SUPPLEMENT NO. 2
July 2011

CODE OF ORDINANCES

Town of

WATERTOWN, WISCONSIN

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance of April 11, 2011.

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 1
April 2010

CODE OF ORDINANCES

Town of

WATERTOWN, WISCONSIN

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance of January 11, 2010.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
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CODE

OF THE TOWN OF

WATERTOWN, WISCONSIN

Published by Order of the Town Board of Supervisors

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 2009

OFFICIALS

of the

TOWN OF

WATERTOWN, WISCONSIN

AT THE TIME OF THIS CODIFICATION

Richard Gimler
Chairman

Edward Bielinski
Mary Horack
Town Board of Supervisors

Amy Winkelman
Treasurer

Andrew Griggs
Town Attorney

James Wendt
Town Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the Town of Watertown, Wisconsin.

Source materials used in the preparation of the Code were the 1997 Compiled Ordinances, as supplemented through August 12, 2002, and ordinances subsequently adopted by the Town Board of Supervisors. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1997 Compiled Ordinances, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation that represents a certain portion of

the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index that stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the

responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Sandra S. Fox, Code Attorney, and Lisa Stevens, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mary Horack, Town Supervisor; James Wendt, Town Clerk; and Andrew Griggs, Town Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

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ADOPTING ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF WATERTOWN, WISCONSIN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WATERTOWN, WISCONSIN:

Section 1. The Code entitled "The Code of Ordinances; Town of Watertown, Wisconsin," published by Municipal Code Corporation, consisting of chapters 1 through 54, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before May 12, 2008, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed $500.00 for a first offense or $1,000.00 for a second offense and, in the event of default in payment of such forfeiture, shall be collected as a special charge on the real estate tax bill of the non-paying property owner and any improved parcel or corporation and shall be collected as a special charge with interest at the rate of 12% per annum on the unpaid balance. Further, in lieu of a fine the Town Board in its discretion may issue a warning before any fine is ultimately given. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Town Board to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after May 12, 2008, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective April 13, 2009.

Passed and adopted by the Town this 13th day of April, 2009.

/s/ Richard Gimler,
Town Chairperson

/s/ Ed Bielinski, Supervisor

/s/ Mary Horack, Supervisor

ATTEST:

/s/ James Wendt, Clerk

Date adopted: April 13, 2009

Date published: April 18, 2009

Effective date: April 18, 2009

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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CD42:13, CD42:14	OC	SLT:1, SLT:2	2
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CDi:49	OC

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. of	Include/Omit	Supp. No.
11-15-2004	Include	2
6-14-2010	Include	2
4-11-2011	Include	2

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

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Sec. 1-2. Definitions and rules of construction.
Sec. 1-3. Conflict.
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Sec. 1-5. References to chapters or sections.
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Sec. 1-18. Separability of Code provisions.
Sec. 1-19. Penalty provisions.

***State law references—**Towns, Wis. Stats. § 60.001 et seq.; general municipality law, Wis. Stats. § 66.0101 et seq.

Sec. 1-1. Title; effective date; citation.

This Code shall be known as the "Code of the Town of Watertown, Wisconsin," and shall take effect from and after passage and publication.

State law references—Authority for codification of ordinances, Wis. Stats. § 66.0103; publication and posting of ordinances and resolutions, Wis. Stats. § 60.80.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code of general ordinances, the following definitions and rules of construction shall be observed, unless such definitions and rules of construction would be inconsistent with the manifest intent of the Code provisions:

Generally. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of this Code.

Acts by agents. When a provision requires an act to be done that may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

Code. Whenever the term "Code" or "Code of Ordinances" is used without further qualification, it shall mean this Code as designated in section 1-1.

Computation of time. When a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted, but the last day shall be counted, and if the last day falls on Saturday or Sunday the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in Wis. Stats. § 19.345, the person having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

County. The term "county" means Jefferson County, Wisconsin.

Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.

Following. The term "following" means next after.

Gender. Any term importing the masculine gender shall extend to and be applied to females and to firms, partnerships and corporations as well as to males.

Includes. The term "includes" does not limit a term to a specified example.

Joint authority. All words purporting to give a joint authority to three or more town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Number. Every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing, and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

Oath. The term "oath" includes affirmation in all cases where by law an affirmation may be substituted for an oath. If an oath or affirmation is required to be taken, such oath or affirmation shall be taken before and administered by some officer authorized by law to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered, it shall end with the words "so help me God." In actions and proceedings in the court, a person may take an oath or affirmation in communication with the administering officer by telephone or audiovisual means.

Officers and employees. Whenever any officer or employee is referred to by title, such as "town clerk" or "clerk," it shall be construed as if followed by the words, "of the Town of Watertown, Wisconsin."

Or, and. The term "or" may be read "and," and the term "and" may be read "or" if the sense requires it.

Owner. The term "owner," as applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole part of such building or land.

Person. The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued, unless plainly inapplicable.

Personal property. The term "personal property" includes every species of property except real property.

Preceding. The term "preceding" means next before.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" includes real property, personal property and mixed property.

Public place. The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, road, public way, cemetery, schoolyard or adjacent open space and any lake or stream.

Real property, real estate, land, lands. The terms "real property," "real estate," "land" and "lands" include lands, tenements and hereditaments.

Road. The term "road" means any alley, avenue, boulevard, highway, road, lane, viaduct, bridge and the approach thereto, and any other public thoroughfare in the town. The term "road" also means the entire width thereof between abutting property lines, including the road shoulder. The term "road" includes a sidewalk or footpath.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" shall mean any portion of a road between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature. If the signature of any person is required by law, it shall always be the handwriting of such person, or if the person is unable to write, the person's mark or the person's name written by some other person at the person's request and in the person's presence, including the identification of the witness and any federally mandated facsimile signature.

State. The term "state" means the State of Wisconsin.

Tenant, occupant. The terms "tenant" and "occupant," as applied to a building or land include:

(1) Any person holding, either alone or with others, a written or oral lease of such building or land.

(2) Any person who, either alone or with others, occupies such building or land.

Tense. Terms used in the past or present tense include the future as well as the past and present.

Town. The term "town" means the Town of Watertown, Wisconsin.

Town board, board, board of supervisors. The terms "town board," "board," and "board of supervisors" mean the board of supervisors of the Town of Watertown, Wisconsin.

Week. The term "week" means a period of seven consecutive days.

Wis. Admin. Code. The term "Wis. Admin. Code" means the current administrative regulations promulgated pursuant to law by state agencies.

Wisconsin Statutes. The terms "Wisconsin Statutes" and "Wis. Stats.," wherever used in this Code, shall mean the Wisconsin Statutes for the current year; the term shall include session laws of the legislature not yet printed in statute form.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year.

Sec. 1-3. Conflict.

(a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.

(b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

(c) If any of the provisions hereof conflict, and the conflict cannot be resolved by application of subsections (a) and (b) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

Sec. 1-4. Catchlines of sections and other headings.

The catchlines of the several sections and other headings of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

Sec. 1-5. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

Sec. 1-6. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-7. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-8. Provisions deemed continuations of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the town relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-9. Effective dates.

(a) *This Code.* This Code shall take effect from and after passage and publication as provided by state law.

(b) *Subsequent ordinances.* All ordinances passed by the town board subsequent to the adoption of this Code, except when otherwise specifically provided, shall take effect from and after their publication.

Sec. 1-10. Certain ordinances not affected by Code.

The adoption of this Code shall not act to repeal any ordinances, parts of ordinances, or resolutions, of prior code provisions relating to the following subjects and not conflicting with the provisions of this Code, except that some of the following provisions may be amended by this Code:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the town, or any contract or obligations assumed by the town;

(3) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of the Code;

(4) Any appropriation ordinance or resolution;

(5) Any right or franchise granted by the town board to any person, firm or corporation;

(6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any road or public way in the town;

(7) Any ordinance or resolution establishing or prescribing the road grades of any roads in the town;

(8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;

(9) Any ordinance or resolution dedicating or accepting any plat or subdivision in the town;

(10) Any ordinance annexing property to the town;

(11) Any ordinance or resolution regulating the erection, alteration, repair, maintenance, demolition, moving or removal of buildings or other structures;

(12) Zoning ordinances; dwelling building code; and other building code ordinances;

(13) Charter ordinances;

(14) The issuance of corporate bonds and notes of the town of whatever name or description;

(15) Water and sewer rates, rules and regulations and sewer and water main construction;

(16) Ordinances establishing bulkhead lines.

Sec. 1-11. Effect of repeals.

The repeal or amendment of any provision of this Code or of any other ordinance or resolution of the common town board shall not:

(1) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provision, unless the town has expressly reserved the right to revoke such right, privilege, obligation or liability.

(2) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture that has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

Sec. 1-12. Amendments; language of amendments; new material; repeals.

(a) All ordinances passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion of a chapter, article, division, section or subsection, such repealed portions may be excluded from the Code by omission from affected reprinted pages; and the subsequent ordinances, as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the town board.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section ____ of the Code of the Town of Watertown, Wisconsin, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of the Town of Watertown, Wisconsin, is amended by adding a section to be numbered ____, which section reads as follows: . . . ." The new section may then be set out in full as desired.

(d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

Sec. 1-13. Effect of amendments to Code.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the town board to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to this Code shall be understood and intended to include such additions and amendments.

Sec. 1-14. Code does not affect prior offenses, rights, etc.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or allowing any use or the continuance of any use of a structure or premises in violation of any ordinance of the town in effect on the date of adoption of this Code.

Sec. 1-15. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the board.

Sec. 1-16. Keeping Code current; reviser's amendments.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the town. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

(4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.

(5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections ____ to ____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-17. Clerk to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the state statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth in this Code, and the clerk is directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the clerk's office hours, subject to such orders or regulations that the clerk may prescribe for their preservation.

Sec. 1-18. Separability of Code provisions.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The town chair and town board declare that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

Sec. 1-19. Penalty provisions.

(a) *Penalty schedule.* The town board has adopted a schedule of specific penalties, as amended from time to time, which schedule is available in the office of the town clerk. Penalties for violation of any provision of this Code that are not specifically addressed in the penalty schedule or in this Code shall be subject to the general penalty set forth in this section.

(b) *General penalty.* Unless otherwise specifically provided in the penalty schedule referred to in subsection (a) of this section or in this Code, any person who violates any of the provisions of this Code shall, upon conviction, be subject to a penalty as follows:

(1) *First offense; penalty.* For the first offense, forfeiture of not less than $50.00 nor more than $1,000.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 90 days and not exceeding the penalty authorized by statute.

(2) *Second offense; penalty.* For the second and all subsequent offenses of the same provision or ordinance within one year forfeiture of not less than $100.00 nor more

than $2,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.

(c) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Code or ordinance of the town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

State law references—Authority of municipalities to prohibit criminal conduct, Wis. Stats. § 66.0107; penalty for violation of ordinances, Wis. Stats. § 66.0109; bail generally, Wis. Stats. § 66.0417; outstanding unpaid forfeitures, Wis. Stats. § 66.0115; actions for violations of municipal ordinances, Wis. Stats. § 66.0114; fines and costs in municipal court, Wis. Stats. § 814.65.

Chapter 2

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***State law references—**Legal status and general powers of towns, Wis. Stats. § 60.01 et seq.; general municipality law, Wis. Stats. § 66.001 et seq.; home rule powers of municipalities, Wis. Stats. § 66.0101.

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ARTICLE I. IN GENERAL

Sec. 2-1. Form of government; town meetings.

The town board has the specific authority, powers and duties, pursuant to Wis. Stats. §§ 60.10, 60.20, 60.22 and 60.23 and has, with authorization of the town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the town. In addition, the town board has additional general specific statutory authority, powers and duties established beyond Wis. Stats. § 60.001 et seq.
(Comp. Ords. 1997, § 3.102; Ord. No. 97-2, § 1.102, 10-21-1997)

Secs. 2-2—2-20. Reserved.

ARTICLE II. TOWN BOARD OF SUPERVISORS*

Sec. 2-21. Members; terms.

The town board shall consist of three members, two of whom shall be known as "town supervisors" and the third who shall be known as the "town chairperson." The supervisors shall be designated as supervisor 1 and supervisor 2. Board members shall serve for terms of two years.
(Comp. Ords. 1997, § 3.104; Ord. No. 97-2, § 1.104, 10-21-1997)

State law references—Election of town officials, Wis. Stats. § 60.30(1); terms, Wis. Stats. § 60.30(4); town board chairperson as presiding officer, Wis. Stats. § 60.13.

Sec. 2-22. Compensation.

Town board members shall receive an annual salary established by the electors at the annual town meeting, the budget meeting, or a special town meeting. Such salary shall be payable in 12 equal monthly installments, commencing in the month after the member's term of office begins. In addition, per diems and actual out-of-pocket expenses incurred by town board members in the conduct of town affairs may be reimbursed. The payroll and requests for reimbursement shall be referred to the town chair for review and approval prior to disbursement.

State law references—Compensation of elected town officials, Wis. Stats. § 60.32; compensation of governing bodies, Wis. Stats. § 66.0505; reimbursement of expenses incurred by town officials, Wis. Stats. § 60.321.

***State law references—**Town board generally, Wis. Stats. § 60.20 et seq.; eligibility for municipal office, Wis. Stats. § 66.0501; election and appointment of town officers, Wis. Stats. § 60.30.

Sec. 2-23. Quorum of town board.

A legal quorum of a town board is a majority of its members. The current town board consists of three members, and two members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the town board.
(Comp. Ords. 1997, § 3.105; Ord. No. 97-2, § 1.105, 10-21-1997)

State law reference—Quorum of town board, Wis. Stats. § 60.20(2).

Sec. 2-24. Meetings of town board.

A meeting of the town board may be held within the town or in any town, city or village within or adjoining the town subject to the open meeting provisions of Wis. Stats. § 19.81 et seq.
(Comp. Ords. 1997, § 3.106; Ord. No. 97-2, § 1.106, 10-21-1997)

State law reference—Meetings of town board, Wis. Stats. § 60.20(3).

Sec. 2-25. General statutory authority, powers and duties of town board.

The town board has the following specific powers and specific duties that are established in Wis. Stats. § 60.22 and Wis. Stats. § 60.23:

(1) *Charge of town officers.* The town board has charge of all affairs of the town not committed by law to another body or officer or to a town employee.

(2) *Charge of actions.* The town board has charge of any action or legal proceeding to which the town is a party.

(3) *Pursue claims of town.* The town board shall demand payment of penalties and forfeitures recoverable by the town and damages incurred by the town due to breach of any official bond, any injury to property or other injury. Following demand by the town board, appropriate action shall be pursued to recover the appropriate penalty, forfeiture or damages.

(4) *Joint participation agreements.* The town board may cooperate with state, county or other units of government in the state, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, building and facilities for regional projects whether or not located in the town.

(5) *Association of towns.* The town board may appropriate money to purchase membership in any association of town boards for the protection of town interests and improvement of town government.

(6) *Cemeteries.* The town board may provide for cemeteries.

(7) *Change of road names.* The town board may name or change the name of any road in the town.

(Comp. Ords. 1997, § 3.107; Ord. No. 97-2, § 1.107, 10-21-1997)

State law references—Intergovernmental cooperation, Wis. Stats. § 66.0301; authority to regulate cemeteries, Wis. Stats. § 157.061; duty to name town roads, Wis. Stats. § 82.03(7).

Sec. 2-26. Meeting rules of procedures.

(a) *Regular meetings.* The regular meeting of the town board will be held at the town hall monthly at such times and on such dates as are established from time to time by the town board.

(b) *Regular meeting days that fall on holidays.* Any regular meeting of the town board falling upon a legal holiday shall be held on the day designated by the town board.

(c) *Notice of meetings held at substitute locations.* Any meeting of the town board, including any special or adjourned meetings that are not held at the town hall but at any other substitute location, shall be designated by the town chair or his designee, in compliance with open meeting requirements, by posting a proper written notice of the substituted location at the three usual and customary posting locations likely to give notice. This notice shall occur at least 24 hours prior to the meeting of the town board, unless in an emergency wherein the proper notice posting shall occur at least two hours prior to the meeting of the town board.

(d) *Customary locations where notices are posted.* The usual and customary posting locations shall be three of the following unless the town board directs posting at other locations:

(1) Town hall.

(2) Display case at chairperson's home.

(3) Published notice in Watertown Daily Times newspaper.

(4) Town website.

(e) *Special meetings.* Special meetings of the town board attended by a quorum of the members shall be considered a regular meeting of the town board for the transaction of any town business that may come before the town board if such regular town business was so noted in the written notice to the public as required by state law and this Code.

(f) *Adjourned meetings of the town board.* The town board may, by majority vote, adjourn any special meeting of the town board' from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the Open Meeting Law. (Comp. Ords. 1997, § 3.108; Ord. No. 97-2, § 1.108, 10-21-1997)

State law reference—Meetings of town board, Wis. Stats. § 60.20(3).

Sec. 2-27. Order of business.

The business of the town board shall be conducted in the following order:

(1) Call to order by presiding officer; pledge of allegiance.

(2) Roll call. If a quorum is not present, the meeting shall be adjourned, which may be to a specified date.

(3) Report by the town chair, or his designee, regarding compliance with the Open Meeting Law.

(4) Acceptance of agenda.

(5) Public comment.

(6) Review of minutes from last meeting.

(7) Financial report.

(8) Payment of claims.

(9) Reports of committees.

(10) New business, including introduction of ordinances and resolutions.

(11) Tabled items or other unfinished business from previous meeting.

(12) Communications and board comments.

(13) Adjournment.

Sec. 2-28. Presiding officer.

(a) *Control of meeting.* The town chair shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

(b) *Absence of town chair.* If the town chair is absent at any meeting, the clerk shall call the meeting to order and preside until the board selects a supervisor to preside for that meeting.

State law reference—Meetings of town board, Wis. Stats. § 60.20(3).

Sec. 2-29. Ordinances, resolutions and motions.

Ordinances, resolutions, bylaws, communications and other matters submitted to the board shall be read by title and author. No ordinance, resolution or bylaw shall be considered unless presented in writing by a supervisor. Unless requested by a supervisor before a final vote is taken, no ordinance, resolution or bylaw need be read in full. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the motion and the person seconding it.

Sec. 2-30. General rules.

The deliberations of the board shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised. No person other than a member shall address the town board except by majority vote of the members present.

Sec. 2-31. Suspension of rules.

The rules of this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

Secs. 2-32—2-50. Reserved.

ARTICLE III. ELECTIONS*

Sec. 2-51. Electors to register with town clerk.

All electors of the town shall register with the town clerk as provided in Wis. Stats. § 6.26 through Wis. Stats. § 6.57.
(Comp. Ords. 1997, § 1.001; Ord. No. 18, § 1, 12-18-1981)

Secs. 2-52—2-75. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES†

Sec. 2-76. Hiring of personnel.

(a) Permanent employees of the town shall be hired by the town board. Temporary employees of the town may be hired by the town chairperson. The town clerk shall be consulted when hiring persons for employment in the clerk's office.

(b) The compensation, terms and conditions of employment of town employees shall be established by the town board.

(c) Employees working in the town park and recreation programs shall be hired by the town board.

Sec. 2-77. Appointed officials.

The appointed officials of the town shall consist of the following:

(1) *Weed commissioner.* The weed commisisoner is appointed by the town chair in May of each year for a one-year term.

(2) *Town assessor.* The town assessor is appointed by the town board.

State law references—Appointment of town assessor, Wis. Stats. § 60.307(2); appointment of weed commissioner, Wis. Stats. § 66.0517(2)(a).

Secs. 2-78—2-97. Reserved.

***State law reference—**Elections generally, Wis. Stats. § 5.01 et seq.

†**State law references—**Town employees, Wis. Stats. § 60.37; duties of town clerk, Wis. Stats. § 60.33; duties of town treasurer, Wis. Stats. § 60.34.

ARTICLE V. BOARDS AND COMMISSIONS

Sec. 2-98. Plan commission.

The plan commission shall consist of at least five members as follows:

(1) *Town board members.* Subject to confirmation by the town board, the town chair may appoint not more than two town board supervisors and, at the discretion of the chair, may include himself (as one of the town board members) who may also be the presiding officer or chair of the plan commission.

(2) *Plan commission chair (if not town board chair).* The town chair may appoint a town resident as chair of the plan commission for a two-year term.

(3) *Town residents.* The town board may appoint up to five nonelected or appointed residents for two-year terms.

(4) *Appointments.* Appointments shall be in the month of February or at any other time if a vacancy occurs in the middle of a term.

(5) *Officers.* A vice-chair may be elected annually by the plan commission.

(6) *Oaths.* The official oaths shall be taken by all members in accordance with Wis. Stats. § 19.01 within ten days of receiving notice of their appointments.

Sec. 2-99. Board of review.

(a) *Appointment; membership.* The board of review shall consist of all town board members.

(b) *Alternate members.* Up to two alternate members shall be appointed by the town board.

(c) *Town clerk responsibilities.* The town clerk is a voting member of the board of review and shall keep, pursuant to Wis. Stats. § 70.46(2), an accurate record of all the board's proceedings.

(d) *Training.* Board of review training, provided by the department of revenue or its designee, is required for all board of review members.

Sec. 2-100. Ad hoc committees.

(a) *Appointment.* The town chair, subject to town board confirmation, shall appoint all ad hoc committees and designate the chair of each.

(b) *Membership.* The membership of ad hoc committees may be town board members or citizens or a combination thereof.

(c) *Reports.* Each ad hoc committee shall, from time to time, submit written or oral reports and recommendations as requested by the town board.

(d) *Term.* The term of each ad hoc committee shall be for either a term established by the town board or until terminated by the board.

Secs. 2-101—2-128. Reserved.

ARTICLE VI. ADMINISTRATIVE APPEALS*

Sec. 2-129. Purpose of article.

The purpose of this article is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by all town officers, employees, agents, agencies, committees, boards and commissions which may involve constitutionally protected rights of specific persons which are entitled to due process protection under the 14th Amendment to the U.S. Constitution. Wis. Stats. § 68.001 et seq., relating to municipal administrative review procedure, shall be in full force and effect in the town, except as to those provisions otherwise provided in this article.

Sec. 2-130. Administrative review appeals board.

The administrative review appeals board shall be comprised of the number of members established from time to time by the town board. The administrative review appeals board shall have the duty and responsibility of hearing appeals from initial determinations of administrative determinations or decisions of town officers, employees, agents, agencies, committees, boards and commissions filed in accordance with Wis. Stats. § 68.10. In conducting administrative review hearings and making final decisions, such board shall be governed by Wis. Stats. §§ 68.11 and 68.12.

Sec. 2-131. Review of initial determination.

Upon the filing of a written request by any person aggrieved to review an initial determination filed pursuant to the provisions of Wis. Stats. § 68.08, all town officers, employees, agents, agencies, committees, boards and commissions receiving such a request shall conduct administrative reviews of their own determinations in accordance with Wis. Stats. § 68.09. In addition, all such written requests shall be immediately referred to the town attorney.

Sec. 2-132. Determinations—Reviewable.

The following determinations are reviewable under this article:

(1) The grant or denial, in whole or in part, after application for an initial permit, license, right, privilege or authority, except an alcohol beverage license.

(2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in section 2-133, regarding determinations not subject to review.

(3) The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.

***State law reference—**Municipal administrative procedures generally, Wis. Stats. § 68.001 et seq.

(4) The imposition of a penalty or sanction upon any person except a town employee or officer, other than by a court.

Sec. 2-133. Same—Not subject to review.

Except as provided in the preceding section, the following determinations are not reviewable under this article:

(1) A legislative enactment, which is an ordinance, resolution or adopted motion of the town board.

(2) Any action subject to administrative or judicial review procedures under statutes other than Wis. Stats. ch. 68.

(3) The denial of a tort or contract claim for money, required to be filed with the town pursuant to statutory procedures for the filing of such claims.

(4) The suspension, removal or disciplining or nonrenewal of a contract of a town employee or officer.

(5) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor license under Wis. Stats. § 125.12(1), (2) and (3).

(6) Judgments and orders of a court.

(7) Determinations made during town labor negotiations.

(8) Any action which is subject to administrative review procedures as otherwise provided in this Code.

(9) Notwithstanding any other provision of this article, any action or determination of a town authority which does not involve the constitutionally protected right of a specific person to due process in connection with the action or determination.

Secs. 2-134—2-164. Reserved.

ARTICLE VII. PROPERTY ASSESSMENT REGULATIONS*

Sec. 2-165. Duties of assessor.

Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Wis. Stats. § 70.47(7)(af), or any successor statute, then such income and expense information that is provided to the assessor shall be held by the assessor on a confidential basis; except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office, including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its

*__State law reference—__Property taxes generally, Wis. Stats. § 70.01 et seq.

official duties; or pursuant to the order of a court. Income and expense information provided to the assessor under Wis. Stats. § 70.47(7)(af), unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under Wis. Stats. § 19.35(1).

Sec. 2-166. Preparation of tax roll and tax statements; aggregate tax.

Pursuant to Wis. Stats. § 70.65(2), the town clerk shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied. The final statement shall be completed by the county treasurer's office.

Sec. 2-167. First installment payment deadline.

Pursuant to Wis. Stats. § 74.09(3)(h), the last day of January is established as the final day for the payment of the first installment of real estate taxes.

Sec. 2-168. Delinquent personal property taxes.

The county may impose a penalty of 1.5 percent per month or fraction of a month, in addition to the interest imposed on any overdue or delinquent personal property taxes.

Sec. 2-169. Statement of real property status.

A statement of real property status shall be provided upon request by the treasurer or the clerk for a fee set by the board by resolution.

Secs. 2-170—2-191. Reserved.

ARTICLE VIII. FINANCE*

DIVISION 1. GENERALLY

Sec. 2-192. Fiscal year.

The fiscal year of the town shall be the calendar year (i.e., from January 1 through December 31 of each year).

State law reference—Town fiscal year, Wis. Stats. § 60.40(1).

Sec. 2-193. Order checks; execution.

All disbursements of the town shall be by order check that shall not be valid unless signed by at least two of the following town officials: the town chairperson, the town treasurer, and the town clerk.

State law reference—Disbursements from municipal treasury, Wis. Stats. § 66.0607.

***State law reference—**Town finances generally, Wis. Stats. § 60.40 et seq.

Sec. 2-194. Town public depository.

Pursuant to Wis. Stats. § 34.05(1), the town board annually shall designate the town public depository.

Sec. 2-195. Insufficient fund check charge.

A fee set by the town board is imposed upon the payer of any insufficient funds check returned to the town. The treasurer is directed to post a notice of such charge at the town hall.

Sec. 2-196. Service charge.

A service charge of 15 percent shall be added to all invoices for services or user fees assessed, and the charge shall be collected by the clerk or treasurer at the time such services are delivered.

Secs. 2-197—2-215. Reserved.

DIVISION 2. BUDGET

Sec. 2-216. Procedure.

(a) Annually, on or before October 1, each officer, department or board shall file with the clerk an itemized statement of disbursements made to carry out the powers and duties of such officer, department or board during the current fiscal year to date, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or board during such year, and of the condition and management of such funds; also detailed estimates of the same matters for the remainder of the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the clerk and shall be designated as the departmental estimates and shall be as nearly uniform as possible for the main divisions of all departments.

(b) The town chair shall consider such departmental estimates in consultation with the department head and shall then determine the total amount to be recommended in the budget for such department or activity.

(c) On or before November 15 each year, the town chair, with the assistance of the clerk and/or the treasurer, shall prepare and submit to the town board a proposed budget presenting a financial plan for conducting the affairs of the town for the ensuing calendar year. The budget shall include the following information:

(1) The expense of conducting each department and activity of the town for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommended as compared with appropriations for the current fiscal year.

(2) An itemization of all anticipated income of the town from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the town from each of the same or similar sources for the last preceding and current fiscal year.

(3) An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

(4) Such other information as may be required by the town board. The board shall publish a summary of the budget as required by law and provide a reasonable number of copies of the detailed budget thus prepared for distribution to citizens.

(d) The town chair shall submit to the board, at the time the annual budget is submitted, the draft of an appropriation resolution providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed resolution to the board, it shall be deemed to have been regularly introduced therein. The board shall hold a public hearing on the budget and the proposed appropriation resolution, as required by law. Following the public hearing, the proposed appropriation resolution may be changed or amended and shall take the same course as other resolutions.

(e) The town board may, pursuant to Wis. Stats. § 65.90(5), by a two-thirds vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object.

(f) No money shall be drawn from the treasury of the town, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual resolution, or of such resolution when changed as authorized by subsection (e) of this section. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the town board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year. Any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Secs. 2-217—2-240. Reserved.

DIVISION 3. CLAIMS

Sec. 2-241. Review and approval; payments.

All claims shall be reviewed by the town clerk and approved by the town board before payment, except that the clerk may make such immediate payments as may be necessary for weekly or semimonthly payrolls, social security and health and life insurance premiums, contracted services and utility bills.

Secs. 2-242—2-260. Reserved.

DIVISION 4. PURCHASING

Sec. 2-261. Purchases of $500.00 or less.

The town chair may approve purchases up to the amount of $500.00.

Sec. 2-262. Purchases greater than $500.00.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Public contract means a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost greater than $5,000.00.

Responsible bidder means a person who, in the judgment of the town board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.

(b) *Notice; advertisement for bids.*

(1) No public contract, the estimated cost of which is more than $5,000.00, but not more than $15,000.00, shall, as required by Wis. Stats. § 60.47(2), be let unless the town board or designated town official or employee gives class I notice under Wis. Stats. ch. 985 before execution of the contract. No public contract with a value of more than $25,000.00 shall, as required under Wis. Stats. § 60.47(2)(b), be entered into unless the town board or designated town official or employee gives a class II notice under Wis. Stats. ch. 985.

(2) Notwithstanding any other provisions of this Code, the town board may approve the purchase of any goods or supplies from any other unit of government, including the state or federal government, without the intervention of bids, to the extent permitted by Wis. Stats. § 66.0131(2).

Secs. 2-263—2-287. Reserved.

ARTICLE IX. PUBLIC RECORDS*

Sec. 2-288. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means any of the following town entities having custody of a town record: an office, elected official, agency, board, commission, committee, town board, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

*__State law reference—__*Public records generally, Wis. Stats. § 19.21 et seq.

Custodian means that officer, department head, division head or employee of the town designated by the town board or otherwise responsible by law to keep and preserve any town records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this article to respond to requests for access to such records.

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

Sec. 2-289. Duty to maintain.

(a) Except as otherwise provided in this division, each officer and employee of the town shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employee.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody, and the successor shall receipt therefor to the officer or employee, who shall file such receipt with the clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 2-290. Legal custodians.

(a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the clerk, or the clerk's designee, shall act as legal custodian for the town board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the town board, or in his absence or disability or in case of vacancy, the deputy clerk is designated the legal custodian of all town records.

(c) For every authority not specified in subsections (a) or (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. subchapter II of chapter 19 (Wis. Stats. § 19.21 et seq.) and this article. The designation of a legal custodian does not affect the powers and duties of an authority under this article.

Sec. 2-291. Public access to records; fees.

(a) Except as otherwise specifically provided herein, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).

(b) Records will be available for inspection and copying during all regular office hours.

(c) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(d) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(1) The cost of photocopying shall be as set by the board. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

(2) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(3) Except as otherwise specifically provided herein, there shall be no charge for locating a record unless the actual cost therefor exceeds $50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(4) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment if such estimate exceeds $50.00.

(5) Elected and appointed officials of the town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties, upon approval by the town chairperson.

(6) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.

(7) The custodian of real and personal property tax records shall establish from time to time the reasonable fees for locating, compiling and reporting such tax records. A procedure for requesting such information shall be established and published in accordance with subsection (e) of this section.

(e) Pursuant to Wis. Stats. § 19.34, and the guidelines therein listed, each authority shall adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of the legal custodian from whom, and

the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the town board.

Sec. 2-292. Access procedures.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. An initial request should be in writing, but must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this section, no request may be refused because the request is received by mail unless prepayment of a fee is required under this article. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request, in whole or in' part, and reasons therefor. If the legal custodian, after conferring with the town attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in this article. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied, in whole or in part, the requester shall receive a written statement of the reasons for denying the request. For every written denial of a record for which a request was made in writing, the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.

Sec. 2-293. Limitations on right to access.

(a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this article:

(1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.

(2) Any record relating to investigating information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

(3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.

(4) Contractors' records. Each authority shall make available for inspection and copying under Wis. Stats. § 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection (a)(4) does not apply to the inspection or copying of a record under Wis. Stats. § 19.35(1)(am).

(5) A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this article.

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

(1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

(2) Records of current deliberations after a quasi-judicial hearing.

(3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any town officer or employee, or the investigation of charges against a town officer or employee, unless such officer or employee consents to such disclosure.

(4) Records concerning current strategy for crime detection or prevention.

(5) Records of current deliberations or negotiations on the purchase of town property, investing of town funds or other town business whenever competitive or bargaining reasons require nondisclosure.

(6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

(7) Communications between legal counsel for the town and any officer, agent or employee of the town when advice is being rendered concerning strategy with respect to current litigation in which the town or any of its officers, agents or employees is, or is likely, to become involved, or communications which are privileged under Wis. Stats. § 905.03.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the town attorney prior to releasing any such record and shall follow the guidance of the town attorney when separating out the exempt material. If in the

judgment of the custodian and the town attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

Sec. 2-294. Destruction.

(a) Pursuant to Wis. Stats. § 19.21(4), town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board, pursuant to Wis. Stats. § 16.61(3)(e), and then after such a shorter period:

(1) Notices of tax apportionment received from the county clerk, after three years.

(2) Copies of lists of town officers certified to the county clerk by the town clerk, after the date of expiration of the term listed.

(3) Copies of crop reports made to the county clerk by the town assessor, after three years.

(4) Records of illegal tax certificates charged back to the town, three years after date of charging back the certificates.

(5) Official bonds, after six years.

(6) Claims filed against or paid by the town and papers supporting such claims, after seven years.

(7) Contracts, notices of taking bids, and insurance policies to which the town is a party, seven years after the last effective date thereof.

(8) Election notices, and proofs of publication and correspondence filed in connection with such notices, one year after the date of the election, except in cases where an election is contested, in which case such records shall be retained until one year after the contest has been settled.

(9) Copies of reports of the town treasurer to the county clerk on dog licenses sold and records of dog licenses issued, after three years.

(10) Town clerk's copies of receipts issued by the town treasurer, four years or until after being competently audited, whichever date is earlier.

(11) Notices given by the county clerk to the town assessor setting out lands owned and sold by the county, after three years.

(12) Tax receipts, after 15 years.

(13) All other receipts of the county treasurer, after seven years.

(14) Canceled checks and town orders, after seven years.

(15) Oaths of office, after seven years.

(16) Notices for which no other provision is made, after seven years.

(17) County treasurer's receipts received under Wis. Stats. § 74.19, after 15 years.

(18) Correspondence, after six years, except correspondence had in connection with records which may be destroyed only after a longer period shall not be destroyed until after such longer period, and except that correspondence had in connection with records which may be destroyed after less than six years may be destroyed after such lesser period.

(19) Blanks and papers used by the town assessor in the discharge of his duties, after seven years. No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue.

(b) Unless notice is waived by the state historical society, at least 60 days' notice shall be given the state historical society prior to the destruction of any record, as provided by Wis. Stats. § 19.21(4)(a).

(c) Any tape recordings of a governmental meeting of the town may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved if the purpose of the recording was to make minutes of the meeting.

Sec. 2-295. Preservation through microfilm.

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

Secs. 2-296—2-323. Reserved.

ARTICLE X. ETHICS

DIVISION 1. GENERALLY

Sec. 2-324. Declaration of policy.

It is declared that high moral and ethical standards among town officials and employees are essential to the conduct of free government and that the town board believes that a code of ethics for the guidance of town officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people in their public officials and employees.

Sec. 2-325. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anything of value means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the town, fees, honorariums and expenses or political contributions which are reported under Wis. Stats. § 19.56, or hospitality extended for a purpose unrelated to town business by a person other than an organization.

Associated means, when used with reference to an organization, any organization in which an individual or a member of his immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or by the assessors, at least ten percent of the outstanding equity of which an individual or a member of his immediate family is an authorized representative or agent.

Immediate family means:

(1) An individual's spouse; and

(2) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his support.

Ministerial action means an action that an individual performs in response to a given state of facts in a prescribed manner in obedience to the mandate of legal authority without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

Organization means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

Public officials means any town agent, officer or employee, including all elected and appointed officials.

Substantial gift, favor, or service means any of the following:

(1) Any gift of cash or cash equivalent.

(2) Any loan, discount purchase or the like which is not generally offered to the public.

(3) Any noncash gifts valued in excess of $50.00 per calendar year.

(4) Complimentary entertainment valued in excess of $50.00 per calendar year.

(5) The provision of goods or labor, for no consideration or for inadequate consideration.

Sec. 2-326. Notice; distribution of copies; annual review and certification.

(a) A copy of this code of ethics shall be continuously posted on the town bulletin board located at the town hall.

(b) The town clerk shall cause a copy of this article to be distributed to every public official and employee of the town before entering upon his duties.

(c) Each public official, the town chair and the chair of each board, commission, committee or department shall review the provisions of this ethics code with his fellow board members or subordinates.

(d) Each public official and employee shall, in connection with subsection (c) of this section, also complete and file with the department head or town clerk, as appropriate, the following statement of understanding:

> "I have read and understand the town Code of Ethics. I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the town code and in Wis. Stats. §§ 946.10—946.15."

Sec. 2-327. Penalty and sanctions.

Violation of any provision of this article may constitute a cause for suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action that may affect employees covered under a labor agreement, will be consistent with the terms and conditions set forth in the applicable labor agreement.

Secs. 2-328—2-357. Reserved.

DIVISION 2. REGULATIONS AND RESTRICTIONS

Sec. 2-358. Standards of conduct generally.

(a) The town board hereby reaffirms that a town official holds his position as a public trust and any effort to realize personal gain through official conduct is a violation of that trust.

(b) The board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as town officials retain their rights as citizens to interests of a personal or economic nature; and that town officials may need to engage in employment, professional or business activities other than official duties in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this article.

(c) It is very important that the standards of ethical conduct for town officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are material.

Sec. 2-359. Statutory standards of conduct.

There are certain provisions of the state statutes that, while not set forth in this section, are considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes, as from time to time amended, are made a part of this code of ethics and shall apply to public officials and employees whenever applicable:

Wis. Stats. § 946.10, Bribery to public officers and employees.

Wis. Stats. § 946.11, Special privileges from public utilities.

Wis. Stats. § 946.12, Misconduct in public office.

Wis. Stats. § 946.13, Private interest in public contract prohibited.

Sec. 2-360. Prohibited acts generally.

(a) No town official may use his public position or office to obtain financial or material gain or anything of value for the private benefit of himself or his immediate family, or for an organization with which he is associated.

(b) It shall be unlawful for any public employee or official to accept, either directly or indirectly, any substantial gift, favor, service or thing of value from any person within a calendar year if such person:

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

(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 affected by such public employee's employer or the governmental body of the official.

(c) No town official may intentionally use or disclose information gained in the course of or by reason of his official position or activities in any way that could result in the receipt of anything of value for himself, for his immediate family or for any other person if the information has not been communicated to the public or is not public information.

(d) No town official may use or attempt to use his public position to influence or gain unlawful benefits, advantages or privileges for himself or others.

(e) No town official may represent a person for compensation before a town department or any employee thereof, except:

(1) In a contested case which involves a party other than the town with interests adverse to those represented by the town official;

(2) At an open hearing at which a stenographic or other record is maintained; or

(3) In a matter that involves only ministerial action by the town department.

(f) This section does not apply to representation by a town official acting in his official capacity.

Sec. 2-361. Fair and equal treatment required.

(a) *Use of town property.* No official or employee shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit.

(b) *Purchase of town property.* No official or employee may purchase any town-owned vehicle, equipment, materials or property, except by noticed sealed bids.

(c) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Sec. 2-362. Conflicts of interest prohibited.

No town official may:

(1) Take any official action affecting a matter in which the official, a member of his immediate family or an organization with which the official is associated has a financial interest; or

(2) Use his office or position in a way that produces or assists in the production of a benefit, direct or indirect, for the official, one or more members of the official's immediate family, either separately or together, or an organization with which the official is associated.

Sec. 2-363. Rights not restricted.

(a) Nothing in this article shall deny any town official or employee his rights as a citizen under the Constitution of the United States of America, the state constitution, the state statutes or any bona fide regulations of the state.

(b) This article does not prevent any town official from accepting other employment or following any pursuit that in no way interferes with the full and faithful discharge of his duties to this town.

Secs. 2-364—2-384. Reserved.

DIVISION 3. BOARD OF ETHICS

Sec. 2-385. Creation; composition; chair, vice-chair, and secretary.

The town board has created a board of ethics consisting of five voting members and two alternates who serve without compensation unless the town board otherwise provides. The board of ethics shall elect its own chair and vice-chair. The town clerk shall serve as the board of ethics secretary.

Sec. 2-386. Powers and duties of board.

The board of ethics shall have such powers and duties, as approved by the town board from time to time, as are necessary to review and administer the town code of ethics.

Sec. 2-387. Legal assistance to board.

The town attorney may furnish the board of ethics legal assistance when necessary and when doing so does not present a conflict of interest to the town attorney. With the prior approval of the town board, the board of ethics may retain independent counsel, at the town's expense, when the town attorney is unable to provide legal assistance to the board.

Sec. 2-388. Member qualifications.

The members of the board of ethics shall be residents of the town. The members shall not be elected officials, fulltime appointed officials or town employees, nor shall they be currently serving on any other town board, commission or committee.

Sec. 2-389. Procedure for appointment of members.

For the initial appointment of members to the board of ethics, each town board member shall submit one name of a resident to be considered for appointment by the town board. The town chair shall also submit names of two alternates to the town board for consideration for appointment by the town board. Future appointments of persons to fill vacancies arising for any reason in the membership of the board of ethics shall be made by the town chair, subject to confirmation by the town board.

Sec. 2-390. Terms of office.

Members shall be appointed in May for three years. The alternates shall be appointed for three-year terms. The alternates shall serve on the board when one of the voting members is unavailable.

Sec. 2-391. Meetings; attendance of town board members.

The board of ethics shall meet at such times and places as is determined from time to time by the board of ethics, with the approval of the town board. No town board member may attend a meeting of the board of ethics unless requested to do so by the board of ethics.

Sec. 2-392. Voting.

A vote of at least four-fifths of the board shall be required for any action taken by the board with the exception of action taken by the board pursuant to a hearing conducted under division 5 of this article which shall require a unanimous vote.

Secs. 2-393—2-412. Reserved.

DIVISION 4. ADVISORY AND SUMMARY OPINIONS

Sec. 2-413. Application; presentation of issues; closed deliberations.

(a) Any person to whom this section applies may apply in writing to the board for an advisory opinion as to the interpretation and application of this article and shall be guided by the opinion rendered.

(b) Such person shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before the advisory decision is rendered.

(c) Meetings for deliberations and action upon such applications shall not be open to the public.

Sec. 2-414. Records of proceedings.

Opinions rendered by the board shall be in writing. Records of the board's opinions, opinion requests and investigations of violations shall be closed to public inspection. The board may, however, make such records public with the consent of the individual requesting the advisory opinion or if the individual makes public any portion of the opinion.

Sec. 2-415. Assistance of town attorney.

If the board deems it necessary or appropriate, it may request an advisory opinion from the town attorney.

Sec. 2-416. Issuance of summary opinions.

The board of ethics may, if it determines that its opinion in response to a request for an advisory opinion as to the interpretation or application of a provision of this code of ethics to certain factual situations would be of value to other officials or employees in terms of providing guidance or guidelines in future fact situations of a same or similar nature, issue a summary opinion setting forth what it deems to be appropriate conduct in such a manner that it does not disclose the identity of the individual whose original request prompted the issuance of such summary opinion.

Secs. 2-417—2-445. Reserved.

DIVISION 5. COMPLAINT PROCEDURE

Sec. 2-446. Form of complaint.

All complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this article and the particulars thereof. Complaints shall be addressed to the board of ethics and filed with the town clerk.

Sec. 2-447. Acceptance of complaint; notice to accused.

Within 14 days after the filing of a properly verified complaint, the board shall meet to accept the complaint. Within three days after accepting the complaint, the board shall mail a copy of the complaint to the accused by certified mail.

Sec. 2-448. Preliminary investigation.

(a) Following the acceptance of a verified complaint, the board may make preliminary investigations with respect to the alleged violation of this article.

(b) No preliminary investigation of the activities of any official or employee may be initiated unless such official or employee is notified in writing by certified mail. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated and a statement of such person's due process rights.

(c) The preliminary investigation shall be completed within 30 days from acceptance of a verified complaint, except that the board may extend that period an additional 30 days with like notice to the official or employee and to the complainant.

Sec. 2-449. Probable cause; dismissal of complaint; reconsideration.

(a) If, after the investigation, the board finds that probable cause does not exist for believing the allegations of the complaint or believing that the conduct complained of violates the code of ethics, it shall dismiss the complaint.

(b) The board shall promptly notify the accused and the complainant of its decision in writing by certified mail.

(c) The board's decision to dismiss a complaint shall be final.

(d) The same complaint or a complaint which is substantially the same shall not be reconsidered by the board unless the complainant provides additional material information which was not available to the complainant at the time the original complaint was filed and which, if true, would probably change the outcome. The board's decision to reconsider or not to reconsider shall be final.

Sec. 2-450. Hearings.

(a) If, after the investigation, the board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than 30 days after such finding.

(b) The board shall give the accused at least 20 days' notice of the hearing date.

(c) Such hearings shall be at open session unless the accused petitions for a hearing closed to the public.

(d) The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents that the board considers, shall be fully offered and made part of the record in the case.

(e) Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

Sec. 2-451. Authority of board to compel appearance of witnesses.

The board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Wis. Stats. § 885.01(3).

Sec. 2-452. Rights of accused.

(a) During all stages of any investigation or proceeding conducted under this article, the accused shall be entitled to be represented by counsel of his own choosing at his own expense.

(b) The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing.

(c) The accused shall have the right to bring witnesses and establish all pertinent facts and circumstances and to question or refute any testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.

Sec. 2-453. Decision and recommendation of board.

Upon conclusion of the hearing, the board shall file its decision within five days, in writing, signed by all participating board members, with findings of fact, conclusions of law concerning the propriety of the conduct of the official or employee, and, if appropriate, refer the matter to the town board or other proper authority with a recommendation for suspension, removal from office or employment, or other disciplinary action.

Secs. 2-454—2-474. Reserved.

ARTICLE XI. ENFORCEMENT BY CITATION*

Sec. 2-475. Statutory authorization; town and county authorized to issue and enforce citations.

The town hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists. Both the town and the county may issue and enforce citations pursuant to and as set forth in this article.
(Comp. Ords. 1997, § 94.001; Ord. No. 12, § 1, 11-6-1979)

***State law references—**Citations for violations of certain ordinances, Wis. Stats. § 66.0113; bond or cash deposition under municipal ordinances, Wis. Stats. § 66.0111.

