
Town of Bristol

Code of Ordinances

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Chapter 1

General Government & Administration

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Section 1.1.0 Public Records Management & Retention Ordinance.

PUBLIC RECORDS MANAGEMENT AND RETENTION ORDINANCE

Town of Bristol

Section 1 PURPOSE

The purpose of this Chapter of the Town of Bristol Municipal Code is to specify the manner in which public records are to be managed, to establish retention periods for certain Town Records and to allow access to Records to the same extent, and in the same manner, as allowed by state law.

Section 2 DEFINITIONS

- (1) "Legal Custodian" means the individual responsible for maintaining records pursuant to § 19.33, Wisconsin Statutes.
- (2) "Record" has the meaning defined in §19.32(2), Wisconsin Statutes.
- (3) "Requester" has the meaning defined in §19.32(3), Wisconsin Statutes.
- (4) "Retention Period" is the minimum required period of time that a document will be maintained as described in §4 of this Ordinance.

Section 3 LOCATION FOR AND MAINTENANCE OF RECORDS.

- (1) All town records shall be maintained, stored and kept at the Town Hall.
- (2) Officials and employees who need to use town records outside of the Town Hall for a bona fide reason may make copies of those records. If that is impractical, an officer or employee may check records out, but only by approval of the Town Board for limited terms and purposes designated by the Town Board.
- (3) The following records shall be stored in the Town Hall vault for security and fire protection purposes:
 - (a) blank checks;
 - (b) vouchers;
 - (c) tax bills;
 - (d) receipts;
 - (e) financial statements;
 - (f) bonds;
 - (g) bank statements;
 - (h) original town board minute books;

- (i) files related to court cases;
 - (j) original ordinances;
 - (k) orders, certificates, deeds, or titles to property;
 - (l) Back-up copies of the contents of computer files;
 - (m) Invoices and bills;
 - (n) Audit reports;
 - (o) Other records designated from time to time by the Town Board.
- (4) The Town of Bristol's Legal Custodians shall maintain all Records for the Retention period, and for any additional time period as described in §6, below, if applicable.
- (5) Thereafter, after the State Historical Society has waived receipt of the Records (see §5, below), the Legal Custodian may destroy the Records.
- (6) The Town Board finds that preservation of the integrity, efficient organization and accuracy of the records which are to be stored in the Town Vault under subsection (1) above are vital to public accountability and the fiscal integrity of the town. Therefore, direct access to all such records shall be limited to the Clerk, Treasurer and Chairperson, and other persons designated by the Town Board. This section does not allow denial of inspection of any record, but merely provides that access to the vault to obtain and produce records for inspection shall be limited to the persons authorized to access the vault.

Section 4 RETENTION PERIOD

The Town of Bristol Board of Supervisors, by separate Resolution, shall adopt a schedule which describes the minimum time periods for which Records shall be maintained by a Legal Custodian of the Town of Bristol. Said Resolution may be amended from time to time, as described below, and the Resolution and any amendments thereto are incorporated herein by reference.

The initial Retention Schedule Resolution that is adopted contemporaneously with this ordinance has been reviewed and approved along with this ordinance by the State of Wisconsin Public Records and Forms Board. The Retention Schedule Resolution shall not be modified in a manner that reduces the retention periods described in the initial Retention Schedule Resolution, or which adds additional documents to the schedule, unless those reductions or retention periods for additional documents are first reviewed and approved by the Wisconsin Public Records and Forms Board.

Any Record that is not described in the Retention Schedule shall be maintained for a minimum of seven (7) years, and may be destroyed thereafter unless a longer retention period is required by § 6, below, or by state statute, rule, or other applicable law

Section 5 NOTICE TO STATE HISTORICAL SOCIETY

The Wisconsin State Historical Society has waived the notice that would otherwise be required prior to destruction of certain Records as described in the Retention Schedule. The Retention Schedule Resolution shall not be modified in a manner that waives notice to the Wisconsin State Historical Society, or which adds additional documents to the schedule and waives notice of their destruction, unless those waivers are first reviewed and approved by the Wisconsin Public Records and Forms Board and the Wisconsin State Historical Society.

In the event that the Retention Schedule does not specifically note the Wisconsin State Historical Society's waiver regarding any particular Record, then the Wisconsin State Historical Society must be given sixty (60) days written notice prior to destruction of the Record, as described in § 19.21 (4) (a), Wisconsin Statutes.

Section 6 ADDITIONAL RETENTION PERIODS

In addition to the retention period described in the Retention Schedule, Records shall be maintained for the following additional time periods:

1. A Record that is existing at the time of a request shall not be destroyed until after the request is granted, or in the event the request is denied until at least the time period described in §19.35(5), Wisconsin Statutes has passed from the date of the denial.
2. A Record that is existing at the time that the Legal Custodian receives written notice that a mandamus action relating to the record has been commenced pursuant to §19.37, shall not be destroyed until the final court order is issued in the action and the appeals are exhausted, as further described in §19.35(5), Wisconsin Statutes.
3. A Record that is known by the Legal Custodian to be relevant to litigation or audit that is pending at the time that the Record would otherwise be destroyed, shall not be destroyed until the litigation or audit is resolved.

Section 7 REPRODUCED ORIGINAL RECORDS

Records may be kept and preserved through the use of microfilm or another reproductive device, optical imaging, electronic formatting, or any other reproduction format authorized by §19.21(4) (c), Wisconsin Statutes, and said reproduction shall be deemed an original record for all purposes, in accordance with § 19.21(4) (c), Wisconsin Statutes.

Section 8 PUBLIC ACCESS

All Records maintained by a Legal Custodian shall be made available for inspection, copying, or other use that is authorized by state law, to the same extent as allowed by Wisconsin state statutes, including, but not limited to, §19.35, Wisconsin Statutes, and in the same manner.

The Town of Bristol does not maintain a full-time office staff. Therefore, public records shall be made available for inspection during the regular hours when the Town Hall is staffed, which shall be determined by the Town Board by resolution. Other arrangements to facilitate the inspection of records may be made by the custodian of the records.

Section 9 PHOTOCOPYING CHARGES

A Requester shall pay a fee of twenty-five cents (\$0.25) per page for a photocopy of a Record, unless the Requester is specifically excluded from payment of the fee by state law. The Requester also shall pay such other fees as may be charged pursuant to state law, including, but not limited to, §19.35(3), Wisconsin Statutes.

Section 10 STATUTES INCORPORATED

All state statutes incorporated or referenced herein shall be deemed to include all subsequent amendments, repeals, and re-numbering that may be enacted regarding the same, in order to ensure uniform statewide regulation of public records.

Dated November 5, 2001

Section 1.2.0 Ordinance Establishing Appointed Clerk/Treasurer Position.

ORDINANCE ESTABLISHING APPOINTED CLERK/TREASURER POSITION FOR TOWN OF BRISTOL

WHEREAS, the annual meeting of the Town of Bristol voted on April 10, 2002, to direct that the office of Clerk and that of Treasurer be combined, and further, that said offices be appointed:

WHEREAS, the town meeting has the authority to take that decision pursuant to sec. 60.10, Wis. Stats., and the Town Board being informed that the implementation of such action requires the adoption of an ordinance by the Town Board;

NOW, THEREFORE, the Town Board of the Town of Bristol does hereby ordain as follows:

Article 1: There is created the office of Clerk/Treasurer of the Town of Bristol. The Clerk/Treasurer shall have all of the responsibilities and duties delegated to the Town Clerk and the Town Treasurer by the various provisions of the Wisconsin Statutes. Further, the Clerk/Treasurer shall perform other duties assigned by the Town Board.

Article 2. The position of Clerk/Treasurer shall be filled by appointment of the Town Board of the Town of Bristol. The first such appointment shall be made no later than June 9, 2002. The person so appointed shall serve a term not to exceed three (3) years. The Town Board shall, not less than sixty (60) nor more than one hundred twenty (120) days before the expiration of the term of the incumbent Clerk/Treasurer adopt a resolution or motion indicating whether or not the Town intends to reappoint the incumbent Clerk/Treasurer for another term.

