (10.05)
- 61 Speed limits (Not codified)
- 62 Amends prior code § 4.5.4, park hours (4.25)
- 63 Subdivision plat approval moratorium (Special)
- 64 Adopts comprehensive plan (12.05)
- 65 Amends prior code § 2.6.2, plan commission (2.30)
- 66 Adds prior code § 10.2.3(g), building permits (10.10)
- 67 Subdivision plat approval moratorium (Special)
- 68 Town assuming responsibility of treasurer (Special)
- 69 Amends prior code § 4.5.11, park regulations (4.25)
- 70 Amends prior code § 9.2.23, public safety and peace (9.10)
- 71 Amends comprehensive plan (Special)
- 72 Amends prior code § 10.10.6-1(c)(9), fences (11.30)
- 73 Amends comprehensive plan (Special)
- 74 Repeals and replaces prior code § 2.5.1, town constable (2.25)
- 75 Town assuming responsibility of treasurer (Special)
- 76 Amends prior code § 9.2.14, compression brakes (9.10)
- 77 Town assuming responsibility of treasurer (Special)
- 78 Amends prior code §§ 10.10.4-3(c), 10.10.4-4(a)(2) and 10.10.4-9(a), subdivisions (11.20)
- 79 Amends comprehensive plan (Special)
- 80 Town officer term extension (Special)
- 81 Social hosts (9.30)
- 82 Amends comprehensive plan (Special)
- 83 Establishes process for updating municipal fees; amends municipal code to remove references to specific fees (4.10, 7.05, 7.10, 7.15, 8.05, 10.05, 11.20, 11.35)

1. Code reviser's note: Chapter 5.05, Cable Television, originally consisted of Prior Code §§ 5.1.1 through 5.1.26, and was amended by Ords. 43 and 83. This chapter was suspended at the city's request due to the passing of 2007 Wisconsin Act 42.

- 84 Adopts town cemetery regulations (4.30)
- 85 Amends Ch. 4.10, driveways, culverts (4.10)
- 86 Adds prior code § 8.4.1, parking (8.30)
- 87 Adopts Wisconsin municipal records schedule (2.50)
- 88 Adopts Wis. Stat. § 70.47(7)(af) by reference, confidential property valuation (2.50)
- 89 Adopts Wisconsin Administrative Code SPS 316 (10.05)
- 90 Adopts municipal board of absentee canvassers (2.60)

RESOLUTION LIST AND DISPOSITION TABLE

This table lists all codified resolutions. If a resolution is codified, its location in the code is cited by chapter number at the end of the resolution description. Resolutions are codified if they are general, permanent, and/or include penalty provisions for noncompliance. “Not codified” indicates that the resolution could have been codified but was not for some reason (superseded by a later enactment, codified in a separate publication). “Special” means the resolution was special in nature or for a specific period of time (e.g., budget, annexation, tax levy, street vacation).

02-2007 Suspends groundwater protection overlay policy (11.15)