Sec. 2-476. The citation.

(a) The citation shall contain the following:

(1) The name and address of the alleged violator.

(2) Factual allegations describing the alleged violation.

(3) The time and place of the offense.

(4) The section of the ordinance violated.

(5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.

(6) The time at which the alleged violator may appear in court.

(7) A statement that informs the alleged violator that:

a. A cash deposit based on the schedule established by this article may be made which may be delivered or mailed to the clerk of circuit court prior to the time of the scheduled court appearance.

b. If a deposit is made, no appearance in court is necessary unless he is subsequently summoned.

c. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest and have submitted to a forfeiture and a penalty surcharge imposed by Wis. Stats. § 757.05. If the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

d. If no cash deposit is made and the alleged violator does not appear in court at the specified time, an action may be commenced to collect the forfeiture and the penalty surcharge imposed by Wis. Stats. § 757.05.

(8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under this article has been read. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as the town deems necessary.

(b) The form of the citation to be used by the town is on file with the town clerk and is adopted by reference.
(Comp. Ords. 1997, § 94.002; Ord. No. 12, § 2, 11-6-1979)

Sec. 2-477. Schedule of deposits and penalty surcharges; form of payment.

(a) The schedule of cash deposits established for use with citations issued under this article is found in appendix A to this Code.

(b) Deposits shall be made in cash, money order or certified check to the clerk of circuit court who shall provide a receipt therefor.
(Comp. Ords. 1997, § 94.003; Ord. No. 12, § 3, 11-6-1979; Ord. No. 19, § 3, 4-21-1981)

Sec. 2-478. Issuance of citations.

(a) The county sheriff's department and other persons as may be designated by the town board and approved by the town chair to enforce town ordinances may issue citations authorized under this article.

(b) The town attorney may issue citations authorized under this article.
(Comp. Ords. 1997, § 94.004; Ord. No. 12, § 4, 11-6-1979)

Sec. 2-479. Procedure.

Wis. Stats. § 66.113(3) relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.
(Comp. Ords. 1997, § 94.005; Ord. No. 12, § 5, 11-6-1979)

Sec. 2-480. Nonexclusivity.

(a) Adoption of this provision does not preclude the town board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to same or other matter.

(b) The issuance of a citation hereunder shall not preclude the town or any authorized official from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
(Comp. Ords. 1997, § 94.006; Ord. No. 12, § 6, 11-6-1979)

Chapter 3

RESERVED

Chapter 4

ALCOHOL BEVERAGES*

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***State law reference—**Alcohol beverages, Wis. Stats. § 125.01 et seq.

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ARTICLE I. IN GENERAL

Sec. 4-1. State statute adopted.

The provisions of Wis. Stats. ch. 125, including all provisions relating to underage persons, are adopted and made part of this chapter by reference. A violation of any of such provisions shall constitute a violation of this section.

Sec. 4-2. Authority to inspect premises.

(a) *Consent.* An applicant for a license under this chapter thereby consents to the entry of law enforcement officers or authorized representatives of the town upon the licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or law.

(b) *Reinspections.* License fees cover the costs of an initial inspection and one reinspection. Second and subsequent reinspections require a reinspection fee as set by the town board.
(Comp. Ords. 1997, § 15.013; Ord. No. 1, § 13, 7-1-1933)

Sec. 4-3. Clerk to provide list of licenses to state.

By July 15 of each year, the clerk shall forward to the state department of revenue a list containing the name, address and trade name of each person holding a license issued under this chapter, except a single-event manager's or operator's license.

Sec. 4-4. 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.

Secs. 4-5—4-26. Reserved.

ARTICLE II. LICENSING

DIVISION 1. GENERALLY

Sec. 4-27. Penalties.

Any person violating any provision of this article shall be subject to a forfeiture of not less than $25.00 or more than $500.00, and in default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs, such person shall be confined in the common jail of the county until such forfeiture and costs are paid, but in no event shall such confinement exceed 30 days.
(Comp. Ords. 1997, § 15.014; Ord. No. 1, § 14, 7-1-1933)

Sec. 4-28. License required.

No person residing in the town, or any person, firm or corporation, who operates or shall operate a tavern, roadhouse, restaurant, dance hall, filling station, picnic or any place of amusement, public or private, in the town, shall sell, offer for sale, or keep on his premises, any legal nonintoxicating fermented or distilled beverages or liquors, unless a license for the sale thereof has first been obtained from the town board.
(Comp. Ords. 1997, § 15.001; Ord. No. 1, § 1, 7-1-1933)

Sec. 4-29. Term of license.

All licenses issued shall take effect on July 1 and expires on the succeeding June 30, unless sooner revoked by the town board or other authority of law.
(Comp. Ords. 1997, § 15.002; Ord. No. 1, § 2, 7-1-1933)

Sec. 4-30. Board may grant or refuse license.

The town board shall have the sole power to grant or refuse licenses to any individual, firm or corporation.
(Comp. Ords. 1997, § 15.010; Ord. No. 1, § 10, 7-1-1933)

Sec. 4-31. Contents of licenses.

All licenses shall be numbered in the order in which they are issued and shall clearly state the specific premises for which the licenses are granted, the date of issuance, the fee paid and the name of the licensee.

Sec. 4-32. Transfer of licenses.

(a) *Persons.* No license shall be transferable to a different licensee, except as provided by Wis. Stats. § 125.04(12)(b). The granting of the transferred license to the new licensee is to be reviewed in the same manner as the granting of a new license by the town board.

(b) *Places.* Licenses issued pursuant to this chapter may be transferred to another premises once during any license year as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on forms furnished by the state department of revenue. Proceedings for such transfer shall be had in the same manner and form as the original application. The fee for such transfer shall be as established by the town board.

Secs. 4-33—4-52. Reserved.

DIVISION 2. LIMITATIONS ON LICENSE ISSUANCE

Sec. 4-53. Statutory eligibility requirements.

All retail alcohol licenses shall be issued only to persons eligible for such licenses under Wis. Stats. § 125.04.

Sec. 4-54. Limitations on licensing of violators of alcohol laws or ordinances.

No retail alcohol license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section, or whose license has been revoked under Wis. Stats. § 125.12 during a period of one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for a period of one year.

Sec. 4-55. Conformity to health and sanitation standards required.

No retail alcohol license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the state department of commerce pertaining to buildings and plumbing, the rules and regulations of the state department of health applicable to restaurants and all such ordinances and regulations adopted by the town.

Sec. 4-56. Location restrictions.

No retail alcohol license shall be issued for any premises of which the main entrance is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This section shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

Sec. 4-57. Limitation on number of licenses issued.

The number of persons and places that may be granted a retail "class B" liquor license under this chapter is limited as provided in Wis. Stats. § 125.51(4).

Sec. 4-58. Statutory requirements for corporations.

No corporation organized under the laws of this state or any other state or foreign country may be issued any alcohol beverage license or permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).

Sec. 4-59. Age of license holders restricted.

No license under this chapter, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18 years.

Sec. 4-60. Limitation for issuance following revocation of license.

Whenever any license has been revoked, at least 12 months shall elapse before another license shall be granted to the person whose license was revoked.

Sec. 4-61. Delinquent taxes, assessments, and claims prohibited.

No initial or renewal alcohol license shall be granted for any premises for which taxes, assessments or other claims of the town are delinquent or unpaid. No initial or renewal alcohol license shall be granted to any person who is delinquent in payment of any taxes, assessments or other claims owed to the town, or who is delinquent in payment of a forfeiture resulting from a violation of any ordinance of the town or who is delinquent in payment to the state of any state taxes owed.
(Comp. Ords. 1997, § 15.016; Ord. No. 1, § 16, 7-1-1933)

Sec. 4-62. Drive-through dispensaries prohibited.

(a) No license shall be issued to any person, firm, corporation or entity for the retail sale of any intoxicating liquor or fermented malt beverage at or from any type of drive-through dispensary.

(b) No retail establishment with a license to sell intoxicating liquor and/or fermented malt beverages shall sell either intoxicating liquors or fermented malt beverages to any member of the public by way of a drive-through dispensary.

Sec. 4-63. License holder required to be actively engaged in business.

(a) No "class B" retail liquor license shall be held by any person who is not actively engaged in the business for which such license is issued. Failure to continuously be so engaged shall constitute an abandonment of such license and shall be cause for revocation of the license.

(b) In the case of corporations licensed under this chapter, this subsection shall apply to all officers and directors of such corporation.

(c) Failure to operate a licensed place of business for 60 days shall be cause for revocation of the license, except that where the licensed place of business is operated in connection with a seasonal business, the licensed place of business may be closed during the closed season of such seasonal business. If the premises designated to be licensed has not yet been constructed (any such applicant for a license being required to have a legal interest in such designated premises), the town board may, in its discretion, extend the period of inactivity for good cause shown.

Secs. 4-64—4-83. Reserved.

DIVISION 3. TYPES OF LICENSES

Sec. 4-84. Sale of malt beverages and intoxicating liquor.

The clerk may, in accordance with the limitations and requirements of this article, issue:

(1) "Class B" licenses authorizing the retail sale of intoxicating liquor for consumption on the premises where sold, by the glass and not in the original container; and

(2) Class "B" licenses authorizing the retail sale of fermented malt beverages to be consumed either on the premises where sold or off the premises.

Sec. 4-85. Operator's license.

No person, other than the licensee, a member of the licensee's immediate family who is not less than 18 years of age, an agent of a corporation appointed as required by Wis. Stats. § 125.04(6) or the manager licensed hereunder, may serve or sell alcohol beverages in any place operated under a class B license unless he has an operator's license. Application for an operator's license shall be made to the town clerk on such form as the town clerk may provide, and shall be accompanied by the prescribed fee. Notwithstanding any other provision contained in this chapter, an operator's license may only be issued to an applicant who has attained the age of 18 years per Wis. Stats. § 125.04(5)(d).

Sec. 4-86. Provisional licenses.

(a) A provisional license may be issued by the town clerk only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the town board.

(b) A provisional license expires 30 days after its issuance or when a regular operator's license is issued to the holder of such license, whichever occurs first.

Sec. 4-87. Temporary licenses.

A temporary license may be issued only to operators employed by, or donating their services to, nonprofit corporations. No person may hold more than one temporary license per year. The temporary license is valid for any period from one to 14 days, and the period for which such license is valid shall be stated on the license.

Sec. 4-88. Manager's license required.

No person may manage a premises operating under a retail license issued by the town under this article unless the person is the licensee, the spouse of the licensee, an agent of a corporation appointed as required by Wis. Stats. § 125.04(6) or the holder of a manager's license as defined in Wis. Stats. § 125.32(1). Application for a manager's license shall be made to the town clerk on such form as the town clerk may provide, and shall be accompanied by the fee prescribed herein. Any person holding a manager's license issued under this article shall also be considered to be the holder of an operator's license.

Secs. 4-89—4-119. Reserved.

DIVISION 4. LICENSE AND OTHER FEES

Sec. 4-120. Class "B" and "class B" licenses.

(a) *Class "B."* The fee for a class "B" license for the sale of fermented malt beverages shall be $100.00 for the year. Such licenses may be issued at any time for a period of six months in any calendar year at 50 percent of the regular annual fee, but such licenses may not be

renewed during the calendar year. Class "B" licenses may also be issued to bona fide clubs, state, county or local fair associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application or to posts now or hereafter established, of veterans organizations, authorizing them to sell fermented malt beverages at a particular picnic or similar gathering, or at a meeting of any such post, or during a fair conducted by such fair associations or agricultural societies, for which the fee shall be $10.00.

(b) "*Class B.*" The fee for a "class B" license for the sale of intoxicating liquors shall be $500.00 for the year. Such licenses may be granted which shall expire on June 30 of each year upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30 of each year bears to 12. Licenses may also be issued at any time for a period of six months in any calendar year for which one-half of the annual license fee shall be paid. Such six months' license shall not be renewable during the calendar year in which issued.
(Comp. Ords. 1997, § 15.003; Ord. No. 1, § 3, 7-1-1933)

Sec. 4-121. Reserved "Class B" license.

(a) The fee for a reserved "class B" liquor license shall be $10,000.00 for initial issuance except that the fee for the initial issuance of a reserved class B liquor license to a bona fide club or lodge situated and incorporated in the town and the state for at least six years shall be $3,000.00 for such a club or lodge. The fee established in this section is in addition to any other fee required by law or by the town. The annual fee for renewal of a reserved "class B" liquor license shall be as established by the town.

(b) All other fees for "class B" liquor licenses and any other liquor licenses shall be as set by the state unless modified by the town.
(Ord. of 3-12-2007(1), § 2)

Sec. 4-122. Licenses for operators.

The fee for an operator's license is $25.00.
(Comp. Ords. 1997, § 15.004; Ord. No. 1, § 4, 7-1-1933)

Secs. 4-123—4-142. Reserved.

DIVISION 5. APPLICATIONS FOR LICENSES

Sec. 4-143. License fees to accompany application; refunds.

(a) *Required with application.* License fees imposed under this article shall accompany the license application. If a license is granted, the town clerk shall issue the applicant a receipt for the license fee.

(b) *Refunds.* No fee paid shall be refunded unless the license is denied, with the exception of an alcohol beverage class "B" or "class B" license. Denial of any other license shall result in a refund of the license fee, less a $25.00 service charge or the actual license fee, whichever is less. When the holder of an alcohol beverage license shall surrender such license, the holder shall be entitled to a prorated refund of the unearned license fee, minus a service charge of $25.00.

Sec. 4-144. License application form.

Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the state department of revenue, and filed with the town clerk. The premises shall be physically described, including every room and storage space to be covered by the license, and including all rooms joined by connecting entrances or not separated by a solid wall. Applications shall be signed and sworn to by the applicant as provided by Wis. Stats. § 887.01.

Sec. 4-145. Inspection and retention of license application records.

Any person may inspect applications for licenses to sell alcohol beverages. The town clerk shall retain all applications made to the town for licenses to sell alcohol beverages. The town clerk may destroy all applications more than four years of age that have been retained under this article.

Secs. 4-146—4-174. Reserved.

DIVISION 6. LICENSE SUSPENSION, REVOCATION, AND NONRENEWAL

Sec. 4-175. Applicability of division.

The following provisions shall apply to the revocation, suspension or nonrenewal of any license issued pursuant to this article, notwithstanding any other provision of this Code, except provisions providing for revocation or suspension of any license by the court. The provisions in this section are in addition to any other provisions of this Code.

Sec. 4-176. Board may revoke license.

The town board, or any justice or court in the county shall have the power to revoke any license upon complaint or upon knowledge, information and proof, that the privileges granted under such license have been abused.
(Comp. Ords. 1997, § 15.011; Ord. No. 1, § 11, 7-1-1933)

Sec. 4-177. Imposition of additional regulations and restrictions by the town board.

Any license issued pursuant to this article shall be subject to such further regulations and restrictions as may be imposed by the town board. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations, his license may be

revoked in accordance with this article. In case of revocation of any license or any violation of any provision of this section in accordance with this article, or by the court or for any reasonable cause, except the imposition of new restrictions, no refund shall be made of any part of the license fee. If a license issued under this article is not used within 15 days after its issuance or its usage is discontinued for a period of 15 days or more, such situation shall be grounds for cancellation of the license in accordance with the provisions of this article.

Sec. 4-178. Complaint; summons.

(a) Upon complaint made in writing under oath by any person and filed with the town clerk that any person or other entity licensed pursuant to this article has violated any provision of this article or any provision of law; has failed to maintain the premises according to standards prescribed for sanitation by the town health office; that the licensee has not observed and obeyed any lawful order of the town or law enforcement officer; or for any other good reason, the town board or license committee shall issue a summons commanding the licensee complained of to appear before the license committee or a special committee designated by the town board on a day and time, and at a place named in the summons to show cause why the license should not be revoked or suspended.

(b) Such summons shall be served not less than three nor more than ten days before the time at which the licensee is commanded to appear and may be served personally upon the licensee or his agent, or upon the person in charge of the licensed premises. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date and place of such offense, and the facts constituting the alleged offense.

Sec. 4-179. Hearing procedure.

(a) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and, if the license committee finds the allegations sufficient, the license shall be revoked. The town clerk shall give notice of the revocation to the person whose license is revoked.

(b) The license committee shall serve as the hearing agency for the town board. The chair of the license committee or his designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. As far as practicable, the rules of evidence provided in Wis. Stats. § 227.45 shall be followed.

(c) The complainant shall have the burden of proving the charges by a preponderance of the evidence. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross examine witnesses and be represented by counsel. The licensee shall be provided with a written transcript of the hearing, at his expense.

(d) All proceedings and testimony shall be recorded on tape and transcribed, unless waived by both the complainant and the licensee. If either party requests a stenographic recording and transcription, town staff shall make the necessary arrangements, but the expense shall be borne by the requesting party.

(e) The secretary to the license committee shall mark and receive all exhibits admitted into the record.

(f) Within 20 days of the completion of the hearing, the license committee shall submit a report to the town board, including findings of fact, conclusions of law and a recommendation as to what action, if any, the town board should take with respect to the license. The license committee shall provide the complainant and the licensee with a copy of the report.

(g) Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the town board. The town board shall determine whether the arguments shall be presented orally or in writing, or both.

(h) At the meeting of the town board after the filing of the license committee's recommendation, the town board shall act on the recommendation. If the recommendation is based upon a stipulation of the parties, the town board may accept or reject the recommendation by a simple majority vote.

(i) If the town board rejects the recommendation, the matter shall be referred back to the license committee for a full fact-finding hearing.

(j) If the recommendation is based upon a full fact-finding hearing, the recommendation shall become the decision of the town board, unless reversed or modified by a simple majority vote.

(k) No further evidence shall be allowed before the town board. Only the members of the town board who have certified to the town clerk in writing that they have read the transcript, unless waived by both the complainant and licensee, exhibits and report of the license committee shall be permitted to vote on the matter.

(l) If the town board finds the complaint to be true, after considering the license committee's report and any arguments presented by the complainant or the licensee, or if there is no objection to the report recommending suspension or revocation, the license shall be suspended for such period as the board deems necessary or appropriate or revoked.

(m) The decision of the town board shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay the actual costs of the proceedings to the town.

(n) The town clerk shall give notice of each license suspension or revocation to the person whose license is suspended or revoked.

(o) If the town board finds the complaint to be untrue, the proceeding shall be dismissed without cost to the accused. If the town board finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The town board or license committee may require the complainant to provide security for such costs before issuing the summons.

Sec. 4-180. Effect of revocation.

When a license is revoked under this division, the revocation shall be recorded by the town clerk and no other license issued under this article shall be granted to such licensee or for such premises for a period of 12 months from the date of the revocation.

Sec. 4-181. Judicial review.

The action of the town board in granting, failing to grant, suspending or revoking any license or the failure of the town board to revoke or suspend any license for good cause may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the town.

Sec. 4-182. Nonrenewal of license.

The town attorney may, after investigation, hear evidence and make a recommendation to the town board that a license issued pursuant to this article not be renewed. The president shall notify the licensee in writing of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint required under this division and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited.

Secs. 4-183—4-202. Reserved.

ARTICLE III. RULES AND REGULATIONS

DIVISION 1. GENERALLY

Sec. 4-203. Penalty.

Any person found guilty of violating any provision of this article shall forfeit a sum not to exceed $200.00 plus the costs of prosecution, or on default of such payment shall be imprisoned in the county jail for a period of time not to exceed 30 days.
(Comp. Ords. 1997, § 93.006; Ord. No. 10, § 6, 8-14-1979)

Sec. 4-204. Use of area outside licensed area limited.

Provided the initial or renewal alcohol beverage license describes adjacent premises owned or leased by the licensee or is amended to so describe such premises, service and consumption of intoxicating liquor or fermented malt beverages shall be permitted in such adjacent area on the premises provided that:

(1) A site plan for such use is first submitted and receives favorable recommendation from the town plan commission and approval by the town board, which site plan shall show that no dwelling, except if located in the same structure as the licensed premises, shall be within 150 feet of the outer boundary of such area.

(2) The area is designated by a fence, decorative chain and posts or other suitable barricades at least 4½ feet in height that cordons the area off from the remainder of the outside area. Such barriers may be placed to allow the public access from the outside as well as through the licensed premises.

(3) The area is cleared of all persons by not later than 10:00 p.m.

(4) No loud music or dancing shall be allowed in the outside area.

(5) The outdoor area shall be supervised at all times by the licensee or an authorized employee.

(6) All other town ordinances, including those relating to littering, noise or drinking of intoxicants where prohibited, shall be observed.

Sec. 4-205. Premises to be kept open to the public.

The premises for which a license shall have been issued under this chapter shall be kept open to the general public at all times when alcohol beverages are offered for sale therein.

Sec. 4-206. Hours of sale; no fermented malt beverages supplied to minors.

No fermented malt beverages or intoxicating liquors shall be sold between 2:00 a.m. and 6:00 a.m. on Monday through Friday and between 2:30 a.m. and 6:00 a.m. on Saturday and Sunday. No fermented malt beverages shall be sold, dispensed, given away or furnished directly or indirectly to any person under the age of 21 years.
(Comp. Ords. 1997, § 15.012; Ord. No. 1, § 12, 7-1-1933)

Sec. 4-207. Sales to persons showing intoxication prohibited.

No drinks shall be sold to any person who shows signs of intoxication.
(Comp. Ords. 1997, § 15.008; Ord. No. 1, § 8, 7-1-1933)

Sec. 4-208. Curtains, screens, blinds, etc. prohibited.

During the hours when a licensed premises is required to be closed, any curtains or other obstructions to view facing on the road or highway shall be removed to such an extent that a clear view may be had of the interior of such premises. In any such premises, no curtain, door or other obstruction shall close off the view into any booth, room or other enclosure in which any alcohol beverage may or can be served.
(Comp. Ords. 1997, § 15.009; Ord. No. 1, § 9, 7-1-1933)

Secs. 4-209—4-239. Reserved.

DIVISION 2. MINORS

Sec. 4-240. Sales to minors prohibited.

No fermented or distilled nonintoxicating beverages or liquors shall be sold to any person under 21 years of age, except soda, and no person under 21 years of age shall be allowed in any place coming under the provisions of the regulations and bylaws later than 9:30 p.m., unless accompanied by parent or guardian.
(Comp. Ords. 1997, § 15.007; Ord. No. 1, § 7, 7-1-1933)

Sec. 4-241. Violations by underage persons.

Any underage person who does any of the following is guilty of a violation:

(1) Procures or attempts to procure alcohol beverages.

(2) Knowingly possesses or consumes alcohol beverages.

(3) Enters or is on licensed premises in violation of Wis. Stats. § 125.07(3)(a).

(4) Falsely represents his age for the purpose of receiving alcohol beverages from a licensee or permittee.

Secs. 4-242—4-260. Reserved.

DIVISION 3. ADULT ENTERTAINMENT

Sec. 4-261. Findings, purpose, and intent.

(a) The town board has explicit authority under Wis. Stats. § 125.10(1) to adopt regulations governing the sale of alcohol beverages which are in addition to the regulations set forth in Wis. Stats. ch. 125. In addition, the town board has authority under its general police powers set forth in Wis. Stats. § 61.34 to act for the good order of the town and for the health, safety and welfare of the public, and may carry out its powers by regulation and suppression.

(b) The town board recognizes it lacks authority to regulate obscenity in light of Wis. Stats. § 66.0107(3), and does not intend, by adopting the ordinance from which this chapter is derived, to regulate obscenity and, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, nonobscene, erotic dancing in bars and taverns.

(c) Bars and taverns featuring live, totally nude, nonobscene, erotic dancing have, in other communities, tended to further the increase of criminal and other offensive activity; disrupt the peace and order of the communities; depreciate the value of real property; harm the economic welfare of the communities and negatively affect the quality of life of the communities; and such secondary effects are detrimental to the public health, safety and general welfare of citizens.

(d) The town board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and, therefore, entitled to some limited protection under the First Amendment, and the town board further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights. However, the town board is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, nonobscene, erotic dancing occurs may and do generate secondary effects which the town board believes are detrimental to the public health, safety and welfare of the citizens of the town. Among such secondary effects are the:

(1) Potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses;

(2) Potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist;

(3) Health risks associated with the spread of sexually transmitted diseases; and

(4) Potential for infiltration by organized crime for the purpose of unlawful conduct.

(e) The town board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the town; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(f) The town board has determined that enactment of prohibitions of live, totally nude, nonobscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity.

Sec. 4-262. Exemptions.

The provisions of this division do not apply to the licensed theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

Sec. 4-263. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Licensed establishment means any establishment licensed by the town board to sell alcohol beverages pursuant to Wis. Stats. ch. 125.

Licensee means the holder of a retail class "B" malt beverages license under Wis. Stats. § 125.26(l), or a "class B" liquor license under Wis. Stats. § 125.51(3) granted by the town board.

Sec. 4-264. Unlawful acts.

It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

(1) Shows such person's genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering;

(2) Shows any portion of the female breast below a point immediately above the top of the areola; or

(3) Shows the covered male genitals in a discernibly turgid state.

Sec. 4-265. Prohibited conduct.

No licensee, either personally or through his agent or employee, shall permit any person in the licensed premises to perform acts of, or acts which, simulate:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law.

(2) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(3) The displaying of the pubic hair, anus, vulva or genitals.

(4) Participating in any performance, stunt or dance with performers or employees who are under the auspices of the management.

(5) The showing of films or slides or scenes wherein artificial devices or inanimate objects or drawings are employed to portray or depict any of the acts that are prohibited by this section.

Sec. 4-266. Restrictions regarding stage area.

(a) No licensee, either personally or through his agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance unless such act, stunt or dance shall be performed on a stage area designated for such purpose. The use of the surface of the bar proper as a stage area is prohibited.

(b) When the stage area is located behind the bar, the nearest point of any such stage area shall not be less than six feet from the outer limits of the patrons' side of the bar. When the stage area is located outside of the bar (i.e., on the patrons' side of the bar), such area shall be raised from the floor level and separated by a railing or other device so as to provide a distance of at least six feet between the patrons and the performers so as to deter patrons from participating in any act, stunt or dance.

Sec. 4-267. Solicitation of drinks prohibited.

No licensee, either personally or through his agent or employee, shall permit the solicitation by any entertainer or employee of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer or patron or other person on the premises, and no entertainer or employee shall solicit any such drink from any customer, patron or other person on such premises.

Sec. 4-268. Certain fraternization prohibited.

No licensee, either personally or through his agent or employee, shall permit any entertainer, waiter, waitress or other employee to sit at any table or in any booth or elsewhere on the licensed premises with any customer or patron; provided, however, that this section shall not apply to a member of the immediate family of the licensee or to any person claiming under him who lives in the same household as the licensee and is over 18 years of age.

Sec. 4-269. Gambling and disorderly conduct prohibited.

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

Secs. 4-270—4-286. Reserved.

ARTICLE IV. PUBLIC CONSUMPTION RESTRICTIONS

Sec. 4-287. Purpose.

It is the purpose of this article to restrict the public consumption of any intoxicating liquor or fermented malt beverage in the town.
(Comp. Ords. 1997, § 93.002; Ord. No. 10, § 2, 8-14-1979)

Sec. 4-288. Prohibited on roads.

No person shall consume any intoxicating liquor or fermented malt beverage in the town upon the public highways, roads, alleys, sidewalks, road crossings, bridges, public parking lots or upon premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, except for municipally approved community functions or events where authorized by specific resolution of the board of supervisors.
(Comp. Ords. 1997, § 93.003; Ord. No. 10, § 3, 8-14-1979)

Sec. 4-289. Restricted to licensed premises.

All purchases of intoxicating liquor or fermented malt beverage by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed

therefrom to any public highway, road, alley, sidewalk, road crossings, bridges, public parking lots or premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, in the town.
(Comp. Ords. 1997, § 93.004; Ord. No. 10, § 4, 8-14-1979)

Sec. 4-290. Prohibited on public property prohibited.

No person shall bring upon, use, consume, sell or convey any intoxicating liquor or fermented malt beverage in or upon any property, building or other structure which is owned or under the control of the town, except in such places as may be designated by the town and in accordance with the rules and regulations as may be from time to time adopted by the town board.
(Comp. Ords. 1997, § 93.005; Ord. No. 10, § 5, 8-14-1979)

Sec. 4-291. Enforcement by citation.

Violations of this article may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.

Chapter 5

RESERVED

Chapter 6

AMUSEMENTS AND ENTERTAINMENTS

Article I. In General

Secs. 6-1—6-18. Reserved.

Article II. Gaming Devices

Sec. 6-19. Definitions.
Sec. 6-20. License required; nontransferability.
Sec. 6-21. Application; fees; term.
Sec. 6-22. Term; renewal.
Sec. 6-23. Replacement of games.

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. GAMING DEVICES

Sec. 6-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Game of chance means a device, whether operated by physical force or electronically, where chance prevails above skill to any degree. A video game of chance is a game or device that simulates one or more games commonly referred to as poker, black jack, craps, hi-lo, roulette or other common gambling forms, though not offering any type of pecuniary award or game to the player. The term "game of chance" also includes any video game which awards game credits or replays and contains a meter or device that records unplayed credits or replays.

Sec. 6-20. License required; nontransferability.

No person shall set up for operation, maintain, keep or permit on premises owned, leased or controlled by him any game of chance without having obtained an operator's license as provided in this article. Such license shall not be transferable.

Sec. 6-21. Application; fees; term.

Every applicant for an operator's license shall make application to the town board on a form furnished by the town clerk. Such application shall state the applicant's name, residence address, the address at which the games of chance are to be located and the number of games of chance, not exceeding five per premises. The application shall be accompanied by a license fee in the amount established from time to time by the board of supervisors. If a license is issued after the beginning of the license year, the fee shall be 1/12 of the annual fee for each month or fraction thereof remaining in the license year.

Sec. 6-22. Term; renewal.

Licenses may be granted by the town board for a period not to exceed one year. Applications shall be filed for renewal of the license in the same manner as for an original license.

Sec. 6-23. Replacement of games.

The licensee may replace a game of chance any number of times by another game of chance, but at no time shall such games of chance on any one premises exceed the number permitted by the license relating to the premises.

Chapter 7

RESERVED

Chapter 8

ANIMALS*

Article I. In General

Sec. 8-1. Definitions.
Sec. 8-2. Enforcement by citation.
Sec. 8-3. Penalties.
Sec. 8-4. Special assessments for unpaid forfeitures or costs.
Sec. 8-5. Special inspection warrant.
Secs. 8-6—8-20. Reserved.

Article II. Humane Officer

Sec. 8-21. Appointment; certification; duties.
Sec. 8-22. Abatement orders; review by town board.
Secs. 8-23—8-47. Reserved.

Article III. General Regulations Regarding Animals

Sec. 8-48. Ownership of certain dogs, cats, fowl and other animals prohibited.
Sec. 8-49. Running at large.
Sec. 8-50. Animal feces.
Sec. 8-51. Injury to property by animals.
Sec. 8-52. Habitually noisy animals.
Sec. 8-53. Duty of owner in case of animal bite.
Sec. 8-54. Provision of proper food and drink to confined animals.
Sec. 8-55. Provision of proper shelter.
Sec. 8-56. Abandoned and neglected animals.
Sec. 8-57. Injured animals.
Sec. 8-58. Cruelty to animals and birds.
Sec. 8-59. Animal fighting.
Sec. 8-60. Trapping animals.
Sec. 8-61. Animal theft.
Sec. 8-62. Vehicle accidents.
Sec. 8-63. Protected and prohibited animals, fowl, reptiles and insects.
Sec. 8-64. Rabbits, chicks and artificially colored animals.
Sec. 8-65. Keeping bees.
Sec. 8-66. Slaughterhouses.
Secs. 8-67—8-90. Reserved.

Article IV. Rabies Control

Sec. 8-91. Vaccinations required.

***State law references—**Animals and humane officers, Wis. Stats. § 173.01 et seq.; animals distrained or doing damage, Wis. Stats. § 172.01 et seq.; strays and lost chattel, Wis. Stats. § 170.01 et seq.; dogs, Wis. Stats. § 174.001 et seq.; crimes against animals, Wis. Stats. § 951.01 et seq.

Sec. 8-92. Certificates and tags.
Sec. 8-93. Authority to quarantine or destroy animals.
Sec. 8-94. Duty to report suspected rabies infection.
Sec. 8-95. Quarantine—Procedure.
Sec. 8-96. Same—Expenses.
Sec. 8-97. Disposal of carcasses of destroyed animals.
Secs. 8-98—8-122. Reserved.

Article V. Livestock

Sec. 8-123. Keeping of livestock restricted.
Sec. 8-124. Exceptions.
Sec. 8-125. Requirements and responsibility for care of livestock.
Secs. 8-126—8-148. Reserved.

Article VI. Dogs

Division 1. Generally

Sec. 8-149. State dog laws adopted.
Sec. 8-150. Purpose.
Sec. 8-151. Owner's liability for damage caused by dogs.
Sec. 8-152. Running at large prohibited.
Sec. 8-153. Disorderly dog.
Sec. 8-154. Abandonment.
Secs. 8-155—8-170. Reserved.

Division 2. Licensing

Sec. 8-171. Dog license tax.
Sec. 8-172. Issuance of license; notice of change in dog's status.
Sec. 8-173. Exemption for guide dogs.
Secs. 8-174—8-199. Reserved.

Division 3. Kennel Licenses

Sec. 8-200. Optional kennel operating license.
Sec. 8-201. Location restrictions.
Sec. 8-202. Public hearing; issuance of new licenses.
Sec. 8-203. Renewal.
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Sec. 8-205. Kennel dog tags.
Sec. 8-206. Care of kennel dogs; fenced areas.
Secs. 8-207—8-235. Reserved.

Division 4. Impoundment

Sec. 8-236. Impoundment.
Sec. 8-237. Reclamation of impounded dogs.
Sec. 8-238. Payment for dog seizure, impoundment, and destruction.
Sec. 8-239. Town not liable for death of impounded dogs.

Secs. 8-240—8-260. Reserved.

Article VII. Vicious Animals

Sec. 8-261. Declaration of viciousness; exceptions.
Sec. 8-262. Restraint required.
Sec. 8-263. Seizure of vicious animals.
Sec. 8-264. Destruction of vicious animals upon repeat offenses.
Sec. 8-265. Harboring aggressive, vicious, and nuisance animals prohibited.

ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means mammals, reptiles and birds.

At large means to be off the premises of the owner and not under the control of a person by leash. However, a dog, cat, potbellied pig or ferret within an automobile of its owner or with the consent of the owner shall be deemed to be upon the owner's premises. Hunting dogs, under the control of the owner when hunting with the property owner's permission, and law enforcement animals are exempt from this definition.

Cat means any feline, regardless of age or sex.

Coop means any barn, warren or other structure, together with the yard in connection therewith, used for the housing of any chicken, rabbit or other small animal or bird, except dogs.

Cruel means causing unnecessary and excessive pain or suffering, or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Farm animal means any animal normally raised on a farm in the United States and used for food or fiber. Such term also includes goats, horses, donkeys, mules and ponies.

Humane society means the Watertown Humane Society or the Jefferson County Humane Society.

Kennel means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes.

Law enforcement officer has the meaning as it appears in Wis. Stats. § 967.02(5), and includes a humane officer under Wis. Stats. § 58.07, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Leash means a cord, thong or chain not more than ten feet in length, by which an animal is controlled by the person accompanying the animal. A retractable lead may also be used by a responsible individual if the lead is of adequate strength to control the animal. Retractable leads shall only be used in open areas.

License year means from April 1 through March 30.

Livestock means cattle, horses, donkeys, swine, sheep, goats, llamas, emus, ostriches, alpacas or farm-raised deer and other such animals susceptible to use for commercial purposes, including domesticated fowl, such as chickens, turkeys, geese, ducks, guineas or other poultry.

Neutered and *spayed* mean, when referring to an animal, having nonfunctional reproductive organs.

Offensive business means the killing or dressing, or both, of any animal in the usual course of a business or occupation, except the killing or dressing, or both, by farmers of animals produced on their own farms where such killing or dressing, or both, occurs.

Owner means any person owning, harboring or keeping a dog or cat, and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 30 days. An occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 30 days is presumed to be harboring or keeping the dog or cat within the meaning of this definition. The term "owner" shall not apply to veterinarians, kennel operators or qualified nonprofit animal rescue groups temporarily maintaining animals owned by others on their premises.

Owning means having actual ownership, harboring, keeping, or having temporary custody of a dog.

Pet means a domestically owned animal.

Running at large means off the premises of the owner; or, not in near enough proximity to the owner, so that the owner can in fact control his dog. Working farm dogs in the course of their normal duties, and hunting dogs while accompanied by their hunting master, shall not be deemed running at large.

Service animal means any guide dog, signal dog or other animal trained to provide assistance to an individual with a disability.

Slaughterhouse means a place where cattle, swine, sheep, goats or horses are killed or dressed, or both, for human consumption, except by farmers of animals produced on their own farms where killing or dressing, or both, occurs, and except occasionally such killing or dressing, or both, by individuals for their own use.

Stable means any barn, sty, building or other structure, together with the yard in connection therewith, used for the housing of any horse, cow, pig, sheep, goat or other animal except dogs, chickens, rabbits or other small animals and birds.

Town law enforcement officer means town official, county sheriff or deputy sheriff, or any other person designated by the town board to enforce the provisions of this Code and town ordinances.

Town treasurer means treasurer of the Town of Watertown.

Veterinarian means a person duly licensed to practice veterinary medicine in the state and possessing a doctor's degree in veterinary medicine.

Vicious or dangerous animal means:

(1) Any animal that, when unprovoked, attacks, bites or injures a human being, pet, service animal or livestock on either public or private property;

(2) Any animal that has a history known to the owner thereof, of attacking without provocation;

(3) Any animal trained or used for fighting against another animal.

(Comp. Ords. 1997, § 121.003; Ord. No. 11, § 3, 11-6-1979)

Sec. 8-2. Enforcement by citation.

(a) Any law enforcement officer and any member of the town board is authorized and directed to make investigation and to sign complaints concerning alleged violation of this chapter for and in behalf of the town. The town is authorized to retain legal counsel to assist in the prosecution of violation of this chapter and in accordance with Wis. Stats. § 66.119, Wis. Stats. § 60.29(13) and Wis. Stats. § 61.34 to prepare for town adoption a citation form for use in enforcing this chapter.

(b) Violations of this chapter may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.

(Comp. Ords. 1997, § 121.012; Ord. No. 11, § 12, 11-6-1979)

Sec. 8-3. Penalties.

Any person in violation of this chapter shall be subject upon conviction of such violation to a penalty of not less than $100.00 nor more than $200.00 together with the costs of prosecution, and upon default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid but not exceeding 60 days.

(Comp. Ords. 1997, §§ 120.001, 122.002; Ord. No. 6, § 1, 6-22-1978; Ord. of 2-14-2000, § 2)

Sec. 8-4. Special assessments for unpaid forfeitures or costs.

If anyone fails to pay the forfeiture or fails to pay for any costs incurred by the town in enforcing this chapter, including, but not limited to attorney's fees and money paid to feed and board dogs at the town humane society or the county humane society, said bill shall be placed on the violator's real estate tax bill and shall be collected as a special assessment on the tax bill.

(Comp. Ords. 1997, § 122.003; Ord. of 2-14-2000, § 3)

Sec. 8-5. Special inspection warrant.

(a) Any law enforcement officer and any member of the town board engaged in enforcing the provisions of this chapter may question persons and inspect property in the town.

(b) In the event any person having possession of property that is a subject of investigation refuses to consent to entry for the purpose of inspection, a law enforcement officer or any member of the town board may apply for a special inspection warrant.

(Comp. Ords. 1997, § 121.013; Ord. No. 11, § 13, 11-6-1979)

Secs. 8-6—8-20. Reserved.

ARTICLE II. HUMANE OFFICER

Sec. 8-21. Appointment; certification; duties.

(a) *Appointment.* The town humane officer shall be appointed by the town board to serve at the discretion of the town board.

(b) *Certification.* The humane officer shall be certified as required by Wis. Stats. § 173.05.

(c) *Duties.* The duties of the humane officer shall be as outlined in Wis. Stats. ch. 173 and the humane officer shall enforce all laws and ordinances relating to animals within the town, including but not limited to, the provisions of Wis. Stats. ch. 173, which are hereby adopted by reference, as amended from time to time.
(Comp. Ords. 1997, § 123.001; Ord. of 11-14-2000, § 123.001)

Sec. 8-22. Abatement orders; review by town board.

The humane officer shall have the authority to issue abatement orders pursuant to Wis. Stats. § 173.11. Any person adversely affected by such abatement order may, within ten days of service at the order on said person request a hearing before the town board, which shall hold a hearing within ten days thereafter, pursuant to Wis. Stats. § 173.11.
(Comp. Ords. 1997, § 123.001; Ord. of 11-14-2000, § 123.001)

Secs. 8-23—8-47. Reserved.

ARTICLE III. GENERAL REGULATIONS REGARDING ANIMALS

Sec. 8-48. Ownership of certain dogs, cats, fowl and other animals prohibited.

It shall be unlawful for any person within the town to own, harbor or keep any domestic animal that:

(1) Habitually pursues any vehicle upon any public road, alley or highway in the town.

(2) Assaults or attacks any person or destroys property.

(3) Is at large within the town limits.

(4) Habitually barks or howls to the annoyance of any person.

(5) Kills, wounds or worries any domestic animal.

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(7) Is unlicensed, in the case of a dog.

Sec. 8-49. Running at large.

It shall be unlawful for the owner or keeper of any animal to permit or suffer such animal to be at large.

Sec. 8-50. Animal feces.

(a) It shall be unlawful for any person in immediate control of any animal to permit fecal matter which is deposited by such animal while off of its own premises to remain on any road, alley, sidewalk, lawn, field or any public property, and it shall be solely the responsibility of the person in control of such animal to immediately, after such deposit, remove and dispose of all such fecal matter.

(b) Any person owning or having control of an animal on any property, public or private, which is owned or occupied by such person, shall promptly remove excrement left by such animal and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.

(c) Any person causing or permitting an animal to be on any property, public or private, not owned or occupied by such person shall have in his immediate possession a device or object suitable for removal of excrement and a depository for the transmission of excrement to the property owned or occupied by such person.

Sec. 8-51. Injury to property by animals.

It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any parkway, or private land or premises without the permission of the owner of such land or premises, and to habitually break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden, in any manner whatsoever, or to defecate or urinate thereon.

Sec. 8-52. Habitually noisy animals.

(a) It shall be unlawful for any person to knowingly keep or harbor any animal which habitually barks, howls, yelps or cries to the great discomfort of the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance.

(b) An animal is considered to be in violation of this section when complaints from two or more adults living in separate residences within audible distance of the noisy animal are filed with the town law enforcement department within a four-week period. No prosecution shall be commenced, except upon the request of the town law enforcement department, following a written petition signed by two or more adult persons residing at different residences.

Sec. 8-53. Duty of owner in case of animal bite.

Every owner or person harboring or keeping an animal, who knows that such animal has bitten any person, shall immediately report such fact to the sheriff's department and shall keep such animal confined pursuant to the requirements this article. The owner or keeper of any such animal shall surrender the animal to a law enforcement or humane officer, upon demand, for examination.

Sec. 8-54. Provision of proper food and drink to confined animals.

No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as follows:

(1) The food shall be sufficient to maintain all animals in good health.

(2) If potable water is not accessible to the animals at all times, it shall be provided daily and in a sufficient quantity for the health of the animal.

State law reference—Similar provisions, Wis. Stats. § 951.13.

Sec. 8-55. Provision of proper shelter.

(a) *Required.* No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry.

(b) *Indoor standards.* Minimum indoor shelter standards shall require that the ambient temperature shall be compatible with the health of the animal and indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(c) *Outdoor standards.* Minimum outdoor shelter standards shall require that, when sunlight is likely to cause heat exhaustion of an animal, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. In addition, shelter shall be provided from inclement weather, as follows:

(1) *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

(2) *Dogs.* If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(d) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures for animals other than dogs require that the housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(e) *Sanitation standards.* Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta, other waste materials, dirt and trash so as to minimize health hazards.

(f) *Coop maintenance.* No person shall maintain or operate a coop unless the coop is established at least 25 feet from the nearest inhabited dwelling, exclusive of the dwelling of the person operating such coop. Coops existing on the effective date of this Code, which are not

located and operated at least 25 feet from any such dwelling, may remain in existence, but shall not be improved or extended in violation of this section. Every coop shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the public.

Sec. 8-56. Abandoned and neglected animals.

(a) No person may abandon or neglect any animal.

(b) Any law enforcement officer or humane society officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases, the owner, if known, shall be immediately notified and such officer, or other person having possession of the animal, shall have a lien thereon for the animal's care, keeping and medical attention and the expense of the notice.

(c) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not within seven days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

(d) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill the animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

Sec. 8-57. Injured animals.

No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. If the owner of such animal cannot be located, the town or any animal control agency with which the town has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

Sec. 8-58. Cruelty to animals and birds.

(a) *Birds' nests and eggs.* No person, except a law enforcement officer, health officer or humane officer in the pursuit of their duties, shall, within the town, shoot or kill, or commit an act of cruelty to an animal or bird or disturb any bird's nest or bird's eggs.

(b) *Leading animal from motor vehicle.* No person shall lead any animal upon a town road from a motorized vehicle or a trailer or semitrailer drawn by a motorized vehicle.

(c) *Use of poisonous and controlled substances.* No person may expose any pet owned by another person to any known poisonous substance or controlled substance whether or not it is mixed with meat or other food, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to

poison used on a person's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

(d) *Use of certain devices prohibited.* No person may, directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon, or to, any animal used or readied for use for a work purpose, or for use in an exhibition, competition, rodeo, circus or other performance, any bristle bur, tack bur or similar device, or a poling device used to train a horse to jump which is charged with electricity or to which nails, tacks or other sharp points have been affixed.

(e) *Shooting at caged or staked animals.* No person may instigate, promote, aid or abet, as a principal, agent, employee, participant or spectator, or participate in the earnings from, or intentionally maintain or allow any place to be used for, the shooting, killing or wounding with a firearm or any deadly weapon of any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.

Sec. 8-59. Animal fighting.

No person within the town shall:

(1) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.

(2) Build, make, maintain or keep a pit or enclosure on any premises owned or occupied by him, or allow a pit or enclosure to be built, made, maintained or kept on such premises for the purpose of an exhibition of animal fighting.

(3) Exercise an animal with weights for the purpose of fighting, including, but not limited to, heavy items strapped to the animal's chest or neck.

(4) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat.

(5) Charge admission, be an assistant, umpire or participant, or be present as a spectator to any exhibition of animal fighting or combat.

Sec. 8-60. Trapping animals.

(a) In the interest of public health and safety, it shall be unlawful for any person within the town to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. For the purposes of this subsection, the term "live box-type traps" means traps that capture and hold an animal in an alive and unharmed condition. Any person requiring deviations from this section must receive written approval from the town board.

(b) All such traps set, placed or tended on town-owned land shall comply with Wis. Stats. ch. 29, as such chapter relates to trapping.