Article 3. This ordinance shall be effective upon its adoption and posting.

Dated May 20, 2002.

Section 1.3.0 Ordinance Creating a Plan Commission for the Town.

AN ORDINANCE TO CREATE A PLAN COMMISSION FOR THE TOWN.OF BRISTOL, DANE COUNTY, WISCONSIN

The Town Board of the Town of Bristol, Dane County, Wisconsin, do ordain as follows:

An ordinance providing for a Plan and Zoning Commission for the Town of Bristol is hereby created, pursuant to Wisconsin State Statute 62.23 (1) (a), to read as follows,
to wit:

SECTION I. CREATION

Pursuant to Sections 60.18 (12), 61.35 and 62.23 of the Wisconsin Statutes, there is hereby created a "Plan And Zoning Commission" for the Town of Bristol, Dane County, Wisconsin, with the powers, duties and qualifications as set forth in this Ordinance: and in Section 62.23 of the Wisconsin Statutes.

SECTION II. MEMBERSHIP

The Plan and Zoning Commission shall consist of one member of the Town Board and four citizen members.

Three citizen members shall be appointed including a designated Chairman at the May Town Board meeting each even numbered year, to hold office for a period of two years. One citizen member and one Town Board member shall be appointed at the May Town Board meeting during each odd numbered year to hold office for a period of two years. •

Whenever a vacancy shall occur in the term of any citizen or Board member, a citizen or Board member shall be appointed by the Town Chairman and confirmed by the Board to fill such unexpired term.

SECTION III. OFFICERS

The members of the Plan and Zoning Commission shall elect a secretary from among its membership and shall keep a public record of its resolutions, actions, findings and determinations.

SECTION IV. FUNCTIONS

The Plan and Zoning Commission shall have the following functions}

- a. To make, adopt and review a Master Plan showing the Commission's recommendations for the development of the Town. The purpose of the plan shall be to guide and accomplish a coordinated and harmonious development of the Town which will, in accordance with the existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.
- b. To make reports and recommendations to the Town Board relating to the planning and zoning changes,

SECTION V. EFFECTIVE DATE

This Ordinance shall take effect on the day after the proof of posting in at least three public places in the Town of Bristol is duly filed and recorded by the Town Clerk, which person is specifically directed to post this Ordinance in accordance with the requirement of law.

SECTION VI. SEVERABILITY

If any section, service or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Adopted: March 1, 1982.

Section 1.4.0 Ordinance Adopting Town Comprehensive Plan.

TOWN OF BRISTOL ORDINANCE AMENDMENT ADOPTING TOWN LAND USE PLAN AS ORDINANCE

The Town Board of Supervisors of the Town of Bristol does hereby ordain as follows:

Article 1. The Town of Bristol finds that the Land Use Plan previously adopted by the Town after due study by the Plan Commission and a public hearing, should be enacted as an ordinance to memorialize the Plan as a basis for land use decision making by the Town of Bristol.

Article 2. That certain Land Use Plan adopted by the Town Board of the Town of Bristol, a copy of which is attached hereto, is hereby adopted as an ordinance of the Town of Bristol, which shall be in effect throughout the Town until such time as it is modified or repealed.

Dated this 20th day of May, 2002.

Section 1.5.0 Ordinance Allowing Split Shifts for Poll Workers.

ORDINANCE ALLOWING SPLIT SHIFTS FOR ELECTION POLL WORKERS

Pursuant to WI Stat. 7.30 (1), the Town of Bristol shall hereby allow for the selection of two or more sets of officials to work at different times on election days and permit the Clerk or his/her designee to establish different working hours for different officials assigned to the same polling place.

Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of the polling place(s).

This ordinance shall be effective upon its adoption and posting.

Dated this 7th day of October, 2002.

Chapter 2

Fiscal Management

- 2.1.0 Ordinance Establishing Fee Schedule for Zoning & Planning Petitions and Tax Records Searches
- 2.2.0 Ordinance Assuming Responsibility of Treasurer
- 2.3.0 Ordinance Relating to Confidentiality of Income & Expenses Provided to Assessor for Assessment Purposes
- 2.4.0 Administration of General Relief in the Town of Bristol (Obsolete)

Sec. 2.1.0 Ordinance Establishing Fee Schedule for Zoning & Planning Petitions and Tax Records Searches .

ORDINANCE ESTABLISHING FEE SCHEDULE FOR ZONING AND PLANNING PETITIONS AND TAX RECORDS SEARCHES BY THE TOWN OF BRISTOL

WHEREAS, THE Town of Bristol incurs substantial expense in connection with petitions for zoning changes, certified survey maps, or plats, and for searching Town records for taxes and special assessments;

WHEREAS, these costs include staff time spent on searching records, receiving and reviewing the petitions, scheduling public hearings, publishing legal notices and holding meetings on the petitions;

WHEREAS, the Town Board has determined that it is in the best interests of the Town to recover a portion of the costs incurred by the Town from the petitioners or requestors;

NOW, THEREFORE, the Town Board of the Town of Bristol does hereby ordain as follows:

Article 1: The following schedule of fees is hereby imposed:

1. For a petition for rezoning of a parcel, two hundred fifty dollars (\$250.00).
2. For a certified survey map, two hundred fifty dollars (\$250.00).
3. For a plat, two hundred fifty dollars (\$250.00) plus twenty five dollars (\$25) per lot. In addition to the fees stated above, the Town may engage the services of an engineer, attorney, planner or other expert to advise the Town on the merits of the petition, and the petitioner shall reimburse the Town for all such expenses incurred.
4. For a search of Town records to determine whether or not there are outstanding special assessments, charges or delinquent taxes, twenty five dollars (\$25.00).
5. If a special meeting of the Plan Commission or the Town Board is requested by a petitioner to meet a deadline, the petitioner shall pay five hundred dollars (\$500.00).

Article 2: This ordinance shall be effective upon its adoption and posting.
Dated this 20th day of May, 2002.

Sec. 2.2.0 Ordinance Assuming Responsibility of Treasurer

ORDINANCE ASSUMING RESPONSIBILITY OF TREASURER

Whereas, Subsection (2) of Section 70.67 of the 1951 Wisconsin Statutes provides that the Treasurer of each town or village shall be exempt from filing the bond or bonds provided under Section 70.67 (1) upon the condition that the governing body thereof shall by Ordinance obligate such municipality to pay, in case the Treasurer thereof shall fail to do so, all taxes required by law to be paid by such Treasurer to the County Treasurer. Now therefore:

The Town Board of the Town of Bristol, Dane County, Wisconsin, does ordain as follows: That pursuant to Section 70.67 (2) Wisconsin Statutes of 1951 do, and hereby does, obligate the said Town of Bristol to pay in case the Treasurer thereof shall fail to do so, all taxes required by law to be paid by such Treasurer to the County Treasurer for the taxes of 2003 and for each year thereafter unless or until this ordinance is repealed by the Town of Bristol Town Board.

Dated this 8th day of December 2003.

Sec. 2.3.0 Ordinance Relating to Confidentiality of Income & Expenses Provided to Assessor for Assessment Purposes

ORDINANCE RELATING TO CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED TO ASSESSOR FOR ASSESSMENT PURPOSES

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

Adoption. This ordinance adopts by reference sec. 70.47(7)(af), Wis. Stats. 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 sec. 19.35(1), Wis. Stats.

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

- A. The assessor has access to such information in the performance of his/her duties;
- B. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
- C. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- D. The officer is complying with a court order:

- E. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under sec. 74.37, Wis. Stats., in which case the base records are open and public.

Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Effective Date. This ordinance shall take effect immediately upon passage and posting (or publication) as provided by law.

Adopted this 20th day of May, 2002, by the Town Board of the Town of Bristol.

Sec. 2.4.0 Administration of General Relief in the Town of Bristol

This section is obsolete. Historical copies of the policy are kept at the Bristol Town Hall and will be made available upon request.