(c) Nothing in this section shall prohibit or hinder the town or its employees or agents from performing their official duties.

Sec. 8-61. Animal theft.

No person may take an animal of another person from one place to another without the owner's consent, or cause such animal to be confined or carried out of the town or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted in this chapter.

Sec. 8-62. Vehicle accidents.

The operator of any vehicle involved in an accident resulting in injury to, or death of, a domestic animal which appears to be a pet or farm animal or livestock shall immediately notify the sheriff's department or an animal control agency the jurisdiction of which extends into the town.

Sec. 8-63. Protected and prohibited animals, fowl, reptiles and insects.

(a) *Endangered species.* It shall be unlawful for any person to buy or sell, or attempt to buy or offer for sale, a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1973, 16 USC § 1530 et seq. The provisions of this subsection shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, persons holding a scientific collector's permit issued by the secretary of the state department of natural resources, or to any person or organization licensed to present a circus. The town may waive the provisions of this subsection for premises with appropriate federal and state permits.

(b) *Regulating the importation of certain birds.* No person shall import, or cause to be imported, into the town any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin or body, or any part thereof, legally collected for use by the Native Americans for ceremonial purposes or in the preservation of their tribal customs and heritage.

(c) *Wild animals.* Unless prior approval is received from the town, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the town any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile with any vicious or dangerous propensities; provided, however, that this subsection shall not apply to creatures used as assistance animals or creatures in the care, custody or control of a

veterinarian for treatment; agricultural fairs; shows or projects of 4-H clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; or zoological gardens, if:

(1) Their location conforms to the town's zoning restrictions;

(2) All animals and animal quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors;

(3) The animals are maintained in quarters constructed to prevent their escape;

(4) No person lives or resides within 100 feet of the quarters in which the animals are kept; and

(5) Such animals are ferrets, nonpoisonous snakes, nonconstricting snakes, rabbits and laboratory rats which have been bred in captivity and which have never known the wild.

Sec. 8-64. Rabbits, chicks and artificially colored animals.

(a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise artificially colored.

(b) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

(c) No retailer may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age, in any quantity of less than six, unless the purpose of selling such animals is for agricultural, wildlife or scientific purposes.

State law reference—Similar provisions, Wis. Stats. § 951.10.

Sec. 8-65. Keeping bees.

(a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises zoned residential within the limits of the town unless the bees are kept in accordance with the following provisions:

(1) No hive, stand or box where bees are kept shall be located closer than 20 feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.

(2) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than six feet high, shall be installed and maintained along the exterior boundary. Such barrier may be either a natural or artificial planting.

(3) Watering facilities for bees shall be provided on the premises.

(4) The bees and equipment shall be kept in accordance with the provisions of state statute.

(b) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

(c) No person shall keep, establish or maintain any hive, stand or box where bees are kept without first obtaining a permit from the health department. A brief and simple plan, including a diagram describing the location of the hive, stand or box in relationship to lot boundaries and the barrier, shall be submitted to the health department prior to the issuance of a permit. No fee shall be charged for such permit.

(d) The health department may deny or revoke a permit under this section if, based on the plan submitted or a verified complaint signed by two or more witnesses residing in different households, it is determined that the beehive creates a nuisance. A person whose permit is denied or revoked under this section shall have the right to appeal the health department's denial or revocation to the board of health.

Sec. 8-66. Slaughterhouses.

No person shall construct, operate or maintain a slaughterhouse in the town without first obtaining a license from the state department of agriculture under Wis. Stats. § 97.42(2). No person shall construct, operate or maintain a slaughterhouse in the town within one mile of any residence or other structure used for dwelling purposes.

Secs. 8-67—8-90. Reserved.

ARTICLE IV. RABIES CONTROL

Sec. 8-91. Vaccinations required.

(a) The owner of a dog or cat shall have the animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches six months of age. If the owner obtains the dog or cat, or brings the animal into the town after the animal has reached six months of age, the owner shall have the animal vaccinated against rabies within 30 days after the animal is brought into the town unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination.

(b) The owner of a dog or cat shall have the animal revaccinated against rabies by a veterinarian before the date the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(c) The owner of an animal determined by a state licensed veterinarian to be allergic to standard rabies vaccination shall obtain a signed letter from a veterinarian stating that the animal should be allowed not to be vaccinated when applying for a license.

Sec. 8-92. Certificates and tags.

(a) A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the town, stating the owner's name and address, the name, sex, whether spayed or unspayed or neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, and the date the immunization expires as specified for that type of vaccine by the U.S. Center for Disease Control and the town department of health and human services. No license shall be issued to a dog or cat without proof of a rabies vaccination.

(b) The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for such purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.

(c) After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given, and the name, address and telephone number of the veterinarian.

(d) The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog or cat at all times. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The following requirements of this subsection do not apply to a dog or cat:

(1) During competition;

(2) Securely confined indoors;

(3) Under the control of its owner during training or competition;

(4) Actively involved in herding or controlling livestock; or

(5) That is not required to be vaccinated under this section.

(e) The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record of such duplicate tag in the file.

(f) The owner shall pay the cost of the rabies vaccination, the cost associated with the issuance of a certificate of rabies vaccination and the delivery cost of a rabies vaccination tag.

Sec. 8-93. Authority to quarantine or destroy animals.

(a) A law enforcement officer or health officer shall order a pet quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If quarantine cannot be imposed because the pet cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner that avoids damage to the animal's head.

(b) An officer may order the killing of, or may kill, an animal other than a pet if the officer has reason to believe that the animal bit a person or is infected with rabies.

Sec. 8-94. Duty to report suspected rabies infection.

Any person who suspects that a pet within the town is infected with rabies or hydrophobia shall report such suspicion to the sheriff's department, describing the pet and giving the name of the owner, if known.

Sec. 8-95. Quarantine—Procedure.

(a) If a dog, cat or other domestic animal is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. For the purposes of this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and the veterinarian certifies that the animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period, provided that proof of the examination is immediately filed with the health officer.

(b) If a dog, cat or other domestic animal is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, and the dog, cat or other domestic animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

(c) If a dog, cat or other domestic animal is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, but the dog, cat or other domestic animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(d) If a veterinarian determines that a dog, cat or other domestic animal exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected of having bitten a person, the veterinarian shall notify the person or the person's physician.

Sec. 8-96. Same—Expenses.

The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the town is responsible for such expenses.

Sec. 8-97. Disposal of carcasses of destroyed animals.

An officer who kills an animal shall deliver the carcass of such animal to a veterinarian. The veterinarian shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of, or arrange for the disposal of, the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus. The state laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the town health department and the veterinarian who prepared the carcass and, if the animal is suspected of having bitten a person, that person or the person's physician.

Secs. 8-98—8-122. Reserved.

ARTICLE V. LIVESTOCK

Sec. 8-123. Keeping of livestock restricted.

It shall be unlawful for any person to keep any livestock within the town except as specifically provided herein or unless approved specifically by the town board of supervisors.

Sec. 8-124. Exceptions.

(a) Livestock may be kept on any parcel zoned for agricultural use, provided the area of the parcel is at least two acres.

(b) Livestock may be kept on any parcel zoned for residential use, provided, the area of the parcel is at least five acres and the livestock is kept more than 300 feet from every residence not on the parcel.

(c) Livestock kept on a parcel prior to the adoption of this Code shall be allowed to remain on the parcel, notwithstanding a violation of this section, provided that the livestock is not determined by the town to be a nuisance following a hearing on the matter, if one is requested, in writing, by a neighbor residing on a parcel within 300 feet of the parcel where the livestock is kept.

Sec. 8-125. Requirements and responsibility for care of livestock.

(a) *Stable maintenance.* No person shall maintain or operate a stable unless the stable shall be established at least 200 feet from the nearest inhabited dwelling, exclusive of the dwelling of the person operating such stable. Stables existing on the effective date of this Code, which are not located and operated at least 200 feet from any such dwelling, may remain in existence, but shall not be improved or extended in violation of the provisions of this section. Every stable shall be operated and maintained in a clean and sanitary condition so as not to endanger the

health, comfort, safety and welfare of the public. No horse, cow, pig, sheep, goat or other small animal or bird shall be kept and maintained other than in a stable which conforms to the requirements of this article.

(b) *Responsibility for animal welfare.* The owner of livestock shall be responsible, at all times, for the care and welfare of such animal.

(c) *Shelters for horses in pastures.* All horses kept in pastures without access to barn facilities during the months of October through April, inclusive, shall have access to a shelter which shall consist of at least three walls and a roof. The shelter shall be of such size and type of construction as will permit all horses in such pasture to be completely underneath its roof and protected from direct exposure to weather.

(d) *Horse barns.* The stalls wherein horses are kept shall be cleaned at least once a day. An adequate supply of bedding straw or comparable material shall be kept in the stalls at all times.

(e) *Food and water.* Proper feed of an adequate amount and adequate water shall be provided to the livestock at all times. When the usual water supply becomes frozen, water shall be provided twice a day in such amounts as will permit such animals to drink their fill.

(f) *Defects; illness; injury.* Any livestock adjudged by a law enforcement officer of the town to be sick, lame or injured shall not be used for work or recreation.

(g) *Shoeing of horses.* A horse ridden on the road or any hard surface must be shod.

Secs. 8-126—8-148. Reserved.

ARTICLE VI. DOGS

DIVISION 1. GENERALLY

Sec. 8-149. State dog laws adopted.

The statutory provisions following and describing and defining regulations with respect to dogs in the following enumerated sections of the state statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited hereby.

Wis. Stats. § 106.52, Dogs for the blind admitted to public places.

Wis. Stats. § 174.01, Dogs may be killed.

Wis. Stats. § 174.02, Owner's liability.

Wis. Stats. § 174.042, Dogs running at large and untagged dogs subject to impoundment.

Wis. Stats. § 174.05, Dog license tax.

Wis. Stats. § 174.055, Exemption of dogs for the blind.

Wis. Stats. § 174.06, Assessment: levy; collection.

Wis. Stats. § 174.07, Dog licenses and collar tags.

Wis. Stats. § 174.08, License fees paid to county treasurer.

Wis. Stats. § 174.09, Dog license fund; how disposed of and accounted for.

Wis. Stats. § 174.11, Claims for damage by dogs to domestic animals; payable when from dog license fund; appeals.

Wis. Stats. § 174.12, Actions against owners.

Wis. Stats. § 174.13, Humane use of dogs for diagnosis and treatment.
(Comp. Ords. 1997, § 120.001; Ord. No. 6, § 1, 6-22-1978)

Sec. 8-150. Purpose.

It is the purpose of this article to enforce dog licensing requirements and to curtail dogs from roaming individually or as dog packs in a manner to expose persons and property in the town to bodily injury or damage. It is also the purpose of this article to complement application of Wis. Stats. § 174.053 in the town.
(Comp. Ords. 1997, § 121.002; Ord. No. 11, § 2, 11-6-1979)

Sec. 8-151. Owner's liability for damage caused by dogs.

The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by animals, together with the penalties set forth in such statute, are hereby adopted and incorporated in this section by reference.

Sec. 8-152. Running at large prohibited.

It shall be unlawful for any dog owner to fail to take such action or use such means as is reasonably necessary to prevent such dog from running at large.
(Comp. Ords. 1997, § 121.005; Ord. No. 11, § 5, 11-6-1979)

Sec. 8-153. Disorderly dog.

(a) *Repeated disorderliness.* It shall be unlawful for any dog owner to fail to prevent such dog from being repeatedly disorderly.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Disorderly means conduct by a dog that is unreasonably loud, violent or otherwise disorderly under circumstances in which such conduct tends to cause or provoke a disturbance.

Repeatedly means on more than two occasions a dog owner has received complaints from town citizens or town law enforcement officers that such owner's dog is or was recently disorderly.
(Comp. Ords. 1997, § 121.006; Ord. No. 11, § 6, 11-6-1979)

Sec. 8-154. Abandonment.

It shall be unlawful for any person owning a dog to abandon it in the town.
(Comp. Ords. 1997, § 121.007; Ord. No. 11, § 7, 11-6-1979)

Secs. 8-155—8-170. Reserved.

DIVISION 2. LICENSING

Sec. 8-171. Dog license tax.

Every owner of a dog in the town of more than five months of age or who becomes more than five months of age within the license year, shall annually, or within 30 days from the date such dog becomes five months of age, pay a dog license tax to the town treasurer at the time and in the manner provided by law for payment of personal property taxes and obtain a license for such dog as follows:

(1) A neutered male or spayed female dog, $5.00.

(2) An unneutered male or unspayed female dog, $10.00.

(3) One-half of the taxes required by subsections (1) and (2) of this section if a dog to be licensed reaches five months of age after July 1 of the licensed year.

(4) Persons purchasing dog licenses after April 1 or after 30 days from the date such dog becomes five months of age, shall pay an additional fee of $5.00 per dog license.

(Comp. Ords. 1997, § 121.004; Ord. No. 11, § 4, 11-6-1979)

Sec. 8-172. Issuance of license; notice of change in dog's status.

The town treasurer or the town clerk shall issue a dog license tag for each licensed dog in accordance with Wis. Stats. § 174.07. The owner of any dog required to be licensed shall notify in writing the town treasurer within 30 days of such owner no longer owning a dog that previously was required to be licensed.
(Comp. Ords. 1997, § 121.004; Ord. No. 11, § 4, 11-6-1979)

Sec. 8-173. Exemption for guide dogs.

Every dog specially trained to lead blind persons shall be exempt from the dog license tax and every taxpayer owning such dog shall annually receive a dog license from the town treasurer upon application therefor.
(Comp. Ords. 1997, § 121.004; Ord. No. 11, § 4, 11-6-1979)

Secs. 8-174—8-199. Reserved.

DIVISION 3. KENNEL LICENSES

Sec. 8-200. Optional kennel operating license.

In accordance with Wis. Stats. § 174.053, any person who keeps or operates a kennel may in lieu of the license tax for each dog required by this article, apply to the town treasurer for a kennel operating license, as provided in this section, the tax for which shall be $35.00 for the license year. With such kennel license the treasurer shall issue a number of tags equal to the number of dogs authorized to be kept in the kennel.
(Comp. Ords. 1997, § 121.004; Ord. No. 11, § 4, 11-6-1979)

Sec. 8-201. Location restrictions.

No kennel license shall be issued to any person for any residentially zoned lot, except persons currently holding a kennel license, provided that all of the other provisions of this article are complied with. Every dog kennel shall be located and operated at least 200 feet from the nearest inhabited dwelling, exclusive of the dwelling of the person operating such dog kennel. Dog kennels existing on the effective date of the article from which this section is derived, which are not located and operated at least 200 feet from any such dwelling, may remain in existence, but shall not be improved or extended in violation of the provisions of this section.

Sec. 8-202. Public hearing; issuance of new licenses.

A public hearing for a new license shall be held by the licensing committee of the town board to ensure that the issuance of the license is not contrary to the public's health, safety or welfare. After a public hearing, upon recommendation by the licensing committee and payment of the appropriate fee, the town board may approve the issuance of a kennel license. Upon presentation of evidence to the clerk-treasurer that all dogs over six months of age are currently immunized against rabies, the clerk-treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

Sec. 8-203. Renewal.

The renewal application for each kennel license must be reviewed and approved by the licensing committee. Upon recommendation by the licensing committee and payment of the proper fee, the renewal license may be issued.

Sec. 8-204. Revocation.

In the event of a complaint regarding a current kennel license, the town board may discuss the complaint at a public hearing and take appropriate action, up to, and including, revocation.

Sec. 8-205. Kennel dog tags.

The owner or keeper of a kennel shall at all times keep a kennel license tag attached to the collar of each dog over six months of age, except during competition or training. Tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel; however, the rabies vaccination tag or substitute tag shall at all times remain attached to the dog for which it is issued, except on a show dog during competition or training.

Sec. 8-206. Care of kennel dogs; fenced areas.

Kennel owners shall provide adequate housing and care for the animals, including a fenced-in run area sufficient to accommodate the number of dogs in the kennel.

State law reference—Similar provisions, Wis. Stats. § 174.053.

Secs. 8-207—8-235. Reserved.

DIVISION 4. IMPOUNDMENT

Sec. 8-236. Impoundment.

(a) Any dog in the town which does not bear a required dog license tag, or any dog running at large in the town, shall be caught and impounded by a town law enforcement officer, or by any member of the town board, and may be caught by any employee of the Watertown Humane Society or the county humane society.

(b) The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.

(c) Any dog caught and impounded in accordance with the provisions of this section may be delivered to the animal shelter operated by the town humane society or the county humane society.

(Comp. Ords. 1997, § 121.008; Ord. No. 11, § 8, 11-6-1979)

Sec. 8-237. Reclamation of impounded dogs.

(a) Immediately after any dog is impounded in accordance with the provisions of this article, an employee of the town humane society and the county humane society. may notify the town clerk by U.S. mail the owner of such dog, if such owner is known or can be ascertained with reasonable effort, that the dog has been impounded and that it may be reclaimed within seven days or be destroyed.

(b) If the owner of an impounded dog is unknown or cannot be ascertained with reasonable effort, the humane society, or whoever else has a dog impounded in accordance with this division, may post in three places in the town a description of such impounded dog stating where the dog is impounded and if the owner of such impounded dog does not reclaim it within seven days, the dog shall be disposed of in a proper and humane manner. The humane society or person holding such an impounded dog of unknown ownership may also carefully read the

lost and found advertisements of a local newspaper having general circulation in the community to determine whether such impounded dog is advertised as lost, and if so, may promptly notify the advertiser in the same manner as notices to the owner as specified herein.

(c) If the owner's dog is unlicensed, the person or humane society holding the impounded dog may, before reclamation of such dog, require proof from the town treasurer that a license has been purchased for the dog.

(d) The dog license tax and the cost incurred for keeping an impounded dog shall constitute a lien against such dog.

(e) Reclamation of an impounded dog shall not be a defense to prosecution for violation of this division.
(Comp. Ords. 1997, § 121.009; Ord. No. 11, § 9, 11-6-1979)

Sec. 8-238. Payment for dog seizure, impoundment, and destruction.

(a) The humane society or person holding a dog impounded in accordance with this division may request payment from dog owners for the ordinary and necessary costs actually incurred of seizure, impoundment, and destruction of an owner's dog. If the humane society or person so holding an impounded dog is not paid for such costs incurred, it may present for approval a voucher to the town board for payment of such costs.

(b) The town board may recover as costs from a dog owner found guilty of violating this article, any and all expenditures made to seize, and impound or destroy a dog of such a dog owner.
(Comp. Ords. 1997, § 121.010; Ord. No. 11, § 10, 11-6-1979)

Sec. 8-239. Town not liable for death of impounded dogs.

The town shall not be liable for the death of any dog that has been impounded or disposed of pursuant to this article.

Secs. 8-240—8-260. Reserved.

ARTICLE VII. VICIOUS ANIMALS

Sec. 8-261. Declaration of viciousness; exceptions.

For purposes of this article, an animal shall be deemed to be of a vicious disposition if, within any 12-month period, it attacks, bites or injures a human being, pet, service animal or livestock in unprovoked circumstances off of the owner's premises; provided, however,that:

(1) No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such death, injury or damage was sustained, was committing a criminal trespass upon the premises occupied by the owner of the animal, or was

teasing, tormenting, abusing or assaulting the animal or was committing, or attempting to commit, a crime, or violating, or attempting to violate, a law or an ordinance that protects persons or property.

(2) No animal shall be declared to be vicious if death, injury or damage was sustained by a domestic animal that, at the time such death, injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal.

(3) No animal may be declared to be vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(4) No animal may be declared to be vicious if the death, injury, or damage to an animal or a person occurred when the attacking animal was within the confines of a fenced in or enclosed building area, if such building or fenced in area has a sign warning or stating, "Beware of Dog, (or other animal)."

(5) No animal may be declared to be vicious if the animal is part of a governmental organization or is a trained guard dog in the performance of its duties.

Sec. 8-262. Restraint required.

No vicious animal, as defined in this chapter, shall be allowed off the premises of its owner unless such animal is muzzled or on a leash in the charge of the owner or a member of the owner's immediate family who is over 16 years of age.

Sec. 8-263. Seizure of vicious animals.

Any vicious animal which is found off the premises of its owner, other than as provided in this article, may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of the animal, by testimony, under oath, reduced to writing, be euthanized by the law enforcement authorities.

Sec. 8-264. Destruction of vicious animals upon repeat offenses.

Any person who owns or harbors a vicious animal that has, on the basis of two or more violations of this chapter, been previously declared vicious shall, upon the third violation, be required to have such animal destroyed.

Sec. 8-265. Harboring aggressive, vicious, and nuisance animals prohibited.

No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after vehicles.

Chapter 9

RESERVED

Chapter 10

BUILDINGS AND BUILDING REGULATIONS*

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***State law references—**Enforcement of building codes, Wis. Stats. § 62.17; razing buildings, buildings as public nuisance, Wis. Stats. § 66.0413; moving building on municipal roads, Wis. Stats. § 62.14.

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ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.

The purpose of this chapter is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings and structures.

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fill means the act of placing, setting down or depositing solid fill on land for the purpose of, or which has the resultant effect of changing the existing contour of or raising the elevation of such land or any part thereof.

Fill, solid, means earth, clay, soil, ground, stones, rocks and broken concrete which does not exceed 18 inches in diameter, cinders (consisting of the residue from the combustion of coal and not less than one-eighth inch in diameter), or any mixture or combination of the foregoing.

Filling permit means a permit required to engage in the act of filling on a specified parcel of land.

Materials, flammable and combustible, means and includes oils and oil lamps, sweepings from garage floors, barrels, boxes or other containers containing oil or other similar liquids, rags, clothes, paper, shavings, paper or cardboard boxes or cartons, grease, paints, varnish or other similar substances, any of which are likely to be readily flammable or combustible.

New construction means any new building on land located in the town including, but not limited to houses, duplexes, multifamily homes, commercial buildings, apartments, barns, garages, and sheds.

Structure means any dwelling, place of business, garage, barn, or any other type of building.
(Comp. Ords. 1997, § 227.003; Ord. No. 97-1, § III, 1-21-1997)

Sec. 10-3. Silt fencing required for certain structures.

Any person who builds a structure on land which is located near a river or other navigable body of water, or which structure is located near an adjoining property such that surface water runs off the one property on to the other property, or, which structure is located near a sewer or ditch such that surface water runs off of the one property into the sewer or ditch, shall meet with the town board for the purpose of determining whether a silt fence is necessary. The building inspector shall make the determination of whether a silt fence is necessary and the determination shall be binding on the person.
(Comp. Ords. 1997, § 224.002; Ord. No. 90-35a, § 2, 10-21-1996)

Sec. 10-4. Building inspector.

There is hereby created the position of town building inspector, who shall administer and enforce this chapter. The building inspector shall be appointed by the town board, but such appointee shall first be certified as specified in Wis. Stats. § 101.66(2).
(Comp. Ords. 1997, § 221.005; Ord. No. 35, § 5, 10-16-1990)

Sec. 10-5. Enforcement.

In addition to penalties set forth herein, this chapter may be enforced:

(1) *By injunction.* The town shall be permitted to tear down new construction done in violation of this chapter and the cost of such demolition shall be borne by the violator. Failure to pay any penalties and costs associated with enforcement of this chapter shall result in the same being placed upon the tax roll and shall be collected as a special assessment imposed upon the violator.

(2) *By citation.* Cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.

(3) *By other actions.* By means of withholding and revoking building permits, imposition of forfeitures, and any other enforcement action authorized by law.

(Comp. Ords. 1997, §§ 221.007, 222.007; Ord. No. 35, § 7, 10-16-1990; Ord. No. 90-35a, § VII, 10-21-1996)

Secs. 10-6—10-28. Reserved.

ARTICLE II. BUILDING AND RELATED CODES

Sec. 10-29. Uniform Dwelling Code adopted.

(a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. Comm. 20—25, commonly known as the Uniform Dwelling Code, describing standards and inspection procedures for one- and two-family dwellings and manufactured buildings, are hereby adopted and incorporated herein by reference as though fully set forth. The adopted chapters are further identified as follows:

Wis. Admin. Code ch. Comm. 20, Administration and Enforcement

Wis. Admin. Code ch. Comm. 21, Construction Standards

Wis. Admin. Code ch. Comm. 22, Energy Conservation

Wis. Admin. Code ch. Comm. 23, Heating, Ventilating and Air Conditioning Standards

Wis. Admin. Code ch. Comm. 24, Electrical Standards

Wis. Admin. Code ch. Comm. 25, Plumbing Standards

(b) Any act which is required to be performed or is prohibited by Wis. Admin. Code chs. Comm. 20—25 is also required or prohibited by this article.

(c) This section shall apply to all additions to one- and two-family dwellings constructed after the date of the adoption of the ordinance from which this article is derived. Any future amendments, revisions, or modifications of Wis. Admin. Code chs. Comm. 20—25 are also incorporated herein and are intended to be made a part of this article in order to secure a uniform statewide regulation of one- and two-family dwellings and manufactured buildings standards.
(Comp. Ords. 1997, § 221.001; Ord. No. 35, § 1, 10-16-1990)

Sec. 10-30. Commercial building standards adopted.

(a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. Comm. 61—64 commonly known as the Commercial Building Code, describing standards and inspection procedures for all commercial buildings, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions, or modifications of Wis. Admin. Code chs. Comm. 61—66 are also incorporated herein and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code ch. Comm. 61, Administration and Enforcement

Wis. Admin. Code ch. Comm. 62, Buildings and Structures

Wis. Admin. Code ch. Comm. 63, Energy Conservation

Wis. Admin. Code ch. Comm. 64, Heating, Ventilating and Air Conditioning Standards

Wis. Admin. Code ch. Comm. 65, Fuel Gas Appliances

Wis. Admin. Code ch. Comm. 66, Existing Buildings

(b) Any act which is required to be performed or is prohibited by Wis. Admin. Code chs. Comm. 61—64 is also required or prohibited by this section.
(Comp. Ords. 1997, § 221.002; Ord. No. 35, § 2, 10-16-1990)

Sec. 10-31. Plumbing code.

(a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. Comm. 81—86, commonly known as the Plumbing Code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of Wis. Admin. Code chs. Comm. 81—86 are also incorporated herein, and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code ch. Comm. 81, Definitions and Standards

Wis. Admin. Code ch. Comm. 82, Design, Construction, Installation, Supervisions, Maintenance, Inspection of Plumbing

Wis. Admin. Code ch. Comm. 83, Private On-Site Wastewater Treatment Systems

Wis. Admin. Code ch. Comm. 84, Plumbing Products

Wis. Admin. Code ch. Comm. 85, Soil and Site Evaluations

Wis. Admin. Code ch. Comm. 86, Boat and On-Shore Sewage Facilities

(b) Any act which is required to be performed or is prohibited by Wis. Admin. Code chs. Comm. 81—86 is also required or prohibited by this article.
(Comp. Ords. 1997, § 221.003; Ord. No. 35, § 3, 10-16-1990)

Sec. 10-32. Electrical code.

(a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code ch. Comm. 16, commonly known as the Electrical Code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of Wis. Admin. Code ch. Comm. 16 are also incorporated herein and are intended to be made a part of this article.

(b) Any act which is required to be performed or is prohibited by Wis. Admin. Code ch. Comm. 16 is also required or prohibited by this article.
(Comp. Ords. 1997, § 221.004; Ord. No. 35, § 4, 10-16-1990)

Sec. 10-33. Penalties.

Any person who violates this article shall upon conviction pay a forfeiture of not less than $200.00 and not more than $1,000.00, together with the costs of prosecution and abatement, and costs, assessments and fees imposed by the court for ordinance convictions. In default of the payment of any of the penalties provided for in this section by any person who has the ability to pay such penalty, such person shall be confined in the common jail of the county, until such penalties are paid, but in no event shall such confinement exceed 60 days.
(Comp. Ords. 1997, § 221.008; Ord. No. 35, § 8, 10-16-1990)

Secs. 10-34—10-54. Reserved.

ARTICLE III. BUILDING PERMITS

Sec. 10-55. Purpose.

The purpose of this article is to require a building permit for all new structures being constructed on land within the town including, but not limited, to houses, duplexes, multifamily homes, commercial buildings, apartments, barns, garages, and sheds.
(Comp. Ords. 1997, § 222.001; Ord. No. 90-35a, § I, 10-21-1996)

Sec. 10-56. Required.

No person shall build or cause to be built any one- or two-family dwelling, condominium, apartment building, or commercial building or any addition or remodeling to such a dwelling, condominium, apartment building or commercial building, without first obtaining a building permit for such construction. Such building permit shall be issued by the building inspector in accordance with the codes adopted in article II of this chapter and upon payment of a permit fee as the town board may by resolution determine.
(Comp. Ords. 1997, § 221.006; Ord. No. 35, § 6, 10-16-1990)

Sec. 10-57. General regulations.

Any person who seeks to commence new construction in the town shall apply for a permit from the town's building inspector. If the permit is denied, the applicant for the permit may have a public hearing before the town board.
(Comp. Ords. 1997, § 222.004; Ord. No. 90-35a, § IV, 10-21-1996)

Sec. 10-58. Penalties.

Any person who violates this article shall upon conviction pay a forfeiture of not less than $250.00, and not more than $10,000.00, together with the cost of prosecution and penalty surcharges, including actual attorney's fees. In default of the payment of any such forfeiture, cost and penalty surcharge, such persons shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.
(Comp. Ords. 1997, § 222.006; Ord. No. 90-35a, § VI, 10-21-1996)

Secs. 10-59—10-89. Reserved.

ARTICLE IV. LANDFILLING

Sec. 10-90. Request for landfilling permission.

Any request for landfilling shall be brought to the attention of the town board as a written request, signed by the owner of the premises involved, together with the name of the person making the request, if he is other than the owner. The request shall contain the location of the premises and an accurate description of the same, and an estimate of the number of cubic yards necessary to fill such land to approximately the grade of the terrain bounding the area to be filled. The board shall grant or deny the request by ordinance or resolution.
(Comp. Ords. 1997, § 227.001; Ord. No. 97-1, § I, 1-21-1997)

Sec. 10-91. Plan.

(a) Whenever the amount of fill required shall exceed 500 cubic yards, the applicant shall submit a topographic and contour map at a scale of not over 100 feet to the inch with two-foot contour intervals, using town datum. Such map shall show the proposed fill area, the proposed final contours, drainage patterns and special drainage devices, if necessary, and all other pertinent information as may be required to clearly indicate the orderly development of the fill area.

(b) Provided, however, in the case of the excavation or the filling in of a building site, where a building permit has been issued for the erection of a new building or structure, the alteration or addition thereto and the proposed final grades of such excavation and grading are included in the plat plans as submitted and approved by the town board, and the total amount of filling required does not exceed 500 cubic yards, a landfilling request shall not be required.
(Comp. Ords. 1997, § 227.002; Ord. No. 97-1, § II, 1-21-1997)

Sec. 10-92. Landfilling regulations.

(a) Every person who shall fill upon any lot, tract or parcel of land shall fill such land as evenly as possible and at the end of such filling shall level and grade such fill and see to it that the top thereof shall be of soil, free from broken concrete and relatively free from gravel, and that the upper four inches thereof shall be of soil suitable for growing grass. He shall keep the surface of such filling free from dust at all times during the filling operations and thereafter.

(b) Landfilling shall be operated and maintained in a sanitary manner, rodent free, with no emission of dust or dirt beyond its boundary lines.

(c) All materials delivered to the landfill site shall be deposited in a manner to prevent erosion into any watercourses, roadside ditches or onto adjoining properties.

(d) All fill operations shall be confined to the hours of 7:00 a.m. to sunset daily, Monday through Saturday, unless otherwise shown or permitted on the approval of the request. No such activity shall be permitted on Sundays.

(e) No owner or his agent hereunder shall operate equipment or otherwise cause noise that interferes with nearby property owners in the peaceable enjoyment of their properties. The owner or his agent shall maintain roadways to and across the side in a smooth condition to minimize noise of delivery vehicles.

(f) Roadways to and across the landfill site shall be treated to prevent dust nuisances.

(g) No natural drainageways or swales shall be blocked, and fill shall be placed in a manner to prevent formation of water nuisances or insect-breeding ponds.

(h) Should any fill material erode into any watercourse or onto any adjoining property, the owner or his agent shall remove such material at his expense upon the order of the town board.

(i) Fencing or suitable visual screen, as approved by the town board, due to complaints or where deemed necessary to avoid visual impairment, shall be provided on all sides of the site.

(j) No owner or his agent hereunder, nor the owner of the property, shall deny the town board building inspector or other officer or employee of the town the right of entry on his property during normal business hours for the purpose of inspection thereof, or for the purpose of enforcing or carrying out the provisions of this section.

(k) No owner or his agent shall fail to obey a stop order or revocation order issued by the town board building inspector or authorized town officer for a violation of this article.
(Comp. Ords. 1997, § 227.004; Ord. No. 97-1, § IV, 1-21-1997)

Sec. 10-93. Failure to complete landfill or to correct landfill deficiencies.

(a) If any person fails to complete or correct his landfill operation in accordance with the terms of his request, and the provisions of this section, the town board shall notify the owner or his agent that the town board will hold a public hearing on the recommendation that the town complete or correct such work, either by the town staff or contract, and assess the

reasonable cost thereof against the property on which located. Notice shall be given by personal service or certified mail, at least seven days prior to the hearing. The owner or his agent shall have the right to be heard and to be represented by counsel.

(b) The town board, by resolution, may order the work completed or corrected, and levy a special assessment for the reasonable cost thereof, which shall be a lien on the property, collected as are other special assessments. The owner or his agent may appeal to the circuit court within 20 days after a copy of the final resolution is served upon him, by personal service or certified mail. If no appeal is taken within such time, the assessment shall be final.
(Comp. Ords. 1997, § 227.004; Ord. No. 97-1, § IV, 1-21-1997)

Sec. 10-94. Inspector; powers and duties.

(a) The building inspector shall have such power, authority and duties concerning the inspection, supervision and control of fill or filling with the town, as hereinafter more particularly set forth.

(b) Such inspector shall have complete charge and supervision over the regulation and operation of filling. He shall have, at all times, full power and authority to require complete compliance with this article and all other rules, regulations and orders of the town for the regulation of filling and the enforcement of this article.

(c) Should the inspector find that any person engaged in landfilling is failing to conform to the provisions of this article or other rules, regulations or orders, he may require that the person filling discontinue operations forthwith and until such time as conformance to this section, rules, regulations or orders is made. Should the operator, his servants, agents or employees, or any other person, bring upon any such land, materials that are prohibited by the terms and provisions of this article, the inspector shall refuse to permit such materials to be unloaded. He shall, if any portion or all of such materials have been unloaded, cause the operator or person bringing such materials upon the land, to reload same and remove them from the premises.

(d) Such inspector shall be the representative of the town at any filling site within the town. He may require the ceasing of landfilling operations until such time as there may be a proper compliance with this section, and such other rules, regulations and orders as may be necessary in the control, supervision and regulation of filling lands.
(Comp. Ords. 1997, § 227.005; Ord. No. 97-1, § V, 1-21-1997)

Sec. 10-95. Persons liable.

The owner, lessee or any other person having possession and control over any landfilling operation, be it public or private, under the terms of this article shall be responsible for the actions of his agents, servants or employees, to the same extent as though they were the acts of such principal; and such owner, lessee or other person shall be subject to arrest for violation

of the provisions of this article by any of his agents, servants or employees any penalty imposed under the terms of this article may be imposed upon the principal or the agents, servants or employees of either or both of them.
(Comp. Ords. 1997, § 227.006; Ord. No. 97-1, § VI, 1-21-1997)

Sec. 10-96. Public nuisance.

The depositing on any land of flammable or combustible materials and the depositing of fly ash, foundry refuse and other similar materials of such texture or material that they will be capable of being airborne, and the permitting of such depositing shall be and is hereby declared to be a public nuisance and is prohibited.
(Comp. Ords. 1997, § 227.007; Ord. No. 97-1, § VII, 1-21-1997)

Sec. 10-97. Exemptions.

(a) The following activities shall be exempted from the provisions of this article: landfilling for landscaping or gardening purposes, but only in connection with construction of accessory structures or uses subsequent to construction and landscaping of the main building on the premises, and excluding activities that require more than 20 cubic yards of fill material in any 12-month period.

(b) Fill required as a result of town public works projects or similar project activity may be exempt from the requirements of this section. The decision to exempt such activity shall be at the discretion of the town board.
(Comp. Ords. 1997, § 227.009; Ord. No. 97-1, § IX, 1-21-1997)

Sec. 10-98. Intent and purpose.

It is specifically determined by the town board that it is the intent and purpose of this section to regulate landfilling operations within the town limits, on a basis whereby such operation may be readily controlled, supervised and regulated in the protection of public health, welfare and safety.
(Comp. Ords. 1997, § 227.010; Ord. No. 97-1, § X, 1-21-1997)

Sec. 10-99. Penalty.

Any person or municipality violating the provisions of this article shall be liable for any or all damages or expenses sustained or incurred by the town by reason of any fire occurring in any such public or private dumping ground, or other place within the town, caused by any dumping referred to in this chapter, together with any expenses which the town may incur in enforcing any of the terms or provisions of this section. The penalty for violating the terms of this article shall further include a forfeiture of not less than $250.00 and not more than $10,000.00 together with the cost of prosecution including actual attorney's fees and penalty surcharges. This article may be enforced by injunction.
(Comp. Ords. 1997, § 227.011; Ord. No. 97-1, § XI, 1-21-1997)

Sec. 10-100. Enforcement by citation.

Violations of this article may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A to this Code shall apply.
(Comp. Ords. 1997, § 227.011; Ord. No. 97-1, § XI, 1-21-1997)

Secs. 10-101—10-126. Reserved.

ARTICLE V. OCCUPANCY PERMITS

Sec. 10-127. Deposit required.

All builders shall pay a $1,000.00 deposit prior to the commencement of the construction of any home.
(Comp. Ords. 1997, § 226.002; Ord. No. 96-1, § 2, 1-16-1996)

Sec. 10-128. Forfeiture of security permit.

The builder's security deposit required by sec. 10-127 shall be forfeited if the home is occupied, with or without the knowledge of the builder, by any person prior to an occupancy permit or temporary occupancy permit.
(Comp. Ords. 1997, § 226.003; Ord. No. 96-1, § 3, 1-16-1996)

Secs. 10-129—10-154. Reserved.

ARTICLE VI. MOVING BUILDINGS

Sec. 10-155. Permit required; fee.

No building located in the town shall be moved to another location in the town, and no building located outside the town shall be moved to a location in the town, and no building located in the town shall be moved to a location outside the town without a permit. The fee for each moving permit shall be as determined from time to time by resolution to the town board.

Sec. 10-156. Permit application.

An application for a moving permit shall be signed by the applicant and filed with the clerk, and shall set forth, in detail, a description of the building to be moved and the route to be followed in the moving of such building, an estimate of how long the move will take, but no move shall take longer than six months, and, if the building is to be located in the town, shall state the building's use, construction and location and the proposed new location, the substructure that it is to be placed upon, the use intended in the future, the remodeling or renovation planned for such building, and the names and mailing addresses of all of the residents and owners of property located within a radius of 300 feet of the exterior boundary lines of the property upon which the building is to be located.

Sec. 10-157. Documents to accompany application.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk two accurate photographs of the building at its present location and an accurate plat or survey of the property on which the building is to be located, if the building is to be located in the town. A plat or survey shall also show the proposed location of the building and any existing buildings or other structures thereon. In addition, the applicant shall file a rendering of the final four elevations of the building, its exterior material and its engineered grading and drainage plan.

Sec. 10-158. Bond required.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk a bond in favor of the town and signed by the applicant, to be approved by the board or its designee and the town attorney, in the sum set by the town board, and:

(1) Conditioned to save and keep the town harmless from all damages to, and loss of, property of the town, and expenses arising therefrom, which may be incurred by the town by reason of the moving of buildings by the applicant or his contractors, servants, agents or employees.

(2) Conditioned to save and keep the town harmless from all liability arising by reason of the moving of buildings and to indemnify the town against any and all such judgments, claims, costs and expenses on account of bodily injury to, or the death of, third persons.

(3) Conditioned to save and keep the town harmless from all liability arising by reason of moving buildings, and to indemnify the town against any and all such judgments, claims, costs and expenses by reason of damage to property other than that of the town.

(4) Conditioned on completion of the move of the building within the time set forth in the application, but not to exceed six months. It shall further be conditioned upon compliance with any and all applicable provisions of this article or the zoning regulations of the town (chapter 54 of this Code). Such bond will pay for the demolition and disposal of the building to be moved or for the completion of the move if the building is not moved within the time limit as set forth in this subsection.

Sec. 10-159. Insurance required.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk an insurance policy in the form, and by an insurance corporation, to be approved by the town attorney, by the terms of which policy the insurance corporation shall assume the liability and obligations of the applicant under the bond, which policy shall further provide, by its specific terms, that it may not be cancelled or otherwise terminated without at least ten days' prior notice to the board or its designee and building inspector.

Sec. 10-160. Public hearing; agreement in lieu of public hearing.

(a) *Notice, time and place.* A public hearing may be held at the town hall on all applications for moving permits when the building is to be located in the town. If the applicant shall have complied with the provisions of this subsection prior to a period of ten days before the fourth Monday of the calendar month, such public hearing shall be held on the fourth Monday, but, if the applicant shall not have complied, such public hearing shall be held on the fourth Monday of the following calendar month. The clerk shall mail notices of such hearing by regular mail, in such form as he shall determine, to all residents and owners of property located within a radius of 300 feet of the exterior boundary lines of the property on which the building is to be located.

(b) *Agreement in lieu of public hearing.* As an alternative to holding a public hearing, the applicant may present to the clerk an agreement, in writing, signed by not less than three-fourths of all the residents and owners of property located within a radius of 300 feet of the exterior boundary lines of the property on which the building is to be located, affirming that the residents and owners have no objection to the building being moved to the property in question, provided each resident who has signed such agreement shall have received an accurate drawing or other rendering of how the building will appear following the move, together with the engineered grading and drainage plans. In any event, such drawing/rendering and engineered grading and drainage plans shall be available for inspection at the office of the building inspector before and after a permit is issued.

Sec. 10-161. Review by plan commission and building inspector; approval by town board.

(a) *Review of application; criteria for approval.* Every application for a permit to move any building to be located in the town shall be referred to the plan commission for review and recommendation to the town board. No permit for the moving of any such building shall be issued unless the town board, by at least a majority vote, after a review of the application for the building to be moved and any plans for the remodeling or renovation of such building, the four final elevations, and the town-approved grading and drainage plans as may be presented to it, determines that the exterior architectural design or appearance of the building to be moved is compatible with the immediate neighborhood.

(b) *Bond to ensure renovations.* The town board shall approve an application for a permit subject to the promise of the applicant that he will remodel or renovate the building, if feasible, as the town board may require. To secure the performance of such promise, the town board shall require of the applicant either a cash or surety bond running to the town in such an amount as is estimated by the town board to be equal to the cost of such remodeling or renovation, or as may be agreed upon by the town board and the applicant, but not less than $5,000.00.

(c) *Requirements for permit issuance.* Every application for a permit to move any building shall be referred to the building inspector, and no permit shall be granted by the building inspector authorizing the moving of any building until the board or its designee shall have approved, in writing, the route to be followed in the moving of such building, and the approved route must be followed in every instance.

(d) *Reduction of building size.* The board or its designee is authorized to make the approval conditional upon the reduction in size of the building to be moved in every case where, in his judgment, such reduction in size will aid in preserving the condition of roads, trees or other vegetation, and in every case such building shall be reduced in size before being placed upon any public road.

(e) *Deteriorated and damaged structures.* No permit shall be granted for the moving of any structure which has deteriorated, or been damaged from any cause, to 50 percent or more of its original value.

Sec. 10-162. Moving regulations and requirements.

(a) Every person to whom a permit is issued shall notify the building inspector when the actual work of moving the building is to be commenced.

(b) The moving of any building along any road or alley shall be carried on without interruption during working hours.

(c) In the moving of any building along busy or crowded roads or alleys, the board or its designee may require the moving of the building to be carried on at nighttime as well as daytime in order to complete the moving process with the least possible obstruction to roads or alleys.

(d) In every case where it shall be necessary to trim or remove any tree along the route, such trimming or removal shall be done under the supervision of the town board member or town road supervisor. The person receiving the permit shall pay to the town clerk the expense of such inspector and for all labor involved in the trimming or removal of trees along the route.

(e) No building shall be allowed to remain overnight upon any road crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant.

(f) Lighted lanterns displaying a red light shall be attached to every building being moved along a road during the period from 30 minutes after sunset to 30 minutes before sunrise. Such lighted lanterns shall be attached to the building, one at each corner, and in every case, lanterns shall not be placed farther apart than 12 feet.

Sec. 10-163. Report of completion; inspection; road damages.

Every person who has moved a building as provided in this article shall report to the building inspector and the board or its designee within one day after the building has reached its destination. The board or its designee shall thereupon inspect the roads and alleys over or along which the building has been moved. The board or its designee shall report the damage ascertained by such inspection to the building inspector and the person to whom the permit was issued, and the permit holder shall immediately repair such damage. In every case where the permit holder shall fail to repair the damage to the satisfaction of the board or its designee, the board or its designee shall cause such damage to be repaired and charged against the permit holder.

Chapter 11

RESERVED

Chapter 12

BUSINESS REGULATION AND TAXATION

Article I. In General

Secs. 12-1—12-18. Reserved.

Article II. Junk Dealers

Sec. 12-19. License; required.
Sec. 12-20. Written application.
Sec. 12-21. Inspection of premises; fence required.
Sec. 12-22. Location of business.
Sec. 12-23. Issuance of license; refusal.
Sec. 12-24. License fee; term.
Sec. 12-25. License to designate place of business.
Sec. 12-26. Carrying on of business other than place of designation prohibited.
Sec. 12-27. Duties of health officer.
Sec. 12-28. Records to be kept.
Sec. 12-29. Lost or stolen goods.
Sec. 12-30. Filing of complaint.
Sec. 12-31. Violation and penalties.
Secs. 12-32—12-62. Reserved.

Article III. Garbage and Recycling Collectors

Sec. 12-63. License required; fee; renewal.
Sec. 12-64. Injunction for violation; attorney's fees.
Secs. 12-65—12-83. Reserved.

Article IV. Tobacco Sellers

Sec. 12-84. Licenses for sale of cigarettes.

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. JUNK DEALERS*

Sec. 12-19. License; required.

No person, association, partnership, firm or corporation shall hereafter in the town, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second-hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, used motor vehicles, or the parts thereof, or other articles which from their worn condition renders them practically useless for the purpose for which they were made, and which are commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred to herein as a "junk dealer."
(Comp. Ords. 1997, § 16.001; Ord. No. 3, § 1, 9-7-1966)

Sec. 12-20. Written application.

(a) Every applicant for a license to engage in the business of junk dealer shall file with the town clerk a written application signed by the applicant. Said application shall state:

(1) The name and residence of the applicant, if an individual, partnership, or firm, or the names of the principal officers and their residence, if the applicant is an association or corporation.

(2) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.

(3) The premises where such business is to be located or carried on.

(b) Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the town board.
(Comp. Ords. 1997, § 16.002; Ord. No. 3, § 2, 9-7-1966)

Sec. 12-21. Inspection of premises; fence required.

(a) The town clerk shall report such application to the town board who shall inspect or cause to be inspected such premises to determine whether they comply with all laws, ordinances, rules and regulations, including Wis. Stats. § 175.25. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealing may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that there can be a thorough inspection at any time by proper authorities.

***State law reference—**Storage of junked vehicles, Wis. Stats. § 175.25.

(b) Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a solid, painted fence or other structure not less than seven feet in height, constructed so that no material may pass or protrude through. Said enclosure shall be maintained in good condition at all times and painted every third year, at least. No articles shall be piled so as to protrude above said enclosure.
(Comp. Ords. 1997, § 16.003; Ord. No. 3, § 3, 9-7-1966)

Sec. 12-22. Location of business.

No premises shall be used for carrying on the business of junk dealing when more than two buildings situated within a distance of 1,000 feet are used for residence purposes. Said enclosure shall be located 300 feet from the road line and 30 feet from the side lot line. Two or more adjoining junkyards may be constructed wall to wall if approved by the town board.
(Comp. Ords. 1997, § 16.004; Ord. No. 3, § 4, 9-7-1966)

Sec. 12-23. Issuance of license; refusal.

Upon the filing of the application and the payment to the town clerk of the license fee hereinafter provided, the town clerk shall issue to the applicant a license to engage in business as provided herein. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall clearly state the location of the junk business, the date of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.
(Comp. Ords. 1997, § 16.005; Ord. No. 3, § 5, 9-7-1966)

Sec. 12-24. License fee; term.

Every junk dealer shall pay an annual license fee of $100.00. All licenses shall be renewed annually. Licenses shall be issued as of July 1, and shall continue in force until June 30 next succeeding the date of issuance thereof, unless revoked sooner. If the license hereunder is not renewed, the reasons for the nonrenewal shall be set forth in the minutes of the meeting.
(Comp. Ords. 1997, § 16.006; Ord. No. 3, § 6, 9-7-1966)

Sec. 12-25. License to designate place of business.

Every junk dealer's license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business.
(Comp. Ords. 1997, § 16.007; Ord. No. 3, § 7, 9-7-1966)

Sec. 12-26. Carrying on of business other than place of designation prohibited.

No junk dealer shall carry on the business at or from any other place than the one designated in the license therefor, nor shall said business be carried on after such license has been revoked or has expired.
(Comp. Ords. 1997, § 16.008; Ord. No. 3, § 8, 9-7-1966)

Sec. 12-27. Duties of health officer.

The health officer may formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.
(Comp. Ords. 1997, § 16.009; Ord. No. 3, § 9, 9-7-1966)

Sec. 12-28. Records to be kept.

Every junk dealer, upon being served with a written notice to do so by the town board on blank forms to be furnished by the said town board, shall provide an accurate description of all goods, articles, or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for the same, and the name, residence and general description of the person from whom such goods, articles or things were received.
(Comp. Ords. 1997, § 16.010; Ord. No. 3, § 10, 9-7-1966)

Sec. 12-29. Lost or stolen goods.

If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the town or county as having been lost or stolen, and the same or any answering the description advertised or any portion or part thereof shall be or come into possession of any junk merchant or peddler, he shall give information thereof in writing to the proper officer and state from whom the same was received. Any junk merchant or peddler who has or receives any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any law enforcement officer, town board, or any magistrate or person duly authorized in writing by the sheriff of the county, or any magistrate who shall exhibit such authorization to such dealer or peddler.
(Comp. Ords. 1997, § 16.011; Ord. No. 3, § 11, 9-7-1966)

Sec. 12-30. Filing of complaint.

Upon complaint being made in writing by any town official or town resident to the town clerk that any licensee has violated any of the provisions of this article, the town board shall summon such licensee to appear before it at the next town board meeting. The town board shall proceed to investigate the matter, and if they find the allegations of said complaint are correct, they shall bring action against the licensee under the provisions of this article.
(Comp. Ords. 1997, § 16.012; Ord. No. 3, § 12, 9-7-1966)

Sec. 12-31. Violation and penalties.

(a) *Forfeit imposed.* Any person violating any provision of this article, shall upon conviction thereof forfeit not less than $25.00 nor more that $500.00 and the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

(b) *Enforcement by citation.* Violations of this article may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, § 16.013; Ord. No. 3, § 13, 9-7-1966)

Secs. 12-32—12-62. Reserved.

ARTICLE III. GARBAGE AND RECYCLING COLLECTORS*

Sec. 12-63. License required; fee; renewal.

No person shall be permitted to collect garbage or recyclable materials without obtaining a license for such collection from the town board. The fee for said license shall be fixed at $200.00. The license shall be renewed annually at the same rate unless the rate is changed by the town board.
(Comp. Ords. 1997, § 18.002; Ord. No. 94-6, § 2, 9-20-1994)

Sec. 12-64. Injunction for violation; attorney's fees.

A violation of this article shall permit the town to obtain an injunction from the circuit court of the county preventing any person from engaging in the collection of garbage or recyclable materials in the town. The town shall also be entitled to reimbursement for actual attorney's fees incurred to enforce this article.
(Comp. Ords. 1997, §§ 18.003, 18.004; Ord. No. 94-6, §§ 3, 4, 9-20-1994)

Secs. 12-65—12-83. Reserved.

ARTICLE IV. TOBACCO SELLERS

Sec. 12-84. Licenses for sale of cigarettes.

The license fee for the sale of cigarettes shall be $25.00 for the year or any part of the year.
(Comp. Ords. 1997, § 15.006; Ord. No. 1, §§ 5, 6, 7-1-1933)

***State law reference—**Solid waste reduction, recovery and recycling, Wis. Stats. § 287.01 et seq.

Chapter 13

RESERVED

Chapter 14

EMERGENCY SERVICES AND MANAGEMENT*

Article I. In General

Sec. 14-1. Definitions.
Secs. 14-2—14-20. Reserved.

Article II. Joint Action Agreement

Sec. 14-21. Authority, purpose, and intent.
Sec. 14-22. Emergency government director.
Sec. 14-23. Policy.
Sec. 14-24. Succession to municipal offices.
Secs. 14-25—14-51. Reserved.

Article III. Emergency Management Program

Sec. 14-52. Policy and purpose.
Sec. 14-53. Deputy civil defense director.
Sec. 14-54. Emergency regulations.
Sec. 14-55. Obstruction prohibited.
Sec. 14-56. Penalty.
Secs. 14-57—14-85. Reserved.

Article IV. Emergency Medical and Ambulance Service

Sec. 14-86. Definitions.
Sec. 14-87. EMS charges.
Sec. 14-88. Enforcement.

***State law reference—**Emergency management, Wis. Stats. § 166.01 et seq.

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil defense means all those activities and measures designed or undertaken:

(1) To minimize the effects upon the civilian population caused or which would be caused by enemy action;

(2) To deal with the immediate emergency conditions which could be created by such enemy action; and

(3) To effectuate emergency repairs to or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.

Emergency management includes the term "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:

(1) To prepare for and minimize the effect of enemy action and natural or manmade disaster upon the civilian population.

(2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

Enemy action means any hostile action taken by a foreign power that threatens the security of the town.

Natural disaster means and includes all other extraordinary misfortune affecting the town, natural or manmade, not included in the term "enemy action."
(Comp. Ords. 1997, § 190.102; Ord. No. 5, § 1.02, 3-23-1971)

State law reference—Similar definitions, Wis. Stats. § 166.02.

Secs. 14-2—14-20. Reserved.

ARTICLE II. JOINT ACTION AGREEMENT

Sec. 14-21. Authority, purpose, and intent.

(a) The town is required pursuant to Wis. Stats. § 166.03(4) to adopt an emergency government program consistent with the state plan of emergency government. Wis. Stats. § 66.30 provides that counties, towns and municipalities may cooperate to furnish services, combine offices and finance emergency government services.

(b) The county adopted Article No. 5, effective February 1, 1979, creating the office of emergency government, and said article contains a joint action provision, and the town desires to enter into joint action with the county office of emergency government.

(c) In consideration of the joint action provision of the Jefferson County Emergency Government Article, section 5.07(3), the town has entered into a joint action agreement with the county to provide for utilization of existing services of the town in conjunction with efforts by the emergency government of the county.
(Comp. Ords. 1997, § 2.004; Ord. No. 31, § 4, 6-16-1987)

Sec. 14-22. Emergency government director.

The town board chair or his designee will act as the emergency government director to develop an emergency government program consistent with the county and state plans of emergency government, as expressed in Wis. Stats. §§ 166.01 through 166.15.
(Comp. Ords. 1997, § 2.001; Ord. No. 31, § 1, 6-16-1987)

Sec. 14-23. Policy.

In preparing and executing the emergency government program, the services, equipment, supplies and facilities of the existing departments and agencies of the town shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with the emergency government director and to provide such services and facilities as are needed.
(Comp. Ords. 1997, § 2.002; Ord. No. 31, § 2, 6-16-1987)

Sec. 14-24. Succession to municipal offices.

All municipal officers and department heads shall designate persons as emergency interim successors to their respective offices as provided by Wis. Stats. § 166.08. If a municipal officer or department head is absent or unable to exercise the powers and perform the duties of his office because of an emergency, such successor shall have all the powers and perform all the duties of the officer or department head.
(Comp. Ords. 1997, § 2.003; Ord. No. 31, § 3, 6-16-1987)

Secs. 14-25—14-51. Reserved.

ARTICLE III. EMERGENCY MANAGEMENT PROGRAM

Sec. 14-52. Policy and purpose.

(a) To ensure that the town will be prepared to cope with emergencies resulting from enemy action, it is determined and declared to be necessary to confer upon a deputy civil defense director the powers provided by this article, to provide for local participation in civil defense activities, to provide for the administration of a civil defense program, and to provide penalties.

(b) It is further declared to be the purpose of this article to recognize the existence of a joint plan of participation that all civil defense functions within the town be coordinated to the maximum extent possible with the existing county organization and with comparable

functions of the state and federal units of government and various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with disasters that may occur.
(Comp. Ords. 1997, § 190.101; Ord. No. 5, § 1.01, 3-23-1971)

Sec. 14-53. Deputy civil defense director.

The town has created the office of deputy civil defense director who shall be the chair of the town board or his designee. The deputy civil defense director shall be paid such compensation as may be provided by the town board. The deputy director, subject to the control and direction of the town board shall:

(1) Develop and promulgate civil defense plans for the town consistent with the county and state plans of civil defense.

(2) Become a member of the county civil defense committee and assist in the development and coordination of a county plan and to integrate such plan within the town.

(3) Meet with and become a subordinate of the county civil defense director for the purpose of planning and administering a civil defense program within the town.

(4) Direct training programs and exercises within the town.

(5) Advise the town board from time to time of civil defense plans and activities.

(6) Prepare an annual civil defense budget and submit the same to the town board for consideration.

(7) Perform all other duties relating to civil defense as may be required by the county civil defense director, the town board or the laws of the state.

(Comp. Ords. 1997, § 190.103; Ord. No. 5, § 1.03, 3-23-1971)

Sec. 14-54. Emergency regulations.

Upon the declaration by the governor, by the chair of the county board of supervisors, or by the county civil defense director, the deputy defense director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the town civil defense plans and facilities shall take action only upon the declaration of an emergency. Such state of emergency shall continue until termination by the issuing authority.
(Comp. Ords. 1997, § 190.104; Ord. No. 5, § 1.04, 3-23-1971)

Sec. 14-55. Obstruction prohibited.

During a state of emergency it shall be unlawful for any person to willfully obstruct, hinder, delay or interfere with lawful activities of the civil defense organization or in the enforcement of any order, rule, regulation or plan issued pursuant to law.
(Comp. Ords. 1997, § 190.105; Ord. No. 5, § 1.05, 3-23-1971)

Sec. 14-56. Penalty.

(a) Any person who shall violate any provision of this article or any order, rule or regulation made hereunder shall be subject to a penalty of $100.00 per occurrence.

(b) Violations of this chapter may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, § 190.106; Ord. No. 5, § 1.06, 3-23-1971)

Secs. 14-57—14-85. Reserved.

ARTICLE IV. EMERGENCY MEDICAL AND AMBULANCE SERVICE

Sec. 14-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

EMS means emergency medical or ambulance service made available to a person in the town by contract made by the town and an emergency medical or ambulance service owner.
(Comp. Ords. 1997, § 192.001; Ord. No. 20, § 1, 7-20-1982)

Sec. 14-87. EMS charges.

Whenever EMS is provided to a person in the town, such person shall pay to the town clerk the cost to the town of such EMS.
(Comp. Ords. 1997, § 192.002; Ord. No. 20, § 2, 7-20-1982)

Sec. 14-88. Enforcement.

This article may be enforced by any debt collection procedure authorized by law.
(Comp. Ords. 1997, § 192.003; Ord. No. 20, § 3, 7-20-1982)

Chapter 15

RESERVED

Chapter 16

ENVIRONMENT*

Article I. In General

Sec. 16-1. Penalties.
Secs. 16-2—16-20. Reserved.

Article II. Junk

Sec. 16-21. Storage of junk restricted.
Sec. 16-22. Order requiring compliance.
Sec. 16-23. Certain vehicles, tractors, and farm equipment prohibited.
Sec. 16-24. Exceptions.
Sec. 16-25. Notice of removal.

***State law references—**Authority for removal of rubbish, Wis. Stats. § 66.0405; municipal authority with regard to noxious weeds, Wis. Stats. § 66.0407; disposing of abandoned property, Wis. Stats. § 66.0139.

ARTICLE I. IN GENERAL

Sec. 16-1. Penalties.

In addition to any other penalties, any person violating this chapter shall forfeit a penalty of not less than $50.00 and not more than $200.00, together with the costs for each day said violation continues.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Secs. 16-2—16-20. Reserved.

ARTICLE II. JUNK*

Sec. 16-21. Storage of junk restricted.

No person shall store junked or discarded property, including automobiles, automobile parts, farm implements, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which depreciates property values in the neighborhood, except in an enclosure which houses such property shielding it from public view or upon a permit issued by the town board. In all cases the aforementioned property, if permitted to be stored on the property owner's property, shall be at least 500 feet from the nearest property boundary.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 16-22. Order requiring compliance.

The county sheriff's department or any other town official may require by written order any premises in violation of 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.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 16-23. Certain vehicles, tractors, and farm equipment prohibited.

(a) No person owning or having in his possession or under his control any disassembled, dismantled, junked, wrecked or inoperable and unlicensed motor vehicle, tractor or farm equipment or any part of any motor vehicle shall store or permit any such vehicle, tractor or farm equipment or part to remain on any private property within the town for more than 30 days after receipt of the notice such as provided in section 16-25, and no person owning any private property in the town shall store or permit to remain any such vehicle, tractor or farm equipment or part on his property for more than a like period.

***State law references—**Storage of junked vehicles, Wis. Stats. § 175.25; vehicle abandonment prohibited; removal; disposal, Wis. Stats. § 342.40.

(b) No person, after receipt of such notice, shall remove such motor vehicle, tractor or farm equipment or parts to any other private property upon which storage is not permitted or onto any public highway or other public property for purposes of storage. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this article.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 16-24. Exceptions.

This article shall not apply to any motor vehicle, tractor or farm equipment or parts stored within an enclosed building; in a storage place or depository maintained in a lawful place and manner; or on the premises of business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. Such business enterprises shall include auto junk yards, auto repair, farm machinery repair and auto body shops, but shall not include automobile service stations.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 16-25. Notice of removal.

Whenever the county sheriff's department or other town official finds or is notified that any such motor vehicle or motor vehicle parts have been stored or permitted to remain on any private property within the town, the officer or other town official shall send by certified mail notice to the owner of record of such motor vehicle or parts, if such owner can be ascertained, and also to the owner of the property upon which it is stored, to remove the vehicle or vehicle parts within 30 days. Such notice shall describe the vehicle or parts, shall order the removal within 30 days and shall set forth the possible penalties.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Chapter 17

RESERVED

Chapter 18

FIRE PREVENTION AND PROTECTION*

Article I. In General

Sec. 18-1. Fire prevention codes adopted; conflicting provisions.
Sec. 18-2. Definitions.
Secs. 18-3—18-26. Reserved.

Article II. Outdoor Burning

Division 1. Generally

Sec. 18-27. Notification of intent to start fire; billing of fire run charges.
Sec. 18-28. Violations; penalties; interest; collection of charges by tax bill.
Sec. 18-29. Open fires restricted; supervision of fires.
Sec. 18-30. Burning of commercial and construction debris prohibited.
Sec. 18-31. Contained fires.
Sec. 18-32. Flames for lighting or decoration restricted.
Sec. 18-33. Excessive smoke prohibited.
Secs. 18-34—18-54. Reserved.

Division 2. Outdoor Wood-Burning Furnaces

Sec. 18-55. Prohibited conduct.
Sec. 18-56. Permits.
Sec. 18-57. Grandfathered wood-fired furnaces.
Sec. 18-58. Penalties.
Secs. 18-59—18-89. Reserved.

Article III. Emergency Response Fees

Sec. 18-90. Car fires.
Sec. 18-91. Car accidents.
Sec. 18-92. False fire or other emergency reports.
Sec. 18-93. Fire of suspicious nature.
Sec. 18-94. Enforcement.
Secs. 18-95—18-116. Reserved.

Article IV. Flammable and Combustible Substances

Sec. 18-117. Compliance with state administrative provisions required.
Sec. 18-118. Liability.
Secs. 18-119—18-149. Reserved.

***State law reference—**Fire inspections, prevention, detection and suppression, Wis. Stats. § 101.14.

Article V. Fire Department

Sec. 18-150. Duty and authority.
Sec. 18-151. Membership.
Sec. 18-152. Responsibility, authority and requirements of fire chief.
Sec. 18-153. Investigations.
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Sec. 18-156. Appropriation of funds.
Secs. 18-157—18-170. Reserved.

Article VI. Fire Protection Code

Sec. 18-171. Legislative purpose.
Sec. 18-172. Adoption of Codes.
Sec. 18-173. Definitions.
Sec. 18-174. Application to new and existing conditions.
Sec. 18-175. Investigation and record of fires—Required.
Sec. 18-176. Hazardous conditions generally—inspection to determine; ordering abatement.
Sec. 18-177. Reports to state fire marshal.
Sec. 18-178. Entry for inspection.
Sec. 18-179. Frequency of periodic fire inspections.
Sec. 18-180. Entry during fires.
Sec. 18-181. Dangerous arrangement of heating appliances.
Sec. 18-182. Interfering with firefighters.
Sec. 18-183. Penalty.
Sec. 18-184. Citations authorized; method adopted.
Sec. 18-185. Issuance of a citation.
Sec. 18-186. Civil remedies.
Sec. 18-187. Nuisance; injunctive relief.
Secs. 18-188—18-200. Reserved.

Article VII. Fire Protection Charges

Sec. 18-201. Authority.
Sec. 18-202. Liability for fire protection costs.
Sec. 18-203. Payment of fire call fee.
Sec. 18-204. Liability for fire calls from fire departments other than authorized fire departments.

ARTICLE I. IN GENERAL

Sec. 18-1. Fire prevention codes adopted; conflicting provisions.

(a) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the safeguarding of firefighting personnel as it relates to job requirements, duties, medical and physical conditions, the following orders, rules and regulations of the department of commerce, all of which are set forth in the Wisconsin Administrative Code as amended from time to time, are incorporated in this section by reference and adopted as part of this section:

Wis. Admin. Code ch. Comm. 7, Explosives and Fireworks.

Wis. Admin. Code ch. Comm. 10, Flammable and Combustible Liquids.

Wis. Admin. Code ch. Comm. 14, Fire Prevention.

Wis. Admin. Code ch. Comm. 30, Fire Department Safety and Health Standards.

(b) Whenever the provisions of the codes or statutes set forth herein conflict, the stricter interpretation shall apply.

Sec. 18-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire alarm system means any alarm system in a town residence home or business that serves to notify a local fire department of a fire or other emergency at the residence or business located within the town.

Fire of suspicious nature means any fire, which, in the opinion of the fire department and the town board is for any reason being deemed to be of suspicious nature.

Fire run means any event in which the fire department is required to respond whether to a fire or any other emergency.

Outdoor wood-fired furnaces means outdoor wood-fired furnaces or boilers or other receptacles used to burn wood and heat homes or buildings. Outdoor wood-fired furnaces are designed to maintain fire over long periods of time and to operate at low temperatures when not heating.

Town official means one of the members of the town board.

Uncontrollable fire means a fire to which the fire department responds.
(Comp. Ords. 1997, §§ 194.001, 196.001, 196.003; Ord. No. 14B, § 1, 10-20-1982; Ord. of 1-18-2000, §§ 1, 3; Ord. of 11-14-2005, § 1; Ord. of 8-14-2006, § 1)

Secs. 18-3—18-26. Reserved.

ARTICLE II. OUTDOOR BURNING

DIVISION 1. GENERALLY

Sec. 18-27. Notification of intent to start fire; billing of fire run charges.

(a) No one shall burn or start a fire, other than a small campfire, a fire contained in a burning barrel, or other small contained fire, anywhere within the town without first notifying at least one of the town officials and the fire department of that person's intention to start a fire. Notification may be made by telephone and shall be made on the same day that the person intends to start a fire. Before a person may start a fire, approval must be given by a town official and the fire department.

(b) All fire runs shall be billed out to the person for whom the fire run is provided. The entire cost of the fire run shall be billed to said person.
(Comp. Ords. 1997, § 194.002; Ord. No. 14B, § 2, 10-20-1982; Ord. of 11-14-2005, § 2)

Sec. 18-28. Violations; penalties; interest; collection of charges by tax bill.

(a) In the event that a person does not notify the town official and the fire department as required by this article, then the person shall be charged $500.00. In the event that a person provides proper notification to the town official and the fire department but the fire becomes uncontrollable, the person shall be charged $250.00.

(b) In the event that the fire run is not paid, then the unpaid cost of the fire run shall be placed on the real estate tax bill of the nonpaying person and collected as a special charge. Further, if the aforementioned fire run charge is not paid within 30 days, then interest at the rate of 12 percent per annum shall be added to the entire bill.
(Comp. Ords. 1997, § 194.003; Ord. No. 14B, § 3, 10-20-1982; Ord. of 11-14-2005, § 3)

Sec. 18-29. Open fires restricted; supervision of fires.

(a) All open fires are prohibited in the town, except:

(1) Outdoor fires for cooking and recreation. Recreational fires shall not consist of plastic, rubber, asphalt, oily substances or any materials that will create dense smoke.

(2) Back fires to control forest fires.

(3) Fires set to manage wildlife habitat and forest management as prescribed by governmental agencies.

(4) Fires set for the practice and instruction of firefighters.

(5) Burning of explosives or dangerous combustible wastes for which there is no other means of disposal.

(6) Agricultural burning and cropland management when other alternatives are not feasible. Farmers may burn brush and weeds and have fires for cropland management as well as for insect and rodent control.

(7) Open fires on the property of persons owning a one-family or two-family residence on that property. The fire shall be set by the owner of the property or with his consent. The fire shall not burn wet, combustible rubbish, garbage, oily substances, asphalt, plastics, rubber products or any substances that create dense, black smoke upon combustion. The fire shall not be less than ten feet from the property line, nor be permitted to burn within 30 feet of the nearest wall of any building or wooden structure. Fires are not allowed in any road or alley.

(b) All exceptions set forth in subsections (a)(3) through (7) of this section shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., and require permission from the fire department. On days that the fire department is informed that atmospheric conditions are unacceptable for burning, permission to burn will not be granted.

(c) Every person who kindles or starts an open fire shall supervise, or cause to have supervised, the burning of such open fire until such fire is completely extinguished.

Sec. 18-30. Burning of commercial and construction debris prohibited.

(a) All businesses (except farms), churches, schools, apartments and municipalities shall arrange for disposal of their solid waste by a method other than open burning.

(b) The burning of construction debris, such as wood scraps, shingles, insulation, etc., in or adjacent to a subdivision in the town is prohibited, regardless of whether such burning is done by the property owner, contractor or other person responsible for the site.

Sec. 18-31. Contained fires.

(a) No person shall kindle or start a fire, or permit such fire to burn within 15 feet of the nearest wall of any building or wooden structure, or in any road or alley. Any fire kindled, started or permitted to burn within 30 feet of the nearest wall of any building or wooden structure shall be contained in a substantial burner constructed of metal, concrete or brick, which burner shall be screened or covered to prevent the escape of burning embers.

(b) No person shall kindle or start a contained fire, or permit such fire to burn in any such burner, other than between the hours of 7:00 a.m. and 7:00 p.m. Such fires may not burn plastics, rubber, asphalt, oily substances or any materials that will create dense smoke or cause a nuisance. Where a business is operated from the home or an attached structure, no business refuse may be burned under any conditions.

Sec. 18-32. Flames for lighting or decoration restricted.

No open flame candles or open flame fixtures shall be used for lighting or decorative purposes in any building or structure used for public amusement, recreation or dining purposes unless:

(1) They are well guarded on all sides.

(2) The tip of the flame does not come closer than one inch from the top of the container, which may be accomplished by the use of a glass chimney or glass container partly filled with wax and a wick.

(3) All flammable decorative materials shall be flameproofed and renewed of flameproofing treatments as often as necessary to maintain the flameproof effect. In accordance with NFPA 701 (Decorations flameproofing), such retreatment shall be at intervals of not less than six months, nor more than one year.

Sec. 18-33. Excessive smoke prohibited.

No person shall cause or permit the emission of smoke from burning material in a manner that will cause dense smoke or a nuisance. Smokey fires or any fire that creates a nuisance for neighbors is prohibited.

Secs. 18-34—18-54. Reserved.

DIVISION 2. OUTDOOR WOOD-BURNING FURNACES

Sec. 18-55. Prohibited conduct.

An outdoor wood-fired furnace may be installed and used in the town only in accordance with the following provisions:

(1) Outdoor wood-fired furnaces are prohibited in all subdivisions and R zones.

(2) The outdoor wood-fired furnace shall only use seasoned wood for burning. The outdoor wood-fired furnace shall not be used to burn any prohibited materials including rubbish or garbage, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes, waste oil or other only wastes, asphalt and products containing asphalt, tires, and synthetic rubber-like products. The outdoor wood-fired furnace shall have a spark protector that shall be adequately maintained at all times.

(3) The outdoor wood-fired furnace shall be located at least 350 feet from the nearest building that is not on the same property as the outdoor wood-fired furnace.

(4) A wood-fired furnace may be placed within 350 feet of a neighbor's building if all neighbors with buildings within 350 feet are in agreement and if the town board in its discretion decides to grant a variance.

(5) Chimney heights shall be based on manufacturer's recommendations.

(Ord. of 8-14-2006, § 2)

Sec. 18-56. Permits.

An initial permit is required along with a $25.00 permit fee. The town board has discretion whether to grant a permit and regarding the conditions of the permit.
(Ord. of 8-14-2006, § 3)

Sec. 18-57. Grandfathered wood-fired furnaces.

Any wood-fired furnaces in existence at the time of the enactment of the adoption of the ordinance from which this division is derived are allowed to continue to be used. However, any replacement of the wood-fired furnace would require compliance with all requirements of this division.
(Ord. of 8-14-2006, § 4)

Sec. 18-58. Penalties.

Anyone in violation of this division shall be fined $100.00 per day for each day of violation. If the fine is not paid, the same shall be placed on the offending property owner's tax bill and collected as a special charge. In addition, the town may apply to the court for injunctive relief enjoining the offending property owner from using the wood-fired furnace.
(Ord. of 8-14-2006, § 5)

Secs. 18-59—18-89. Reserved.

ARTICLE III. EMERGENCY RESPONSE FEES

Sec. 18-90. Car fires.

Anyone who is driving a car which catches fire or anyone who owns a car which catches fire in the town shall be billed the cost of the charge of the fire department's run according to the prevailing rates charged by the responding fire department at the time of the car fire.
(Comp. Ords. 1997, § 195.010; Ord. No. 40, § 1.0, 12-15-1992)

Sec. 18-91. Car accidents.

Anyone who is involved in a car accident, or anyone who owns a car that is involved in a car accident in the town shall be billed the cost of the charge for the fire department/ambulance run according to the prevailing rates charged by the responding fire department at the time of the car accident.
(Comp. Ords. 1997, § 195.020; Ord. No. 40, § 2.0, 12-15-1992)

Sec. 18-92. False fire or other emergency reports.

Anyone who falsely reports a fire or other emergency at a residence or business within the town shall be charged the full cost of the fire run. Payment of the cost of the fire run and any other collection cost shall be paid within 30 days of the mailing of said bill to the owner of the property where the false alarm took place.
(Comp. Ords. 1997, § 196.002; Ord. of 1-18-2000, § 2)

Sec. 18-93. Fire of suspicious nature.

The full cost of the fire run shall be the responsibility of the property owner whose property was the subject of the fire run in the event that the fire run is determined to be of a suspicious nature as defined in section 18-2.
(Comp. Ords. 1997, § 196.003; Ord. of 1-18-2000, § 3)

Sec. 18-94. Enforcement.

In the event the owner of a property subject to the provisions of this article does not pay for the cost of the fire run, said bill shall be placed on the tax roll for the subject property as a special assessment and shall be collected in the same manner as delinquent taxes are paid.
(Comp. Ords. 1997, § 196.004; Ord. of 1-18-2000, § 4)

Secs. 18-95—18-116. Reserved.

ARTICLE IV. FLAMMABLE AND COMBUSTIBLE SUBSTANCES

Sec. 18-117. Compliance with state administrative provisions required.

Every person using, storing, handling or transporting flammable or combustible liquids, chemicals, gases or other hazardous materials shall comply with the requirements of Wis. Admin. Code ch. Comm. 10, Flammable and Combustible Liquids, as the same is now in force and may hereafter from time to time be amended.
(Comp. Ords. 1997, § 193.001; Ord. No. 23, § 1, 3-15-1983)

Sec. 18-118. Liability.

Every person using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gases or other hazardous materials shall be liable to the town of for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.
(Comp. Ords. 1997, § 193.002; Ord. No. 23, § 2, 3-15-1983)

Secs. 18-119—18-149. Reserved.

ARTICLE V. FIRE DEPARTMENT

Sec. 18-150. Duty and authority.

The City of Watertown, Village of Johnson Creek, and Town of Ixonia fire departments areas are recognized as the official fire department of the town. The fire department shall have the

duty and authority of firefighting, providing emergency care of the sick, disabled or injured, and the prevention of fires within the town, and shall be organized and governed in accordance with the provisions of this article.

Sec. 18-151. Membership.

The fire department shall consist of a chief and such subordinate officers and members as the town board deems necessary for the operation of the fire department.

Sec. 18-152. Responsibility, authority and requirements of fire chief.

(a) The fire chief shall have the following authority:

(1) Plan, organize and direct all activities of the fire department.

(2) Advise and make recommendations to the town board for the most effective operation of the fire department.

(3) Perform related work, as required.

(b) The fire chief shall have the following responsibilities:

(1) Plan, organize and supervise the work of the fire department according to the rules and regulations of the fire department.

(2) Enforce all fire prevention, fire protection and rescue laws and ordinances of the state, county and town and as directed by the town board.

(3) Answer fire alarms and command the handling of firefighting equipment on his shift and all major fire alarms that occur on other shifts, if available.

(4) Develop policies, procedures and long-range plans for keeping the fire department updated.

(5) Attend schools and demonstrations on the latest fire suppression and first aid methods and equipment.

(6) Conduct and supervise training sessions to maintain a high degree of efficiency within the fire department and local industrial firms.

(7) Perform necessary public relations and initiate activities to generate citizen participation.

(8) Supervise fire inspections of buildings in order to maintain a current rating according to state fire regulations.

(9) Maintain records and prepare reports, including an annual budget.

(c) The fire chief shall have the following essential knowledge and abilities:

(1) Advanced knowledge of laws, rules, regulations and general statutes relating to fire prevention and suppression.

(2) Be well versed in all of the facts of fire prevention, fire protection, firefighting methods and advanced knowledge of the causes of fires.

(3) Ability to assign and supervise firefighters, and participate in and supervise firefighting activities.

(4) Ability to establish and maintain effective working and public relationships.

(5) Ability to maintain records and prepare reports.

(d) The fire chief shall have the following desirable education, training and experience:

(1) Graduation from a four-year college or university with major course works in fire, public or business administration or a related field.

(2) Special training in modern firefighting methods and administration.

(3) A valid state driver's license.

Sec. 18-153. Investigations.

(a) *Authority.* Authority to conduct investigations is given to the fire chief in Wis. Stats. § 165.55(1). The chief of the fire department or company of every city, town and town in which a fire department or company exists shall investigate, or cause to be investigated, the cause, origin and circumstance of every fire occurring in his city, county or town by which property has been destroyed or damaged when the damage exceeds $500.00, and fires of unknown origin he shall especially investigate, whether the fire was the result of negligence, accident or design.

(b) *Fires resulting in property destruction or damage.* The fire department shall investigate the cause, origin and circumstance of every fire occurring in the town by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon occurrence of such fire. If it appears to the fire investigator making such investigation that such fire is of suspicious origin, the law enforcement agency having jurisdiction shall be notified. All physical evidence at the scene of such fires shall be guarded and maintained until collected by proper authorities as evidence for prosecution of the case. Other agencies, as deemed necessary by the fire chief, may be notified for assistance to supplement the investigation.

Sec. 18-154. Fire department property.

(a) *Control.* The fire chief shall have control of all apparatus used by the fire department and shall be responsible for the proper maintenance thereof. Emergency repairs of such apparatus may be authorized by the fire chief.

(b) *Use.* No apparatus shall be used for any purpose, except for official fire department use within the limits of the town or in training therefor, except pursuant to an agreement approved by the town board with other municipalities with whom agreements have been executed, or with the prior approval of the town board.

(c) *Damage.* No person shall willfully injure, in any manner, any hose, hydrant or fire apparatus belonging to the town, and no vehicle, without the consent of the fire department official in command, shall be driven over an unprotected hose of the fire department when such hose is laid down on any road, private driveway or other place in order to be used at any fire or alarm of fire.

Sec. 18-155. Police power.

(a) *Vestment.* The fire chief and assistants or officers in command at any fire are vested with full and complete police authority at fires. Any officer of the fire department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

(b) *Fire safety limits.* The fire chief may prescribe certain limits in the vicinity of a fire within which no person, except firefighters, law enforcement officers and persons admitted by order of any officer of the fire department, shall be permitted to come. The fire chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, to prevent the spread of fire or to protect the adjoining property, and during the progress of any fire, he shall have the power to order the removal or destruction of any property which is necessary to prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where such wires or facilities impede the work of the fire department during the progress of a fire.

(c) *Authority to enter adjacent property.* Any firefighter, while acting under the direction of the fire chief or other officer in command, shall enter upon the premises adjacent to, or in the vicinity of, any building or other property then on fire for the purpose of extinguishing such fire, and in the case of any person hindering such entry, or resisting or obstructing any firefighter in the discharge of his duty, as provided for in this subsection, the offending person shall be deemed guilty of resisting firefighters in the discharge of their duty.

Sec. 18-156. Appropriation of funds.

The town board shall appropriate funds to provide for operations and for such apparatus and equipment for the use of the fire department as it may deem expedient and necessary to maintain efficient and proper protection of life and property from fire.

Secs. 18-157—18-170. Reserved.

ARTICLE VI. FIRE PROTECTION CODE

Sec. 18-171. Legislative purpose.

Pursuant to the mutual aid agreement, entitled, "The Fire Protection and EMS Agreement," entered into between the City of Watertown and town, and as a condition and term of said agreement, the town deems it necessary and prudent in order to protect the health, welfare

and public safety of its residents, to adopt the following Fire Protection Code within the township fire district, or so much of said district which falls within the boundaries of the town, so as to allow the fire marshal under this Code the authority and guidance to enforce fire protection and fire prevention measures within the town.
(Ord. of 11-9-2009, § 1; Ord. of 4-11-2011, § 1)

Sec. 18-172. Adoption of codes.

The town does hereby adopt by reference, and makes a part of this town Fire Protection Code, Wis. Admin. Code Chapter COMM 14, adopting the National Fire Protection Act (NFPA) One, as from time-to-time amended.
(Ord. of 11-9-2009, § 2; Ord. of 4-11-2011, § 2)

Sec. 18-173. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) *Arson* means the crime of arson as described by the Wisconsin Criminal Code, as codified in Wis. Stats. §§ 943.02 through 943.05.

(2) *Fire marshal* means the fire chief of the City of Watertown, Wisconsin, or his designee.

(3) *Town* means the Town of Watertown, Jefferson County, Wisconsin.

(4) *Township fire district.* The township fire district shall include those portions of the following townships surrounding the City of Watertown, Jefferson and Dodge Counties, Wisconsin:

a. Town of Milford, Jefferson County, Wisconsin: Sections 4, 5, 8, 9, 16, 17, (east of the river), 22, 23, 24, 6-East of Crawfish river, 7-East of Crawfish River, 18-East of Crawfish River, 25-Northern portion, 26-Northern portion, and 27-Northern portion.

b. Town of Shields, Dodge County, Wisconsin: Sections 1, 2*, 3*, 10*, 11, 12, 13, 14, 15, 16*, 20*, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30*, 31*, 32, 33, 34, 35, and 36.
* = east of Beaver Dam River only.

c. Town of Emmet, Doge County, Wisconsin: Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, W6246, W6050, W6082 (Apple Road), W6298, W6045, W6048 (Oak Road), but does not include N1332, N1370, N1418, N1476, N1530, N1254, N1465, N1477 (Hwy. E).

d. Town of Watertown, Jefferson County, Wisconsin: Sections Range 14—1, 2, 3, 10, 11, 12, 13, 14, 15. Range 15—2, 6, 7, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22 and the entire intersection of Hwy. 26 and Ebenezer Road.

(Ord. of 11-9-2009, § 3; Ord. of 4-11-2011, § 3)

Sec. 18-174. Application to new and existing conditions.

The provisions of this Fire Protection Code shall apply equally to new construction as well as existing conditions in current structures, except that existing conditions which are not in strict compliance with the terms of this Code or any code adopted under this Code shall be permitted to continue such condition(s) where the exceptions do not constitute a distinct hazard to life or adjoining property.
(Ord. of 11-9-2009, § 4; Ord. of 4-11-2011, § 4)

Sec. 18-175. Investigation and record of fires—Required.

The fire marshal shall investigate the cause, origin, and circumstances of every fire occurring within this town by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of accident or design. Such investigation shall be started within 24 hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article.
(Ord. of 11-9-2009, § 5; Ord. of 4-11-2011, § 5)

Sec. 18-176. Hazardous conditions generally—Inspection to determine; ordering abatement.

The fire marshal, with or without a complaint of any person having an interest in any adjacent building or property, shall enter and upon any retail, commercial or industrial building or residential premises with more than three dwelling units within the town, and it shall be the fire marshal's duty, as outlined in section 18-180 of this article or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever the fire marshal shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever the fire marshal shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues, and pipes with which the same may be connected, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous or liable to cause or promote fire or create conditions dangerous to the firefighter or occupants, the fire marshal shall by written order direct the same to be removed or remedied, within five days, and such order shall within five days from the date of such order be complied with by the owner or occupant of said building or premises. Provided, however, if said owner or occupant deems himself aggrieved by such order, the fire marshal may, within five days from the date of such order, appeal to the State of Wisconsin Department of Commerce, pursuant to Wis. Admin. Code § COMM 14.01(7) specifying in writing the grounds upon which the appeal is based. The State of Wisconsin

Department of Commerce shall investigate the cause of the complaint and the grounds of the appeal and set a hearing on the appeal. Unless by its authority the order is revoked after the conduct of the public hearing, such order shall remain in force and be complied with by said owner or occupant as originally entered by the fire marshal or as amended or revised by the department of commerce, such compliance to be within five days of the date of the action thereon by the department of commerce.
(Ord. of 11-9-2009, § 6; Ord. of 4-11-2011, § 6)

Sec. 18-177. Reports to state fire marshal.

At the end of each month, the fire marshal shall report to the state fire marshal all existing hazardous conditions, together with a separate report on each fire in the town during the month.
(Ord. of 11-9-2009, § 7; Ord. of 4-11-2011, § 7)

Sec. 18-178. Entry for inspection.

If entry of the fire marshal for inspection is refused or blocked by any person, the fire marshal shall apply for a search warrant or special inspection warrant, pursuant to Wis. Stats. § 66.0119.
(Ord. of 11-9-2009, § 8; Ord. of 4-11-2011, § 8)

Sec. 18-179. Frequency of periodic fire inspections.

The fire marshal shall inspect or cause to be inspected as often as may be necessary but not less than once in six months, all retail, commercial or industrial premises or residential premises with more than three dwelling units in the town, except the interior of private dwelling units, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any ordinance of the town affecting fire hazards and exits. Common areas such as hallways and clubrooms in multiple family dwellings are included. Such inspection frequency shall be established in fire inspection criteria submitted by the fire marshal to the town board. Such criteria and any alterations to them shall become effective only upon adoption by the town board by resolution.
(Ord. of 11-9-2009, § 9; Ord. of 4-11-2011, § 9)

Sec. 18-180. Entry during fires.

The fire marshal may enter any building to begin an investigation by entering while the fire is in progress and the firefighters are still at the premises. If the fire marshal enters while the fire is in progress and the firefighters are present, the fire marshal may remain on the premises until the investigation is completed. After the fire is out and the firefighters have left the premises, the fire marshal may enter any open space that is not locked, boarded up or otherwise closed off. The fire marshal may enter at any time, even after the fire is out and the firefighters have left the premises, with the permission of the owner, occupant, or other person

entitled to possession, or of any agent of such owner, occupant or person entitled to possession. For any other entry to investigate possible arson the fire marshal shall apply for a search warrant or special inspection warrant, pursuant to Wis. Stats. § 66.0119.
(Ord. of 11-9-2009, § 10; Ord. of 4-11-2011, § 10)

Sec. 18-181. Dangerous arrangement of heating appliances.

No owner or occupant of any building or other structure, or premises, shall keep or maintain the same with an unsafe arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health, or safety of persons or property of others; or shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition which shall be dangerous in character to the persons, health or property of others; or which shall be dangerous in the matter of promoting, augmenting or causing fires, or which shall create conditions dangerous to fire fighters, or occupants of such buildings, structures or premises.
(Ord. of 11-9-2009, § 11; Ord. of 4-11-2011, § 11)

Sec. 18-182. Interfering with firefighters.

No person shall interfere with any firefighter fighting a fire. No person shall delay or interfere with any fire truck, fire officer's car or other vehicle used in fighting fires.
(Ord. of 11-9-2009, § 12; Ord. of 4-11-2011, § 12)

Sec. 18-183. Penalty.

Any person, firm or corporation violating any provision of this article shall be fined not less than $50.00 or more than $500.00 for each offense, together with applicable court costs. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. No person, firm or corporation shall be prosecuted for a violation of section 18-176 of this article unless they have failed to make the required correction within the time specified.
(Ord. of 11-9-2009, § 13; Ord. of 4-11-2011, § 13)

Sec. 18-184. Citations authorized; method adopted.

Pursuant to Wis. Stats. § 66.0113, the town hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists and under this Fire Protection Code. Citations may be issued for ordinance violations in accordance with this article. The form of the citation is as prescribed by Wis. Stats. § 66.0113.
(Ord. of 11-9-2009, § 14; Ord. of 4-11-2011, § 14)

Sec. 18-185. Issuance of a citation.

The following persons may issue citations authorized under this article:

(1) The fire marshal;

(2) Any law enforcement officer of the State of Wisconsin.

(Ord. of 11-9-2009, § 15; Ord. of 4-11-2011, § 15)

Sec. 18-186. Civil remedies.

The provision of a penalty under this article shall not prevent any person from seeking a temporary restraining order, temporary injunction, permanent injunction or an award of damages in any court of competent jurisdiction, in a suit against any person violating any provision of this article.

(Ord. of 11-9-2009, § 16; Ord. of 4-11-2011, § 16)

Sec. 18-187. Nuisance; injunctive relief.

Any fire hazard is hereby declared to be a public nuisance. In addition to any other relief provided by this article, the town attorney may apply to a court of competent jurisdiction for an injunction to prohibit the maintenance of any fire hazard. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(Ord. of 11-9-2009, § 17; Ord. of 4-11-2011, § 17)

Secs. 18-188—18-200. Reserved.

ARTICLE VII. FIRE PROTECTION CHARGES

Sec. 18-201. Authority.

The ordinance from which this article was derived is adopted pursuant to the authority granted town boards under Wis. Stats. § 60.55(2)(b), which allows towns to recover the cost of fire calls made to property within the town.

(Ord. of 1-11-2010, § 1)

Sec. 18-202. Liability for fire protection costs.

The Town of Watertown, Jefferson County, Wisconsin, hereby imposes a charge for each fire call made within the limits of the Town of Watertown. Such fee shall not exceed the actual cost to the town for the fire call or $1,000.00, whichever is less. If the call is to real estate located within the town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made. In the event that a fire call is not made to real estate located within the town, but is instead made to personal property, such as a vehicle, the charges provided for under this ordinance shall be imposed on all owners of such personal property.

(Ord. of 1-11-2010, § 2)

Sec. 18-203. Payment of fire call fee.

The fire call charges provided for in the ordinance from which this article is derived shall be paid in full to the clerk of the Town of Watertown no later than 60 days after the date of the particular fire call. The failure to pay the bill within 60 days will result in interest being charged at the rate of one and one-half percent per month from the date of the bill. Those bills for fire calls to real estate, including interest, that remain outstanding for more than 90 days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under Wis. Stats. § 66.0627.
(Ord. of 1-11-2010, § 3)

Sec. 18-204. Liability for fire calls from fire departments other than authorized fire departments.

It is the policy of the Town of Watertown to contract with the following fire departments: City of Watertown, Village of Johnson Creek, and Town of Ixonia. Any property owner requesting fire protection directly from any fire department other than those listed above shall be responsible for the full costs billed to the town resulting from the fire call. This section shall not apply to the costs of any other department responding at the request of an authorized department under a mutual aid agreement.
(Ord. of 1-11-2010, § 4)

Chapter 19

RESERVED

Chapter 20

HEALTH AND SANITATION

Sec. 20-1. Regulations and enforcement.

Sec. 20-1. Regulations and enforcement.

All persons within the town shall comply with all county ordinances regarding health and sanitation. The health and sanitation officials for the City of Watertown and the county shall enforce all county health and sanitation regulations within the town.

Chapter 21

RESERVED

Chapter 22

HUMAN RELATIONS

Sec. 22-1. Administration.

Sec. 22-1. Administration.

Human relations complaints and inquiries shall be handled by the town attorney or the town board as deemed necessary.

Chapter 23

RESERVED

Chapter 24

LAW ENFORCEMENT*

Article I. In General

Secs. 24-1—24-18. Reserved.