Chapter 3

Licenses & Permits

- 3.1.0 Adult Entertainment Taverns
- 3.2.0 Ordinance Related to Controlling Undesirable Activities In the Vicinity of Licensed Taverns
- 3.3.0 Ordinance Establishing Reserve Liquor License Fee Grant Program

Sec. 3.1.0 Adult Entertainment Taverns.

ADULT ENTERTAINMENT TAVERNS

FINDINGS.

The First Amendment of the United States Constitution protects the rights of individuals to present adult entertainment which includes nude dancing, nude entertainment or material with themes or content of a sexual nature. The Town of Bristol may not, and does not desire to, interfere with the right of individuals to present or to attend adult entertainment.

Individuals in the Town of Bristol who do not choose to present or attend adult entertainment also have constitutionally protected rights to privacy and security in their property. The Town and broader community have an interest in maintaining order and preventing negative effects from any business which will generate substantial customer volume, automobile traffic and impacts on neighboring properties. These concerns cannot and do not justify forbidding the expression of protected ideas or entertainment. But these concerns do require that the Town exercise its police powers to assure that the exercise of First Amendment rights is not conducted to the detriment of the rights of others.

The Town of Bristol has several existing establishments which are zoned and licensed for the service of alcoholic beverages. Those establishments were zoned and licensed some time ago before the Town engaged in land use planning aimed at resolving potential conflicts between land uses, and before the Town adopted ordinances related to public peace and good order.

In order to assure that adult entertainment establishments may operate without adversely impacting the community, and, therefore, to make it possible for individuals to exercise their First Amendment rights, the Town of Bristol finds that it is necessary and appropriate to adopt a licensing ordinance which allows the Town to assure that adult entertainment establishments are operated in a fashion which does not cause unacceptable impacts on the rights of others.

NOW, THEREFORE,

The Town Board of the Town of Bristol does hereby ordain as follows:

(1) Definitions. For the purpose of this section, the following words and phrases shall mean:

- (a) Adult Entertainment Taverns. An adult entertainment tavern is any establishment licensed to sell fermented malt beverages or intoxicating liquor pursuant to Chapter 125 of the Wisconsin Statutes which is used for adult entertainment.

(b) Adult Entertainment shall mean presentations or distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, buttocks or anus; or a female's vulva or breasts below the top of the areola ; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or the simulation of any sexual acts prohibited by Wis. Statutes.

(c) Booths, cubicles, rooms, compartments or stalls separate from the Town areas of the premises shall mean any area separated, set off, divided, demarcated or isolated by walls, screens, plants, structures, fixtures or equipment, from the remaining bar room or rooms. The phrase "booths, cubicles, rooms, compartments or stalls separate from the Town areas of the premises" does not mean enclosures which are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment.

(d) Board. The Town Board of the Town of Bristol.

(e) Operator. Any person, partnership, corporation, or other entity operating, managing, renting, conducting, maintaining or owning any adult entertainment establishment, or adult entertainment tavern.

(2) License.

(a) Except as provided in Subdivision (d) below, from and after the effective date of this ordinance, no adult entertainment tavern shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town.

(b) A license may be issued only for one adult entertainment establishment or adult entertainment tavern located at a fixed and certain place. Any person who desires to operate more than one adult entertainment establishment or adult entertainment tavern must have a license for each.

(c) No license or interest in a license may be transferred to any person.

(d) All adult entertainment establishments or adult entertainment tavern existing at the time of the passage of this ordinance must submit an application for a license within thirty (30) days of the passage of this ordinance. If an application is not received within such thirty-day period, then such existing adult entertainment establishment or adult entertainment tavern shall cease operations.

(3) Application for License.

(a) Any person desiring to secure a license shall make application to the Town Clerk. The application shall be filed in quadruplicate with and dated by the Town Clerk. A copy of the application shall be distributed promptly by the Town Clerk to the Town Chairperson, the Dane County Sheriff, the County Health Department, the County Zoning Administrator, to the applicant, and to the entire Town Board.

(b) The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:

1. Name, address and business phone number, fax number and email.
2. Written proof that the individual is at least eighteen (18) years of age.
3. The address of the adult entertainment establishment or adult entertainment tavern to be operated by the applicant.

4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent.
 5. The names and contact phone numbers of individuals who may be contacted at any time, 24 hours per day, to respond to concerns of an immediate nature about operations at the Adult Entertainment Tavern which require an immediate response.
- (d) The Clerk shall review the application to determine whether it is complete and the proper fee has been paid. If the application is complete and the fee has been paid, the Clerk shall call a special Town Board meeting to be held within the seven (7) calendar day period following submission of a complete application. Holidays shall be excluded from the computation of the seven (7) day period.
- (e) A license shall be issued automatically unless the Town Board, within seven days after the date the application is referred to the Board by the Clerk, determines that there are grounds upon which the license may be denied. The Town Board shall review the application and determine whether the proposed Adult Entertainment Tavern meets the requirements of this Ordinance.
- (f) Whenever an application is denied or a license is not renewed, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held within ten (10) days thereafter before the Board. If a public hearing is requested, it shall be held within ten (10) days thereafter before the Board.
- (g) The Board shall make a determination on the suspension or revocation of the license within ten (10) days of the scheduled public hearing and shall provide notification of the determination in writing to the licensee within five (5) days of the determination. The notification shall contain reasons for the suspension and/or revocation of the license.
- (h) Judicial review by certiorari may be sought within thirty (30) days of a decision issued pursuant to Ch. 68, Wis. Stats. If a licensee makes a timely appeal of the Board's determination to suspend or revoke a license, no suspension or revocation shall be effective until a final decision is rendered pursuant to Ch. 68, Wis. Stats.
- (i) Failure or refusal of the applicant to provide any information requested in the course of investigation of the application shall be grounds for administrative denial thereof by the Town Clerk, provided that the applicant shall have been given written notice that failure to provide specified information will result in denial of the application.

(4) Standards for Issuance of License. To receive a license to operate an adult entertainment establishment or adult entertainment tavern, the applicant and the proposed Adult Entertainment Tavern must meet the following standards:

- (a) Standards related to the applicant. The applicant, in the case of a sole proprietorship, all partners in the case of a partnership, and all shareholders in the case of a corporation, must meet be at least eighteen (18) years of age.
- (b) Standards related to the facility. The applicant must demonstrate that the property and the building can meet the following physical standards:
1. The property shall have at least one parking stall for every two patrons it is capable of seating at its maximum safe fire limit.
 2. The building shall have a determined safe fire limit for occupancy calculated by the Fire Department based upon the square footage and physical characteristics of the building. The occupancy limit shall be communicated to patrons and employees by signs posted at the entrance and in the facility.
 3. No area of the building may be made available for customers, patrons for the private viewing of any adult entertainment.

4. All portions of the building except rest rooms and areas which are off limits to patrons shall be accessible to and from aisles and public areas of the adult entertainment tavern and shall be unobstructed by any door, lock or other control-type devices.
5. The lighting level of each booth, room or cubicle when not in use shall be a minimum of ten (10) foot candles at all times as measured from the floor.
6. There shall be a separate entrance for employees and entertainers.
7. There shall be a video monitoring system by which the operator can continuously monitor activities outside the building but on the property and any parking areas.
8. The tavern may not have flashing lights, neon signs other than signs provided by manufacturers of alcoholic beverages, or decorative lighting other than illumination of parking lots, walk ways and entrances.
9. The interior of the tavern shall be not be visible from the exterior, including at times when entry doors are open.
10. The tavern shall place waste receptacles near the entrances to the tavern to discourage carrying any litter out of the building.
11. The signage for the tavern may not include any depictions of nudity, and may refer to the tavern only as an "adult entertainment tavern" or "gentleman's club."
12. The tavern shall be sound-insulated, and sound levels controlled to the levels specified in this ordinance.
13. The operator shall, if requested by the Dane County Department of Public Health, post a sign of reasonable size, providing information concerning sexually transmitted diseases if the sign also includes information on how to obtain counseling, treatment, diagnosis or services related to sexually transmitted diseases.

(c) Standards related to operations of the adult entertainment tavern. The applicant must demonstrate the following operational capabilities and resources:

1. The level of sound audible at the property line of the tavern may not exceed 70 decibels from 12 noon to 10 p.m. or 60 decibels from 10 p.m. to 12 noon.