Article II. Sheriff's Department

Sec. 24-19. Primary duty.
Sec. 24-20. Organization and personnel.
Sec. 24-21. Emergency services outside town.
Sec. 24-22. Powers and duties of sheriff.
Sec. 24-23. Control of sheriff's department property.
Sec. 24-24. Disposal of abandoned and unclaimed property.

***State law references—**Police and fire departments, Wis. Stats. § 62.13 et seq.; law enforcement officers bill of rights, Wis. Stats. § 164.01 et seq.

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. SHERIFF'S DEPARTMENT

Sec. 24-19. Primary duty.

The county sheriff's department shall be the official law enforcement department of the town. The primary duty of the sheriff's department is to protect life and property, and enforce such laws as may be within its jurisdiction.

Sec. 24-20. Organization and personnel.

(a) The sheriff's department shall consist of the county sheriff, sheriff's deputies, and such other officers as may be authorized by the sheriff.

(b) The sheriff shall supervise all deputy sheriffs and may establish rules and regulations for the performance of their duties and for the conduct of the sheriff's department, subject to approval.

(c) The sheriff, and any deputy sheriff authorized in writing by the sheriff, may accept from any person arrested and charged with a violation of any ordinance a bond or bail in a sufficient amount to ensure the appearance of the person at the court having jurisdiction over the offense.

(d) The sheriff shall have control and be responsible for all vehicles and the condition of all property and equipment used in connection with activities of the sheriff's department.

(e) The sheriff shall make an annual report of the activities of the sheriff's department and such other reports as the town board may require.

Sec. 24-21. Emergency services outside town.

The sheriff, fire chief and health officer are authorized to give aid through their respective departments, whenever an emergency requires, to any municipality in the county.

Sec. 24-22. Powers and duties of sheriff.

(a) The sheriff shall have general supervision of the sheriff's department and shall be responsible for sheriff's department personnel and the general efficiency of the sheriff's department.

(b) The sheriff shall preside at all meetings and special meetings of the sheriff's department, and preserve order and discipline.

(c) The sheriff shall preside in serious internal investigations, have complete command of law enforcement responsibility and law enforcement operations, and plan and control special programs.

(d) The sheriff shall have the power to suspend or terminate any deputy sheriff, dispatcher or any member of the sheriff's department for neglect or refusal to perform departmental duties. Such suspension or termination shall be subject to the provisions Wis. Stats. § 63.10.

(e) The sheriff shall have the power to issue oral or written reprimands to any member of the sheriff's department for minor infractions of departmental rules and regulations.

(f) The sheriff shall report to the town board any pertinent information and data relating to the town. He shall submit recommendations and improvements, as he deems proper and necessary for the efficient operation of law enforcement services.

(g) The sheriff shall keep an inventory of sheriff's department equipment.

Sec. 24-23. Control of sheriff's department property.

(a) No equipment, vehicle or any other property belonging to the sheriff's department shall be used for any purpose, except law enforcement work.

(b) No member of the sheriff's department shall willfully damage, in any manner, any equipment, vehicle or any other sheriff's department property.

Sec. 24-24. Disposal of abandoned and unclaimed property.

Personal property that has been abandoned or remains unclaimed for a period of 30 days after the taking of possession of such property by the town shall be disposed of as follows:

(1) Whenever, in the judgment of the sheriff, there exists sufficient items of abandoned property of value to justify a public sale, the sheriff shall cause notice of a public sale of such property to be given to the public at least ten days prior to such sale and in a manner as he shall direct.

(2) The sheriff shall keep an accurate inventory of all such abandoned property and the manner in which such property is disposed of; however, the sheriff shall have the authority to destroy any items of abandoned property with no value. Such inventory shall be kept as a public record for a period of not less than two years from the date of disposal of the property.

(3) All receipts from such public sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the town treasury.

Chapter 25

RESERVED

Chapter 26

MANUFACTURED AND MOBILE HOMES*

Article I. In General

Sec. 26-1. Definitions.
Sec. 26-2. Injunction for violations; costs and attorney's fees.
Sec. 26-3. Violation of chapter.
Sec. 26-4. No conflict with zoning provisions.
Sec. 26-5. Inspection and enforcement.
Sec. 26-6. Enforcement by citation.
Secs. 26-7—26-28. Reserved.

Article II. Parking Permits and Fees

Sec. 26-29. Monthly parking permit and annual park license.
Sec. 26-30. Parking and special permits for mobile homes.
Secs. 26-31—26-48. Reserved.

Article III. Set-Up and Construction

Sec. 26-49. Permit required.
Sec. 26-50. Modular homes exempt.
Sec. 26-51. Minimum width.
Sec. 26-52. Minimum square footage.
Sec. 26-53. Minimum roof pitch.
Sec. 26-54. Full frost footings required.
Sec. 26-55. Duplex or multifamily units.
Secs. 26-56—26-85. Reserved.

Article IV. Mobile Home Parks

Sec. 26-86. Adoption.
Sec. 26-87. Licensing of mobile home parks.
Sec. 26-88. Revocation and suspension.
Sec. 26-89. Mobile home park requirements.

***State law references—**Municipal regulation of modular homes, Wis. Stats. § 62.17, Wis. Stats. § 66.1019; manufactured and mobile home communities, Wis. Stats. § 66.0435.

ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile home means that which is designed to be transported by any motor vehicle upon a public highway and designed, equipped and used for sleeping, eating and living quarters, or is intended to be so used.

Mobile home park means any plot of ground upon which two or more sleeping units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

Unit means a mobile home unit.
(Comp. Ords. 1997, § 220.001; Ord. No. 2, § 1, 7-14-1955)

Sec. 26-2. Injunction for violations; costs and attorney's fees.

If any person violates this chapter, the town shall be entitled to an immediate injunction, and the home shall either be made to be in compliance with this chapter or removed from the town. The town shall be entitled to actual attorney's fees and all other costs incurred in enforcing this chapter.
(Comp. Ords. 1997, § 225.010; Ord. No. 94-7, § 10, 10-25-1994)

Sec. 26-3. Violation of chapter.

Any person violating any provision of this chapter shall upon conviction thereof forfeit not less than $10.00 nor more than $100.00 and the costs of prosecution, and in default of payment of said forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.
(Comp. Ords. 1997, § 220.008; Ord. No. 2, § 8, 7-14-1955)

Sec. 26-4. No conflict with zoning provisions.

Nothing in this chapter shall be interpreted so as to conflict with state laws or orders regulating mobile homes or any of the requirements of any articles of the town and county zoning provisions.

Sec. 26-5. Inspection and enforcement.

For the purpose of making inspections and securing enforcement, the county sheriff, all sheriff's deputies and any official of said town are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and inspect the same and all accommodations connected therewith at any reasonable time.
(Comp. Ords. 1997, § 220.005; Ord. No. 2, § 5, 7-14-1955)

Sec. 26-6. Enforcement by citation.

Violations of this chapter may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.

Secs. 26-7—26-28. Reserved.

ARTICLE II. PARKING PERMITS AND FEES

Sec. 26-29. Monthly parking permit and annual park license.

(a) *Monthly parking permit fee.* There is imposed on each occupied nonexempt mobile home located in the town a monthly parking permit fee of $15.00 as determined in accordance with Wis. Stats. § 66.0435. The monthly parking fee shall be paid to the town treasurer and shall be due and payable annually within 30 days after the expiration of the calendar year.

(b) *Annual license fee.* There is hereby imposed on each owner or operator of a mobile home park an annual license fee of $25.00, payable as provided in this article. The town board may collect a fee of $10.00 for each transfer of license.
(Comp. Ords. 1997, § 220.006; Ord. No. 2, § 6, 7-14-1955)

Sec. 26-30. Parking and special permits for mobile homes.

(a) *Parking prohibited within town.* It shall be unlawful, except as otherwise provided in this article, for any person to park any mobile home on any road, alley, or highway, or other public place, or any tract of land owned by any person, within the town.

(b) *Emergency and temporary parking.* Emergency or temporary stopping or parking is permitted on any road, alley or highway for not longer than four hours subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations and zoning articles for that road, alley or highway.

(c) *Special permits.* The town board may issue special written permits allowing the location of a mobile home outside of a mobile home court, within the town, limited to one mobile home per farm whose occupant derives more than 50 percent of his income from the farm operation on said farm. The person to whom said permit is granted shall be subject to the monthly parking permit fee as provided in this article, except that a mobile home temporarily present within the town is exempt from the payment of the fee, provided it is not parked within said town for longer than a two-week period in any one year.

(d) *Application for special permit.* Application for the special permit shall be made to the town clerk and shall be accompanied by an inspection fee of $25.00 and shall state the name and permanent address of the occupants of the mobile home, the license number of their mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether any occupant is employed in this state, the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises, and the owner's or occupant's permission to locate, a statement of the nature and location of sanitary facilities

and the permission of the occupant of the dwelling house for their use, and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Each permit shall expire one year from the date of issuance.
(Comp. Ords. 1997, § 220.004; Ord. No. 2, § 4, 7-14-1955)

Secs. 26-31—26-48. Reserved.

ARTICLE III. SET-UP AND CONSTRUCTION

Sec. 26-49. Permit required.

A person shall only have a mobile home on his property if the person obtains a temporary permit from the town board for the mobile home. The temporary permit shall only be issued if construction is commenced on a permanent dwelling within the meaning of the Uniform Dwelling Building Code on the subject property within one year after the issuance of the permit. If construction is not commenced within the one-year period, a person shall apply for an extension of time for the mobile home permit.
(Comp. Ords. 1997, §§ 223.002, 225.006; Ord. No. 42, § 2, 4-20-1993; Ord. No. 94-7, § 6, 10-25-1994)

Sec. 26-50. Modular homes exempt.

Modular homes with a full basement and in compliance with the Uniform Dwelling Building Code are not subject to this article.
(Comp. Ords. 1997, § 223.003; Ord. No. 42, § 3, 4-20-1993)

Sec. 26-51. Minimum width.

All manufactured, mobile, and modular homes, built, constructed or placed on any lot or property in the town shall be at least 24 feet wide.
(Comp. Ords. 1997, § 225.002; Ord. No. 94-7, § 2, 10-25-1994)

Sec. 26-52. Minimum square footage.

All manufactured, mobile, and modular homes shall have a minimum square footage of 1,000 square feet.
(Comp. Ords. 1997, § 225.003; Ord. No. 94-7, § 3, 10-25-1994)

Sec. 26-53. Minimum roof pitch.

All manufactured, mobile, and modular homes shall at a minimum have a 4:12 pitch roof.
(Comp. Ords. 1997, § 225.004; Ord. No. 94-7, § 4, 10-25-1994)

Sec. 26-54. Full frost footings required.

All manufactured, mobile, and modular homes shall have full frost footings or a full basement.
(Comp. Ords. 1997, § 225.005; Ord. No. 94-7, § 5, 10-25-1994)

Sec. 26-55. Duplex or multifamily units.

All the provisions of this article shall apply to any duplex or multifamily units in addition to the manufactured, mobile, and modular homes that are already regulated by this article.
(Comp. Ords. 1997, § 225.013; Ord. No. 94-7a, 7-18-1995)

Secs. 26-56—26-85. Reserved.

ARTICLE IV. MOBILE HOME PARKS

Sec. 26-86. Adoption.

The provisions of Wis. Stats. § 66.0435 are hereby adopted as and for the general law of the town and applicable therein.
(Comp. Ords. 1997, § 220.002; Ord. No. 2, § 2, 7-14-1955)

Sec. 26-87. Licensing of mobile home parks.

(a) *License required.* It shall be unlawful for any person to maintain or operate within the limits of the town any mobile home park unless such person shall first obtain from the town clerk a license therefor.

(b) *Issuance, expiration, limit on number, fees.* The town board may issue a license allowing the location and operation of mobile home parks within the town. Such license shall expire on June 30. The town board shall grant no more than three such licenses annually. A license fee as provided in this chapter shall accompany the application for the license, and the owner or operator to whom such license is granted shall be responsible for the collection and payment to the town clerk of all monthly parking permit fees payable as provided in this chapter for mobile homes located in the mobile home park owned or operated by such license.

(c) *Application.* The original application for mobile home park license shall be filed with the town clerk. Applications shall be in writing, signed by the applicant and shall contain the name and address of the applicant, the location and legal description of the mobile home park, and the complete plan of the park.
(Comp. Ords. 1997, § 220.003; Ord. No. 2, § 3, 7-14-1955)

Sec. 26-88. Revocation and suspension.

Any permit or license granted under the provisions of this article shall be subject to revocation or suspension for cause by the town board upon complaint filed with the town board signed by any law enforcement officer, health officer or building inspector after a public

hearing upon such complaint, provided that the holder of such permit or license shall be given ten days' notice in writing of such hearing and shall be entitled to appear and be heard as to why such permit or license shall not be revoked. Any holder of a permit or license that has been revoked or suspended by the town board may appeal therefrom in the manner set out in Wis. Stats. § 66.0435.
(Comp. Ords. 1997, § 220.007; Ord. No. 2, § 7, 7-14-1955)

Sec. 26-89. Mobile home park requirements.

(a) *Conditions of license.* Every trailer camp or mobile home park for which a license is issued under the provisions of this chapter shall be established, maintained and operated in strict conformity with the provisions of this chapter and, by acceptance of such license, the licensee shall be deemed to have agreed with the town board to comply with all of the provisions of this chapter and to consent to the entry on the licensed premises by any town official at all reasonable times for the purpose of inspecting the premises.

(b) *Drainage and sewage.* Every trailer camp or mobile home park shall be located on a well-drained site and shall be graded or adequately drained to eliminate the collection of surface waters at any point therein. Adequate provision shall be made for the disposal of all sewage by means of duly constructed and maintained septic tanks or other lawful sewage disposal equipment. All provisions for sewage disposal shall be installed and maintained in accordance with the applicable provisions of the town and state plumbing codes.

(c) *Water supply.* A supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number of persons capable of being accommodated therein. All wells supplying water for such camp shall be constructed and maintained in accordance with the applicable provisions of the state well construction code.

(d) *Toilets, showers, baths and laundry tubs.* There shall be established and maintained in every trailer camp or mobile home park a separate toilet and shower or bath for each sex per each ten trailers or mobile homes, and a two-compartment laundry tub, with running water, for each of ten units. All such toilets, showers, baths, laundry tubs and water facilities shall be connected to the sewage disposal system or have separate and adequate disposal facilities therein for each waste product, as the circumstances require, and all of the facilities shall be maintained in good working order. All toilets, showers, baths and laundry tubs shall have concrete floors and every room in which a toilet is located shall have at least one window. Toilets shall be water flushed.

(e) *Garbage and refuse receptacles.* Every trailer camp or mobile home park shall be provided with a sufficient number of light metal receptacles, with closefitting metal covers, for garbage and refuse, and such receptacles shall be emptied at least once each week.

(f) *Spacing.* Every trailer or mobile home in a trailer camp or mobile home park shall be located on a space not less than 1,000 square feet in area, and all such spaces shall be arranged in rows, facing on a continuous driveway which is at least 25 feet in width, and each space shall

have a frontage on such driveway of at least 30 feet. No structure shall be located closer than ten feet to the exterior boundary line of any space. No lean-to, shack, tent, room or similar structure of a detachable nature shall be attached to any trailer or mobile home located in a trailer camp or mobile home park, other than as may be required for the housing of equipment for the furnishing of power, light, water, gas or similar service to such trailer or mobile home. Any and all extensions in the area of a trailer camp or mobile home park existing on the date the ordinance from which this chapter is derived takes effect, made after such date, as well as all trailer camps or mobile home parks constructed after such date, shall be laid out and maintained with regard to the spacing of trailers or mobile homes located, or to be located, therein, so as to meet the requirements of this subsection or the requirements of the town and county zoning provisions, as applicable thereto, whichever requires the greater area of such spacing.

(g) *Lighting.* Every trailer camp or mobile home park and every toilet, shower, bath and laundry shall be provided with adequate lighting facilities to make them safe for use at all times. All lights for the lighting of the trailer camp or mobile home park, in general, and the driveways therein, shall be kept lighted from one-half hour after sunset until sunrise of the following day.

(h) *Foundations.* All trailer sites and mobile home spaces shall be of concrete or an equivalent material.

(i) *Registration.* A person to whom a license is granted for the operation of any trailer camp or mobile home park shall maintain a register in which shall be registered the name and permanent address of every person using the trailer camp or mobile home park, a description of every trailer or mobile home located in the trailer camp or mobile home park, together with the license number of the automobile or other vehicle and the trailer or mobile home. Such register shall be open at all times for inspection by any official of the town.

(j) *Health and safety.* The person to whom a license is issued shall promptly report to the health officer of the town the name of every person located upon the licensed premises whom such licensee knows, or has reason to believe, is infected with a contagious disease. Every trailer or mobile home shall have at least one fire extinguisher, which shall at all times be maintained in good working order. The person to whom a license is granted under this chapter shall at all times maintain and operate the trailer camp or mobile home park for the protection of the public health and safety. All regulations of the state department of health in effect relating to the establishment and maintenance of trailer camps or mobile home parks and which are not in conflict with the provisions of this chapter shall be deemed a part of this subsection with the same force and effect as though set forth in full in this subsection, and the person to whom a license is issued under this chapter shall be responsible for the enforcement of all such regulations of the state department of health in the trailer camp or mobile home park for which such license is issued.

(k) *Residence.* No person, except the licensee to whom a license is issued for the operation of a trailer camp or mobile home park under the provisions of this chapter and the members of his immediate family, shall reside in any trailer camp or mobile home park so licensed for

a period of more than six months in any one year, whether such residence shall be continuous or at intermittent periods. Every person to whom such a license is issued shall enforce the provisions of this chapter, and shall promptly report to the town board the name of any person residing in such trailer camp or mobile home park in violation of the provisions of this chapter, together with all information concerning such person and his property as is included in the register required to be maintained by such licensee.

Chapter 27

RESERVED

Chapter 28

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Secs. 28-1—28-18. Reserved.

Article II. Offenses Against Property

Sec. 28-19. Damage to public property.
Secs. 28-20—28-41. Reserved.

Article III. Offenses Against Public Health and Safety

Sec. 28-42. Operating motor vehicle in a disorderly manner.
Sec. 28-43. Noise control.
Secs. 28-44—28-74. Reserved.

Article IV. Offenses Involving Juveniles

Division 1. Generally

Secs. 28-75—28-91. Reserved.

Division 2. Juvenile Curfew

Sec. 28-92. Curfew hours imposed.
Sec. 28-93. Exceptions.
Sec. 28-94. Penalties.
Sec. 28-95. Adult custodian permitting violation of curfew.

***State law reference—**Crimes generally, Wis. Stats. § 939.01 et seq.

ARTICLE I. IN GENERAL

Secs. 28-1—28-18. Reserved.

ARTICLE II. OFFENSES AGAINST PROPERTY*

Sec. 28-19. Damage to public property.

(a) No person shall intentionally cause damage to any physical property of the town without its consent.

(b) Except as otherwise herein provided, any person who violates this article shall upon conviction pay a forfeiture of not less than $50.00 and not more than $250.00, together with the costs of prosecution and penalty surcharge.

(c) If any person who is convicted of a violation of this article was also convicted of a violation of this article within three years preceding the violation for which he is about to be penalized, such person shall pay a forfeiture of not less than $100.00 and not more than $500.00, together with the costs of prosecution and penalty surcharge. In this subsection, the dates of violation shall be used to determine whether or not a person has been convicted within three years preceding the violation for which he is about to be penalized.

(d) In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs and penalty surcharge, such person shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.

(e) Violations of this article may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, §§ 90.002—90.004; Ord. No. 7, §§ 2—4, 5-20-1980; Ord. No. 19, § 2, 4-21-1981)

Secs. 28-20—28-41. Reserved.

ARTICLE III. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY†

Sec. 28-42. Operating motor vehicle in a disorderly manner.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Disorderly manner means to cause the tires thereof to squeal unnecessarily; or to accelerate in a manner which unnecessarily leaves tire marks upon the highway or which causes the

*__State law reference—__*Crimes against property, Wis. Stats. § 943.01 et seq.
†__State law reference—__Crimes against public health and safety, Wis. Stats. § 941.01.

vehicle tires unnecessarily to break traction with the surface of the highway; or to leave the highway and drive upon private property without the consent of the owner thereof; or to race the vehicle's motor excessively and unnecessarily.

Highway means that which is meant by the definition set forth in Wis. Stats. § 340.01(22).

(b) *Disorderly use of vehicle prohibited.* No person shall drive, operate, conduct or otherwise use a motor vehicle in the town in a disorderly manner.

(c) *Violation.* Except as otherwise herein provided, any person who violates this section shall upon conviction pay a forfeiture of not less than $50.00 and not more than $200.00, together with the costs of prosecution and penalty surcharge.

(d) *Repeated violation.* If any person who is convicted of a violation of this section was also convicted of a violation of this article within three years preceding the violation for which he is about to be penalized, such person shall pay a forfeiture of not less than $100.00 and not more than $400.00, together with the costs of prosecution and penalty surcharge. In this subsection, the dates of violation shall be used to determine whether or not a person has been convicted within three years preceding the violation for which he is about to be penalized.

(e) *Failure to pay.* In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs and penalty surcharge, such person shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.

(f) *Enforcement.* Violations of this article may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply. (Comp. Ords. 1997, §§ 91.001—91.003; Ord. No. 8, §§ 1—3, 5-20-1980; Ord. No. 19, § 2, 4-21-1981)

Sec. 28-43. Noise control.

(a) *Sound restrictions.* No person shall make or cause to be made, any loud, disturbing or unnecessary sounds or noises or any outdoor music after 11:00 p.m. which may annoy or disturb a person of ordinary sensibilities in or about any public road, alley, park, private residence, tavern, or place of business.

(b) *Violation.* Any person who shall violate this section, upon conviction thereof, shall forfeit not less than $25.00 nor more than $500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(c) *Repeated violation.* Any person found guilty of violating this section who has previously been convicted of a violation of the same section within one year shall, upon conviction thereof, forfeit not less than $50.00 nor more than $500.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.

(d) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense.

(e) *Town free to take action.* Nothing in this section shall preclude the town from maintaining any appropriate action to prevent or remove a violation.

(f) *Failure to pay.* Whenever any person fails to pay any forfeiture or costs of prosecution upon the order of any court for violation of this section, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
(Comp. Ords. 1997, §§ 96.002—96.004; Ord. No. 45, §§ 2—4, 10-19-1993)

Secs. 28-44—28-74. Reserved.

ARTICLE IV. OFFENSES INVOLVING JUVENILES*

DIVISION 1. GENERALLY

Secs. 28-75—28-91. Reserved.

DIVISION 2. JUVENILE CURFEW

Sec. 28-92. Curfew hours imposed.

No person under 17 years of age shall congregate, loiter, wander or play in or upon the public roads, public parking lots, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the town, either on foot or in, or upon any conveyance being driven or parked thereon between the hours of 11:00 p.m. and 6:00 a.m. Sunday through Thursday, and 12:00 midnight and 6:00 a.m. Friday and Saturday.
(Comp. Ords. 1997, § 95.001; Ord. No. 43, § 1, 5-18-1993)

Sec. 28-93. Exceptions.

The curfew imposed in this division shall not apply if the person is accompanied by an adult person having legal custody of such person, or unless such person is engaged in the performance of an errand or duty directly approved by the adult having legal custody of such person or whose employment makes it necessary for such person to be in such public place, or if such person is going home from school activities, church programs or other similar organizational activities.
(Comp. Ords. 1997, § 95.002; Ord. No. 43, § 2, 5-18-1993)

***State law reference—**Juvenile justice code, Wis. Stats. § 938.01.

Sec. 28-94. Penalties.

Any person under the age of 17 years cited for a violation of this division upon conviction, shall be advised by the court of the penalty for second and subsequent violations. Any such person found guilty of a second or subsequent violation shall be subject to a fine of not more than $100.00.
(Comp. Ords. 1997, § 95.003; Ord. No. 43, § 3, 5-18-1993)

Sec. 28-95. Adult custodian permitting violation of curfew.

Any adult person having the legal custody of a person under the age of 17 years suffering or permitting a minor to violate this division shall be subject to a fine of not more than $100.00.
(Comp. Ords. 1997, § 95.004; Ord. No. 43, § 4, 5-18-1993)

Chapter 29

RESERVED

Chapter 30

PARKS AND RECREATION

(RESERVED)

Chapter 31

RESERVED

Chapter 32

PEDDLERS AND SOLICITORS

(RESERVED)

Chapter 33

RESERVED

Chapter 34

PLANNING*

Article I. In General

Secs. 34-1—34-18. Reserved.

Article II. Plan Commission

Sec. 34-19. Authority; establishment.
Sec. 34-20. Membership.
Sec. 34-21. Appointments.
Sec. 34-22. Terms of office.
Sec. 34-23. Vacancies.
Sec. 34-24. Compensation; expenses.
Sec. 34-25. Experts and staff.
Sec. 34-26. Rules; records.
Sec. 34-27. Chair and officers.
Sec. 34-28. Commission members as local public officials.
Sec. 34-29. General and miscellaneous powers.
Sec. 34-30. Town master planning and comprehensive planning: general authority and requirements.
Sec. 34-31. Procedure for plan commission adoption and recommendation of a town comprehensive plan or amendment.
Sec. 34-32. Plan implementation and administration.
Sec. 34-33. Referrals to the plan commission.
Sec. 34-34. Plan commission administrative fee.

Secs. 34-35—34-56. Reserved.

Article III. Comprehensive Plan

Sec. 34-57. Authority.
Sec. 34-58. Adoption.

*__State law reference—__Comprehensive plan, Wis. Stats. § 66.1001.

ARTICLE I. IN GENERAL

Secs. 34-1—34-18. Reserved.

ARTICLE II. PLAN COMMISSION

Sec. 34-19. Authority; establishment.

The town board has been authorized by the town meeting under Wis. Stats. § 60.11(2)(c) to exercise village powers and the town has a population of less than 2,500, according to the most recent regular or special federal census, Wis. Stats. § 990.01(29). The town board hereby exercises village powers under Wis. Stats. § 60.22(3) and establishes a five-member plan commission under Wis. Stats. § 60.62(4), Wis. Stats. § 61.35, and Wis. Stats. § 62.23. The plan commission shall be considered the town planning agency under Wis. Stats. § 236.02(13) and Wis. Stats. § 236.45, which authorize, but do not require, town adoption of a subdivision or other land division ordinance. The town plan commission shall serve as an advisory board only to the town board.
(Ord. of 2-17-2003(2), § 3)

Sec. 34-20. Membership.

The plan commission consists of one member of the town board, who may be the town board chairperson, and four citizen members, who are not otherwise town officials, and who shall be persons of recognized experience and qualifications.
(Ord. of 2-17-2003(2), § 4)

Sec. 34-21. Appointments.

The town board chair shall appoint the members of the plan commission and designate a plan commission chair during the month of February to fill any expiring term. The town board chair may appoint himself or another town board member to the plan commission and may designate himself, the other town board member, or a citizen member as chair of the plan commission. All appointments are subject to the advisory approval of the town board. Any citizen appointed to the plan commission shall take and file the oath of office within five days of notice of appointment, as provided under Wis. Stats. § 19.01 and Wis. Stats. § 60.31.
(Ord. of 2-17-2003(2), § 5)

Sec. 34-22. Terms of office.

The term of office for the plan commission chair and each commission member shall be for a period of three years, ending on March 1, or until a successor is appointed and qualified, except:

(1) *Initial terms.* The citizen members initially appointed to the plan commission shall be appointed for staggered terms.

(2) *Town board member or chairperson.* The plan commission member who is a town board member or town board chairperson, including a person designated the plan commission chairperson, shall serve for a period of two years, as allowed under Wis. Stats. § 66.0501(2), concurrent with his term on the town board, except an initial appointment made after March 1 shall be for a term that expires two years from the previous March 1.

(Ord. of 2-17-2003(2), § 6(I))

Sec. 34-23. Vacancies.

A person who is appointed to fill a vacancy on the plan commission shall serve for the remainder of the term.

(Ord. of 2-17-2003(2), § 7)

Sec. 34-24. Compensation; expenses.

The town board hereby sets a per diem allowance of $25.00 per meeting for citizen and town board members of the plan commission, as allowed under Wis. Stats. § 66.0501(2). In addition, the town board may reimburse reasonable costs and expenses, as allowed under Wis. Stats. § 60.321.

(Ord. of 2-17-2003(2), § 8)

Sec. 34-25. Experts and staff.

The plan commission may, under Wis. Stats. § 62.23(1), recommend to the town board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(Ord. of 2-17-2003(2), § 9)

Sec. 34-26. Rules; records.

The plan commission, under Wis. Stats. § 62.23(2), may adopt rules for the transaction of its business, subject to town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Wis. Stats. §§ 19.21—19.39.

(Ord. of 2-17-2003(2), § 10)

Sec. 34-27. Chair and officers.

(a) *Chairperson.* The plan commission chair shall be appointed and serve a term as provided in sections 34-21 and 34-22. The chair shall, subject to town ordinances and commission rules:

(1) Provide leadership to the commission;

(2) Set commission meeting and hearing dates;

(3) Provide notice of commission meetings and hearings and set their agendas, personally or by his designee;

(4) Preside at commission meetings and hearings; and

(5) Ensure that the laws are followed.

(b) *Vice-chairperson.* The plan commission may elect, by open vote or secret ballot under Wis. Stats. § 19.88(1), a vice-chair to act in the place of the chair when the chair is absent or incapacitated for any cause.

(c) *Secretary.* The plan commission shall elect, by open vote or secret ballot under Wis. Stats. § 19.88 one of its members to serve as secretary, or, with the approval of the town board, designate the town clerk or other town officer or employee as secretary.
(Ord. of 2-17-2003(2), § 11)

Sec. 34-28. Commission members as local public officials.

All members of the plan commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Wis. Stats. § 19.01, in accordance with, but not limited to, the provisions on: public records, Wis. Stats. §§ 19.21—19.39; code of ethics for local government officials, Wis. Stats. § 19.42, Wis. Stats. § 19.58, and Wis. Stats. § 19.59; open meetings, Wis. Stats. §§ 19.81—19.89; misconduct in office, Wis. Stats. § 946.12; and private interests in public contracts, Wis. Stats. § 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
(Ord. of 2-17-2003(2), § 12)

Sec. 34-29. General and miscellaneous powers.

The plan commission, under Wis. Stats. § 62.23(4) shall have the power:

(1) Necessary to enable it to perform its functions and promote town planning.

(2) To make reports and recommendations relating to the plan and development of the town to the town board, other public bodies, citizens, public utilities and organizations.

(3) To recommend to the town board programs for public improvements and the financing of such improvements.

(4) To receive from public officials, within a reasonable time, requested available information required for the commission to do its work.

(5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the property owner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Wis. Stats. § 66.0119 or other court-issued warrant.

(Ord. of 2-17-2003(2), § 13)

Sec. 34-30. Town master planning and comprehensive planning: general authority and requirements.

(a) *Master plan.* The plan commission, under Wis. Stats. § 62.23(2), shall, except as provided in subsection (b) of this section, make and adopt the town master plan, with accompanying maps, plats, charts and descriptive and explanatory matter, which shall include the nine elements specified under the comprehensive planning law, Wis. Stats. § 66.1001(2).

(b) *Comprehensive plan.* In lieu of the adoption of a master plan under subsection (a) of this section, the plan commission may make and adopt a comprehensive plan under Wis. Stats. § 62.23 and Wis. Stats. § 66.1001 that contains the elements specified in Wis. Stats. § 66.1001(2) and follows the procedures in Wis. Stats. § 66.1001(4).

(c) *Time frame for adoption.* Regardless of whether the town has a master plan under subsection (a) of this section, or is developing one, the plan commission shall make and adopt a comprehensive plan under subsection (b) of this section and the comprehensive planning law, Wis. Stats. § 66.1001 within the time period directed by the town board, but not later than a time sufficient to allow the town board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the town comprehensive plan is in effect by the date on which any town program or action affecting land use must be consistent with the town comprehensive plan under Wis. Stats. § 66.1001(3).

(d) *Plan commission responsibility.* In this section the requirement to make the plan means that the plan commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the town by the plan commission, town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.
(Ord. of 2-17-2003(2), § 14)

Sec. 34-31. Procedure for plan commission adoption and recommendation of a town comprehensive plan or amendment.

The plan commission, in order to ensure that the requirements of Wis. Stats. § 66.1001(4), are met, shall proceed as follows:

(1) *Public participation verification.* Prior to beginning work on a comprehensive plan, the plan commission shall verify that the town board has adopted written procedures designed to foster public participation in every state of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the town board for the town board to respond to such written comments.

(2) *Resolution.* The plan commission, under Wis. Stats. § 66.1001(4)(b), shall recommend its proposed comprehensive plan or amendment to the town board by adopting a

resolution by a majority vote of the entire plan commission. The vote shall be recorded in the minutes of the plan commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under Wis. Stats. § 66.1001, namely that:

a. The town board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

b. The plan contains the nine specified elements and meets the requirements of those elements;

c. The (specified) maps and (specified) other descriptive materials relate to the plan;

d. The plan has been adopted by a majority vote of the entire plan commission, which the clerk or secretary is directed to record in the minutes; and

e. The plan commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the commission to the governmental units specified in Wis. Stats. § 66.1001(4) and subsection (3) of this section.

(3) *Transmittal.* One copy of the comprehensive plan or amendment adopted by the plan commission for recommendation to the town board shall be sent to:

a. Every governmental body that is located in whole or in part within the boundaries of the town, including any school district, town sanitary district, public inland lake protection and rehabilitation district or other special district.

b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the town.

c. The Wisconsin Land Council.

d. After September 1, 2003, the state department of administration.

e. The regional planning commission in which the town is located.

f. The public library that serves the area in which the town is located.

(Ord. of 2-17-2003(2), § 15)

Sec. 34-32. Plan implementation and administration.

(a) *Ordinance development.* If directed by resolution or motion of the town board, the plan commission shall prepare the following:

(1) *Zoning.* A proposed town zoning ordinance under village powers, Wis. Stats. § 60.22(3), Wis. Stats. § 61.35 and Wis. Stats. § 62.23(7), a town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. § 60.627(6), a town exclusive agricultural zoning ordinance under Wis. Stats. § 91.71 et seq., and any other zoning ordinance within the town's authority.

(2) *Official map.* A proposed official map ordinance under Wis. Stats. § 62.23(6).

(3) *Subdivisions.* A proposed town subdivision or other land division ordinance under Wis. Stats. § 236.45.

(4) *Other ordinances.* Any other ordinance specified by the town board (e.g., historic preservation, design review, site plan review).

(b) *Ordinance amendment*. The plan commission, on its own motion, or at the direction of the town board by its resolution or motion, may prepare proposed amendments to the town's ordinances relating to comprehensive planning and land use.

(c) *Nonregulatory programs.* The plan commission, on its own motion, or at the direction of the town board by resolution or motion, may propose nonregulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(d) *Program administration.* The plan commission shall, pursuant to town ordinances, have the following powers:

(1) *Zoning conditional use permits.* The zoning administrator shall refer applications for conditional use permits under town zoning provisions to the plan commission for review and recommendation to the town board as provided under the town zoning ordinances and county ordinances.

(2) *Subdivision review.* Proposed plats under Wis. Stats. ch. 236 and proposed subdivisions or other land divisions under the town subdivision ordinances under Wis. Stats. § 236.45, shall be referred to the county for review and recommendation to the town board.

(e) *Consistency.* Any ordinance, amendment or program proposed by the plan commission, and any plan commission approval, recommendation for approval or other action under town ordinances or programs that implement the town's comprehensive plan under Wis. Stats. § 62.23 and Wis. Stats. § 66.1001, shall be consistent with that plan as of January 1, 2010. If any such plan commission action would not be consistent with the comprehensive plan, the plan commission shall use this as information to consider in updating the comprehensive plan. (Ord. of 2-17-2003(2), § 16)

Sec. 34-33. Referrals to the plan commission.

(a) *Required referral—Under Wis. Stats. § 62.23(5).* The following shall be referred to the plan commission for report:

(1) The location and architectural design of any public building.

(2) The location of any statue or other memorial.

(3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:

a. Road, alley or other public way;

b. Park or playground;

c. Airport;

d. Area for parking vehicles; or

e. Other memorial or public grounds.

(4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(5) All plats under the town's jurisdiction under Wis. Stats. ch. 236, including divisions under a town subdivision or other land division ordinance adopted under Wis. Stats. § 236.45.

(6) The location, character and extent or acquisition, leasing or sale of lands for:

a. Public or semi-public housing;

b. Slum clearance;

c. Relief of congestion; or

d. Vacation camps for children.

(7) The amendment or repeal of any ordinance adopted under Wis. Stats. § 62.23, including ordinances relating to: the town plan commission; the town master plan or the town comprehensive plan under Wis. Stats. § 66.1001; a town official map; and town zoning under village powers.

(b) *Same—Under sections other than Wis. Stats. § 62.23(5).* The following shall be referred to the plan commission for report:

(1) An application for initial licensure of a child welfare agency or group home under Wis. Stats. § 48.68(3).

(2) An application for initial licensure of a community-based residential facility under Wis. Stats. § 50.03(4).

(3) Proposed designation of a road or public way, or any part thereof, wholly within the jurisdiction of the town, as a pedestrian mall under Wis. Stats. § 66.0905.

(4) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stats. § 66.1007.

(5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stats. § 66.1107.

(6) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stats. § 66.1109.

(7) A proposed housing project under Wis. Stats. § 66.1211(3).

(8) Matters relating to urban redevelopment and renewal in the town, required to be referred under Wis. Stats. § 66.1303.

(9) The adoption or amendment of a town subdivision or other land division ordinance under Wis. Stats. § 236.45(4).

(10) Any other matter required by the state statutes to be referred to the plan commission.

(c) *Same—Under this article.* In addition to referrals required by the state statutes, the following matters shall be referred to the plan commission for report:

(1) Any proposal, under Wis. Stats. § 59.69, for the town to adopt general county zoning so that it takes effect in the town, or to remain under general county zoning.

(2) Proposed regulations or amendments relating to historic preservation under Wis. Stats. § 60.64.

(3) A proposed driveway access ordinance or amendment.

(4) A proposed town official map ordinance under Wis. Stats. § 62.23(6), or any other proposed town ordinance under Wis. Stats. § 62.23, not specifically required by the state statutes to be referred to the commission.

(5) A proposed town zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. § 162.23, including a town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. § 60.627(b), and a town exclusive agricultural zoning ordinance under subch. V of ch. 91 (Wis. Stats. § 91.71 et seq.).

(6) An application for a conditional use permit under the town zoning ordinances.

(7) A proposed site plan.

(8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. § 62.23(7a).

(9) A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. § 66.0307, or a proposed boundary agreement under Wis. Stats. § 66.0225, or other authority.

(10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. § 66.0307(7m).

(11) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the town for review or adoption.

(12) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the town and the regional planning commission, under Wis. Stats. § 66.0309, another unit of government, a consultant or any other person or organization.

(13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Wis. Stats. § 66.0435.

(14) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. § 66.1009.

(15) A proposed town airport zoning ordinance under Wis. Stats. § 114.136(2).

(16) A proposal to create environmental remediation tax incremental financing in the town under Wis. Stats. § 66.1106.

(17) A proposed county agricultural preservation plan or amendment, under Wis. Stats. § 91.51 et seq., referred by the county to the town, or proposed town agricultural preservation plan or amendment.

(18) Any other matter required by any town ordinance or town board resolution or motion to be referred to the plan commission.

(d) *Discretionary referrals.* The town board, or other town officer or body with final approval authority or referral authorization under the town ordinances, may refer any of the following to the plan commission for report:

(1) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(2) A proposed county zoning ordinance or amendment.

(3) A proposed county subdivision or other land division ordinance under Wis. Stats. § 236.45, or amendment.

(4) An appeal or permit application under the county zoning ordinances to the county zoning board of adjustment, county planning body or other county body.

(5) A proposed intergovernmental cooperation agreement, under Wis. Stats. § 66.0301, or other statute, affecting land use, or a municipal revenue sharing agreement under Wis. Stats. § 66.0305.

(6) A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stats. § 236.45.

(7) A proposed county plan, under Wis. Stats. § 236.46, or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor roads, and the platting of lots surrounded by them.

(8) Any other matter deemed advisable for referral to the plan commission for report.

(e) *Referral period.* No final action may be taken by the town board or any other officer or body with final authority on a matter referred to the plan commission until the commission has made its report, or 30 days, or such longer period as stipulated by the town board, has passed since referral. The 30-day period for referrals required by the state statutes may be shortened only if so authorized by statute. The 30-day referral period, for matters subject to required or discretionary referral under the town's ordinances, but not required to be referred under the state statutes, may be made subject by the town board to a referral period shorter or longer than the 30-day referral period if deemed advisable.
(Ord. of 2-17-2003(2), § 17)

Sec. 34-34. Plan commission administrative fee.

(a) There is hereby created a plan commission administrative fee, the amount of which shall be set from time to time by resolution of the town board.

(b) The purpose of the plan commission administrative fee shall be to reimburse the administrative expenses of the plan commission incurred in the consideration of subdivision plat approvals, certified survey map approvals, conditional use permits, and other matters which may come before the plan commission.

(c) No matter shall be considered by the plan commission until the administrative fee shall have been paid to the town treasurer and satisfactory evidence of receipt of that fee shall be presented to the plan commission.

(d) This administrative fee shall be in addition to and separate from any payments required from applicants for professional fees or other fees incurred by the town plan commission in consideration for action upon any matters that come before the plan commission.
(Ord. of 6-18-2003, § 1)

Secs. 34-35—34-56. Reserved.

ARTICLE III. COMPREHENSIVE PLAN

Sec. 34-57. Authority.

Pursuant to Wis. Stats. § 62.23(2) and Wis. Stats. § 62.23(3) for cities, villages, and towns exercising village powers under Wis. Stats. § 60.22(3), the town is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stats. § 66.1001(1)(a) and Wis. Stats. § 66.1001(2).
(Ord. of 3-17-2003, § 1)

Sec. 34-58. Adoption.

The town board formally adopts the document entitled, "Year 2025 Comprehensive Plan, Town of Watertown, Jefferson County, Wisconsin" as its comprehensive plan pursuant to Wis. Stats. § 66.1001(2).
(Ord. of 3-17-2003, § 4)

Chapter 35

RESERVED

Chapter 36

ROADS, SIDEWALKS, AND OTHER PUBLIC PLACES*

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ARTICLE I. IN GENERAL

Secs. 36-1—36-18. Reserved.

ARTICLE II. ACCEPTANCE OF TOWN ROADS

Sec. 36-19. Profile maps.

The subdivider, or owner, desiring acceptance of a town road shall first submit profile maps prepared by a competent engineer or surveyor and obtain approval of the established grades on all of the proposed roads prior to proceeding with any grading. Culvert, size, and length shall be shown on profile.
(Comp. Ords. 1997, § 251.001; Ord. No. 36, § 1, 1-21-1992)

Sec. 36-20. Culverts.

(a) The length and size of all culverts shall be determined by the town board at the time of the approval of the established grades.

(b) The town shall only be responsible for the cost to replace culverts under town roads. Otherwise, individual property owners in the town shall be solely responsible for payment of the cost of new or replacement culverts for private driveways, private roads, and field drives. The town shall not be responsible for any of the costs of culvert placement or replacement on private property.

(c) The town shall require a property owner to replace a culvert at the property owner's sole expense if the problem culvert is having an adverse effect on a town road.

(d) If the property owner refuses to pay the cost of the culvert replacement, due to adverse effect on a town road, the town may replace the culvert at the property owner's expense and, if the amount due is not paid, the amount due for culvert replacement shall be placed on the property owner's tax bill to be collected as a special charge.
(Comp. Ords. 1997, § 251.002; Ord. No. 36, § 2, 1-21-1992; Ord. of 5-12-2008, §§ 1—3)

Sec. 36-21. Width of roads.

All roads shall be four rods (66 feet) in width (minimum). All roads shall be graded from lot line to lot line.
(Comp. Ords. 1997, § 251.003; Ord. No. 36, § 3, 1-21-1992; Ord. No. 37, 1-21-1992)

Sec. 36-22. Width of blacktop.

All roads shall be blacktopped to a width of 22 feet.
(Comp. Ords. 1997, § 251.004; Ord. No. 36, § 4, 1-21-1992)

Sec. 36-23. Dead-end roads.

On dead-end roads a turnaround or cul-de-sac of not less than 120 feet in diameter shall be provided. Surfacing shall be provided as for the roads.
(Comp. Ords. 1997, § 251.005; Ord. No. 36, § 5, 1-21-1992)

Sec. 36-24. Signs.

Road signs shall be obtained and placed by the town, and the cost of same shall be paid by the subdivider.
(Comp. Ords. 1997, § 251.006; Ord. No. 36, § 6, 1-21-1992)

Sec. 36-25. Proof of payment.

Before final acceptance of any town road the owner must furnish sufficient proof to the town board, as the town board may require, that all costs for road construction have been paid for by said owner.
(Comp. Ords. 1997, § 251.007; Ord. No. 36, § 7, 1-21-1992)

Sec. 36-26. Slopes.

Slopes shall be topsoiled and seeded before acceptance.
(Comp. Ords. 1997, § 251.008; Ord. No. 36, § 8, 1-21-1992)

Secs. 36-27—36-55. Reserved.

ARTICLE III. PUBLIC RIGHTS-OF-WAY

DIVISION 1. GENERALLY

Sec. 36-56. Violation and penalty.

A first violation of this article shall subject a person to a written warning. Subsequent offenses shall be punishable by a fine of not less than $25.00 nor more than $200.00 per offense. The severity of the offense will determine the amount of the fine at the discretion of the county sheriff's department working with the town board.
(Comp. Ords. 1997, § 161.004; Ord. No. 94-2, § 4, 3-15-1994)

Sec. 36-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clear vision triangle means in each quadrant of every town or county road intersection there shall be designed a vision clearance triangle, bounded by the inner road lines and a line connecting them 65 feet from the intersecting road. Within this triangle no object shall be

allowed above the height of 2½ feet above the road if it obstructs the view across the triangle. Furthermore, no object shall be allowed below ten feet above the road level except as allowed above.
(Ord. of 5-19-2003, § 1)

Secs. 36-58—36-87. Reserved.

DIVISION 2. PROHIBITED OBSTRUCTIONS

Sec. 36-88. Clear vision triangle.

The town hereby establishes a clear vision triangle.
(Ord. of 5-19-2003, § 1)

Sec. 36-89. Debris on right-of-way prohibited.

No person shall permit any stones, trees, shrubs, brush, or other debris to be on a town right-of-way, which by definition is 66 feet from the centerline of the roadway.
(Comp. Ords. 1997, § 161.002; Ord. No. 94-2, § 2, 3-15-1994)

Sec. 36-90. Planting in right-of-way prohibited.

No person shall plant any trees, shrubs, or crops in the town right-of-way.
(Comp. Ords. 1997, § 161.003; Ord. No. 94-2, § 3, 3-15-1994)

Sec. 36-91. Violation.

A violation of this division shall permit the town to obtain an injunction from the circuit court of the county preventing any person from placing an obstruction in the clear vision triangle and allowing for the removal of the obstruction from the clear vision triangle.
(Ord. of 5-19-2003, § 2)

Sec. 36-92. Fine.

The town shall also be permitted to fine any violators of the clear vision triangle an amount in the discretion of the town board not to exceed $200.00. Furthermore, the town shall be entitled to reimbursement for any attorney's fees incurred to enforce the clear vision triangle.
(Ord. of 5-19-2003, § 3)

Secs. 36-93—36-112. Reserved.

ARTICLE IV. ACCESSES AND CULVERTS

Sec. 36-113. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access means any place used for ingress or egress to a road after the effective date of the ordinance from which this article is derived, except an intersection.

Intersection has the meaning of Wis. Stats. § 340.01(25), which is incorporated by reference as though fully set forth herein.

Motor vehicle has the meaning of Wis. Stats. § 340.01(35), which is incorporated by reference as though fully set forth herein.

Road means any and all public ways, roads or highways of the town whether owned by the town in fee or by easement, and including the entire width and length of such public ways, roads or highways, and not just the paved portions thereof.
(Comp. Ords. 1997, § 250.001; Ord. No. 25, § 1, 3-15-1983)

Sec. 36-114. Prohibitions.

(a) No person shall, while operating a motor vehicle, enter or exit any road except at an intersection or at an access approved by the board.

(b) No person shall, in any way utilize any portion of a road so as to:

(1) Cause a road to become unsafe or to deteriorate; or

(2) Impede the flow of water.

(c) Each day of violation of this section shall be considered a separate violation.
(Comp. Ords. 1997, § 250.002; Ord. No. 25, § 2, 3-15-1983)

Sec. 36-115. Access approval.

All accesses must be approved by the board. Any property owner desiring an access shall present to the board a written petition therefor describing the road, adjacent lands and the proposed access or accesses. In the judgment of the board, all culverts made reasonably necessary by an access or accesses, shall be installed by the board, in accordance with reasonable specifications established by the board for road safety, road conservation, water drainage and such other factors as the board deems appropriate. The reasonable cost to the board of installation of such a culvert shall be borne by the property owner who petitioned for the access, or by his successors in interest. The board may require the property owner or his successors in interest to pay the board its said culvert installation costs in advance of the culvert installation, based upon a written contract therefor made by the board. Collection of culvert installation costs not paid by the property owner who petitioned for the access, or his successors in interest, may be made by special assessment.
(Comp. Ords. 1997, § 250.003; Ord. No. 25, § 3, 3-15-1983)

Sec. 36-116. Penalties.

(a) Any person who violates this article shall upon conviction pay a forfeiture of not less than $100.00 and not more than $500.00, together with the costs of prosecution and penalty surcharge.

(b) In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs and penalty surcharge, such person shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.
(Comp. Ords. 1997, § 250.004; Ord. No. 25, § 4, 3-15-1983)

Sec. 36-117. Enforcement by injunction and/or citation.

This article may be enforced by injunction and/or by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, § 250.005; Ord. No. 25, § 5, 3-15-1983)

Secs. 36-118—36-147. Reserved.

ARTICLE V. DRIVEWAYS

DIVISION 1. GENERALLY

Sec. 36-148. Purpose and intent.

The primary purposes of this article include, but are not limited to the following:

(1) To provide safe vehicle access to public roadways (ingress/egress).

(2) To provide adequate access to emergency vehicles to service improved property and life.

(3) To prevent water damage and siltation from private driveways onto public roadways.

(4) To establish driveway standards that will provide for better and safer access from private development to a public right-of-way.

(Comp. Ords. 1997, § 257.001; Ord. of 9-21-1999, art. 1)

Sec. 36-149. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driveway means a private driveway, road, field road or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway. The regulations in this article apply to the construction or modification of private driveways on lands in the town.

Driveway access means to any area where travel occurs from a public road over land (whether by easement or ownership) not considered to be a part of the public road for the purpose of gaining access to land or improvements.
(Comp. Ords. 1997, §§ 257.001, 258.001, 258.004; Ord. of 9-21-1999, art. 1; Ord. of 8-14-2001, §§ 1, 4)

Sec. 36-150. Owner's responsibility for damage caused by snowplows.

If an applicant's driveway is damaged in any way through snowplowing town roads, it is the responsibility of the owner of the driveway to be responsible for all costs associated with the driveway and any damage to the snowplow.
(Comp. Ords. 1997, § 257.050)

Sec. 36-151. Penalties.

(a) *Forfeiture.* Should a driveway be constructed or modified in violation of the provisions of this article, the owner of the land through which the driveway passes shall, upon conviction, pay a forfeiture equal to three times the fee charges for the permit application plus applicable assessments and fees and, in addition, shall make the corrections ordered by the town board within a period of time determined by the town board, but not less than ten days.

(b) *Special charge for correction by town.* If the owner of the land through which the driveway passes does not make required corrections ordered by the board under subsection (a) of this section within the specified time period, the town board shall cause the required corrections to be made and charge the cost of correction of such violations, including, when necessary, the return of disturbed land to its original condition. The town's direct and indirect costs of correcting the violation, including, but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Stats. § 66.0703.
(Comp. Ords. 1997, § 257.010; Ord. of 9-21-1999, art. 10)

Secs. 36-152—36-172. Reserved.

DIVISION 2. DRIVEWAY PERMITS AND FEES

Sec. 36-173. Applicability.

(a) *General conditions.*

(1) Any private driveway, road, field road or other means for travel through any part of a private parcel of land which connects or will connect with any public roadway is subject to the terms of this division.

(2) No person shall improve, modify or rework a driveway with the exception of routine maintenance that changes the existing topography of the land without consulting the town inspector/town board to determine the applicability of obtaining a driveway permit from the town inspector/town board if a permit is required.

(b) *Existing driveways.* Existing driveways shall be brought into compliance with the terms of this article to the extent determined practical by the town's inspector/town board. Mandatory review criteria will include driveway width, height, clearance, ingress/egress, angle, condition and driveway surface. Actions that will trigger the need to obtain a driveway permit for existing driveways include the following:

(1) Issuance of a land use building permit for structural improvements valued at $25,000.00 or more (does not include septic and/or well).

(2) Construction of a new residential, commercial, industrial, or animal confinement structure.

(3) Land divisions whereby the splitting of parcels designates two or more separate owners.

(4) Hazards as determined by the town inspector/town board.

(c) *Construction of new driveways.* No person shall establish or construct a new driveway without first obtaining a driveway permit from the town board of supervisors. Application forms and information can be obtained from the town clerk or inspector if a permit is required.
(Comp. Ords. 1997, § 257.004; Ord. of 9-21-1999, art. 4)

Sec. 36-174. Charges for blacktopping.

In each instance where driveways are blacktopped for residents of the town by the county or any other contractor, the property owner for whom the driveway is blacktopped will be billed for the cost of the blacktopping and any associated expenses. In addition, a $25.00 administrative fee will be charged which fee shall be paid to the town. Failure to pay the administrative fee shall result in the fee being placed on the real estate tax bill of the violating property owner.
(Comp. Ords. 1997, § 259.001; Ord. of 11-13-2001, § 1)

Sec. 36-175. Application procedures.

(a) The applicant, who may be the owner, agent, contractor, or designee, must submit a completed driveway permit application and driveway location plan to the town clerk 15 days prior to the regularly scheduled town board meeting. The plan must be legible and submitted on a sheet of paper 8½ inches by 11 inches, 8½ inches by 14 inches, or 11 inches by 17 inches.

(b) The application and location plan shall be reviewed by the town board for conformance with this division and all ordinances, rules, regulations, and plans that affect it. The town board shall, within 45 days from the date of submission of the application and location construction plan, approve or deny the issuance of a driveway permit.

(c) With the approval of the town board, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.

(d) The applicant shall notify the town within seven days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.
(Comp. Ords. 1997, § 257.006; Ord. of 9-21-1999, art. 6)

Secs. 36-176—36-207. Reserved.

DIVISION 3. CONSTRUCTION SPECIFICATIONS

Sec. 36-208. Requirements for plan.

(a) The plan shall include the following:

(1) The precise location of the driveway or segment of driveway that requires a plan relative to the parcel.

(2) Grade of the driveway showing no segment exceeding ten percent.

(3) Location and structure of any retaining walls.

(4) Location and size of any culverts and end walls.

(5) Cross section of the driveway.

(6) The required mulching, matting or other erosion control.

(7) Existing and proposed buildings.

(b) Construction of a driveway shall not commence until the plan, if required, is approved by the town board and a town driveway permit is issued and, when applicable, any necessary approvals are obtained from the county or the state (See Wis. Stats. § 86.07). Construction of driveways shall be completed prior to any other construction.

(c) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.
(Comp. Ords. 1997, § 257.008; Ord. of 9-21-1999, art. 8)

Sec. 36-209. Existing driveways and field roads.

When washing or other conditions created by existing driveways or field roads become a potential hazard to the public road, the town board will notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the town board shall be subject to the penalties of this article and shall also be liable for any costs incurred by the town to eliminate the hazard as provided in Wis. Stats. § 66.0703.
(Comp. Ords. 1997, § 257.009; Ord. of 9-21-1999, art. 9)

Sec. 36-210. Extension onto public highway restricted; clearance for culvert maintenance and repair.

Except as otherwise provided in this article, no driveway constructed of concrete material or cement shall be permitted to extend to the public highway pavement or over the ditch culverts and shall remain a minimum of two feet distant from the culvert on the property owner's side so that culverts can be repaired, replaced, or inspected.
(Comp. Ords. 1997, § 255.001; Ord. No. 95-2, § 1, 9-19-1995)

Sec. 36-211. Minimum requirements.

(a) Inspections required; fee. All new driveways proposed to be installed, or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures, shall be subject to an inspection fee of $50.00 to be paid to the town prior to the start of any construction on a new driveway and prior to the issuance of a building permit. An approved driveway shall be in place before a building permit can be issued.

(b) Application; plan. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan showing specifications including grade, slope, width and length of the driveway and erosion control procedures as part of the permit application.

(c) Approval through town board; appeal. Authorization for a driveway is subject to the approval of the town board. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the town board will be the deciding factor. The applicant may appeal to the county zoning board to review the decision made by the town board. The town board delegates the enforcement of this article to the town building inspector. The building inspector shall receive 20 percent of the $50.00 inspection fee described in subsection (a) of this section with the balance to be received by the town.

(d) The following specifications shall apply:

Minimum road surface width	12 feet
Minimum width clearance	16 feet, with no trees, fences, etc.
Minimum height clearance free of trees, wires, etc.	18 feet
Minimum culvert length	24 or 30 feet, per town board's approval
Maximum grade	10 percent
Minimum depth of gravel	6 inches of base gravel 2 inches in diameter or larger and 4 inches of finish subbase

(e) The town board reserves the right to consider specifications with a maximum grade exceeding ten percent in which case the town board may require an alternative access plan.

(f) At least one 50 feet in length and 12 feet in width segment of road surface shall be provided for each 1,000 feet of driveway length to be located in the middle of the 1,000-foot section to provide for the safe passage of meeting vehicles, per approval of the town board.

(g) The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of one percent and a maximum of five percent to prevent erosion onto the public road.

(h) An adequate roadbed base, as defined in subsection (d) of this section, of suitable material to support the projected traffic and any requirements for culverts shall be determined by the town in considering an application for driveway approval. If culverts are required, the recommended minimum diameter shall be 18 inches. The size of the culvert shall be determined by the town board.

(i) At the dead end of all new driveways, 300 feet or more, a turnaround space of at least 25 feet or some other method to allow vehicles to turn around, shall be provided as determined by the town board.

(j) Illegal culverts will be removed at the property owner's expense after the expiration of 30 days' written notice to the property owner.

(k) All driveways must be surfaced in such a manner that they will support and afford unrestricted access to emergency vehicles in all weather conditions and during all seasons of the year. No one shall pour concrete all the way to the road blacktop. If this is done by or on behalf of the property owner, then after 30 days' notice to the property owner, the town may remove the concrete and bill the property owner for the expense. If not paid, the charge shall be placed on the property owner's real estate tax bill for collection.

(l) The town shall not be held responsible if any emergency vehicle such as a fire truck or ambulance is unable to respond to an emergency due to being unable to access a building or residence due to the condition of the driveway to the building or residence. If there is damage to an emergency vehicle caused in any way by the condition of the driveway or the driveway's lack of compliance with this article, the property owner shall be solely responsible for the damage to the emergency vehicle. If not paid by the property owner, the cost shall be passed onto the property owner directly by placing the charge on the property owner's tax bill.
(Comp. Ords. 1997, § 258.003; Ord. of 8-14-2001, § 3)

Secs. 36-212—36-232. Reserved.

ARTICLE VI. RESIDENCE NUMBERING

Sec. 36-233. Purpose.

The purpose of this article is to require that every residence have a property number within 15 feet of the edge of the driveway to the property and within the road right-of-way in order to identify the location of the residence or any other distance approved by the town board.
(Comp. Ords. 1997, § 97.001; Ord. of 9-11-2001, § 1)

Sec. 36-234. Conduct prohibited.

All property number signs shall be placed as stated in section 36-233 and shall not be removed from this area.
(Comp. Ords. 1997, § 97.002; Ord. of 9-11-2001, § 2)

Sec. 36-235. Penalty.

Anyone who does remove a property number sign from the area stated in section 36-233 shall be fined $50.00. If a property number sign is damaged, the sign shall be replaced at the property owner's expense. If the sign is not put back up by the property owner in a timely manner, the town shall put up the sign and the property owner shall be charged $75.00 by the town that includes the cost of the sign and the post.
(Comp. Ords. 1997, § 97.003; Ord. of 9-11-2001, § 3)

Sec. 36-236. In default.

In default of the payment of any of the penalties in this article, the charge shall be placed on the property owner's real estate tax bill and collected as a special assessment.
(Comp. Ords. 1997, § 97.004; Ord. of 9-11-2001, § 4)

Sec. 36-237. Property owner to pay for numbers.

Every property owner shall pay for any new or replacement property number signs for the property owner's property.
(Ord. of 11-14-2005, § 1; Ord. of 12-12-2005, § 1)

Sec. 36-238. New and replacement numbers.

Each property owner shall be billed the entire charge for a property number regardless of whether it is a new property number or replacement number, except that if all property numbers in the town are replaced, then the town board reserves the right to decide whether the town will bear the costs of the replacement numbers or whether the charge will be billed to the property owner.
(Ord. of 11-14-2005, § 2; Ord. of 12-12-2005, § 2)

Sec. 36-239. Penalty.

In the event that the cost of the property number is not paid by the property owner then the unpaid cost of the property number shall be placed on the real estate tax bill of the nonpaying property owner and collected as a special charge. Further, if the aforementioned property number charge is not paid within 30 days, then interest at the rate of 12 percent per annum shall be added to the entire bill.
(Ord. of 11-14-2005, § 3; Ord. of 12-12-2005, § 3)

Secs. 36-240—36-256. Reserved.

ARTICLE VII. ROAD EXCAVATIONS

Sec. 36-257. Permit required.

No person shall injure, break, remove or tear up any pavement, road, alley, highway, sidewalk, crosswalk, drain, sewer, public right-of-way or public ground, or any part thereof, or dig any hole, ditch or drain in any pavement, road, alley, highway, sidewalk, crosswalk, public right-of-way or public ground, or remove any gravel, sod, dirt or sand from any pavement, road, alley, highway, sidewalk, crosswalk, public right-of-way or public ground or from the east end of any road, alley, highway, sidewalk, crosswalk, public right-of-way, or place, or allow to be placed, on any pavement, road, alley, highway, sidewalk, crosswalk, public right-of-way or public ground any building, material, equipment or machinery, or obstruct travel thereon of any nature, without a written permit obtained from the town board or its authorized agent.

Sec. 36-258. Time for completion; fees.

All work authorized by the permit shall be completed within the time specified in the permit. The fee for such permit shall be as determined from time to time by resolution of the town board.

Sec. 36-259. Removing material.

No openings in roads, highways, or alleys will be permitted when the ground is frozen, except where absolutely necessary, as determined by the town board or its authorized agent. In opening any road or other public way, all materials for paving or ballasting shall be removed, together with the excavated material from trenches, and shall be placed where the least practicable inconvenience to the public will be caused and will permit the free passage of water along the gutters.

Sec. 36-260. Barriers and lights.

Every person who receives a permit shall place upon or around any building, material, machinery, equipment or other obstruction located in whole or part upon any road, alley, highway, sidewalk, crosswalk, public right-of-way or public ground, and maintain in working order thereon until such building, material, machinery, equipment or other obstruction is completely removed, from one hour after sunset until daylight of the next day, sufficient lights and barriers to warn all persons passing along or across such road, alley, highway, sidewalk, crosswalk, public right-of-way or public ground of the presence of such material, machinery, equipment or other obstruction.

Sec. 36-261. Bonds for drain laying.

Drains shall be laid only on the condition that the person has filed with the clerk a bond and insurance policy for all damages that may result from such person's neglect of any necessary precautions against all accidents to persons or property.

Sec. 36-262. Closing roads to traffic.

One lane of traffic shall be maintained at all times unless a permit for a temporary closing is granted by the town board. Application for such closing shall be made, in writing, to the town board or its authorized agent and shall only be granted on the conditions that the applicant for such permission shall notify the county sheriff's department and fire department of the time and place of such closing, and that the applicant barricade the road at the intersections of each end of the block wherein the opening is made, and shall post signs informing the public that the road is closed. The barricades shall be protected in the nighttime in the manner provided for openings in section 36-260.

Sec. 36-263. Trenches.

No trench shall have a clear width inside the necessary sheeting or bracing which is more than 12 inches greater than the maximum outside dimension of the pipe or conduit being installed, except that no trench is required to have a clear width of less than 30 inches. All trenches shall be sheeted and braced in accordance with the current regulations of the state department of commerce.

Sec. 36-264. Backfilling.

All excavated material from openings shall be removed from the site and such openings shall be backfilled with an approved material to within ten inches of the finished grade. The remaining distance shall be backfilled with crushed stone to its existing grade and the pavement material shall be replaced in kind. Such fill material shall be slurry sand or granular fill, tamped by mechanical means in two-foot lifts, as may be directed by the town board or its authorized agent. All water or gas pipes, electric or telephone cables or conduit, and drain and sewer tiles must be protected from injury or settling in a manner satisfactory to the town board or its authorized agent.

Sec. 36-265. Road and sidewalk opening and restoration.

(a) A request shall be made to the town building inspector or town board prior to opening and for permission to construct or rebuild town roads and sidewalks. The request shall contain a full statement of the materials to be used in the construction of the repair and the dimensions thereof. The request shall include a request that the appropriate line and grade for construction or restoration of sidewalks be furnished by the town building inspector.

(b) In the case of a request to open a paved road which is concrete, asphalt or brick surface, the applicant, in addition to any permit fee specified in this article, may be required, as determined by the town board or its authorized agent, to deposit with the town the sum set by the town board to cover the expense of relaying such pavement, which shall be performed by the town board or under its direction or supervision. Where the road restoration area exceeds 125 square feet, there may be an additional fee as set by the town board. In the case of a permit to open an unpaved road that has a crushed stone base, the applicant for a permit shall deposit with the town, in addition to the permit fee, the sum as set by the town board. Where the road

restoration area exceeds 125 square feet, there shall be an additional fee as set by the town board. In case of a permit to open a public right-of-way, the applicant shall deposit with the town, in addition to any permit fee, the sum as set by the town board. The sum shall be deposited in the name of the permit applicant. Neither the permit fee or any deposit shall be refundable.

(c) Prior to the paving or repaving of any town road, the town board may determine that, in the interest of preserving and protecting such proposed road from unnecessary excavations, property owners abutting on such road should, upon written notice by the town board, extend such utilities or water lines, etc., as may be then present in the right-of-way, to the lot line on the road proposed to be paved or repaved.

(d) The requirements for permit fees and deposits set forth herein shall apply to each such property owner. Written notice shall give the property owner not less than 30 days to arrange for the necessary extensions. If the property owner fails to make such arrangement, the town board may then order the work done and the cost thereof, including the permit fees and deposits, shall be payable upon demand by the town. If the amount is not paid to the town, it may be added to the tax rolls and collected as any other tax.

Sec. 36-266. Final inspection; maintenance.

Upon the completion of backfilling, the applicant shall request final inspection of the trench. Upon acceptance of the trench by the town board or its authorized agent, the town shall thereafter maintain the trench, including the replacement of the oiled surface on all oiled roads and the bituminous mat on bituminous surfaced roads.

Sec. 36-267. Traffic hazards.

Prior to the time of acceptance of the backfilled trench, if any opening made pursuant to this article shall become a hazard to vehicular traffic or pedestrians due to settlement or any other cause, the town board or its authorized agent may protect such opening by barricades or make such repairs as may be necessary, and in either event, charge the costs of furnishing the protection or making the repairs to the applicant for the opening permit.

Sec. 36-268. Liability for violations.

Any person who shall violate any of the provisions of this article shall pay, in addition to penalties as provided in section 1-19, all damages and costs which may arise from such offense.

Secs. 36-269—36-299. Reserved.

ARTICLE VIII. SIDEWALKS

Sec. 36-300. Permit required for construction.

No person shall build any sidewalk or rebuild an existing sidewalk in a public road in the town without a permit for such construction. Application shall be made to the town director of

public works for permission to construct or rebuild such sidewalk. The permit application shall contain a full statement of the materials to be used in the construction of the sidewalk, the width thereof, and shall request that the line and grade for construction of such sidewalk be furnished by the town director of public works.

Sec. 36-301. Sidewalk grade.

Any person may lawfully rebuild his sidewalk to a grade corresponding with the grade of the adjoining sidewalk unless he shall have been ordered to rebuild such sidewalk on a different grade.

Sec. 36-302. Unsafe, defective, or insufficient sidewalks.

The town building inspector or town board may order any sidewalk that is unsafe, defective or insufficient to be repaired or removed and replaced. Such order to repair or remove and replace such sidewalk shall be required when the separation of a sidewalk is one inch or greater. A copy of the order directing such laying, removal and replacement or repair shall be served on the owner or agent of each lot or parcel of land in front of which such work is ordered. Whenever any such owner shall neglect to do such work for a period of 20 days after service of the order, the town may cause such work to be done at the expense of such owner. All work for such construction shall be let by contract to the lowest responsible bidder. Any amount unpaid by the owner shall be charged by the clerk or treasurer to each lot or parcel of land and entered on the tax roll as a special tax against the lot or parcel of land, and such amount shall be collected in all respects like other taxes upon real estate.

Sec. 36-303. Obstructions and littering prohibited.

(a) No person shall place, deposit or cast, or cause to be placed, deposited or cast, upon any sidewalk in the town, any timber, wood, lumber, ashes, rubbish, offal, vegetables, paper shavings, carcasses, earth or any thing or substance whatsoever which may obstruct any such sidewalk or impede, hinder or endanger travel thereon, tend to injure or disfigure such sidewalk, or tend to render the sidewalk unclean or a nuisance. No person shall cause any wagon, carriage, cart, automobile or other vehicle, or any box, crate, bale, package, merchandise or other thing to stand or be in or upon any such sidewalk.

(b) Any constable or other designated official of the town shall require any person who may have placed, or caused or permitted to be placed, any of the items set forth in subsection (a) of this section upon any sidewalk in the town, or any person who may be the owner of such items, to immediately remove the items, or cause the removal thereof, from such sidewalk and, in case such person shall neglect or fail to remove the items within a reasonable time after being so notified, it shall be the duty of such constable or town official to remove, or cause to be removed, from such sidewalk, at the expense of the person who placed, or caused to be placed, such items upon such sidewalk or who is the owner of the items, or both. The provisions of this section shall not apply to any of such items that are upon any such sidewalk in the course of prompt delivery to or from the road abutting such sidewalk.

Sec. 36-304. Snow and ice.

The occupants of every building, tenement or premises fronting upon any road within the town, and the owners of any unoccupied building or premises fronting on any road in the town, shall keep the sidewalks adjoining such premises reasonably free and clear of snow and ice and, after and during every snow, such persons shall clear the snow from such sidewalks before 10:00 a.m. of each day. No snow or ice shall be placed upon any road, alley, highway, sidewalk, crosswalk, public right-of-way or public ground.

Sec. 36-305. Raking leaves and refuse.

No person shall rake or place, or otherwise cause to be raked or placed, any leaves, branches or other refuse onto any road, highway or public right-of-way within the town.

Secs. 36-306—36-325. Reserved.

ARTICLE IX. PUBLIC ASSEMBLY*

Sec. 36-326. Intent.

It is the purpose of the town board to regulate the assemblage of large numbers of people in excess of those normally needing the health, sanitary, fire, sheriff's, transportation and utility services regularly provided in the town in order that the health, safety, and welfare of all persons in this town, residents and visitors alike, may be protected.
(Comp. Ords. 1997, § 17.001; Ord. No. 4, § I, 9-11-1970)

Sec. 36-327. Enforcement.

(a) The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.

(b) The holding of an assembly in violation of any provision or condition contained in the legislation shall be deemed a public nuisance and may be abated as such.

(c) Any person who violates any condition upon which he is granted a license may be punished as set forth in section 1-19.
(Comp. Ords. 1997, § 17.007; Ord. No. 4, § VII, 9-11-1970)

Sec. 36-328. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Assembly means a company of persons gathered together at any location at any single time for any purpose.

***State law reference—**Privileges in roads, Wis. Stats. § 66.0425.

Person means any individual natural human being, partnership, corporation, firm, company, association, society or group.
(Comp. Ords. 1997, § 17.002; Ord. No. 4, § II, 9-11-1970)

Sec. 36-329. License to precede preparation activities.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 400 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the town board, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
(Comp. Ords. 1997, § 17.002; Ord. No. 4, § II, 9-11-1970)

Sec. 36-330. Constraints.

(a) *Maximum size permitted; fees.* A separate license shall be required for each day and each location in which 400 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be $100.00.

(b) *Limitations on numbers.* A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(c) *Sound limits.* The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
(Comp. Ords. 1997, § 17.002; Ord. No. 4, § II, 9-11-1970)

Sec. 36-331. Exemptions.

This article shall not apply to:

(1) Any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(2) Government-sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the town.

(Comp. Ords. 1997, § 17.002; Ord. No. 4, § II, 9-11-1970)

Sec. 36-332. Conditions for issuing license.

The applicant for the license shall:

(1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the

maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality;

(2) Provide proof that he will furnish at his own expense before the assembly commences:

a. A fence completely enclosing the proposed location, of sufficient height, not less than 4½ feet, and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near the four points of the compass;

b. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten gallons per person per day;

c. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure; and a continuous supply of soap and paper towels with each toilet;

d. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 25 pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly, and sufficient trash cans with tight-fitting lids and personnel to perform the task;

e. Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled, at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times;

f. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

g. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

h. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons;

i. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this municipality, sufficient to provide camping accommodations for the maximum number of people to be assembled;

j. Security guards, either regularly employed, duly sworn, off-duty state peace officers or private guards licensed in the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people;

k. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this municipality, and sufficient emergency personnel to efficiently operate the required equipment;

l. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;

m. A bond, filed with the town clerk, either in cash or underwritten by a surety company licensed to do business in the state at the rate of $1.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

(Comp. Ords. 1997, § 17.003; Ord. No. 4, § III, 9-11-1970)

Sec. 36-333. Application.

(a) Application for a license to hold an actual or anticipated assembly of 500 or more persons shall be made in writing to the town board at least 30 days in advance of such assembly.

(b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an

individual natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

(c) The application shall contain and disclose:

(1) The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent or more of the stock of said corporation;

(2) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner of all such property;

(3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of 500 or more persons;

(4) The nature or purpose of the assembly;

(5) The total number of days or hours during which the assembly is to last;

(6) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight;

(7) The maximum number of tickets to be sold, if any;

(8) The plans of the applicant to limit the maximum number of people permitted to assemble;

(9) The plans for fencing the location of the assembly and the gates contained in such fence;

(10) The plans for supplying potable water including the source, amount available and location of outlets;

(11) The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;

(12) The plans for holding, collecting, and disposing of solid waste material;

(13) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

(14) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;

(15) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;

(16) The plans for telephone service including the source, number and location of telephones;

(17) The plans for camping facilities, if any, including facilities available and their location;

(18) The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;

(20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;

(21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

(d) The application shall include the bond required in section 36-332(2)m, and the license fee.

(Comp. Ords. 1997, § 17.004; Ord. No. 4, § IV, 9-11-1970)

Sec. 36-334. Issuance.

The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.

(Comp. Ords. 1997, § 17.005; Ord. No. 4, § V, 9-11-1970)

Sec. 36-335. Revocation.

The license may be revoked by the town board at any time if all of the conditions necessary for the issuing or contained in the license are not complied with, or if any condition, previously met, ceases to be complied with.

(Comp. Ords. 1997, § 17.006; Ord. No. 4, § VI, 9-11-1970)

Secs. 36-336—36-350. Reserved.

ARTICLE X. PUBLIC ACCESS TO RIVERS

Sec. 36-351. Activity prohibited.

No one shall place any pier or dock or any other structure in any area designated as a public access. Further, no motor vehicles shall be allowed on any public access in the Town of Watertown. All public access areas in the town shall be marked and so designated.

(Ord. of 10-27-2009, § 1)

Sec. 36-352. Violation.

Anyone violating the terms of the ordinance from which this article was derived shall be fined up to $100.00 for each day of violation and in addition the town shall be entitled to obtain injunctive relief to the extent that any pier or dock or other such structure is placed in the public access. Such injunctive relief shall entitle the town to have the pier, dock, or other structure removed at the sole cost of the person who placed said structure. If not paid the cost shall be placed as a special charge on the real estate tax bill of the offending landowner in the Town of Watertown.
(Ord. of 10-27-2009, § 2)

Chapter 37

RESERVED

Chapter 38

SIGNS

Sec. 38-1. Applicability of county sign regulations.
Sec. 38-2. Authority.
Sec. 38-3. Sign permits.
Sec. 38-4. Permit requirements.
Sec. 38-5. Application procedure.
Sec. 38-6. Basis for granting.
Sec. 38-7. Revocation.
Sec. 38-8. Appearance, construction, and maintenance of signage.
Sec. 38-9. Non-conforming signs.
Sec. 38-10. Removal of non-conforming signs.
Sec. 38-11. Failure to pay.

Sec. 38-1. Applicability of county sign regulations.

The town shall follow the sign regulations of the county. A request for signage to be placed in the town shall be presented to the town board for approval.

Sec. 38-2. Authority.

The ordinance from which this section was derived is adopted pursuant to the authority granted town boards under Wis. Stats. § 60.55(2)(b), which allows towns to establish standards for fabrication, erection, and use of signs and signage for all properties within the Town of Watertown, Jefferson County, Wisconsin.

The Town of Watertown Town Board believes that the regulation of signs furthers the following compelling governmental interest:

(1) To promote the public welfare, health, and safety of all persons using public thoroughfares and rights-of-ways within the Town of Watertown as to the signage display thereon or projecting into such public spaces;

(2) To advance the aesthetic goals of the Town of Watertown and to ensure the effectiveness and flexibility in the design of, and the creativity of the use of such devices without creating detriment to the general public;

(3) To reduce the visual clutter caused by advertising signage which the town has determined is a significant cause of unsafe traffic and visibility conditions; and

(4) To limit the spread of unattractive development, of which signs are a significant contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas.

Furthermore, the Town of Watertown advocates that the ordinance from which this section was derived leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage; namely, print media, broadcast media, and point of purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.
(Ord. of 6-14-2010, § 1)

Sec. 38-3. Sign permits.

(a) Except as otherwise provided in subsection (b) below, it shall be unlawful for any person to erect, construct, enlarge, alter, move, or convert any sign in the Town of Watertown or cause the same to be done, without first obtaining a sign permit for each sign from the Town of Watertown Town Board as required under the ordinance from which this section was derived. This subsection shall apply and be construed to require a permit for a change of copy on any sign or any conversions or changes in the sign structure for which a permit has been previously been issued. This subsection shall not apply for repainting with the same sign copy, cleaning, repair or other normal maintenance of the sign or sign structure.

No new permit is required for signs which are in place on the date on which the ordinance from which this section was derived was adopted and which conform with the requirements of this section on the date of its adoption unless and until the sign is altered or relocated in any way.

(b) The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated below:

(1) Address numerals and identification signs not exceeding four square feet in area;

(2) Legal notices and other signs established, or ordered, by any governmental agency;

(3) Memorial signs and tablets displayed in cemeteries;

(4) On premise directional signs which bear no advertising if under four square feet, and if limited to business site or business name or logo;

(5) Political signs and flags of government, religious, fraternal, or civil organizations.

(Ord. of 6-14-2010, § 2)

Sec. 38-4. Permit requirements.

(a) The sign permit fee shall be $100.00 for each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure.

(1) Any sign permit fee granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

(2) Only those permanent or temporary signs which have been granted a permit from the town board in accordance with the provisions of this section may be erected, installed, constructed, or maintained. No signs shall be located over a town or public right-of-way.

(Ord. of 6-14-2010, § 3)

Sec. 38-5. Application procedure.

(a) Each application for a sign permit shall be filed with the town clerk on forms to be provided by the town clerk, prior to installation of the new sign or modification of an existing sign face or sign structure. The application shall include the following information:

(1) The name and address of the permit applicant;

(2) A legible scale drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign(s) proposed location on the building or site;

(3) Written proof of consent from the property owner upon which the sign(s) are to be erected and maintained;

(4) Proof of payment of the appropriate sign permit fee;

(5) Any other information that may reasonably be required by the town board for the purpose of application evaluation.

(b) All sign permit applications shall be reviewed by the town board who shall grant or deny such applications within 45 days of receipt of the complete application and payment of the fee described above. Upon granting, the town clerk shall issue the sign permit.

(c) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
(Ord. of 6-14-2010, § 4)

Sec. 38-6. Basis for granting.

(a) In reviewing a sign permit application, the town board may consider the following factors in deciding whether or not to grant the issuance of a sign permit:

(1) Whether the sign is compatible with the surroundings, pursuant to the objectives of proper design and zoning criteria;

(2) Whether the sign is designed, installed, and maintained to meet the sign user's needs while at the same time promoting the surrounding environment desired by the town;

(3) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety;

(4) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used;

(5) Whether the sign, including size, height, illumination, and location is respectful of reasonable rights of other advertisers whose messages are displayed in the area;

(6) Whether the sign is in compliance with the provisions of the ordinance from which this section was derived;

(7) Whether the sign is in compliance with any other town ordinances relating to traffic, safety, traffic visibility setbacks, and the town zoning ordinance.
(Ord. of 6-14-2010, § 6)

Sec. 38-7. Revocation.

(a) Upon notice and after a full due process hearing before the town board, any permit may be revoked by the town board in the event that the applicant has failed to comply with the provisions of the ordinance from which this section was derived or any conditions that may have accompanied the permit at the time of granting.

(b) Upon any revocation, the sign subject to such revoked permit, whether free-standing, overhanging, or projecting shall be removed by the licensee within 30 days of such revocation.

(c) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
(Ord. of 6-14-2010, § 7)

Sec. 38-8. Appearance, construction, and maintenance of signage.

(a) All signage within the Town of Watertown shall remain in a state of proper maintenance.

(b) Proper maintenance shall be the absence of loose material(s) including peeling paint, paper, or other material(s), the lack of excessive rust, the lack of excessive vibration or shaking in the presence of the original structural integrity of the sign, its frame and other supports, its mounting and all components thereof.

(c) The repainting, changing of parts and preventive maintenance of signs which completely conform to the requirements of the ordinance from which this section was derived and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring another sign permit.

(d) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(e) Any signs which may be or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or the owner of the property upon which the sign stands upon notice from the town board.

(f) All signs shall be constructed and mounted so as to comply with state building codes.

(g) All signs shall be constructed and maintained to conform with State electrical codes.

(h) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

(i) All signs shall in no instance create a traffic visibility or other safety hazard.
(Ord. of 6-14-2010, § 8)

Sec. 38-9. Non-conforming signs.

(a) Signs existing as of the effective date of the ordinance from which this section was derived which do not conform to the provisions of the ordinance from which this section was derived shall be non-conforming signs. Non-conforming signs may be maintained. No non-conforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of the ordinance from which this section was derived.

(b) Business signs on the premises of a non-conforming use or building may be continued, but new signs for such usage shall not be allowed nor shall expand in number, area, height, or illumination without a new permit being issued.

(c) Non-conforming signs shall be removed when the principle structure located on the premises undergoes a change of use. Closing businesses must remove their signs within 60 days of closing.

(d) Whenever there is a change in the sign user, the new sign user, owner, or new property owner shall notify the town board of the change. No new sign permit is required unless there is a modification of the sign face or sign structure.
(Ord. of 6-14-2010, § 9)

Sec. 38-10. Removal of non-conforming signs.

All legal, non-conforming signs may be continued unless altered as defined below.

(1) For the purpose of the ordinance from which this section was derived, alteration of a sign is considered to be a change (except for permitted changes as set forth below) to the exterior appearance of the sign, its frame, its supporting structure, or its lighting including: changing the message, symbols, color, material, height, location, or other alterations as determined by the town board.

(2) Altering a sign does not include maintaining the effective operation, or the existing appearance of the sign, replacing the sign face or the supporting structure with identical materials, colors, and messages.

(3) All on-premise signs found not to be in compliance with the provisions of the ordinance from which this section was derived shall be removed within 30 days of receiving written notice of non-compliance and removal from the town clerk.

(Ord. of 6-14-2010, § 10)

Sec. 38-11. Failure to pay.

Failure to pay any sign permit fee or costs incurred as a result of the enforcement of the ordinance from which this section was derived shall result in the same being placed upon the real estate tax bill of the landowner upon whose land the sign is placed and if not paid shall be placed as a special charge on the landowners real estate tax bill and collected as such at the time when real estate taxes are paid.
(Ord. of 6-14-2010, § 11)

Chapter 39

RESERVED

Chapter 40

SOLID WASTE*

Article I. In General

Secs. 40-1—40-18. Reserved.

Article II. Recycling

Sec. 40-19. Purpose.
Sec. 40-20. Statutory authority.
Sec. 40-21. Abrogation and greater restrictions.
Sec. 40-22. Interpretation.
Sec. 40-23. Administration.
Sec. 40-24. Promulgation of regulations.
Sec. 40-25. Enforcement.
Sec. 40-26. Definitions.
Sec. 40-27. Separation of recyclable materials.
Sec. 40-28. Separation requirements exempted.
Sec. 40-29. Care of separated recyclable materials.
Sec. 40-30. Glass commingled.
Sec. 40-31. Management of lead acid batteries, major appliances, waste oil and yard waste.
Sec. 40-32. Preparation and collection of recyclable materials.
Sec. 40-33. Responsibilities of owners or designated agents of multiple-family dwellings.
Sec. 40-34. Responsibilities of owners or designated agents of nonresidential facilities and properties.
Sec. 40-35. Payment procedure.
Sec. 40-36. Prohibitions on disposal of recyclable materials separated for recycling.
Sec. 40-37. Recyclables or refuse from outside the town.
Sec. 40-38. Anti-scavenging provision.

Secs. 40-39—40-64. Reserved.

Article III. Waste Collection and Dumping

Sec. 40-65. Purpose.
Sec. 40-66. Definitions.
Sec. 40-67. Prohibited dumping.
Sec. 40-68. Permit required.
Sec. 40-69. Exceptions.
Sec. 40-70. Application.
Sec. 40-71. Public hearing.
Sec. 40-72. Issuance.
Sec. 40-73. Bond and revocation of permit.
Sec. 40-74. Requirements for dumping or disposal operations.
Sec. 40-75. Revocation.

***State law reference—**Solid waste reduction, recovery and recycling, Wis. Stats. § 287.01 et seq.

Sec. 40-76. Penalties.
Sec. 40-77. Enforcement.
Sec. 40-78. State law also applies.
Sec. 40-79. Default of payment of penalties.
Secs. 40-80—40-107. Reserved.

Article IV. Littering

Sec. 40-108. Definitions.
Sec. 40-109. Conduct prohibited.
Sec. 40-110. Penalties.
Sec. 40-111. Enforcement.
Secs. 40-112—40-140. Reserved.

Article V. Brush Chipping

Sec. 40-141. Definitions.
Sec. 40-142. Chip brushing only as needed or by request; fee.
Sec. 40-143. Payment.

ARTICLE I. IN GENERAL

Secs. 40-1—40-18. Reserved.

ARTICLE II. RECYCLING

Sec. 40-19. Purpose.

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.01 et seq. and Wis. Admin. Code ch. NR 544.
(Comp. Ords. 1997, § 140.102; Ord. No. 94-3, § 1.02, 4-19-1994)

Sec. 40-20. Statutory authority.

This article is adopted as authorized under Wis. Stats. § 287.09.
(Comp. Ords. 1997, § 140.103; Ord. No. 94-3, § 1.03, 4-19-1994)

Sec. 40-21. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, articles or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply.
(Comp. Ords. 1997, § 140.104; Ord. No. 94-3, § 1.04, 4-19-1994)

Sec. 40-22. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the state statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by state statutes, or by a standard in Wis. Admin. Code ch. NR 544, and where the article provision is unclear, the provision shall be interpreted in light of the state statutes and the standards of Wis. Admin. Code ch. NR 544 in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.
(Comp. Ords. 1997, § 140.105; Ord. No. 94-3, § 1.05, 4-19-1994)

Sec. 40-23. Administration.

The provisions of this article shall be administered by the town board.
(Comp. Ords. 1997, § 140.108; Ord. No. 94-3, § 1.08, 4-19-1994)

Sec. 40-24. Promulgation of regulations.

The town board shall prepare regulations, standards, and schedules as necessary to make effective all provisions of this article. Periodically, the town board shall have notices prepared and shall distribute other information to persons and entities generating waste within the town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling article.
(Comp. Ords. 1997, § 140.121; Ord. No. 94-3, § 1.21, 4-19-1994)

Sec. 40-25. Enforcement.

(a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the town may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to his property to any authorized officer, employee or authorized representative of the town who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this article may be issued a citation by the county sheriff's department. The issuance of a citation shall not preclude proceeding under any other article or law relating to the same or any other matter. Proceeding under any other article or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

(c) Penalties for violating this article may be assessed as follows:

(1) Any person who violates section 40-31 may be required to forfeit $100.00 for a first violation, $200.00 for a second violation, and not more than $2,000.00 for a third or subsequent violation.

(2) Any person who violates a provision of this article, except section 40-31 may be required to forfeit not less than $25.00 nor more than $1,000.00 for each violation.

(d) Each incident of violation shall be a separate offense and each day or part thereof during which a violation occurs shall be deemed a separate offense.
(Comp. Ords. 1997, § 140.125; Ord. No. 94-3, § 1.25, 4-19-1994)

Sec. 40-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Containerboard means corrugated paperboard used in the manufacture of shipping containers and related products.

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE means high-density polyethylene, labeled by the SPI code 02.

LDPE means low density polyethylene, labeled by the SPI code 04.

Magazines means magazines and other materials printed on similar paper.

Major appliances mean a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

Multiple-family dwelling means a property containing five or more residential units, including those that are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Nonresidential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwellings.

Office paper means high-grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. The term "office paper" does not include industrial process waste.

Other resins or *multiple resins* means plastic resins labeled by the SPI code 07.

Person includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. § 66.0131, state agency or authority or federal agency.

PETE means polyethylene terephthalate labeled by the SPI code 01.

Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

Post consumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Wis. Stats. § 291.01, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in Wis. Stats. § 291.01.

PP means polypropylene, labeled by the SPI code 05.

PS means polystyrene, labeled by the SPI code 06.

PVC means polyvinyl chloride marked by the SPI code 03.

Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste, aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

Solid waste has the meaning specified in Wis. Stats. § 291.01.

Solid waste facility has the meaning specified in Wis. Stats. § 291.01.

Solid waste treatment means any method, technique or process that is designed to change the physical, chemical or biological character or composition of solid waste.

Treatment includes incineration.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.
(Comp. Ords. 1997, § 140.110; Ord. No. 94-3, § 1.10, 4-19-1994)

Sec. 40-27. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:

(1) Lead acid batteries.

(2) Major appliances.

(3) Waste oil.

(4) Yard waste.

(5) Aluminum containers.

(6) Bi-metal containers.

(7) Corrugated paper or other container board.

(8) Foam polystyrene packaging.

(9) Glass containers.

(10) Magazines.

(11) Newspapers.

(12) Office paper.

(13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.

(14) Steel containers.

(15) Waste tires.

(Comp. Ords. 1997, § 140.111; Ord. No. 94-3, § 1.11, 4-19-1994)

Sec. 40-28. Separation requirements exempted.

The separation requirements of section 40-27 do not apply to the following:

(1) Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 40-27 from solid waste in as pure a form as is technically feasible.

(2) Solid waste which is burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) A recyclable material specified in section 40-27(5) through (15) for which a variance has been granted by the department of natural resources under applicable statutes or Wis. Admin. Code ch. NR 544.14.

(Comp. Ords. 1997, § 140.112; Ord. No. 94-3, § 1.12, 4-19-1994)

Sec. 40-29. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 40-27 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to household, hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner that protects them from wind, rain, and other inclement weather conditions. The collector of recyclables shall be entitled to refuse to accept recyclables that are contaminated or otherwise in a condition that makes recycling infeasible.

(Comp. Ords. 1997, § 140.113; Ord. No. 94-3, § 1.13, 4-19-1994)

Sec. 40-30. Glass commingled.

No person may place or deposit for recyclable material collection by the town or by its contractors, unless provided written permission by the town board, any recyclable glass, glass containers, or other types of glass that are commingled or integrated with newspapers, magazines, mixed paper or with other recyclable materials, wastes and other materials.

(Comp. Ords. 1997, § 140.114; Ord. No. 94-3, § 1.14, 4-19-1994)

Sec. 40-31. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries shall be placed at the roadside separated from solid waste for collection by the town's solid waste contractor. Car, truck, and other automotive batteries only will be collected. Battery casing must be unbroken.

(2) Major appliances shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Appliances shall be upright and empty. Freezers and refrigerators must have doors removed. Town residents must contact the town's solid waste contractor to arrange for collection of all appliances.

(3) Waste oil shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Common engine oil only will be collected. Such oil must be in leakproof nonbreakable containers of a maximum size of one gallon.

(4) Yard waste shall be composted by the homeowner via backyard composting or other methods available to the homeowner.

(Comp. Ords. 1997, § 140.115; Ord. No. 94-3, § 1.15, 4-19-1994)

Sec. 40-32. Preparation and collection of recyclable materials.

(a) Each residential and commercial unit in the town shall be provided with one authorized recycling collection container per unit. All recyclable materials shall be prepared as directed in subsection (c) of this section. Those items directed to be placed in the collection container may be commingled therein. Except as otherwise directed by the town board, such container shall be placed within five feet of the roadside prior to 6:30 a.m. on the designated day of pick up in an area of easy accessibility. Recyclables that have been scattered by wind, animals, or vandals shall be the responsibility of the residents.