(5) Prohibited activities.

1. No patron of the tavern may engage in any type of sexual activity, cause any bodily discharge or litter while in the tavern or its parking areas.
2. The tavern may not sell condoms or sexual aids, either directly or through vending machines.
3. Patrons of the tavern may not be in a motor vehicle which is located on the premises of the tavern for more than one minute.
4. Patrons of the tavern may not be in a motor vehicle which is located on the premises of the tavern with a employee of the tavern or an entertainer who has performed or will perform at the tavern.
5. Patrons of the tavern may not be allowed to congregate at or near the separate entrance for employees or entertainers.
6. Patrons may not remain on the premises of the building for more than three minutes after exiting the building.
7. The tavern shall cease admitting patrons at such time as all off street parking is full.

(6) Fees. A license fee of five hundred dollars (\$500) for an adult entertainment tavern license. If the application is denied, one half of the fee shall be returned.

(6)Display of License. The license shall be displayed in a conspicuous public place in the adult entertainment establishment.

(7) Renewal of License.

(a) Every license issued pursuant to this ordinance shall terminate on June 30 of each year, unless sooner revoked, and must be renewed before operation is allowed on July 1. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in quadruplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed promptly by the Town Clerk to the County Sheriff, the Town Health Department and to the operator. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license.

(b) A license renewal fee of four hundred dollars (\$400) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one half of the total fees collected shall be returned.

(c) If the Town Police Department, Town Health Department, Zoning Administrator or Alcohol License Review Committee are aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Clerk.

(8) Revocation of License.

(a) The Town Board shall revoke a license for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

2. The operator or any employee of the operator violates any provision of this section or any rule or regulation adopted by the Town Board pursuant to this chapter provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

3. The operator becomes ineligible to obtain a license.

4. Any cost or fee required to be paid by this chapter is not paid.

5. Any intoxicating liquor or fermented malt beverage is served or consumed on any premises of an adult entertainment establishment not licensed pursuant to Chapter 125 of the Wisconsin Statutes.

(b) The Board, before revoking or suspending any license or permit, shall give the operator at least ten (10) days written notice of the charges against the operator and the opportunity for a public hearing before the Board. If a public hearing is requested, it shall be held within ten (10) days thereafter before the Board. The Board shall make a determination on the suspension or revocation of the license within twenty (20) days of the scheduled public hearing and shall provide notification of the determination in writing to the licensee within five (5) days of the determination. The notification shall contain reasons for the suspension and/or revocation of the license. Appeal of the written determination of the Board to revoke or suspend a license shall be by judicial review by certiorari, which shall be sought within thirty (30) days of a decision. If a licensee makes a timely appeal of the Board's determination to suspend or revoke a license, no suspension or revocation shall be effective until a final decision is rendered.

(c) The transfer of a license or any interest in a license by the holder thereof shall automatically and immediately revoke the license. If the holder of an adult entertainment tavern license proposes to transfer the alcohol beverage license, the proposed holder of the alcohol beverage license must obtain an adult entertainment tavern license before continuing to provide adult entertainment. The term “transfer” as used in this paragraph shall include sale of shares in a corporate license holder.

(d) Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult entertainment establishment or adult entertainment tavern for one (1) year from the date of revocation of the license.

(10) Operator Responsibility. (a) Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator’s negligent failure to supervise the employee’s conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator’s license shall be revoked, suspended or renewed.

(c) No employee of an adult tavern shall allow any minor to loiter around or to frequent an adult entertainment establishment or to allow any minor to view any activity allowed in an adult entertainment tavern.

(d) The operator shall maintain the premises in a clean and sanitary condition at all times. The operator shall submit a fixed cleaning and sanitizing schedule to the Health Department for approval, and once approved, adhere to that schedule.

(e) The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view any activity in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall be there be less than one (1) foot candle of illumination in such aisles as measured from the floor.

(f) Security personnel, protocols and resources which are shown to be sufficient to keep order in the tavern and the surrounding property.

(g) The applicant must have sufficient personnel that the individuals licensed to serve alcoholic beverages will not be required to leave the bar at any time in order to handle security problems or other situation

(h) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

(11) Patron Responsibility.

(a) No person shall at any time engage in sexual activities, including but not limited to intercourse, fellatio, masturbation, cunnilingus, manual manipulation of the genitals of another, or use of a vibrator or insertion of an object into the anus, vagina or glans of another person, or cause any bodily discharge or litter associated with sexual activity while in the tavern or the property or parking area associated with the tavern.

(c) No person shall remove, destroy, or deface any signs or posters, or destroy or deface any information, brochures, or pamphlets, whether supplied by the Health Department or posted by the operator.

(d) No person shall damage or deface any portion of the building.

(12) Administrative Procedure and Review. This Municipal Code and the Wisconsin Statutes shall govern the administrative procedure and review regarding the granting, denial, renewal, nonrenewal, revocation or suspension of a license.

(13) Exclusions. All private and public schools, as defined in Ch. 115, Wis. Stats., hospitals, medical clinics and public health facilities, located within the Town of Bristol, are exempt from obtaining a license hereunder when instructing pupils or patients/clients in sex education, prenatal, family planning, or child birth classes as part of their curriculum or services.

(14) Enforcement. It shall be the duty of the Health Department, the Building Inspection Unit and the Sheriff’s Department to administer and enforce the provisions of this ordinance. The operator shall afford the

Town building inspector reasonable access to the premises to inspect the same and verify that the Tavern meets the requirements of this ordinance.

(15) Penalty.

(a) In addition to the revocation, suspension or nonrenewal of any license issued under this ordinance, any person found to be in violation of any provision of this ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) and in the case of an operator shall result in the suspension or revocation of any license up to one (1) year.

(b) Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(16) Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of the same. The Town Board directs that all ambiguities in this ordinance be construed in favor of permitting the maximum degree of expression of protect First Amendment activity which is consistent with maintenance of public order, health and safety.

The above ordinance was duly adopted by the Town Board of the Town of Bristol, Dane County Wisconsin, at a regular meeting held on the 10th day of May, 2004.

Sec. 3.2.0 Ordinance Related to Controlling Undesirable Activities In the Vicinity of Licensed Taverns

AN ORDINANCE RELATED TO CONTROLLING UNDESIRABLE ACTIVITIES IN THE VICINITY OF LICENSED TAVERNS

NOW, THEREFORE,

The Town Board of the Town of Bristol does hereby ordain as follows:

FINDINGS. The Town Board finds that taverns licensed for the sale of alcohol beverages have the potential for causing disruption of the privacy and peace of the persons in their immediate vicinity. In order to assure that the operation of taverns does not diminish the property values of adjacent properties or disturb the peace, the Town hereby finds it necessary to adopt the following regulations, which shall be enforced against all licensed establishments based on the extent to which violations occur or may occur, without regard to any activities which occur within such taverns:

(1) The following prohibitions shall apply to all areas which are located within 1,320 feet of any establishment licensed to sell alcoholic beverages.

- (a) Public urination or defecation. No person may urinate or defecate other than in a restroom or privy.
- (b) Trespass. No person may be physically present on the property of another without the consent of an owner or person in charge of the property. This shall specifically include driving a motor vehicle into the driveway of a property without the permission of the owner of the property.
- (c) Parking. No person may park a motor vehicle on the property of another. No person may park a motor vehicle on any portion of a Town road designated and posted as a no-parking zone by the Town Board unless the person is the owner, occupant or guest of a residence which immediately abuts the location where the car is parked.
- (d) Annoyance or harassment of individuals in the vicinity. No person may, in a manner which causes or tends to cause a breach of the peace, call out in a loud voice, engage in

boisterous conduct, make loud or annoying noises, calls, whistles, screams, or undertake other disruptive actions directed at individuals who reside near or are located near a licensed tavern. This section shall not forbid any conduct which is undertaken to express ideas or artistic matters if such expression does not cause or tend to cause a breach of the peace.

- (e) Loitering. No person may, whether on foot or in a motor vehicle, remain at or near a licensed tavern for the purpose of soliciting sexual gratification for consideration; seeking to purchase, sell or consume unlawful drugs or controlled substances; or in a fashion which disturbs the peace.

(2) Penalty. (a) Any person found to be in violation of any provision of this ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300). For a second and subsequent offense within a six (6) month period, the penalty shall be not less than five hundred nor more than two thousand dollars.

(b) Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(c) Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of the same.

The above ordinance was duly adopted by the Town Board of the Town of Bristol, Dane County, Wisconsin, at a regular meeting held on the 10th day of May, 2004.

Sec. 3.3.0 Ordinance Establishing Reserve Liquor License Fee Grant Program

1 ORDINANCE ESTABLISHING RESERVE LIQUOR LICENSE FEE GRANT 2 PROGRAM 3 4

5 The Town of Bristol, by its Board of Supervisors, does hereby Ordain as follows:

6 1. Article One. The following is enacted as the Reserve Liquor License Fee
7 Ordinance of the Town of Bristol, Dane County, Wisconsin:
8 Grants for Certain Reserve "Class B" Liquor Licensees.

9 (A) Findings and Purpose. The Town Board finds that businesses such as restaurants,
10 hotels and taverns make important contributions to the Town's economy. These establishments
11 serve important public purposes including increasing the Town's property tax base, providing
12 employment and promoting tourism. Excessive license fees deter new businesses and are contrary
13 to the above-stated public purposes. The Town Board notes that sec. 125.51 (3)(e)(2), Wis.
14 Stats., requires municipalities to establish a minimum fee of \$10,000 for each Reserve "Class B"
15 Liquor License issued. Since the new fee far exceeds the actual cost of issuing new reserve
16 licenses, additional revenue will be available to the Town. It is the purpose of this ordinance to
17 utilize revenue generated by sec. 125.51 (3)(e)2, Wis. Stats., to assist new Reserve "Class B"
18 licensees achieve the important public purposes identified herein.

19 (B) Following the issuance of an original "Class B" Liquor License, the Town Board may provide
20 a grant to the licensee in an amount equal to \$10,000 minus the Town's out-of-pocket and
21 administrative costs of processing an application. Prior to awarding any grant, the Town Board
22 shall make such findings and establish such conditions to ensure that any funds awarded hereunder further the
23 important public purposes identified herein.

Adopted at a meeting of the Town Board, January 14, 2008.

Chapter 4

Building Code

- 4.1.0 Adopting the State Uniform Dwelling Code
- 4.2.0 Land Development Ordinance & Amendment
- 4.3.0 Driveways
- 4.4.0 Moratorium on Certain Land Divisions (Obsolete)

Sec. 4.1.0 Adopting the State Uniform Dwelling Code.

(Pending)

Sec. 4.2.0 Land Development Ordinance & Amendment

TOWN OF BRISTOL ORDINANCE AMENDMENT RELATED TO LAND DEVELOPMENT ORDINANCE

The Town Board of the Town of Bristol do hereby Ordain as follows:

ARTICLE ONE. Section 4.2.10(1) of the Town of Bristol Code of Ordinances is amended to read:

A certified surveyed map which has been approved by the Town Plan Commission and the Town Board, and meets all of the requirements of Section 236.34 of the Wisconsin Statutes and of this ordinance, may be utilized to create not more than **one** (1) parcel or building site, each parcel or building site having a minimum area of **one** (1) acre. The Town Board may require a preliminary plat to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary plat must include all lands under the control of the applicant within a parcel up to a maximum area of forty (40) acres. The land included within the 40 acres shall be defined by quarter-quarter section lines unless indicated otherwise. When a preliminary plat is not required, the Town Board may, in its discretion, require that the certified survey map include the entire parcel owned by the subdivider. The Board resolution, or a summary thereof, approving the certified survey map shall be reproduced legibly on the face of the certified survey map. All unpaid or outstanding taxes, assessments and special assessments shall be paid prior to the approval unless determined otherwise by the Town Board.

ARTICLE TWO: This ordinance amendment shall be effective upon its posting.

Dated this 9th day September, 2002.

TOWN OF BRISTOL LAND
DEVELOPMENT ORDINANCE

- 4.2.1 DISCLAIMER ABOUT THIS ORDINANCE
- 4.2.2 THE PURPOSE OF THIS ORDINANCE AND AUTHORITY TO ADOPT IT.
- 4.2.3 DEFINITIONS OF TERMS USED IN THIS ORDINANCE.
- 4.2.4 WHAT LAND DEVELOPMENTS ARE COVERED BY THIS ORDINANCE.
- 4.2.5 THE PROCESS OF REVIEWING PROPOSED LAND DEVELOPMENTS.
- 4.2.6 THE STANDARDS WHICH PROPOSED LAND DEVELOPMENTS MUST MEET
- 4.2.7 THE PRELIMINARY CONFERENCE
- 4.2.8 THE PRELIMINARY PLAT
- 4.2.9 THE FINAL PLAT
- 4.2.10 LAND DIVISION BY A CERTIFIED SURVEY MAP
- 4.2.11 CONSTRUCTION OF PUBLIC IMPROVEMENTS
- 4.2.12 DESIGN STANDARDS
- 4.2.13 DEVELOPMENT AGREEMENT AND SECURITY
- 4.2.14 APPEALS
- 4.2.15 BUILDING PERMITS
- 4.2.16 THE FEES CHARGED FOR LAND DEVELOPMENT REVIEW
- 4.2.17 OFFENSES AND PENALTIES
- 4.2.18 WAIVER

4.2.1 DISCLAIMER ABOUT THIS ORDINANCE

(1) All persons reviewing the provisions of this ordinance should be aware that the Town of Bristol is only one of a number of governmental bodies which may have jurisdiction over proposed land divisions or development. The Town of Bristol cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.

(2) No statement or actions by any official, employee or agent of the Town of Bristol should be construed or taken as a binding act of the Town except a resolution, motion or ordinance which has been adopted by the Town of Bristol Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this ordinance.

(3) The Town of Bristol expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations or rules. The Town also assumes no responsibility for the suitability of any property whose subdivision has been approved by the Town Board.

4.2.2 THE PURPOSE OF THIS ORDINANCE AND AUTHORITY TO ADOPT IT.

- (1) TITLE. This Chapter shall be known as the Land Division Ordinance of the Town of Bristol and will be referred to in this Chapter as this Chapter or this Ordinance.
- (2) AUTHORITY. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin State Statutes and by the adoption of village powers under Section 60.10 Wisconsin State Statutes.
- (3) PURPOSE. The purpose of this ordinance is to regulate and control the division of land within the corporate limits of the Town of Bristol in order to promote the public health, safety and general welfare of the community
- (4) INTENT. The intent of this Ordinance is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets, to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Bristol.
- (5) ABROGATION AND GREATER RESTRICTIONS. This ordinance shall not be construed to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (6) INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or Dane County Ordinances.
- (7) SEVERABILITY. In the event that a court should determine that a portion of this ordinance is invalid, the remaining portions of the ordinance shall stand and be valid, and shall be construed as a complete enactment.

4.2.3 DEFINITIONS OF TERMS USED IN THIS ORDINANCE.

In this Chapter, the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- (1) **BOARD.** The Town Board of the Town of Bristol.
- (2) **CERTIFIED SURVEY MAP.** A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. A certified survey map has the same legal force and effect as a subdivision map.
- (3) **CLERK.** The Town of Bristol Clerk.
- (4) **COMPREHENSIVE DEVELOPMENT PLAN.** A map of land division, not a subdivision, prepared in accordance with Section 236.34 of the Wisconsin Statutes and in full compliance with the applicable provision of this chapter. A total site plan of an area of land 80 acres or more in size all under the control of a subdivider(s) at the time of submission for review. Such a plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.
- (5) **COPY.** A true and accurate copy of all sheets of the original subdivision plat.
- (6) **DIVIDE.** To convey, record, survey, parcel, split or in any other manner alter an interest in real property so as to cause a parcel of land to be allotted, allocated, severed, split or rendered into smaller parcels of land.
- (7) **GREENWAY.** An open area of land, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basin, park development and other related uses.
- (8) **LAND DIVISION.** A division of a parcel of land which is not a subdivision and which creates less than two lots, parcels or building sites of 35 acres each or less in area, regardless of whether the act of division also creates one or more lots, parcels or building sites on 35 acres or more.
- (9) **LAND(S).** Any real estate or interest in real estate.
- (10) **LOT.** A land area of 35 acres or less.
- (11) **MASTER PLAN.** A plan for guiding and shaping the growth or development of a community or area which has been adopted by a governmental unit and whose preparation is authorized by Section 59.69, 62.23, 66.945 or 236.46 of Wisconsin Statutes.
- (12) **OFFICIAL MAP.** A map indicating the location, width, extent of the existing and proposed street, highway, parkways, parks and playgrounds adopted as adopted and amended by the Town Board pursuant to Section 62.23(6) of the Wisconsin Statutes.