(b) Commercial establishments will receive the same curbside service as residential units from the town's designated solid waste contractor. Those commercial establishments which require more than one recycling container for use in containing recyclables will be required to contract separately, at their own expense, if any, for the handling of such additional recyclables.

(c) Except as otherwise directed by the town board, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the materials specified in section 40-27(5) through (15):

(1) Aluminum containers shall be rinsed and placed in the recycling container provided for collection. No aluminum foil, TV dinner trays, etc., will be collected. Aluminum beverage cans only.

(2) Bi-metal containers shall be rinsed and have labels removed and shall be placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(3) Corrugated paper or other containerboard shall be flattened and tied in bundles and placed along the recycling container for collection.

(4) Foam polystyrene packaging will not currently be collected for recycling. This material has received a statewide exemption from recycling.

(5) Glass containers shall be rinsed, all metal and plastic caps and rings shall be removed, and the containers shall be placed in the recycling container for collection.

(6) Magazines shall be tied in bundles and placed along or within the recycling container for collection.

(7) Newspaper shall be tied in bundles and placed along or within the recycling container for collection.

(8) Office paper shall be placed inside paper grocery bags and placed along or within the recycling container for collection.

(9) Plastic containers made of PETE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.

(10) Plastic containers made of HDPE shall be rinsed and placed within the recycling container for collection. Containers may be flattened to save space within the recycling container.

(11) Plastic containers made of PVC, LDPE, PP, PS and other resins or multiple resins will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.

(12) Steel containers shall be rinsed, labels removed and placed in the recycling container provided for collection. Containers may be flattened to save space within the recycling container.

(13) Waste tires shall be placed at roadside separated from solid waste for collection by the town's solid waste contractor. Car, truck, and other tires not exceeding four feet in diameter or 80 pounds in weight will be collected.

(Comp. Ords. 1997, § 140.116; Ord. No. 94-3, § 1.16, 4-19-1994)

Sec. 40-33. Responsibilities of owners or designated agents of multiple-family dwellings.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in section 40-27(5) through (15):

(1) Provide adequate containers for the recyclable materials.

(2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in section 40-32 do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 40-27(5) through (15) from solid waste in as pure a form as is technically feasible.
(Comp. Ords. 1997, § 140.117; Ord. No. 94-3, § 1.17, 4-19-1994)

Sec. 40-34. Responsibilities of owners or designated agents of nonresidential facilities and properties.

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 40-27(5) through (15):

(1) Provide adequate containers for the recyclable materials.

(2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

(4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in section 40-32, do not apply to the owners or designated agents of nonresidential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the department of natural resources that recovers for recycling the materials specified in section 40-27(5) through (15) from solid waste in as pure a form as is technically feasible.
(Comp. Ords. 1997, § 140.118; Ord. No. 94-3, § 1.18, 4-19-1994)

Sec. 40-35. Payment procedure.

(a) Owners of properties identified to receive roadside or other pick-up service will be billed on the tax bill for a portion of such service by the town or the town's designated solid waste contractor on an annual basis. Owners shall be given such time to pay such annual fee as the designated solid waste contractor specifies in its contract with the town.

(b) The town board shall make payment to the solid waste contractor for all accounts noted as delinquent. The town shall pay the solid waste contractor the delinquent amount plus a fixed fee per delinquent account, such fee to be designated in the town's contract with the solid waste contractor. The delinquent account, together with the fee specified in the contract to cover administrative and other collection costs, shall then become a lien on the property against which it is levied or made, from the date of the charge, to the same extent as a lien for a tax levied upon real property. Any unpaid recycling fee shall be certified to the taxation district in which the property is located, placed on the tax roll and collected as delinquent real estate taxes are collected, pursuant to Wis. Stats. § 287.093.
(Comp. Ords. 1997, § 140.119; Ord. No. 94-3, § 1.19, 4-19-1994)

Sec. 40-36. Prohibitions on disposal of recyclable materials separated for recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in section 40-27(5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
(Comp. Ords. 1997, § 140.122; Ord. No. 94-3, § 1.22, 4-19-1994)

Sec. 40-37. Recyclables or refuse from outside the town.

No person shall bring recyclables or refuse from outside the town limits into the town limits for disposal by the town, its collector, or a private hauler unless specifically authorized by agreement with the town.
(Comp. Ords. 1997, § 140.123; Ord. No. 94-3, § 1.23, 4-19-1994)

Sec. 40-38. Anti-scavenging provision.

Persons shall not scavenge recyclables or disturb recyclables once those materials are placed for collection unless good faith applies. All recyclable materials placed for collection pursuant to this article shall thereupon become the property of the town, or, the town's authorized agent, or, a private collector/hauler with whom persons in the town have contracted to perform functions pursuant to the recycling plan provided in this article. Only persons authorized by the town or the generator of waste shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter.
(Comp. Ords. 1997, § 140.124; Ord. No. 94-3, § 1.24, 4-19-1994)

Secs. 40-39—40-64. Reserved.

ARTICLE III. WASTE COLLECTION AND DUMPING

Sec. 40-65. Purpose.

The purpose of this article is to regulate the dumping or disposal of waste, garbage, refuse and sludge by individuals, corporations, and municipalities, or counties within the town.

Because of the possible danger to the health, safety and welfare of the public, such dumping or disposal within the town shall be permitted only under the terms and conditions herein set forth, and such terms and conditions shall constitute preexisting local approvals as authorized by law.
(Comp. Ords. 1997, § 160.001; Ord. No. 27, § 1, 9-22-1983)

Sec. 40-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dumper or *disposer* means any individual, corporation, municipality or county, who or which performs the act of dumping or disposal as herein defined.

Dumping or *disposal* means and includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse or sludge on, into or under any property or lands, whether publicly or privately owned, within the town.

Garbage means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Municipality means any city, village, town or county.

Refuse means combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and road rubbish, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, toxic and hazardous wastes, and material and debris resulting from construction and demolition.

Sludge means sewage treatment residue in any form whatsoever, whether solid, semi-solid or liquid which has been processed or treated in any way, form, or manner.

Trash means any refuse of any nature or kind.

Waste means garbage, refuse, and all other discarded or salvageable material, including waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities.
(Comp. Ords. 1997, §§ 160.002, 163.001; Ord. No. 27, § 2, 9-22-1983; Ord. of 9-11-2001, § 1)

Sec. 40-67. Prohibited dumping.

No person shall dump trash or garbage upon public or private land in the town without the consent of the owner thereof. No garbage, rubbish, or trash may be placed out at the roadside more than 24 hours prior to the time established for the roadside pick up. No out-of-town trash may be disposed of anywhere in the town.
(Comp. Ords. 1997, § 163.002; Ord. of 9-11-2001, § 2)

Sec. 40-68. Permit required.

Except as expressly permitted in section 40-69, no individual, corporation, municipality, or county shall dump or dispose of waste, garbage, refuse or sludge within the town unless a permit to engage in such dumping or disposal is first obtained from the town under the conditions prescribed herein.
(Comp. Ords. 1997, § 160.003; Ord. No. 27, § 3, 9-22-1983)

Sec. 40-69. Exceptions.

The following shall not be deemed to come within the scope or meaning of this article:

(1) Sites used for the dumping or disposal of waste, garbage or refuse from a single-family or household, a member of which is the owner, occupant or lessee of the property; provided, however, that such waste, garbage or refuse is placed in suitable containers or stored in such other way as to not cause a public or private nuisance.

(2) The use of sanitary privies and what are commonly known as seepage beds or septic tanks, which conform to applicable articles of the town, or the discharge of human waste products into the public sewage system located within the town.

(3) A farm on which only animal waste resulting from the operation of the farm is disposed of.

(4) Any dumping operation under the direction and control of the town.
(Comp. Ords. 1997, § 160.004; Ord. No. 27, § 4, 9-22-1983)

Sec. 40-70. Application.

There shall be a public hearing 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 30 days before the public hearing. The application shall contain 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.
(Comp. Ords. 1997, § 160.006; Ord. No. 27, § 6, 9-22-1983)

Sec. 40-71. Public hearing.

A public hearing will be required under the following terms:

(1) Notice shall be given as a class 3 notice as described in Wis. Stats. § 985.07.

(2) The cost of publication of such notices shall be deposited by the applicant in advance.

(3) A public hearing shall be held on the date specified in the notices or any adjourned date; however, such public hearing shall be merely advisory in regard to affecting any action that may be taken by the town board upon such application.
(Comp. Ords. 1997, § 160.007; Ord. No. 27, § 7, 9-22-1983)

Sec. 40-72. Issuance.

The application for a permit shall be processed within 90 days of the receipt thereof, and shall be issued if the town board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein. If approved by the town board, the permit shall be issued by the town clerk upon payment of an annual fee of $100.00. This fee shall be due annually on January 1 of each year.
(Comp. Ords. 1997, § 160.009; Ord. No. 27, § 9, 9-22-1983)

Sec. 40-73. Bond and revocation of permit.

The town board reserves the right to require the applicant to post a bond, the condition of which will be that this article shall be observed and the dumping or disposal plan will be carried out and any penalties imposed shall be paid. If there is a violation of the article or if the dumping or disposal plan is not carried out, the town board shall have the right to revoke the dumping or disposal permit and if necessary obtain a court order terminating such dumping or disposal operation.
(Comp. Ords. 1997, § 160.008; Ord. No. 27, § 8, 9-22-1983)

Sec. 40-74. Requirements for dumping or disposal operations.

Persons, municipalities, or the counties, who are permitted to engage in dumping or disposal operations shall be subject to the following regulations:

(1) The dumping or disposal operations must be conducted in such a way as to not constitute a public or private nuisance.

(2) The dumping or disposal operations shall be permitted only in the agricultural or industrially zoned areas as set forth in the official zoning map of county, or the town.

(3) Persons, municipalities, or counties engaged in dumping or disposal operations must conduct the operations in such a way that dust, dirt, debris or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations. All dumpers and disposers shall at least weekly and within a one-half mile radius of any of its dump sites, collect and remove all litter reasonably attributable to a dumping or disposal operation of the dumper and disposer.

(4) A suitable covering of gravel or dirt shall be placed over all of the area used for dumping or disposal operation within a reasonable time after the dumping or disposal occurs, not to exceed ten days. Such covering must be done in such a way as to give the area so covered a grading compatible with the surrounding and adjacent property in such a way as to not substantially depreciate property values within the immediate area.

(5) The dumping or disposal operations shall be conducted within the hours as established and authorized by the town board.

(6) The dumper or disposer shall be required to submit reports of quantity and type of waste, garbage, refuse and sludge being disposed of at the licensed premises.

(7) The dumper or disposer shall be required to use only the routes of travel as authorized by the town board.

(8) If after reasonable demand made by the town board, a dumper or disposer does not comply with the terms and conditions of this article or the dumping or disposal plan, the town board shall have the right to correct the violation and charge the expense of such correction to the dumper or disposer, including against any bond provided by the dumper or disposer. By making the application for a dumping or disposal permit, a dumper or disposer grants to the town the right to go on the land of a dump site if necessary, and carry out the dumping or disposal plan or to perform the duties of the dumper or disposer imposed by this article, provided the dumper or disposer fails to act after reasonable notice so to do is given by the town board.

(9) The dumper or disposer shall be required to pay for a portion of the reasonable costs to the town of reasonably necessary road maintenance, repair or improvement to the extent such costs are reasonably attributable to the dumper or disposer's use of roads incidental to its dumping or disposal operations. The said portion of such cost to be paid by the dumper or disposer shall be fairly determined by the board based upon all relevant information, including, but not limited to, the history of use of the roads in question and the incidence of necessary maintenance, repair and improvement thereto before and after the dumper or disposer's use of such roads. The portion of such road costs to be paid by the dumper or disposer may be imposed by the board prospectively and held in a sinking fund exclusively for maintenance, repair or improvement of roads used by the dumper or disposer. Such prospective collection by the board of such road costs shall be determined upon reasonable information of probable future road costs that can reasonably be attributed to the dumper or disposer's use of the roads in question.

(10) The dumper or disposer shall be liable to the town for all its actual and reasonable costs for legal, engineering, consulting and monitoring services reasonably necessarily incurred as a result of the dumper or disposer's operations in the town.

(11) The town shall have the right to prohibit location of a dump site within the town if there is reasonably available to a dumping or disposal permit applicant, an already approved alternative dump site outside of the town.

(12) A dumper or disposer shall be liable to the town for any additional liability insurance expenses made reasonably necessary by the location of the dumper or disposer's dump site within the town.

(13) The town shall have the right to limit the size of a dump site within the town and the type of waste, garbage, refuse or sludge therein to be dumped or disposed. The town shall also have the right to require a dumper or disposer to take reasonable action to recycle waste, garbage, refuse or sludge dumped or disposed within the town.

(14) The rights of a dumper or disposer granted by the town shall not be assignable without the written consent of the town.

(15) Should injury or damage occur in connection with a dump site within the town, such injury or damage shall be legally presumed to have been proximately caused by the dumper or disposer operating such dump site.

(16) A dumper or disposer shall within 90 days of the end of its fiscal year provide the town with complete information concerning the assets and liabilities and income and expenses of all dump sites operated within the town during such fiscal year.

(17) Should any waters, including subterranean water, within the town become polluted in connection with the operation of a dump site within the town, the dumper or disposer operating such dump site shall provide free of charge as much water as may be reasonably necessary for all persons, including corporations and governments, who suffer such water pollution.

(18) All complaints from residents of the town or businesses operating within the town, concerning the operation of a dump site, shall, before commencement of any legal action, be the subject of a hearing before the town board which the dumper or disposer shall attend and act in an effort to settle in good faith all such complaints.

(19) The town board shall have the authority to impose any other conditions as a requirement of granting a license to operate a dump site, so long as such requirements are consistent with and at least as restrictive as applicable provisions of the Wisconsin Administrative Code.

(Comp. Ords. 1997, § 160.005; Ord. No. 27, § 5, 9-22-1983)

Sec. 40-75. Revocation.

The permit once issued may be revoked after public hearing upon a published class 1 notice by the town at any time if any of the conditions necessary for the issuance thereof or any terms of the article are violated.

(Comp. Ords. 1997, § 160.010; Ord. No. 27, § 10, 9-22-1983)

Sec. 40-76. Penalties.

Any person who violates this article shall upon conviction pay a forfeiture of not less than $200.00 and not more than $10,000.00 together with the cost of prosecution and penalty surcharges. In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture, cost and penalty surcharge, such persons shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.

(Comp. Ords. 1997, §§ 163.003, 160.011; Ord. No. 27, § 11, 9-22-1983; Ord. of 9-11-2001, § 1)

Sec. 40-77. Enforcement.

This article may be enforced by injunction and/or by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, § 160.012; Ord. No. 27, § 12, 9-22-1983)

Sec. 40-78. State law also applies.

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 article.
(Comp. Ords. 1997, § 160.013; Ord. No. 27, § 13, 9-22-1983)

Sec. 40-79. Default of payment of penalties.

Failure to pay any fine imposed as a consequence of a violation of this article shall result in the fine being placed on the real estate tax bill of the violating property owner.
(Comp. Ords. 1997, § 163.004; Ord. of 9-11-2001, § 4)

Secs. 40-80—40-107. Reserved.

ARTICLE IV. LITTERING*

Sec. 40-108. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter means to in any way place or dispose of refuse outside of a refuse receptacle.

Owner means owner in fee or lawful possessor.
(Comp. Ords. 1997, § 92.001; Ord. No. 9, § 1, 5-20-1980)

Sec. 40-109. Conduct prohibited.

No person shall in the town litter upon public or private land without consent of the owner thereof.
(Comp. Ords. 1997, § 92.002; Ord. No. 9, § 2, 5-20-1980)

Sec. 40-110. Penalties.

(a) Except as otherwise herein provided, any person who violates this article shall upon conviction pay a forfeiture of not less than $20.00 and not more than $100.00, together with the costs of prosecution and penalty surcharge.

(b) If any person who is convicted of a violation of this article was also convicted of a violation of this article within three years preceding the violation for which he is about to be penalized, such person shall pay a forfeiture of not less than $40.00 and not more than

*__State law reference—__Littering, Wis. Stats. § 287.81.

$200.00, together with the costs of prosecution and penalty surcharge in this subsection. The dates of violation shall be used to determine whether or not a person has been convicted within three years preceding the violation for which he is about to be penalized.

(c) In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs and penalty surcharge, such person shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.
(Comp. Ords. 1997, § 92.003; Ord. No. 9, § 3, 5-20-1980)

Sec. 40-111. Enforcement.

This article may be enforced by injunction and/or by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, § 92.004; Ord. No. 9, § 4, 5-20-1980; Ord. No. 19, § 2, 4-21-1981)

Secs. 40-112—40-140. Reserved.

ARTICLE V. BRUSH CHIPPING

Sec. 40-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush chipping means any grinding or chipping of brush done through the use of the town's brush chipping machine.
(Ord. of 9-9-2002, § 1)

Sec. 40-142. Chip brushing only as needed or by request; fee.

The town shall not chip brush on a regular basis, but only when deemed necessary. In the event of a severe storm, at the town board's discretion, there may be brush chipping provided by the town at the town's expense. The town will chip brush for individuals only at a cost to be paid by the individual in the amount established by the town board. The cost shall include an initial fee for the request, plus an hourly fee.
(Ord. of 9-9-2002, § 2)

Sec. 40-143. Payment.

The town will bill the individual for whom the service has been provided. Payment is to be made promptly, and not more than 30 days from the date of service. If anyone does not pay the fee for brush chipping the bill for brush chipping shall be placed on the tax bill and collected as a special charge against the property owner.
(Ord. of 9-9-2002, § 3)

Chapter 41

RESERVED

Chapter 42

SUBDIVISIONS*

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ARTICLE I. IN GENERAL

Sec. 42-1. Purpose.

The purpose of this chapter is to regulate the subdivision of land and certified survey maps (CSMs) of land to promote public health, safety, and general welfare; to further the orderly layout and use of land; to prevent overcrowding of land; to lessen congestion in the roads and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, and other public requirements; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyance by accurate legal description. The approvals obtained by the subdivider as required in this chapter shall be based on requirements designed to accomplish the aforementioned purposes.
(Ord. of 11-17-2003, § 1.C)

Sec. 42-2. Intent.

(a) The intent of this chapter is to incorporate and adopt by reference all of the provisions of the county land division and subdivision ordinance, as adopted and amended by the county, as the minimum requirements for the town, except insofar as the restrictions or provisions of this chapter may be greater than the county land division and subdivision ordinance, in which case the more restrictive of the two requirements shall apply.

(b) No provision in this chapter is intended to repeal, abrogate, annul, impair, or interfere with any rules, regulations, or provisions of the county land division and subdivision ordinance, except that where this chapter imposes a greater restriction than the county land division and subdivision ordinance, the provisions of this chapter shall govern.
(Ord. of 11-17-2003, § 1.D)

Sec. 42-3. Compliance required.

Except as specifically provided in this chapter, no person shall divide, redivide, subdivide, file, or record a plat or replat, or resubdivide land within the town, without complying with the applicable provisions of Wis. Stats. § 236.01 et seq., which are incorporated in this chapter as if fully set forth; all applicable town plans and ordinances including the Town of Watertown Year 2025 Comprehensive Plan; all applicable ordinances and plans of the county; and all applicable ordinances of other municipalities having jurisdiction over the area.

(1) *Condominiums.* No person shall record a condominium plat or an amendment to a condominium plat or a declaration of condominium as defined in Wis. Stats. § 703.01 et seq., without complying with the terms of this chapter.

(2) *Prohibited land divisions.* No land shall be divided that is unsuitable for development of the proposed use by reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, inconsistency with the town's comprehensive growth plan, or any other condition likely to be harmful to the health, safety, or welfare of present or future residents or users of the community.

(Ord. of 11-17-2003, § 1.F)

Sec. 42-4. Variances.

(a) *Recommendation from plan commission required.* The town board may recommend a variance from the requirements of this chapter upon receiving a report and recommendation from the plan commission in any particular case where the subdivider can show that, by reason of exceptional topography or other physical conditions, the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations.

(b) *Application for variance to be filed at time plat, etc. filed.* Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat, certified survey map, or condominium 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 that may aid the plan commission and town board in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

(c) *Condition imposed; recording of decision.* Any variance or modification thus granted should be recorded in resolution form and entered in the minutes of the town board setting forth the reasons that justified the action. In granting variances and modifications, the town board may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.
(Ord. of 11-17-2003, § 1.G)

Sec. 42-5. Professional services.

(a) The town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the town's review of a proposal 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 may apply the charges for these services to the petitioner. The town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the petitioner. Review fees which are applied to a petitioner, but which are not paid, may be assigned by the town as a special assessment to the subject project.

(b) The applicant/petitioner shall sign an agreement with the town agreeing with the aforementioned at the time of submission of the proposal.
(Ord. of 11-17-2003, § 1.H)

Sec. 42-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified survey map (CSM) means a map of a land division creating two or more lots or parcels of land for the purpose of transfer of ownership or of building development, where the act of division creates less than five parcels or building sites of five acres each or less in area.

Comprehensive growth plan means the master plan adopted by the town for the purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the town.

Condominium plat means a plat of a condominium as defined in Wis. Stats. § 703.01 et seq.

Final plat means a map or plan of a subdivision prepared for recording, and any accompanying material, as required by Wis. Stats. § 236.01 et seq. or a map or plan of a condominium and any accompanying material as required by Wis. Stats. § 703.01 et seq.

Land division means the division of a lot, parcel, tract, or interest in land by the owner or owner's agent for the purpose of transfer of ownership or building development or that creates the need for a public dedication or reservation of land or for public facilities or improvements. For purposes of compliance with this chapter, other than survey requirements, the term "land division" includes condominium plat.

Parcel means contiguous land under the control of a divider, not separated by roads, highways, or railroad rights-of-way.

Plan commission means an advisory committee appointed by the town board for the purpose of reviewing land divisions and zoning requests and making recommendations to the town board.

Plat means a map of a subdivision or a condominium.

Preliminary plat or map means a map delineating the salient features of a proposed land division submitted to the town clerk for preliminary consideration and review by the plan commission and town board.

Redivide, replat, and *resubdivide* mean the process of changing the boundaries of a recorded certified survey map, plat, lot, or out-lot within a recorded plat or certified survey map. The legal division of a larger block, lot, or out-lot within a recorded plat, without changing the exterior boundaries of said block, lot, or out-lot is not a replat or resubdivision but is a land division, subdivision, or condominium plat, if it falls within the definitions set forth in this chapter.

Road means a public way for vehicular and pedestrian traffic, however designated, and includes without limitation because of enumeration a highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or court.

Subdivider means any person, firm, partnership, corporation, association, estate, trust or other legal entity requesting review or approval of a proposed certified survey map or subdivision plat or a condominium plat.

Subdivision means a division of a lot or parcel of land for the purpose of transfer of ownership or of building development, where the act of division creates:

(1) Five or more parcels or building sites of five acres each or less in area; or

(2) Five or more parcels or building sites of five acres each or less in area created by successive divisions within a period of ten years.

Town engineer means a registered professional engineer engaged by the town for purpose of reviewing plans and specifications and/or inspecting improvements required by this chapter. (Ord. of 11-17-2003, § 6)

Secs. 42-7—42-30. Reserved.

ARTICLE II. PLATTING PROCEDURES AND APPROVAL PROCESS

Sec. 42-31. Preapplication procedure.

(a) *Preapplication meeting request.* The subdivider may request a preapplication meeting or discussion with the plan commission or the plan commission chair prior to filing an application for approval of a preliminary, condominium plat or a certified survey map for the purpose of reviewing the procedures and requirements of this article and other ordinances and any plans or data that may affect the proposed development during a regular scheduled meeting.

(b) *Conceptual plan review.* A conceptual plan may be considered as the basis for discussion between the subdivider and plan commission. Submission of such conceptual plan shall not constitute formal filing of a preliminary plat, condominium plat, or certified survey map. The plan commission may, on the basis of such conceptual plan, unofficially advise the subdivider of the extent to which the proposed land division conforms to this article and other ordinances of the town and discuss possible modifications, if needed.
(Ord. of 11-17-2003, § 2.A)

Sec. 42-32. Preliminary plat procedure.

(a) *Submittal.* Before dividing any tract of land in such a manner so as to create a subdivision as defined in this chapter, a subdivider shall file an application and the submittal documents and fees as required in this article with the town clerk for preliminary plat approval.

(b) *Distribution.* The town clerk shall distribute copies of the preliminary plat to the plan commission, town staff and consultants, and other appropriate town boards or committees for their review and comment.

(c) *Plan commission review.* The plan commission shall have the preliminary plat on its agenda at its next regular meeting.

(1) *Plan commission recommendation.* The plan commission shall review the preliminary plat and submit its recommendation to the town board within 90 days of the date on which the preliminary plat is submitted to the town clerk.

(2) *Reasons for denial.* If the preliminary plat is not recommended for approval, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the town board.

(d) *Town board approval.* After receipt of the plan commission's recommendation, the town board shall, within 120 days of the date of preliminary plat submittal to the town clerk, approve, conditionally approve, or reject such plat. If the preliminary plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the town board.

(e) *Effect of approval of preliminary plat.* Preliminary plat approval shall entitle the subdivider to approval of the final plat if it conforms substantially to the approved preliminary plat or approved portion thereof, if all conditions of approval have been met, and if all applicable laws, ordinances, and regulations are complied with.
(Ord. of 11-17-2003, § 2.B)

Sec. 42-33. Final plat procedure.

(a) *To be submitted within six months.* The final plat application and submittal documents as required in this article shall be submitted to the town clerk not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat will be considered void, unless an extension is requested in writing by the subdivider and for good cause granted by the town board.

(b) *Application limited to portions to be developed presently.* The owner or subdivider shall submit to the town clerk an application for final plat approval and a final plat, which is in full compliance with Wis. Stats. § 236.01 et seq. The final plat shall have incorporated all changes or modifications required by the town board as part of its approval of the preliminary plat. In all other respects, the final plat shall conform to the preliminary plat. A final plat may constitute only that portion of the approved preliminary plat that the subdivider proposes to record and develop at the time, provided that such portion conforms to all the requirements of these regulations.

(c) *Distribution.* The town clerk shall distribute copies of the final plat to the plan commission, town staff, consultants, and other appropriate town boards or committees for their review and comments.

(d) *Plan commission review.* The plan commission shall have the final plat on its agenda at its next regular meeting and shall act on the final plat and submit its recommendation to the town board within 60 days of the date on which the final plat is submitted to the town clerk.

(e) *Town board action.* The town board shall review and approve, conditionally approve, or reject the final plat within 90 days of its submission to the town clerk. If the final plat is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the town board.

(f) *Recording.* Upon approval of the final plat by the town board, the subdivider shall:

(1) Record the plat with the county register of deeds within 60 days after the date of approval; otherwise, the approval shall be considered void.

(2) Furnish the town with two reproducible copies of the recorded plat, including one copy showing evidence of the recording.

(g) *Alterations after approval.* Once a final plat is approved, the plat shall not be altered without approval of the town board.
(Ord. of 11-17-2003, § 2.C)

Sec. 42-34. Certified survey map procedure.

(a) *Town approval required.* No person, firm, or corporation shall divide any land located within the limits of the town which shall result in a minor subdivision without first receiving approval from the town board and then filing with the county register of deeds a certified survey map that complies fully with Wis. Stats. § 236.01 et seq., and with all applicable requirements contained within this article.

(b) *Application and preparation.* A certified survey map application and certified survey map, prepared in accordance with this article and Wis. Stats. § 236.01 et seq., shall be submitted to the town clerk.

(c) *Plan commission review.* The plan commission shall within 60 days or less of its submission, review the certified survey map based on determination of conformance with the provisions of this article. The plan commission shall make a recommendation to the town board to approve, conditionally approve, or reject the certified survey map.

(d) *Town board approval.* The town board shall be the body responsible for approving certified survey maps after receiving the plan commission recommendation. The town board shall approve, conditionally approve or reject the certified survey map within 90 days of its submission. If the certified survey map is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the town board.

(e) *Recording.* Upon approval of the certified survey map by the town board, the subdivider shall:

(1) Record the certified survey map with the county register of deeds within 60 days after the date of approval; otherwise, the approval shall be considered void.

(2) Furnish the town with two reproducible copies of the recorded certified survey map including one copy showing evidence of the recording.

(f) *Alterations after approval.* Once a certified survey map is approved, the map shall not be altered without approval of the town board.
(Ord. of 11-17-2003, § 2.D)

Sec. 42-35. Clerk to inscribe final approval on plat or map.

When the final plat, certified survey map, or condominium plat has been approved by the town board and all conditions imposed under this chapter, including posting of required securities, have been met, the town clerk shall inscribe the town's approval on the final plat, certified survey map, or condominium plat or true copy thereof. If the original of the final plat,

certified survey map, or condominium plat has been filed with another approving authority, the subdivider may file a true copy of such land division in lieu of the original. However, before approval of the town board will be inscribed on the true copy, the registered land surveyor shall certify that the copy is identical to the original document.
(Ord. of 11-17-2003, § 2.E)

Secs. 42-36—42-58. Reserved.

ARTICLE III. SUBMITTAL REQUIREMENTS

Sec. 42-59. Conceptual plan.

Subdividers should prepare for review with the plan commission, a proposed subdivision conceptual plan that should contain the following information:

(1) Site location map showing existing roads, tract boundaries, and significant adjoining developments.

(2) Topographic contours and other physical features.

(3) Proposed general road and lot layout.

(4) Proposed land uses and number of dwelling units.
(Ord. of 11-17-2003, § 3.A)

Sec. 42-60. Preliminary plat submittal.

A preliminary plat prepared by a registered land surveyor shall be required for all proposed subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.01 et seq., the county land division and subdivision ordinance, and this article. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

(1) *Identification and description of subdivision.*

a. Name under which the proposed subdivision is to be recorded which shall not be a duplicate name of any plat recorded in the county.

b. Location of proposed subdivision by: government lot quarter-quarter section, township, range, county, and state noted immediately under the name.

c. Date, graphic scale, and north point.

d. Name and addresses of the owner, subdivider, and land surveyor preparing the plat.

e. The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The town board 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.* Preliminary plats shall show the following:

a. Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours on datum established by the county.

b. Water elevations of adjoining lakes and streams at the date of the survey and approximate high-water 100-year and normal high-water elevations, all referred to datum established by the county.

c. Location, right-of-way width, and names of all existing roads, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.

d. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

e. Type, width, and elevation of any existing road pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to datum established by the county.

f. Location, size, and invert elevations of any existing sanitary or storm sewers, culverts and drainpipes; the location of manholes, catchbasins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.

g. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant features within the tract being subdivided or immediately adjacent thereto.

h. Location, width, and names of all proposed roads and public rights-of-way such as alleys and casements.

i. Approximate dimensions of all lots together with proposed lot and block number.

j. Approximate dimensions of all out-lots together with proposed out-lot numbers.

k. Approximate radii of all curves.

l. Existing zoning on and adjacent to the proposed subdivision.

m. Town and corporate limit lines.

n. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

o. Any proposed lake or stream improvement, relocation, or creation.

p. Lands lying between the meander line and the water's edge and any other unplatable lands that lie between a proposed subdivision and the water's edge shall be included as a part of lots, out-lots, or public dedications in any plat abutting a lake or stream.

q. Location of principal building envelope and sanitary drainfield, if applicable.

r. Location of driveway.

s. Access or deed restrictions, where applicable.

The registered land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land division and features and that he has fully complied with the provisions of this article.

(3) *Road plans and profiles.* The town board may require that the subdivider provide road plans and profiles showing existing ground surface, proposed and established road grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. Elevations shall be based upon datum established by the engineer and plans and profiles shall meet the approval of the engineer.

(4) *Testing.* The town board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depths to bedrock and depth to groundwater table. Where an urban subdivision will not be served by public sanitary sewerage service, the provisions of Wis. Admin. Code ch. ILHR 85 shall be complied with and the appropriate data submitted with the preliminary plat. Where a rural subdivision will not be served by public sanitary sewer service, the minimum lot size shall be 35,000 square feet or as outlined in section 42-119.

(5) *Deed restrictions and protective covenants.* The town board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(6) *Other attachments.* In addition to the preliminary plat and the aforementioned data, the following additional materials shall be submitted at the time the preliminary plat is submitted:

a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; or type of business or industry so as to reveal the effect of the development on traffic, fire hazards, congestion or population.

b. Preliminary drainage study.

(7) *Number of copies.* The subdivider shall submit ten copies of the preliminary plat and three reproducible copies of any required attachments. One of the ten copies of the preliminary plat must be full-sized at a scale no less than one inch to 100 feet; the remaining copies should be reduced to 17 inches × 11 inches.

(Ord. of 11-17-2003, § 3.B)

Sec. 42-61. Final plat.

A final plat prepared by a registered land surveyor shall be required for all proposed subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.01 et seq., the county land division and subdivision ordinance, and this article. The final plat of the proposed subdivision shall contain or have attached thereto the following information:

(1) *Plat data.*

a. Exact road width along the line of any obliquely intersecting road.

b. Tie to all government corners required to be used for the survey, according to state and federal surveying requirements.

c. Railroad rights-of-way within and abutting the plat.

d. Utility easements of sufficient width to provide all lots with necessary services based upon recommendation of the utility companies.

e. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat (shown as out-lots).

f. Special restrictions required by the county or the town relating to access control along public ways or to the provision of planting strips.

(2) *Attachments.* In addition to the final plat, the following attachments shall accompany the final application:

a. Certifications showing that all taxes due on the property to be subdivided have been paid in full.

b. An attorney's opinion of title showing title or control of the property to be subdivided by the applicant or a title insurance policy showing title or control of the property to be subdivided by the applicant.

c. Applicable deed restrictions and protective covenants.

d. Subdivider's final agreement, including any required letters of credit or other guarantees or assurances of payment.

e. Erosion control plan.

f. Any other documents or information required by the town board at the time of approval of the preliminary plat or map as a condition of approval of the final plat or map.

(3) *Number of copies.* The subdivider shall submit ten copies of the final plat and three reproducible copies of any required attachments. One of the ten copies of the final plat must be full-sized at a scale no less than one inch to 100 feet; the remaining copies should be reduced to 17 inches × 11 inches.

(Ord. of 11-17-2003, § 3.C)

Sec. 42-62. Certified survey map submittal.

A certified survey map prepared by a registered land surveyor shall comply in all respects with the requirements of Wis. Stats. § 236.01 et seq., the county land division and subdivision ordinance, and this article. A certified survey map of a proposed land division shall contain or have attached thereto the following information:

(1) *Certified survey map.* The certified survey map (CSM) shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.01 et seq. and the county land division and subdivision ordinance, the following:

a. The preliminary CSM must provide the following information or provide accessory exhibits with the following information: all existing buildings and foundations, watercourses, watersheds, drainage ditches, 100-year floodplain contour line, contour lines at two-foot intervals, easements, rights-of-way, soil types, and other features pertinent to proper division.

b. Location of access to public roads and addresses of adjacent lands.

c. All lands reserved for future public acquisition.

d. Date of the map.

e. Graphic scale.

f. Names, addresses, and phone numbers of the owner, subdivider, and surveyor.

g. Building and driveway locations.

h. Utility easements.

i. Access restrictions.

j. Contour lines and topography.

k. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this article.

(2) *Subdivider's final agreement.* If a subdivider's agreement is required by the town board, the applicant shall submit the subdivider's final agreement (also called a developer's agreement), including any required letters of credit or other guarantees or assurances of payment.

(3) *Number of copies.*The subdivider shall submit one copy of the certified survey map and one reproducible copy of any required attachments.

(Ord. of 11-17-2003, § 3.D)

Secs. 42-63—42-82. Reserved.

ARTICLE IV. REQUIRED GUARANTEES AND ASSURANCES

Sec. 42-83. Required agreement and guarantees for improvements.

Before inscribing any certified survey map, condominium plat, or final plat located within the town, the town board may require a subdivider to enter into a contract with the town agreeing to install all required improvements, including, but not limited to public roads, sanitary sewer mains and laterals, water mains and laterals, and stormwater management facilities. The subdivider shall file said contract, subject to the approval of the town attorney, and a bond, certificate of deposit, irrevocable letter of credit, certified check, or other security and a personal letter of guarantee in an amount equal to 110 percent of the estimate of the improvement costs as approved or prepared by the town engineer as a guarantee that such improvements will be completed by the subdivider or contractors not later than 18 months from the date of recording of the plat.
(Ord. of 11-17-2003, § 4.A)

Sec. 42-84. Subdivider's agreements.

Subdividers shall execute the agreements and file the securities required in this section.

(1) *Preliminary subdivider's agreement.*

a. *Execution and contents.* At the time of filing a preliminary application, the town may require the subdivider to execute for the benefit of the town an agreement to pay or provide adequate security guaranteeing payment of the cost of review of the preliminary application and the final plat or map by the plan commission and town board including, without limitation by enumeration, legal, planning, engineering, and general administrative costs.

b. *Town board to adopt model agreement.* The town board may, from time to time, adopt a model preliminary subdivider's agreement. A copy of the model agreement shall be kept on file in the office of the town clerk.

(2) *Final subdivider's agreement.*

a. *Execution and contents.* At the time of submission of the final map or plat the town may require the subdivider to execute a final subdivider's agreement agreeing to pay or provide adequate security guaranteeing payment to the town equivalent to 110 percent of the estimated costs of required public improvements as approved by the town engineer as a guarantee that such improvements will be completed by the subdivider or contractors not later than 18 months from the date of recording of the plat.

b. *Evidence of agreement on face of plat.* No final plat shall be recorded until the town clerk states on the face of the proposed final plat that any contract required by this article has been executed and the required security provided.

c. *Town board to adopt model agreement.* The town board may, from time to time, adopt a model final subdivider's agreement. A copy of the model agreement shall be kept on file in the office of the town clerk.

(Ord. of 11-17-2003, § 4.B)

Sec. 42-85. Public improvements requiring guarantees.

Prior to issuance of any zoning or building permits or commencing construction of any structures in a land division located within the jurisdiction of the town, the subdivider shall install, cause to be installed, or guarantee installation of the following improvements:

(1) *Roads and utilities.*

a. Sanitary sewer collector lines, laterals to lot lines, manholes, force mains, lift stations (if required), and appurtenances, if required;

b. Water mains, valves, hydrants, water services, and appurtenances, if required;

c. Storm sewer lines, manholes, catchbasins, catchbasin leads, and appurtenances;

d. Roads, fully constructed and surfaced;

e. Curb and gutter as required;

f. Road signs (to be ordered and installed by the town at the expense of the developer);

g. Sidewalks, trails, and other pedestrian facilities as required; and

h. Other public improvements when deemed necessary by the town board upon recommendation of the plan commission.

(2) *Monumenting.* All subdivision plats and maps shall be monumented as required by Wis. Stats. § 236.01 et seq.

(Ord. of 11-17-2003, § 4.C)

Sec. 42-86. Inspection of improvements.

(a) The town shall provide for the inspection of required improvements during construction and ensure their satisfactory completion.

(b) If the town engineer or sanitary district engineer determines that any of the required improvements have not been constructed in accordance with the town's standards, the subdivider shall be responsible for either completing the improvements or reimbursing the town for its costs to complete the improvements. The town board shall approve the final acceptance of the required improvements.

(Ord. of 11-17-2003, § 4.D)

Sec. 42-87. Documentation of completed improvements.

The subdivider shall furnish the town with a reproducible as-built set of plans showing all improvements for the plat. The subdivider shall also furnish an itemized cost for the improvements in the contract prior to the town's final acceptance of the improvements.
(Ord. of 11-17-2003, § 4.E)

Secs. 42-88—42-117. Reserved.

ARTICLE V. SPECIFIC DESIGN AND ENGINEERING STANDARDS

Sec. 42-118. Roads.

(a) *Arrangement.* In any new subdivision the road layout shall be developed and located in proper relation to existing and proposed roads, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such roads, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public road.

(b) *Extension to property lines.* Proposed roads shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless in the opinion of the town board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(c) *Arterial road and highway protection.* Whenever the proposed subdivision contains or is adjacent to a major road or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage roads.

(d) *Stream or lakeshores.* Stream or lakeshores shall be provided with public access in conformance with the provisions of Wis. Stats. § 236.01 et seq.

(e) *Reserve strips.* Reserve strips shall not be provided on any plat to control access of roads or alleys, except where control of such strips is placed with a public agency under conditions recommended by the town board.

(f) *Names.* Road names shall not duplicate or be similar to existing road names within the boundary of the town, city or adjacent community, and existing road names shall be protected wherever possible.

(g) *Limited access highway and railroad right-of-way treatment.* Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(1) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth

shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

(2) Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, roads approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such roads and highway or railroad, but not less than 150 feet.

(3) Roads parallel to a limited access highway or railroad right-of-way, when intersecting a major road or highway or collector road that crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(4) Local roads immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local roads immediately adjacent to arterial roads and highways and railroad rights-of-way shall be avoided in residential areas.

(h) *Design standards.* All roads shall conform to Wis. Stats. § 86.26. The following provisions shall apply when more restrictive than the state regulations. The minimum right-of-way and roadway width of all proposed roads shall be as follows:

Type of Road	*Right-of-Way Width*	*Pavement Width*
URBAN CROSS SECTION		
County or state highway	Set by county/state	Set by county/state
Town road	66 feet	32 feet
RURAL CROSS SECTION		
County or state highway	Set by county/state	Set by county/state
Town road	66 feet	20 feet

(i) *Culs-de-sac.* Cul-de-sac roads designed to have one end permanently closed shall not exceed 1,000 feet in length. All cul-de-sac roads designed to have one end permanently closed shall terminate in a hammerhead design or a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 50 feet.

(j) *Grades.* The following standards pertain to the grades of roads:

(1) Unless necessitated by exceptional topography subject to the approval of the town board, the maximum centerline grade of any road or public way shall not exceed the following:

Local road	10 percent.
Pedestrian ways	12 percent, unless steps of acceptable design are provided.

(2) The grade of any road shall in no case exceed 11 percent or be less than 0.5 percent.

(3) Road grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in road grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grades for major roads, and one-half this minimum for all other roads.

(k) *Radius of curvature; tangents.* When a continuous road centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than 100 feet. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector roads.

(l) *Half-roads.* Where, on the date of enactment of the ordinance from which this chapter is derived, an existing dedicated or platted half-road is adjacent to the tract being subdivided, the other half of the road shall be dedicated by the subdivider. The creation of new half-roads is prohibited.

(m) *Intersections.*

(1) Roads shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(2) Number of roads converging at one intersection shall be reduced to a minimum, preferably not more than two. For local roads only cross-type intersections shall be avoided in favor of T-type intersections.

(3) Number of intersections along major roads and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than 1,200 feet.

(4) Road intersections shall show corner easement radii of 15 feet or greater when required by the town board.

(5) Local roads shall not necessarily continue across arterial or collector roads. However, if the centerlines of such local roads approach the major roads from opposite sides within 300 feet of each other measured along the centerline of the arterial or collector road, then the location shall be so adjusted that the adjoinment across the major or collector road is continuous, and a jog is avoided.

(n) *Blocks.* The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of road traffic; and the limitations and opportunities of topography.

(1) *Length.* Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(2) *Pedestrian ways.* Pedestrian ways of not less than ten feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the town board to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

(3) *Width.* Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-road service and parking required by the use contemplated and the zoning restrictions for such use.

(4) *Utility easements.* All utility lines for electric, gas, and other energy sources of power and telephone service shall be placed on mid-block easements along rear lot lines wherever carried on overhead poles.

(o) *Sidewalks.* The town board has the authority to require sidewalks or other types of pedestrian paths for the safety of pedestrians in areas surrounding schools and other public buildings or on any new road if deemed necessary to protect the area's residents or users.

(p) *Road names, road signs and road lights.*

(1) Names of new roads shall not duplicate existing or platted road names unless a new road is a continuation of or in alignment with the existing or platted road, in which event it shall bear the same name of the existing or platted road so in alignment. Road names shall be subject to the approval of the town board.

(2) Road signs shall be of a standard design and materials as approved by the town board.

(3) Road lights shall be designed not to cast excessive light onto private property.

(q) *Construction standards.* Construction of all roads shall conform to the state DOT's Standard Specifications for Road and Bridge Construction and the state Standard Specifications for Sewer and Water and any other construction standards or specifications that have been adopted as the town's construction specifications and shall be subject to approval of the town engineer before acceptance.
(Ord. of 11-17-2003, § 5.A)

Sec. 42-119. Lots.

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(1) *Side lot.* Side lot lines, whenever practicable as determined by the town board, shall be at right angles to straight road lines or radial to curved road lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(2) *Double frontage lots.* Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) *Access.* Every lot shall front or abut for a distance of at least 45 feet on a cul-de-sac and 66 feet on a tangent public road.

(4) *Minimum lot size.* Area of lots in the town shall be as provided for in sections 54-4 and 54-5 or as defined in this chapter.

(5) *Lots not serviced by public sewer.* Lots not served by public sewers shall conform to town ordinances.

(6) *Large parcels.* Whenever a tract is subdivided into large parcels, such parcels may be arranged and dimensioned so as to allow further division of such parcels into normal lots in accordance with the provisions of this chapter. Deed restrictions may be required to regulate the placement of buildings on subdividable lots.

(7) *Lot depth.* Lots shall have a minimum average depth of 200 feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-road service and parking required by the use contemplated and the area zoning regulations for such use.

(8) *Lot width.* Width of lots shall conform to the requirements of the zoning regulations.

(9) *Corner lots.* Corner lots shall have an extra width of ten feet to permit adequate building setbacks from side roads.

(10) *Out-lots.* All lands within the plat boundaries that are not numbered as lots or dedicated as roads shall be out-lots and shall be consecutively numbered. All out-lots shall meet the minimum lot size requirements of this chapter, unless dedicated to the public.

(11) *Building setback lines.* Where not controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as may be required by the town board.

(12) *Easements.* The town board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on said lot lines or across lots where necessary or advisable for electric power and communication poles, wires, and conduits; storm and sanitary sewers; and gas, water and other utility lines.

(13) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as may be required by the town board. The location, width, alignment, and improvements of such drainageway or easement shall be subject to the approval of the town engineer. Parallel roads or parkways may be required in connection therewith. Where necessary,

stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the town engineer.

(Ord. of 11-17-2003, § 5.B)

Sec. 42-120. Erosion control.

(a) The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes, and related activities of the subdivider or the contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding, and the construction of berms.

(b) The subdivider shall submit an erosion control plan along with the construction drawings at the time the final plat is submitted. The erosion control plan shall address the standards and requirements found in the Wisconsin Construction Site Best Management Practice Handbook in the state DOT's Facilities Development Manual, chapters 11 and 13, latest edition. The erosion control plan shall be in compliance with WDNR rules including but not limited to Wis. Admin. Code § NR 151.

(Ord. of 11-17-2003, § 5.C)

Sec. 42-121. Stormwater management plan and facilities.