(13) OUTLOT. A parcel of land, other than a lot, building site, or block, so designated on the plat or certified survey map.

(14) PARCEL. Contiguous lands under the control of a subdivider or subdivides not separated by streets, highway or railroad rights-of-way.

(15) PLAT. A map of a subdivision prepared in conformity to the requirements of Ch. 236, Wis. Stats.

(16) PLAN COMMISSION. The Town of Bristol Plan Commission.

(17) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision or land division, as described in this ordinance, submitted to the Town for purposes of preliminary consideration, prior to all final plats and, when required, prior to all land divisions.

(18) PUBLIC WAY. Any public road, street, highway, walkway, drainageway, or part thereof.

(19) REPLAT. Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but a land division.

(20) RESIDENTIAL DWELLING UNIT. A single family dwelling or the part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct set of inhabitants.

(21) SHORELAND. Any land lying within 75 feet of the ordinary high water mark of a navigable waterway.

(22) STREET, ROAD, HIGHWAY. A public way for pedestrian and vehicular traffic whether designated as a street, highway, road, land, way, avenue or however otherwise designated.

(A) Arterial Streets and Highways Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity area.

i. Principal Arterials Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.

ii. Primary Arterials. Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide for a high degree of mobility under a high degree of access control.

iii. Standard Arterials. Streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas, or feeding traffic to the primary and principal arterials from lower activity area not served by such routes.

(B) Collector Streets. Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.

i. Connector Streets. Those streets which perform a semi-arterial function as well as serving as distribution and land access streets.

ii. Distributor Streets. Those streets which perform the function of gathering and distributing traffic from and to the local streets and adjacent lands.

(C) Local Streets Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.

(D) Marginal Access Streets Those streets which are parallel and adjacent to arterial streets and highway and which provide access to abutting properties and protection from through traffic.

(E) Alleys Streets which provide secondary means of access for vehicular services to the back or side of property otherwise abutting a street.

(F) Cul-de-sac Streets closed at one end with turnarounds.

(G) Dead-end Streets Streets closed at one end without turnarounds

(23) **SUBDIVIDER**. Any person, firm, corporation, partnership or other entity which divides or proposes to divide land in any manner which results in a land division or subdivision.

(24) **SUBDIVISION**. A division of a parcel of land where the act of division creates either:

(A) Two or more lots, parcels or building sites of 35 acres each or less in area; or

(B) Two or more lots, parcels or building sites of 35 acres each or less in area by successive divisions within a period of five years.

(25) **STRUCTURE**. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having

permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.

- (26) TOWN. The Town of Bristol, Dane County, Wisconsin.
- (27) TREASURER. The Town of Bristol Treasurer.
- (28) UTILITY EASEMENT. An easement to place, replace, maintain or move utility facilities.
- (29) WETLAND. Real estate which has been delineated as a wetland by the official wetland boundary maps of Dane County or the Wisconsin Department of Natural Resources.

4.2.4 WHAT LAND DEVELOPMENTS ARE COVERED BY THIS ORDINANCE.

These regulations shall apply to all lands and condominium developments within the Town of Bristol. The provisions of this ordinance as they apply to division of tracts of land into less than five (5) parcels shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
- (2) Leases for a term not to exceed 10 years, mortgages or easements;
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below 40,000 square feet with a minimum 150 foot width at the building line, 66-foot right-of-way for roads, applicable offsets, setback requirements or such other minimum size as is required by Town Ordinance, Dane County Ordinances or Chapter 236 of the Wisconsin Statutes or any other applicable laws or ordinances.

4.2.5 THE PROCESS OF REVIEWING PROPOSED LAND DEVELOPMENTS.

- (1) The process of reviewing land divisions includes actions by several units of government. The subdivider shall be responsible for assuring that approval is obtained from all necessary units of government. The Town of Bristol cannot modify conditions or requirements imposed by other units of government.
- (2) The ordinary process of land division review shall commence with preliminary conferences between the subdivider and the Town. After those conferences are complete, the subdivider will prepare a draft plan for the development.
- (3) The draft plan for the development will be submitted to the Town for review as a preliminary plat or a certified survey map. The review process will indicate whether the proposed land division is unacceptable, acceptable if conditions are satisfied, or acceptable.

(4) The preliminary development proposal will be revised and presented as a final plat, or a certified survey map which meets the requirements of this Chapter and the Plan Commission.

(5) Additional approvals and agreements are required to obtain legal authority to divide land into smaller lots and sell those lots.

4.2.6 THE STANDARDS WHICH PROPOSED LAND DEVELOPMENTS MUST MEET

(1) Before planning a land development in the Town of Bristol, a subdivider shall review the standards which govern the manner in which land may be developed in the Town. Proposed land developments which do not meet the requirements of these standards shall not be approved by the Town of Bristol.

(2) No person, firm, corporation, partnership, or legal entity of any kind shall divide any land located within the Town of Bristol in a manner which results in a land division, subdivision, or replat as defined herein, and no such land division, subdivision or replat shall be entitled to record, and no street, highway or road shall be laid out or improvements made to land without compliance with all requirements of this ordinance and with all of the following:

(A) The provisions of Chapter 236 of the Wisconsin Statutes regarding platting lands;

(B) The provisions of Chapter 75 of the Dane County Ordinances regarding land division and subdivisions.

(C) The provisions of Chapter 79 of the Dane County Ordinances regarding county highway access.

(D) The rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;

(E) The rules of the Wisconsin Department of Transportation, the Dane County Department of Transportation and the Town of Bristol Road Ordinance, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state or county trunk highway, respectively, or a connecting street, including, but not limited to, minimum width regulations.

(F) All applicable Town land use plans, as adopted under section 62.23 of the Wisconsin Statutes, zoning ordinances, official maps, and any other ordinances and regulations adopted by the Town to regulate the development of land..

(3) No land shall be subdivided which the Town Board determines, with the advice of the Plan Commission, is not appropriate for development. The Town may determine, subject to the

provisions of Ch. 236, that lands should not be platted for the reason that the land is zoned improperly, has unsuitable soils, is located in a floodplain, shoreland or wetland, or is proposed to be used in a manner contrary to the land use plan of the Town.

(4) Plats and certified survey maps shall be prepared with the following public improvements:

(A) **STREETS AND STREET LIGHTS.** Standard street improvements including ornamental street lights shall be installed in accordance with State of Wisconsin Electric Code in all subdivisions, unless waived pursuant to sec. 6.17.

(B) **SANITARY SEWERS AND WATERMAINS.** Where public sewage treatment, stormwater or water services are available, such services shall be planned in the plat and installed in the subdivision. No person shall install a private well or septic system in any subdivision served by water or sewer services. If public sewage treatment is not available, then the lots shall be sized and arrayed so as to facilitate the installation of private on-site wastewater treatment systems.

(C) Where no public water supply system is available, either a well for each parcel or a water supply system shall be installed.

(D) **STORM SEWER AND STORM WATER DRAINAGE FACILITIES.**

(i) Storm sewers shall be constructed unless the requirement is waived by the Town Board. The Town Board may waive the requirement only upon a showing that the natural drainage pattern of the land being subdivided will be adequate to handle the water flow from the subdivision without causing injury to adjacent property.

(ii) Ditches shall be constructed whenever storm sewers are not required by the Town Board.

a. Roadside ditches shall not exceed 10% of grade nor have less than a 1 % grade. The maximum ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

Grade %	Ofc.f.s/) ¹
1	2.34
2	3.78
3	4.14
4	4.86
5	5.22
6	5.76
7	6.30
8	6.84
9	7.20
10	7.74

b. Ditches shall be restored with 4" topsoil, fertilizing, seeding and mulching in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation.

c. The thickness of the pavement shall be determined and prescribed by the Town Engineer in accordance with the Town Road Ordinance. Any soil sub grade data required by the Town Engineer shall be obtained by the subdivided soils engineer and furnished to the Town Engineer without cost.

(E) At the time the preliminary plat, or plans for any planned development are submitted to the Town Board for review, the Town Engineer shall prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing of facilities, and of storm water drainage facilities including retention basins throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable those to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm water drainage facilities including retention basins which is attributable to such increase in the capacity of the facilities.

(F) The cost of constructing storm sewer and storm water drainage including retention basins which serve the plat or project but which are not necessary to serve the entire drainage basin or subbasin in which it is located shall be borne solely by the subdivides Those costs which are attributable solely to increasing the capacity of the required storm serve and storm water drainage facilities to enable them to serve the entire drainage basin or subbasin shall be paid by the Town and recovered through area charges or special assessments levied against all benefited properties. Any costs to be borne by the subdivider under this subsection shall be paid before the final plat is inscribed by the Town Clerk or before any building permit is issued. Any area charges levied pursuant to this subsection shall be subject to adjustment based upon the Consumer Price Index. In making such adjustments the year that the area charges for the drainage basin or subbasin were established shall be used as the base year.

(G) Storm drainage facilities in the Lake Mendota drainage basin shall comply with the rules and regulations in Chapter 14, Section 14.50 through 14.57 of the Dane County Code of Ordinances.

(H) When the land included in the plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the subdivider, its grantees, heirs, successors, and assignees to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the final plat or certified survey map.

(I) **DRIVEWAYS.**

(i) Approval Required No person shall establish or construct a private driveway, road or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway permit from the Town Clerk. In the case of a property fronting on a County or State Trunk Highway, said permit must be obtained through the Dane County Department of Transportation.

(ii) Specifications No driveway culvert shall be less than eighteen (18) inches in diameter and twenty-four (24) feet in length. The culvert shall have end sections. Prior to the issuance of the permit, the location of said driveway shall be approved by the Town Board or its designee. Each driveway shall have a culvert at the ditch line whose diameter and location of placement have been approved by the Town Board or its designee unless a waiver is granted by the Board or its designee. The property owner shall be responsible for furnishing and installing all required culverts as approved.

(J) STREET/ROAD SIGNS COSTS. The subdivider shall be responsible for the initial cost of the street/road name signs for new roads. The Town will order and install the signs after construction of the subdivision roads. The subdivider will be billed for the cost and installation. Payment will be required prior to issuing any building permits.

4.2.7 THE PRELIMINARY CONFERENCE

It is recommended that, prior to the filing of an application for the approval of a certified survey map or a preliminary plat, the subdivider consult with the Town Board Plan Commission to obtain its advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, any applicable master plans and plan implementation devices and to otherwise assist the subdivider in planning the development. Consultation with the Dane County Department of Planning and Development is also recommended. No such consultations shall in any manner bind the Town Plan Commission or the Town Board to approve a plat, a subdivision or any other land use control. Further, no subdivider may rely upon or cite any advice or information provided by the Town Plan Commission or Town Board as evidence of the official actions of the Town.

4.2.8 THE PRELIMINARY PLAT

(1) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval. The preliminary plat shall include the entire area owned or controlled by the subdivider even though only a portion thereof is proposed for development at the time.

(2) Every preliminary plat shall be prepared according to the following requirements:

(A) A preliminary plat shall be required for all subdivisions and shall be based on a survey by a land surveyor registered in this state. The plat map shall be prepared in conformance with the requirements of Ch. 236, Wis. Stats., the Dane County Subdivision Ordinance, applicable surveying standards and other applicable legal requirements.

(B) The preliminary plat shall show all plat data as required by Dane County Subdivision Ordinance.

(C) The subdivider shall provide road and street plans and profiles showing existing ground surfaces, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall be approved by the Town Board, with the advice of the Town Engineer. Streets plans shall conform in all respects to applicable zoning ordinances, the Town Land Use Plan, and the road standards of the Wisconsin Department of Transportation.

(D) The Town Board shall require submission of a draft of all prospective covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect proposed development. No covenant may be recorded without the prior approval of the Town Board. All covenants which are for the benefit of the public shall be drafted so as to be enforceable by the Town. Commercial plats shall contain standard drainage, public utility, street maintenance and construction erosion control covenants in a form prescribed by the Town.

(E) The surveyor preparing the preliminary plat shall certify on the face of the plat that he has fully complied with the provisions of this ordinance.

(3) The subdivider shall file ten (10) copies of the plat and the application with the Clerk at least twenty-one (21) days prior to the meeting of the Town Plan Commission at which action is desired. The subdivider shall also submit ten (10) copies of the subdivision check list. The Town Plan Commission may waive the requirement that the preliminary plat include the entire area owned by the subdivider where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict enforcement of this provision. Where a subdivider has control of lands which are equal to or in excess of 80 acres in area, or are smaller parcels separated only by existing public roads, in lieu of a preliminary plat on the entire area, the subdivider may elect to submit a comprehensive development plan.

(4) The Clerk shall forward five (5) copies of the preliminary plat to the Town Plan Commission which shall examine it for conformity with all ordinances, administrative rules and regulations and for compliance with any applicable Town master plan.

(5) (A) The Town Plan Commission shall recommend approval, conditional approval or rejection of the proposed plat to the Town Board.

(B) If approval or conditional approval is recommended, the preliminary plat shall be referred to the Board for consideration. The Town Board shall then approve, conditionally approve, or reject the preliminary plat.

(C) One copy of the plat shall be returned to the subdivider, the subdivided surveyor, or engineer with the date and action endorsed thereon. If the plat is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto.

(D) Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action therein required within ninety (90) days of filing of the preliminary plat constitutes an approval of the preliminary plat.

(6) Approval or conditional approval of a preliminary plat entitles the final plat to approval provided the final plat conforms substantially to the preliminary plat, including any conditions of that approval, and conforms to any applicable Town plans and applicable ordinances. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.

4.2.9 THE FINAL PLAT

(1) The subdivider shall prepare and file six (6) copies of the final plat together with a written application for approval with the Clerk within six months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Town Board at which action is desired.

(2) The Clerk shall forward two (2) copies of the plat to the Town Board. The Town Board shall examine it for conformity with the preliminary plat and any conditions or approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it. The Plat shall be prepared in conformity with the following standards:

(A) A final plat prepared by a land surveyor registered in this state shall be required for all subdivisions. It shall comply in all respects with the requirements of this Chapter, Section 236.20 of the Wisconsin Statutes and the Dane County Subdivision Ordinance.

(B) The final plat shall show, correctly and on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes and this ordinance, specifically to include the following:

(i) Exact length and bearing of the centerline of all streets.

(ii) Exact street width along the line of any obliquely intersecting street.

(iii) Size of culvert, if any, for each driveway of each lot in the subdivision.

(iv) All land reserved for future public acquisition or reserved for the common use of property owners within the plat.

(v) Special restrictions required by the Town Board relating to access control along public ways or to the provisions of planting strips.

(vi) All improvements required by this ordinance shall be made or guaranteed in the manner described in this Chapter.

(vii) The Town Board shall require that restrictive covenants or deed restrictions be filed with the final plat. Any easements noted on the plat for the benefit of private parties, including adjacent landowners, shall be embodied on in written easement deeds which shall be recorded.

(3) All final plats shall meet all the surveying and monuments requirements of Section 236.15 of the Wisconsin Statutes. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this ordinance.