(a) *Preliminary drainage study.* At the time a preliminary plat is submitted for approval, the subdivider shall prepare a study of the drainage basin of the area in which the proposed development is located. The study shall include the design, routing, and estimated construction cost of the stormwater management system to serve the site and/or drainage basin of the area in which the proposed development is located. The preliminary drainage study and plans for any recommended stormwater management facilities must be prepared and designed by a professional engineer.

(b) *Runoff calculations.* In this study, the subdivider shall determine stormwater runoff or flow as a result of the new development. The subdivider shall also determine if existing stormwater facilities are adequate to handle additional stormwater flow from the development and submit findings to the town engineer for acceptance.

(c) *Maximum runoff.* The facilities proposed under the stormwater management plan must meet the following standards:

(1) The peak runoff rate after the proposed construction activities should be no greater than the peak rate that would have resulted from the same ten-year storm event occurring over the site with the land in its natural undeveloped state.

(2) Where on-site detention is used for runoff control, the detention facilities shall safely contain and/or safely pass the runoff of a 100-year storm of any duration.

(d) *TR55 modeling.* Determination of storm values shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled "Urban Hydrology for Small Watersheds, TR55," and accepted by the town engineer.

(e) *Stormwater facility design.* Design of stormwater management facilities shall be in accordance with this chapter and other applicable town ordinances. Stormwater peaks and volumes shall be addressed either through on-site detention, retention, infiltration, or a combination. If the development will result in the facilities exceeding their capacity or if the development uses the remaining capacity in the stormwater system, the subdivider shall, at its expense, arrange to have facilities constructed that will increase capacity sufficiently to handle the stormwater.

(f) *Increased flow capacity.* The town shall reserve the right to work with the subdivider to construct stormwater facilities that will increase the flow capacity above that required for the development. The town may pay the difference between the cost of the facilities that the subdivider is required to provide and the cost of the facilities that the town and subdivider agree to construct. The town may recoup that cost from future developments that use those facilities.

(g) *Conveyances of lots.* All conveyances of any lot in a subdivision shall be deemed to include as an appurtenance an undivided fractional interest in the stormwater management area, whether or not such fractional interest is specifically set forth in the conveying instrument, unless such fractional interest identified with a particular lot has been acquired by a municipality or other lot owner in the subdivision. Such undivided fractional interests shall be held as tenants in common with the fractional interests held by other lot owners, and shall not be conveyed without the lot to which it is appurtenant except as above.

(h) *Homeowner's association.* The owner causing this land to be platted shall incorporate a homeowner's association operating under Wis. Stat. 779.70 for the purpose of managing the stormwater management area common property and levying such assessments as required. If the homeowner's association defaults on required maintenance, the town may perform necessary maintenance and assess the cost pro rata to the holders of fractional interests in the subdivision.
(Ord. of 11-17-2003, § 5.D)

Sec. 42-122. Open space and recreation areas.

The subdivider shall be required to dedicate and/or reserve land or pay fees-in-lieu-of land as required in sections 15.03(c) and 15.11(e) of the county land division and subdivision ordinance. In deciding whether to accept dedicated land or fees-in-lieu of land or whether to waive the requirement, the town board shall consider the following guidelines:

(1) Land accepted for public park shall be usable land suitable for park improvements. Drainageways, wetlands, floodplains, or land required for stormwater management may not be accepted as dedicated public land under the provisions of section 15.03(c) of the county land division and subdivision ordinance.

(2) The town board may grant a waiver from the requirements of sections 15.03(c) and 15.11(e) of the county land division and subdivision ordinance if the subdivider provides a privately-owned park, recreation area, or conservancy area equivalent to five percent of the total land area in the subdivision that is centrally located within the subdivision and is suitable for the proposed recreational purposes. Private park or recreation areas accepted as a basis for waiving the requirements of sections 15.03(c) or 15.11(e) of the county land division and subdivision ordinance shall not include land within drainageways, wetlands, floodplains, or land required for stormwater management.

(3) At the town board's option, the town may elect to receive fees-in-lieu-of-land dedication as provided in section 15.11(e) of the county land division and subdivision ordinance. Any funds received by the town in this manner shall be kept in a segregated account and reserved for the purchase of public parks, recreation areas, or conservancy areas.

(Ord. of 11-17-2003, § 5.E)

Sec. 42-123. Conservation design layout.

(a) *Intent.* The conservation design layout approach potentially allows subdividers a 42 percent density bonus based upon reduced minimum lot size as a further incentive to design land divisions in a way that best preserves or connects open space for recreation, rural character and aesthetics, water quality protection, groundwater recharge, wildlife habitat, and/or farmland conservation. Conservation land design layouts will be considered within the residential or agricultural/residential classification as identified in the land use plan for the Town of Watertown Year 2025 Comprehensive Plan. Subdividers will be eligible for a 42 percent density bonus based on a conventional subdivision layout for 35,000 square feet lot size within the residential classification.

(b) *Eligibility.* The parcel to be divided must consist of a:

(1) Development area.

(2) Open space preservation area.

(c) *Development area.*

(1) *Maximum size of development area.* The development area shall be limited to no more than 50 percent of the land division and shall contain all future residential and related land uses (e.g., garages, outbuildings, decks, swimming pools, lawns, etc.), roads, driveways, and parking areas.

(2) *Minimum lot size.* All lots within the development area shall be a minimum of 35,000 square feet in size.

(3) *Location of development area.* The physical development area shall be designed to minimize disturbance or encroachment upon environmentally sensitive areas such as wetlands, floodplains, or areas of steep slope.

(4) *Utilities.* Utilities serving new development shall be placed underground.

(d) *Open space preservation area.*

(1) *Minimum percentage of open space.* A minimum of 50 percent of the land division shall be designated as permanent open space, not to be further subdivided. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a deed restriction on the face of the plat.

(2) *Location of open space.* The open space shall be located to maximize the protection of environmentally sensitive areas. Primary protection consideration shall be given to maximize protection of:

a. WDNR designated wetlands;

b. Floodplain areas of wetlands, lakes, rivers, streams, and creeks; and

c. Areas of steep slopes.

(3) *Design of open space.*

a. The open space should be designed as a large scale, single, contiguous, and interconnected block with logical, straightforward boundaries. Long, thin strips of conservation land should be avoided unless the conservation feature is linear (streams, tree lines) or unless such configuration is necessary to connect with other features, or to create open space corridors or trails that will link to other parcels.

b. Twenty-five percent of the designated open space shall consist of lands other than identified environmentally sensitive areas.

(4) *Dedication and maintenance of open space.* Lands not used for lots and roads shall be dedicated in perpetuity to open space or recreation by conveyance in common to each lot owner via a homeowner's association, by conveyance in fee simple of an equal, undivided interest in common to each lot owner, or by a recognized land trust or conservancy organization. The maintenance and ownership of the open space area will require agreement that the membership and maintenance obligations will be covered until such time as all lots are sold. In all cases, the town, on advice of its municipal authority, may levy an assessment for the cost of any maintenance not taken care of by an association to the satisfaction of the town. The manner of ensuring maintenance as assessing such costs shall be determined prior to final plat approval and shall be included in the title of each property. The town may require the dedication of a trail accessible to the public for walking and bicycling.

(Ord. of 11-17-2003, § 5.F)

Secs. 42-124—42-144. Reserved.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

Sec. 42-145. Application and fees.

Application for land divisions regulated by this chapter shall be made to the town clerk who shall forward the application and required submittal materials to the plan commission and town board, and other officials or advisors to the town.
(Ord. of 11-17-2003, § 7.A)

Sec. 42-146. Fees.

The certified survey or final plat shall not be recorded and no building permits shall be issued until the following required fees have been paid.

(1) *Application fees.* Application fees for review of certified survey maps, preliminary plats, final plats, condominium plats and other types of administrative permits and procedures required by this chapter shall be as established in the resolution regarding land division fees including subdivisions, CSMs, conditional use permits and variances.

(2) *Plan review costs.* The town plan commission or town board may request the town engineer, town planner, town attorney, town sanitary district engineer, or other town consultant or expert to review applications for land divisions or other types of permits required by this chapter and inspect required improvements. The cost of all such reviews shall be borne by the applicant. The town may request a subdivider to pay an escrow deposit for plan review fees based on estimated review fee costs.

(3) *Inspection fees; escrow deposit.* Inspection fees are to be paid in the following manner:

a. The subdivider shall pay to the town a deposit for inspection fees equal to three percent of the amount of the estimated cost of the required improvements, as estimated by the town engineer. Such deposit shall be placed by the town in an escrow account to be used exclusively for inspections for improvements required in section 42-86.

b. If such fees deposited in escrow are insufficient to cover the cost of review and inspection, the town may require the subdivider to make a second escrow deposit equivalent to three percent of the estimated cost of the required improvements.

c. If funds remain in the escrow account after final inspection of the completed improvements and following final notice of completion from the town engineer and sanitary district engineer, if applicable, all escrowed deposits shall be returned to the subdivider.

(Ord. of 11-17-2003, § 7.B)

Sec. 42-147. Violations.

Failure to comply with the requirements of this chapter shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of Wis. Stats. § 236.01 et seq.
(Ord. of 11-17-2003, § 7.C)

Sec. 42-148. Methods of enforcement.

(a) *Notification.* Upon finding that any of the provisions of this chapter are being violated or upon finding a condition that may lead to a violation, the town building inspector or town board shall notify in writing the property owner and the person responsible for such violation or condition, ordering the action necessary to correct such condition or violation. The town building inspector or town board may order discontinuance of illegal use of structures and land and order removal of illegal structures or additions, or may order discontinuance of illegal work being done. Furthermore, the town clerk may take any other action authorized by this chapter to ensure compliance with or to prevent violations of this chapter, including, but not limited to, calling upon the town attorney to institute legal proceedings and calling upon the county sheriff department for assistance.

(b) *Resumption of work.* When any work shall have been stopped for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed and written approval to proceed has been received from the town building inspector or town board.
(Ord. of 11-17-2003, § 7.D)

Sec. 42-149. Injunctions.

All violations of this chapter may be enforced by the forfeiture described in section 42-148, and/or by injunction order as provided by state law. Injunctive relief may not be sought unless the town board shall cause a notice to be personally served upon or mailed, certified mail, return receipt requested, to the owner and/or occupant of said premises, setting forth the alleged violation and advising that injunctive relief will be sought if corrective action is not taken and completed within ten days of the date of such notice. If the owner and/or occupant cannot be found or located with due diligence, then it shall be sufficient if such notice is attached in a conspicuous place on the premises. Ownership for purposes of this section shall be that as appears on the tax assessment rolls of the town.
(Ord. of 11-17-2003, § 7.E)

Sec. 42-150. Penalties.

Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall, upon conviction thereof, forfeit not less than $50.00 nor more than $500.00 and the costs of prosecution, including reasonable attorney fees, for each offense. In default of payment of such forfeiture and costs, such person

may be ordered to be imprisoned in the county jail until the payment of such forfeiture and costs of prosecution, but not exceeding 30 days for each offense. Each day of violation shall constitute a separate offense.
(Ord. of 11-17-2003, § 7.F)

Chapter 43

RESERVED

Chapter 44

TAXATION

Article I. In General

Secs. 44-1—44-18. Reserved.

Article II. Ad Valorem Taxes

Sec. 44-19. Basis of valuation; confidentiality of information.
Sec. 44-20. Exceptions to confidentiality.

ARTICLE I. IN GENERAL

Secs. 44-1—44-18. Reserved.

ARTICLE II. AD VALOREM TAXES

Sec. 44-19. Basis of valuation; confidentiality of information.

This article adopts by reference Wis. Stats. § 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. Stats. § 19.35(1).
(Comp. Ords. 1997, § 4.001; Ord. of 5-16-2000, § 1)

Sec. 44-20. Exceptions to confidentiality.

The tax assessor may disclose confidential information provided pursuant to Wis. Stats. § 70.47(af) to town officers or employees who require access to the information for the discharge of the duties of their office or duties required by law and to such other persons as may be directed by order of a court of competent jurisdiction.
(Comp. Ords. 1997, § 4.002; Ord. of 5-16-2000, § 2)

Chapter 45

RESERVED

Chapter 46

TELECOMMUNICATIONS*

Article I. In General

Secs. 46-1—46-18. Reserved.

Article II. Telecommunications Antennas and Towers

Sec. 46-19. County authority not hereby limited.
Sec. 46-20. Permit.
Sec. 46-21. Definitions.
Sec. 46-22. Applicability.
Sec. 46-23. General guidelines and requirements.
Sec. 46-24. Permitted uses.
Sec. 46-25. Conditional use permits.
Sec. 46-26. Removal of abandoned antennas and towers.

***State law reference—**Video service, telecommunications and broadband facilities, Wis. Stats. § 66.0422.

ARTICLE I. IN GENERAL

Secs. 46-1—46-18. Reserved.

ARTICLE II. TELECOMMUNICATIONS ANTENNAS AND TOWERS

Sec. 46-19. County authority not hereby limited.

Nothing contained in this article is intended to limit in any way the authority of the county to regulate telecommunications towers as said regulations are contained in the county zoning ordinance.
(Comp. Ords. 1997, § 228.001; Ord. of 5-18-1999, § 1)

Sec. 46-20. Permit.

(a) *Required.* No person, company, or any other entity shall place or erect a cellular tower in the town without first obtaining a permit pursuant to this section.

(b) *Fee.* The annual fee for a permit for a telecommunications tower shall be $5,000.00 payable to the town.

(c) *Issuance.* Upon payment of the above-referenced $5,000.00 annual fee, a permit shall be issued allowing for construction and subsequent placement of said tower in the town.

(d) *Annual payment.* Unless the $5,000.00 annual payment for the telecommunications tower is paid, said telecommunications tower shall not be used or operated in any manner.
(Comp. Ords. 1997, § 228.002; Ord. of 5-18-1999, § 2)

Sec. 46-21. Definitions.

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

Alternative tower structure means man-made structures such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free-standing signs are not considered to be alternative tower structures.

Antenna means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Governing authority means the governing authority of the Town of Watertown.

Pre-existing towers and antennas has the meaning set forth in section 46-22(a) of this article.

Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.
(Ord. of 11-15-2004, § 1)

Sec. 46-22. Applicability.

(a) *District height limitations*. The requirements set forth in this article shall govern the location and height of towers in the Town of Watertown.

(1) In agricultural areas towers shall be limited to a height of not more than 70 feet, including the existing structure (for example: if the tower is placed on a silo).

(2) In non-agricultural areas, towers shall not exceed 300 feet in height.

(b) *Public property*. Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

(c) *Amateur radio: Receive-only antennas*. This article shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive-only antenna.

(d) *Pre-existing towers and antennas*. Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of sections 46-23(e) and (f). Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas."
(Ord. of 11-15-2004, § 1)

Sec. 46-23. General guidelines and requirements.

(a) *Purpose: Goals*. The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to: (i) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, (ii) strongly encourage the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, (v)

enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently, and (vi) require that towers and antennas be located only on existing structures.

(b) *Principal or accessory use*. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

(c) *Inventory of existing sites*. Each applicant for an antenna and or tower shall provide to the town an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The town may share such information with other applicants applying for administrative approvals or conditional use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) *Aesthetics and lighting*. The guidelines set forth in this subsection shall govern the location of all towers, and the installation of all antennas, governed by this article, provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.

(1) Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.

(5) Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more that six feet above the ground on a placard no larger than one and one-half square feet.

(e) *Federal requirements*. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

(f) *Building codes, safety standards*. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
(Ord. of 11-15-2004, § 1)

Sec. 46-24. Permitted uses.

(a) *General*. The uses listed in this section 46-24 are deemed to be permitted uses and shall not require a conditional use permit. Nevertheless, all such uses shall comply with section 46-23 of this article and all other applicable articles.

(b) *Specific permitted uses*. The following uses are specifically permitted:

(1) Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than 20 feet to the height of said existing structure; and

(2) Installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower.
(Ord. of 11-15-2004, § 1)

Sec. 46-25. Conditional use permits.

(a) *General*. The following provisions shall govern conditional use permits:

(1) If the tower or antenna is not a permitted use under section 46-24 of this article, then a conditional use permit shall be required prior to construction of any tower, or the placement of any antenna.

(2) Towers and antennas may only be located on existing structures.

(3) If a conditional use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

(b) *Information required*. Each applicant requesting a conditional use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

(c) *Factors considered in granting conditional use permits*. The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

(1) Height of the proposed tower;

(2) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment;

(3) Proximity of the tower to residential structures and residential district boundaries;

(4) Nature of uses on adjacent and nearby properties;

(5) Surrounding topography;

(6) Surrounding tree coverage and foliage;

(7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(8) Proposed ingress and egress;

(9) Availability of suitable existing towers and other structures as discussed in section 46-25(d) of this article.

(d) *Availability of suitable existing towers or other structures*. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) *Setbacks and separation*. The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.

(1) Towers must be set back a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residential.

(2) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

(f) *Landscaping*. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby.

(1) Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

(2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

(3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ord. of 11-15-2004, § 1)

Sec. 46-26. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. of 11-15-2004, § 1)

Chapter 47

RESERVED

Chapter 48

TRAFFIC AND VEHICLES*

Article I. In General

Secs. 48-1—48-18. Reserved.

Article II. Traffic Regulations

Sec. 48-19. State traffic laws adopted.
Sec. 48-20. Penalties.
Sec. 48-21. Enforcement.
Secs. 48-22—48-45. Reserved.

Article III. Parking

Sec. 48-46. Definitions.
Sec. 48-47. Conduct prohibited.
Sec. 48-48. Penalties.
Sec. 48-49. Enforcement.
Secs. 48-50—48-71. Reserved.

Article IV. Abandoned Vehicles

Sec. 48-72. Prohibited; public nuisance.
Sec. 48-73. Removal and impoundment of abandoned vehicles.
Sec. 48-74. Disposal of abandoned vehicles.
Sec. 48-75. Owner responsible for costs of impoundment and sale.
Sec. 48-76. Notice of sale or disposition.

***State law references—**Registration of vehicles, Wis. Stats. § 341.01 et seq.; vehicle size, weight, and load, Wis. Stats. § 348.01 et seq.; snowmobiles, Wis. Stats. § 350.01 et seq.

ARTICLE I. IN GENERAL

Secs. 48-1—48-18. Reserved.

ARTICLE II. TRAFFIC REGULATIONS

Sec. 48-19. State traffic laws adopted.

(a) Except those provisions having a penalty which in whole or in part is a fine, the statutory provisions describing and defining regulations with respect to vehicles and traffic in Wis. Stats. §§ 341.01 et seq. through 348.01 et seq. and 350.01 et seq., exclusive of any provisions therein relating to penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated therein by reference is required or prohibited by this article.

(b) Any future amendments, revisions or modifications of statutes incorporated herein are intended to be made part of this article in order to secure uniform statewide regulation of traffic on the highways, roads, and alleys of the state.
(Comp. Ords. 1997, § 66.001; Ord. No. 15, § 1, 2-17-1981; Ord. of 3-15-1983)

Sec. 48-20. Penalties.

If a person is found guilty of violating any provision of this article, the court may suspend or revoke his license under Wis. Stats. § 343.30 and, in addition, may enter judgment of forfeiture against him for a monetary amount within the minimum and maximum limits permitted to be imposed for violation of the state statutes adopted by reference, including any variations or increases for subsequent offenses and for costs. If the judgment is not paid, the court shall comply with the provisions of Wis. Stats. § 345.47.
(Comp. Ords. 1997, § 66.002; Ord. No. 15, § 2, 2-17-1981)

Sec. 48-21. Enforcement.

(a) *Procedure.* This article shall be enforced according to the provisions of Wis. Stats. § 345.20 through Wis. Stats. § 345.53 which provisions are hereby incorporated by reference.

(b) *Deposit.* Any person accused of violating any provision of this article may make a deposit of money as directed by a county deputy sheriff or at the office of the clerk of court or by mailing the deposit to the clerk of court. The arresting officer or the person receiving the deposit shall comply with Wis. Stats. § 343.20 et seq., or, if the deposit is mailed, the signed statement required under Wis. Stats. § 343.20 et seq. shall be mailed with the deposit. The arresting officer or the person receiving the deposit shall notify the accused person, orally or in writing, that:

(1) *Failure to appear—Forfeiture.* If he fails to appear in court at the time fixed in the citation he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or

(2) *Same—Summons.* If he fails to appear in court at the time fixed in the citation and if the court does not accept the deposit as a forfeiture, he will be summoned into court to answer the complaint. The amount of the deposit shall be determined in accordance with the deposit schedule established by the board of county judges, a copy of which shall be available for examination at the office of the clerk of court.

(c) *Stipulation of no contest.* Any person accused of violating the provisions of this article may, at the time he is issued a citation, or within ten days thereafter, make a stipulation of no contest as provided by Wis. Stats. § 345.27. Such person at the time of making such stipulation shall also make the deposit required under subsection (b) of this section. A person who has mailed or filed a stipulation under this subsection (c) may, however, appear in court on the appearance date.
(Comp. Ords. 1997, § 66.003; Ord. No. 15, § 3, 2-17-1981)

Secs. 48-22—48-45. Reserved.

ARTICLE III. PARKING

Sec. 48-46. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled vehicle means a vehicle that for any reason cannot be operated.

Park means to locate a vehicle in a stationary position, whether the vehicle is occupied or not.

Posted means indicated by legible signs.

Roadway means the entire right-of-way of land owned by the town as a public way and thoroughfare, including, but not limited to the traveled portion, shoulder or ditch thereof.
(Comp. Ords. 1997, § 65.001; Ord. No. 13, § 1, 5-20-1980)

Sec. 48-47. Conduct prohibited.

(a) No person shall park any vehicle within any town roadway where parking is posted as prohibited, unless such vehicle is disabled as hereinafter provided.

(b) No person shall leave any disabled vehicle within any town roadway for more than 24 hours.

(c) Any vehicle left unattended within any town roadway more than 24 hours is deemed abandoned and constitutes a public nuisance.
(Comp. Ords. 1997, § 65.002; Ord. No. 13, § 2, 5-20-1980)

Sec. 48-48. Penalties.

(a) Except as otherwise herein provided, any person who violates this article shall upon conviction pay a forfeiture of not less than $50.00 and not more than $100.00, together with the costs of prosecution and penalty surcharge.

(b) If any person who is convicted of a violation of this article was also convicted of a violation of the ordinance from which this article is derived within three years preceding the violation for which he is about to be penalized, such person shall pay a forfeiture of not less than $40.00 and not more than $100.00, together with the costs of prosecution and penalty surcharge. In this subsection, the dates of violation shall be used to determine whether or not a person has been convicted within three years preceding the violation for which he is about to be penalized.

(c) In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs and penalty surcharge, such person shall be confined in the common jail of the county until such forfeiture, costs and penalties are paid, but in no event shall such confinement exceed 30 days.
(Comp. Ords. 1997, § 65.003; Ord. No. 13, § 3, 5-20-1980)

Sec. 48-49. Enforcement.

Violations of this article may be enforced by town citation and, in that event, the cash deposits, costs, and penalty surcharges set forth in appendix A shall apply.
(Comp. Ords. 1997, § 65.004; Ord. No. 13, § 4, 5-20-1980; Ord. No. 19, § 2, 4-21-1981)

Secs. 48-50—48-71. Reserved.

ARTICLE IV. ABANDONED VEHICLES

Sec. 48-72. Prohibited; public nuisance.

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any town road or public or private property for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned. When any such vehicle has been left unattended on any town road or on any public or private property within the town without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 48-73. Removal and impoundment of abandoned vehicles.

Any abandoned vehicle shall be impounded until lawfully claimed or disposed of under this article except that if the town board or its authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the

vehicle may be junked or sold by the town prior to expiration of the impoundment period upon determination by the town board, the county, or an authorized representative of either entity that the vehicle is not stolen or otherwise wanted for evidence or other reason. If impounded, there shall be a storage charge assessed at the rate of $25.00 per day.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 48-74. Disposal of abandoned vehicles.

(a) *Retention period; notice to owner.* Any vehicle which is deemed abandoned by the town board or its authorized representative and not disposed of as permitted by this article shall be retained in storage for a minimum period of ten days after certified mail notice has been sent to the owner and lienholder of record to permit reclamation of the vehicle after payment of accrued charges.

(b) *Contents of notice.* Such notice shall set forth the year, make, model and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholder of his right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholder to exercise his rights to reclaim the vehicle under this section shall be deemed a waiver of all rights, title and interest in the vehicle and a consent to the sale of the vehicle.

(c) *Sale of unclaimed vehicles.* Each retained vehicle not reclaimed by its owner or lienholder may be sold. The town may dispose of the vehicle by sealed bid or auction sale as provided by ordinance. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by the town board, in which event all bids may be rejected. If all bids are rejected or no bid is received, the town may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle.

(d) *Notice of sale.* Any interested person may offer bids on each abandoned vehicle to be sold. Public notice shall be posted at the office of the town clerk. The posting of the notice at the office of the town clerk shall be in the same form as the certified mail notice sent to the owner or lienholder of record.

(e) *Procedures upon sale.* Upon sale of an abandoned vehicle, the town shall supply the purchaser with a completed form designed by the department of transportation enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

(f) *List of vehicles for sale.* The listing of vehicles to be sold by the town shall be made available to any interested person or organization that makes a written request for such list. The town may charge a fee for the list.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 48-75. Owner responsible for costs of impoundment and sale.

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. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the town against the owner.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Sec. 48-76. Notice of sale or disposition.

Within five days after the sale or disposal of a vehicle as provided in section 48-74, the town board or its authorized representative shall advise the state department of transportation, division of motor vehicles, of such sale or disposition on a form supplied by the department of transportation. A copy of such form shall also be given to the purchaser of the vehicle, and a copy shall also be retained on file in the town clerk's office.
(Comp. Ords. 1997, § 68.001; Ord. No. 38, § 1, 3-17-1992)

Chapter 49

RESERVED

Chapter 50

UTILITIES*

Article I. In General

Secs. 50-1—50-18. Reserved.

Article II. Wind Energy Facilities

Division 1. Generally

Sec. 50-19. Purpose.
Sec. 50-20. Definitions.
Sec. 50-21. Zoning.
Sec. 50-22. Principal or accessory use.
Sec. 50-23. Applicability.
Sec. 50-24. Impact fees.
Secs. 50-25—50-51. Reserved.

Division 2. Requirements for Turbines and Operations

Sec. 50-52. Visual appearance; lighting; power lines.
Sec. 50-53. Setbacks.
Sec. 50-54. Noise.
Sec. 50-55. Minimum ground clearance.
Sec. 50-56. Signal interference.
Sec. 50-57. Safety.
Sec. 50-58. Abandonment.
Sec. 50-59. Hazardous waste.

***State law references—**Public utilities, Wis. Stats. § 66.0801 et seq.; regulation of solar and wind energy systems, Wis. Stats. § 66.0401.

ARTICLE I. IN GENERAL

Secs. 50-1—50-18. Reserved.

ARTICLE II. WIND ENERGY FACILITIES

DIVISION 1. GENERALLY

Sec. 50-19. Purpose.

The purpose of this article is to provide a regulatory scheme for the construction and operation of wind energy facilities in the town, subject to reasonable restrictions, which will preserve the public health and safety.
(Ord. of 2-21-2005, § 1)

Sec. 50-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Committee means planning commission.

FAA means the Federal Aviation Administration.

Hub height means, when referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.

MET tower means a meteorological tower used for the measurement of wind speed.

Total height means, when referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

Town or *county* means the Town of Watertown or Jefferson County, respectively.

Wind access permit means a wind access permit within the meaning of Wis. Stats. § 66.0403 or any successor statute.

Wind energy facility means an electricity-generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. It includes substations, MET towers, cabinet and wires, and other buildings accessory to such facility.

Wind energy facility siting permit means a construction and operating permit granted in accordance with the provisions of this article.

Wind turbine means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer.
(Ord. of 2-21-2005, § 2)

Sec. 50-21. Zoning.

Wind energy facilities may only be constructed in areas that are zoned A-1 on the official zoning map for the town.
(Ord. of 2-21-2005, § 3)

Sec. 50-22. Principal or accessory use.

Wind energy facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a wind energy facility or a part of such facility on such lot. Wind energy facilities that are constructed and installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
(Ord. of 2-21-2005, § 3)

Sec. 50-23. Applicability.

The requirements of this article shall apply to all wind energy facilities proposed after the effective date of the ordinance from which this article is derived. Wind energy facilities for which a required permit has been properly issued prior to the effective date of the ordinance from which this article is derived shall not be required to meet the requirements of this article; provided, however, that any such preexisting wind energy facility which does not provide energy for a continuous period of 12 months shall meet the requirements of this article prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this article.
(Ord. of 2-21-2005, § 4)

Sec. 50-24. Impact fees.

The town shall be entitled to charge an impact fee, which is in lieu of property taxes. Specifically, impact fees shall be collected to reflect actual costs, such as road damage, fire protection and training, and law enforcement. Reasonable impact fees may be charged as determined by the town. Specifically the town shall charge $1,667.00 per megawatt per year as a part of the impact fee.
(Ord. of 2-21-2005, § 6)

Secs. 50-25—50-51. Reserved.

DIVISION 2. REQUIREMENTS FOR TURBINES AND OPERATIONS

Sec. 50-52. Visual appearance; lighting; power lines.

(a) Wind turbines shall be painted in a nonreflective, unobtrusive color.

(b) At wind energy facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the wind energy facility to the natural setting and then-existing environment.

(c) Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

(d) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

(e) Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
(Ord. of 2-21-2005, § 5.1)

Sec. 50-53. Setbacks.

The following setbacks and separation requirements shall apply to all wind turbines; provided, however, that the committee may reduce the standard setbacks and separation requirements if the intent of this article would be better served thereby:

(1) *Inhabited structures.* Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of two times its total height or 1,000 feet.

(2) *Property lines.* Each wind turbine shall be set back from the nearest property line a distance no less than 1.1 times its total height, unless appropriate easements are secured from adjacent property owners, or other acceptable mitigation is approved by the committee.

(3) *Public roads.* Each wind turbine shall be set back from the nearest public road a distance no less than 1.1 times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.

(4) *Communication and electrical lines.* Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
(Ord. of 2-21-2005, § 5.2)

Sec. 50-54. Noise.

(a) *Sound limit.* Audible noise due to wind energy facility operations shall not exceed 50 dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any wind energy facility siting permit.

(b) *Additional limits.* In the event audible noise due to wind energy facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in this subsection shall be reduced by five dBA. A pure tone is defined to exist if the one-third octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dBA for center frequencies of 500 Hz and above, and by eight dBA for center frequencies between 160 Hz and 400 Hz, or by 15 dBA for center frequencies less than or equal to 100 and 125 Hz.

(c) *Ambient noise level.* In the event the ambient noise level (exclusive of the noise from the turbine) exceeds the applicable standard given in subsection (b) of this section, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed 30 miles per hour at the ambient noise measurement location.

(d) *Rounding rule.* Any noise level falling between two whole decibels shall be the lower of the two.

(e) *Waiver requirements.* In the event the noise levels resulting from the wind energy facility exceed the criteria listed in subsection (b) of this section, a waiver to said levels may be granted by the committee provided that the following has been accomplished:

(1) Written consent from the affected property owners has been obtained stating that they are aware of the wind energy facility and the noise limitations imposed by this article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

(2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the county register of deeds office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this article may exist on or at the burdened property.

(Ord. of 2-21-2005, § 5.3)

Sec. 50-55. Minimum ground clearance.

The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 75 feet.
(Ord. of 2-21-2005, § 5.4)

Sec. 50-56. Signal interference.

The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone, or television signals caused by any wind energy facility. If the applicant is a public utility, Wis. Admin. Code § PSC 113.0707 also applies.
(Ord. of 2-21-2005, § 5.5)

Sec. 50-57. Safety.

(a) All wiring between wind turbines and the wind energy facility substation shall be underground.

(b) Wind turbine towers shall be unclimbable up to 15 feet above ground level.

(c) All access doors to wind turbine towers and electrical equipment shall be lockable.

(d) Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.

(e) Security fencing shall be installed to the satisfaction of the town board. All costs of the installation of said security fencing shall be borne by the owner of the wind energy facility including any engineering costs that are incurred by the town in reviewing safety measures including, but not limited to, fencing. An engineer retained by the town, but paid by the wind energy facility, shall inspect all aspects of the wind energy facility for public safety concerns and any costs of the engineer, including accompanying legal fees, shall be paid by the owner of the wind energy facility.

(f) The owner of the wind energy facility shall be responsible to ensure that blade throw is not a safety problem. To this end the engineer retained by the town shall inspect the wind energy facility on an annual basis and all costs of said inspection shall be borne by the owner of the wind energy facility. The owner of the wind energy facility shall be responsible for complying with all safety directives made by the engineer retained by the town.
(Ord. of 2-21-2005, § 5.6)

Sec. 50-58. Abandonment.

In the event that a wind turbine is abandoned for a period of 12 months, all structures associated with the wind energy system shall be reclaimed. All cleanup costs shall be borne by the owner of the wind energy facility and all structures shall be removed so that the area is restored to its natural state. All structures shall be removed to at least six feet below ground level.
(Ord. of 2-21-2005, § 5.7)

Sec. 50-59. Hazardous waste.

The owner of the wind energy facility shall provide to the town on an annual basis a list of all hazardous waste of any nature produced or generated in any manner. The town and the engineer retained by the town shall have the full authority to make any orders concerning the cleanup of said waste. The owner of the wind energy facility shall be responsible for complying with said orders, and all costs generated therein including the town's engineering and legal expenses shall be borne by the owner of the wind energy facility.
(Ord. of 2-21-2005, § 5.8)

Chapter 51

RESERVED

Chapter 52

VEHICLES FOR HIRE*

Article I. In General

Secs. 52-1—52-18. Reserved.

Article II. Taxicabs

Sec. 52-19. License.
Sec. 52-20. Insurance.
Sec. 52-21. Inspection.
Sec. 52-22. Additional regulations.
Sec. 52-23. Nonapplicability.
Sec. 52-24. Passenger refusal to pay.
Sec. 52-25. Revocation of license; appeal.

***State law reference—**Municipal authority license taxicab operators and taxicabs, Wis. Stats. § 349.24.

ARTICLE I. IN GENERAL

Secs. 52-1—52-18. Reserved.

ARTICLE II. TAXICABS

Sec. 52-19. License.

(a) *Required.* No person, firm or corporation shall regularly transport passengers to the town or engage in the business of operating taxicabs or other vehicles for transportation of persons for hire within the town without having a valid license from the town for each cab or vehicle operated. No person shall drive an unlicensed cab within the town for hire.

(b) *Application.* Application for the licensing of a taxicab business shall be filed with the town clerk, together with a tendered license fee prorated on the basis of the annual license fee set forth in subsection (d) of this section, should each remaining portion of the calendar license year be less than 11 months. The town clerk shall present such application to the town board at its next regular meeting and the board shall consider such application and shall instruct the town clerk to issue the license or dismiss the application upon a majority vote of the council.

(c) *Criterion for granting license.* No license for taxicab business based on a new application therefor shall be issued except upon a showing that the available transportation facilities are not adequate to meet the public need and that the applicant is proper and able to furnish it.

(d) *Expiration; fee.* The license for any cab shall expire on July 1 following its issue, and the fee for the privilege of engaging in the taxicab business and the licensing of one cab shall be $25.00 for a year or any fraction thereof and $5.00 for each additional cab licensed.

Sec. 52-20. Insurance.

(a) *Requirements.* It shall be unlawful to operate a vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposit with the town clerk a certificate of liability insurance for the vehicles for which licenses are sought, said certificate of liability insurance to be acceptable and approved by the town clerk and issued by a company authorized to do business in the state, indemnifying the applicant in the amount of $500,000.00 for damage to property, and $500,000.00 for injury to one person and $1,000,000.00 for injury to more than one person caused by the operation of said vehicles in the town.

(b) *Cancellation.* Each taxicab insurance policy shall contain a provision that the same may not be cancelled before the expiration of its term except upon 30 days' written notice to the town. Every day upon which any vehicle is operated for the conveyance of passengers for hire or when a taxicab or cab or similar transportation is offered to the public without an insurance policy as required herein being in effect and on file with the town clerk shall be deemed a separate violation. The cancellation or other termination of any insurance policy issued in

compliance with this section shall automatically revoke and terminate all licenses issued for the taxicab covered by such insurance policy, unless another policy shall be provided and in effect at the time of such cancellation or termination.

State law reference—Minimum insurance levels, Wis. Stats. § 194.41.

Sec. 52-21. Inspection.

(a) *Required annually.* No vehicle shall be licensed until it has been annually examined by a reputable automobile repair facility and found to be in a thoroughly satisfactory and safe condition for the transportation of passengers, clean, of good appearance and well painted. The county sheriff's office shall determine whether said vehicle complies with all the other provisions of this chapter. If such examination and inspection shows that vehicle does not comply with any of the provisions of this section, no license shall be issued. At the request of the county sheriff's office, the taxicab owners shall take their vehicles to a reputable garage for an independent inspection at the owner's expense.

(b) *Approval by sheriff's department.* No taxicab shall be licensed until the county sheriff's department has approved that:

(1) The horn, footbrake, windshield, rear vision mirror, fenders, exhaust system, windshield wipers, emergency brake, directional signals, speedometer, license lamps, tires, headlamps, stop lamps and tail lamps are in legal working order as required by the state motor vehicle code;

(2) The taxicab is in generally safe, sanitary and reliable condition.

(c) *Disclaimer of liability.* The inspection required by this section is only an inspection of the taxicab's exterior and passenger areas and shall not be a thorough mechanical inspection of the taxicab. Nothing in this section shall be interpreted as relieving the owner or operator of a taxicab from any and all liability arising from any unsafe, unsanitary, unreliable or illegal conditions existing in his taxicab, whether or not such conditions are discovered or omitted by the inspections required herein. This section shall not be interpreted as creating a duty or liability on the part of the town, the county sheriff's department or any employee or agent of the town to any person.

(d) *Authority of law enforcement officers to inspect; prohibit use.* Any law enforcement officer of this town may, at all reasonable times, inspect any cab or public hack under such taxicab business license and may prohibit the use of any cab which is unsafe or not in proper repair.

Sec. 52-22. Additional regulations.

(a) *Licenses nontransferable.* Licenses issued or granted under this chapter shall be nonassignable and nontransferable.

(b) *Information card to be displayed.* A card containing the name of the owner, license number, the number of the vehicle and rates of fare printed thereon shall be placed and at all times kept in a conspicuous place inside such vehicle.

(c) *Liability of licensee.* Any licensee shall be liable for any violations of ordinances or statutes by any and all persons operating taxicabs under its license.

(d) *Number of passengers.* No licensee or person driving a taxicab shall carry or permit to be carried in any such vehicle more than the number of persons specified in the license applicable to such vehicle.

(e) *Further restrictions.* Any licensee hereunder shall be subject to such further regulations and restrictions as may be imposed at any time by the town board.

(f) *Posting rates.* Any person operating a taxicab shall at all times prominently post and display in the taxicab, so they are visible to the passengers therein, the rates of fares for the use of the cab.

(g) *Marking.* Every taxicab shall be distinctly marked on two sides, in letters not less than 1½ inches in height, with the words "Taxicab" together with the licensee's name.

Sec. 52-23. Nonapplicability.

This chapter shall not apply to persons, firms or corporations engaged in the business of carrying passengers for hire both interstate and intrastate between regularly established points and on regularly established time schedules, nor to the operator of a motor vehicle engaged in the business of transporting school students for hire.

Sec. 52-24. Passenger refusal to pay.

No person who has been transported by a taxicab shall refuse to pay the fare for such transportation as such fare is shown on the taximeter or zone meter, or as is stated on the rate card posted in the taxicab.

State law reference—Misappropriation by refusal to pay taxicab fare, Wis. Stats. § 943.21.

Sec. 52-25. Revocation of license; appeal.

(a) *Revocation.* Licenses granted under section 52-19 may be suspended or revoked at any time by the county sheriff for any violation of this chapter. When a taxicab license is revoked or cancelled as herein provided, the county sheriff shall immediately notify the owner to cease at once to operate the vehicle for which the license has been revoked as a taxicab.

(b) *Appeals.* Any person who received a revocation of license and objects to all or part thereof may appeal to the town board within seven days of the receipt of the order and the town board shall hear such appeal within 30 days of receipt of such written notice of the appeal. After such hearing, the town board may reverse, affirm or modify the order or determination.

Chapter 53

RESERVED

Chapter 54

ZONING*

Sec. 54-1. Violation.
Sec. 54-2. Fine.
Sec. 54-3. Definitions.
Sec. 54-4. Minimum single lot and building size.
Sec. 54-5. Minimum lot footage.
Sec. 54-6. Violation.
Sec. 54-7. Parcels with residences constructed before ordinance enacted.
Sec. 54-8. Town board to have final authority on subsequent divisions.
Sec. 54-9. Application; fee; appearance required to request changes.
Sec. 54-10. Fee to be paid prior to meeting.

*__State law reference—__Municipal zoning authority, Wis. Stats. § 60.61.

Sec. 54-1. Violation.

A violation of this chapter shall permit the town to obtain an injunction from the circuit court of the county preventing any person from placing an obstruction in the clear zone and allowing for the renewal of the obstruction from the clear zone.
(Comp. Ords. 1997, § 254.002; Ord. No. 94-5, § 2, 7-19-1994)

Sec. 54-2. Fine.

The town shall also be permitted to fine any violators of the clear zone an amount in the discretion of the town board not to exceed $200.00. Furthermore, the town shall be entitled to reimbursement for any attorney's fees incurred to enforce the clear zone.
(Comp. Ords. 1997, § 254.003; Ord. No. 94-5, § 3, 7-19-1994)

Sec. 54-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clear zone means the area from the centerline of any town or county road to a line 65 feet from the centerline of the road. The boundary of the clear zone opposite the centerline of the road shall at all times be 65 feet from the centerline of the road and said line shall run parallel to the centerline of the road.
(Comp. Ords. 1997, § 254.001; Ord. No. 94-5, § 1, 7-19-1994)

Sec. 54-4. Minimum single lot and building size.

(a) The minimum single lot size for construction of a dwelling or a building in the town shall be 35,000 square feet. Any building, dwelling, or structure built prior to the effective date of the ordinance from which this chapter is derived shall not be affected hereby.

(b) No one shall be permitted to erect or construct a dwelling or building on a lot that is less than 35,000 square feet.
(Comp. Ords. 1997, § 252.010; Ord. No. 41, § 1.0, 12-15-1992)

Sec. 54-5. Minimum lot footage.

No duplex shall be built on a lot of less than 50,000 square feet unless a conditional use permit is granted by the town board.
(Comp. Ords. 1997, § 256.002; Ord. No. 96-2, § 2, 7-16-1996)

Sec. 54-6. Violation.

Any person who violates this chapter shall be required to remove his structure from the lot and shall be responsible for all the town's costs and disbursements, including actual attorney's fees incurred in enforcing this chapter.
(Comp. Ords. 1997, § 256.003; Ord. No. 96-2, § 3, 7-16-1996)

Sec. 54-7. Parcels with residences constructed before ordinance enacted.

A one-acre to three-acre lot for farm consolidation may be created from an existing residence, and associated accessory structures shall be permitted, if the residence in question was constructed prior to the enactment of the January 15, 1975, county zoning ordinance and the parcel remaining contains a minimum of 35 contiguous acres.
(Ord. of 12-12-2005(2))

Sec. 54-8. Town board to have final authority on subsequent divisions.

The town board shall have final decision-making authority as to whether or not to allow an already subdivided lot to be divided again. Said decision shall be made in conformity with any other ordinances of the town and shall specifically follow the directives and goals stated in the town's master plan.
(Ord. of 3-12-2007)

Sec. 54-9. Application; fee; appearance required to request changes.

Any person requesting a zoning change, land split, and/or a conditional use permit pertaining to real estate located within the town shall file an application along with the proper fee to schedule an appearance before the plan commission and the town board. If the plan commission or town board need to make a site view of the property that is subject to the possible change, the applicant will also pay a per diem for each member that attends the viewing.
(Comp. Ords. 1997, § 253.002; Ord. No. 94-1, § 2, 2-15-1994)

Sec. 54-10. Fee to be paid prior to meeting.

The fee required in section 54-9 shall be paid prior to the meeting at which the town board will consider the zoning change and/or conditional use permit.
(Comp. Ords. 1997, § 253.003; Ord. No. 94-1, § 3, 2-15-1994)

APPENDIX A

TABLE OF CITATION ASSESSMENTS*

*__Editor's note—__Printed herein is the town's Table of Citation Assessments that was formerly part of section 2-477, as amended, as indicated by parenthetical history notes following the table.

APPENDIX A—TABLE OF CITATION ASSESSMENTS

Table of Citation Assessments

Reference Section	*Provisions Violated*	*Cash Deposit*	*Costs*	*Penalty Surcharge*[1]	*Total*
4-206/4-240	Sale of fermented malt beverages to minors	$50.00	$5.00	$6.00	$61.00
4-291	Consumption and possession of intoxicants in public	40.00	5.00	4.80	49.80
8-317	Regulations regarding dogs, not involving personal injury	10.00	5.00	1.20	16.20
8-317	Regulations regarding dogs, involving personal injury	30.00	5.00	3.60	38.60
8-317	Regulations regarding dogs, re-repeater	30.00	5.00	3.60	38.60
12-31	Regulations regarding junk dealers	70.00	5.00	8.40	83.40
14-2	Regulations regarding civil defense	50.00	5.00	6.00	61.00
26-6	Regulations regarding mobile homes	50.00	5.00	6.00	61.00
28-19	Offenses against property, non-repeater	50.00	5.00	4.80	59.80
28-19	Offenses against property, repeater	100.00	5.00	9.60	114.60
28-42	Offenses against public health and safety, non-repeater	50.00	5.00	3.60	58.60
28-42	Offenses against public health and safety, repeater	100.00	5.00	7.20	112.20
36-117	Regulations regarding accesses and culverts	200.00	7.00	24.00	231.00
40-106	Regulations regarding dumping	300.00	10.00	45.00	355.00
40-131	Regulations regarding littering, non-repeater	20.00	5.00	2.40	27.40
40-131	Regulations regarding littering, repeater	40.00	5.00	4.80	49.80
48-21	Traffic regulations	As established by annual judicial conference as provided in Wis. Stats. § 345.26.			
48-49	Parking regulations, non-repeater	20.00	5.00	2.40	27.40
48-49	Parking regulations, repeater	40.00	5.00	4.80	49.80

[1]Term changed from "penalty assessment" to "penalty surcharge" in conformity with state statutes.

(Comp. Ords. 1997, § 94.003; Ord. No. 12, § 3, 11-6-1979; Ord. No. 19, § 3, 4-21-1981)

CODE COMPARATIVE TABLE

1997 COMPILED ORDINANCES

This table gives the location within this Code of those sections of the 1997 Compiled Ordinances, as supplemented, which are included herein. Sections of the 1997 Compiled Ordinances, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances included herein, see the table immediately following this table.

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CODE COMPARATIVE TABLE

ORDINANCES

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STATE LAW REFERENCE TABLE

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