(4) The Town Board shall approve or shall reject the plat. The Town Board shall indicate the reasons for any rejection of the plat. One copy of the plat shall then be returned to the subdivides the surveyor, or engineer with the date and action endorsed thereon, and if approved or rejected, the conditions or requirements of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.

(5) The final plat may, if permitted by the Town Board, include only that portion of the approved preliminary plat which the subdivider proposes to record at this time.

(6) The final plat shall be approved if it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to any applicable Town plans and ordinances. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the Plan Commission may reject the final plat regardless of any prior action on the preliminary plat.

(7) After the final plat has been approved by the Board and the contract and security filed in accordance with this ordinance, the subdivider shall submit the final plat to the Clerk. After the subdivider has executed a developer's agreement to provide all required improvements, has posted the security required by this ordinance, has paid all fees imposed pursuant to the ordinance and any area assessments, and after the subdivider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the subdivider for recording. The Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed. The plat shall be returned to the subdivider for recording.

(8) The subdivider shall record the final plat, and shall file a certified copy of the final plat with the Clerk within ten days after it has been recorded.

4.2.10 LAND DIVISION BY A CERTIFIED SURVEY MAP.

(1) **(This section amended –see Section 4.2.0.)** A certified surveyed map which has been approved by the Town Board Plan Commission and the Town Board, and meets all of the requirements of Section 236.34 of the Wisconsin Statutes and of this ordinance, may be utilized to create not more than one (1) parcel or building sites, each parcel or building site having a minimum area of thirty-five (35) acres. The Town Board may require a preliminary plat to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary plat must include all lands under the control of the applicant within a parcel up to a maximum area of forty (40) acres. The land included within the 40 acres shall be defined by quarter-quarter section lines unless indicated otherwise. When a preliminary plat is not required, the certified survey map shall include the entire parcel owned by the subdivider. The Board resolution approving the certified survey map shall be reproduced legibly on the face of the certified survey map. All unpaid or outstanding taxes, assessments and special assessments shall be paid prior to the approval unless determined otherwise by the Town Board.

(2) The certified survey map prepared by a surveyor registered in this state shall be required for all land divisions. A sketch showing the present zoning and any proposed zoning change for the land division and all adjacent lands shall be submitted along with the map. The map itself shall show correctly on its face, in addition to the information required by section 236.34 of the Wisconsin Statutes, the following:

(A) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.

(B) Setbacks or building lines required by County Ordinance.

(C) All lands reserved for future acquisition.

(D) Date of map.

(E) Size of culvert, if any, for the driveway of each lot.

(4) CERTIFICATES.

(A) The surveyor shall certify on the face of the map that the surveyor has fully complied with all the provisions of this ordinance. The Board shall certify its approval on the face of the map.

(B) The following certificate of approval shall be provided legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly approved by the Town Board of the Town of Bristol, Dane County, Wisconsin, on (day and month:) _____, (year:) _____, _____ Clerk

(5) CRITICAL BUILDING LOCATIONS. Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the building or structure is to be located within five (5) feet of the proposed property boundaries or the zoning yard requirements, or such other requirement as is consistent with the subdivision regulations of Dane County.

(6) DEDICATIONS AND IMPROVEMENTS REQUIRED. Any land division effectuated by a certified survey shall be subject to the provisions of this ordinance concerning the reservation and dedication of land; and, unless a waiver is granted, the provisions of this ordinance concerning required improvements.

(7) An applicant for a land division shall file ten (10) copies of the certified survey map and a written application for approval with the Clerk. An applicant shall submit ten (10) copies of the certified survey checklist. The certified survey map must be prepared in conformance with the requirements of the Dane County Subdivision Ordinance.

(8) The Town Board shall within sixty (60) days approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this ordinance. One copy of the certified survey map shall be returned to the subdivider with the date and action endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within sixty (60) days of the filing of the map shall constitute an approval of the certified survey map.

(9) After the certified survey map has been approved by the Town Board, the development agreement has been executed and recorded, the security filed in accordance with this ordinance and any fee imposed pursuant to this ordinance has been paid, the subdivider shall submit the certified survey map to the Clerk. The Clerk shall cause the certificate inscribed upon the map attesting to such

approval to be duly executed. The certified survey map shall be returned to the subdivider for recording.

(10) The subdivider shall record the certified survey map with the Register of Deeds for Dane County after it has been approved, and shall file a certified copy of the recorded map with the Clerk within ten (10) days after the certified survey map is recorded.

4.2.11 CONSTRUCTION OF PUBLIC IMPROVEMENTS.

Prior to commencing construction of any required improvement, the subdivider shall prepare construction plans and specifications and submit them to the Town Engineer or designee for review and approval. The Town Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

(1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

(2) Stormwater and surface water drainage plans.

(3) Such additional plans or information as may be required by the Town Engineer.

(4) Plans and specification for all utilities and underground facilities.

(5) PRIVATE CONTRACTS. The subdivider shall engage one general contractor whose qualifications have been approved by the Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction.

(6) SCHEDULING. All scheduling of the contemplated improvements shall be approved by the Town Engineer. Construction may not be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Board. Construction shall not proceed until all State of Wisconsin approvals are granted.

(7) STREET GRADING.

(A) The subdivider shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets by the Town Engineer and approval of street grades by the Board, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdivided plat or abuts the plat, the subdivider shall grade or cause to be graded that portion

of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to sub-grade elevation. The Town Engineer shall inspect the proposed street before grading and approve all grading within right-of-way. The street grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Town Engineer prior to the sale of affected properties.

(B) The subdivider shall engage a licensed professional engineer to set sub-base grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

- i. The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.
- ii. Grading of full street right-of-way to a tolerance of 0 to 0.2 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.
- iii. Grading beyond right-of-way to insure that the established grade will be preserved.
- iv. Grading of vision clearance triangle on corner lots (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection street line or their projections and a line joining points on such street lines located 25 feet from the street intersection).
- v. Where the public greenway is included in the plat, the subdivider is responsible for an acceptable continuous drainageway in the greenway as determined by the Town Engineer.
- vi. All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plats public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval. There shall be a plan for disposal of any surplus soil or earth.

(8) UTILITIES.

(A) If the subdivider elects to install underground utilities and the standard street improvement in the same year, provision must be made for mechanical compaction of all ditches for underground utilities that fall within the street right-of-way.

(B) Prior to commencing construction of any required utilities, the subdivider shall submit the proposed construction schedule, plans, specifications and contract to the Town Engineer.

(9) GREENWAYS. Greenways included within platted or re-platted area shall be constructed as specified in this section:

(A) The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Engineer. The subdivider shall furnish the Town Engineer a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Town Engineer a set of cross-sections (on 50' stations) of the greenway oriented upon a base line as prescribed by the Town Engineer.

(B) Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Town Engineer, construction will not be required and the existing natural growth shall be preserved. When such natural growth is not preserved by action of the subdivider or an acting agent, the subdivider shall be responsible for repairing the disturbed areas by sodding.

(C) In such locations as are determined by the Town Engineer where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot wide ditch bottom with four to one side slopes, all to be seeded.

(D) The subdivider shall install permanent pipes or culverts at a grade designated by the Town Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider.

(E) The permanent pipe or culvert shall not be installed prior to the installation of a street crossing a greenway unless done pursuant to written agreement between the Engineer and the subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the subdivider at the subdivider's expense.

(F) All temporary culverts installed by the subdivider shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Engineer.

(G) The Town Engineer shall inspect the property prior to and after the installation of utilities.

(H) All ditching and culvert installation shall be done in strict accordance with grades approved by the Engineer. The subdivided engineer shall be responsible for setting all required grades in the field for construction purposes.

(I) In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four (4) feet above the flowline of the greenway, or

where designated to an elevation established by the Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Engineer. The Town Engineer shall inspect all work before it is certified as complete.

(10) **STREET CONSTRUCTION.**

(A) General After completion of the underground utilities and approval thereof, the streets shall be constructed.

(B) Standard Street Improvements

i. Standard street improvements may include, in the sole discretion of the Town Board, concrete curb and gutter, and ornamental street lights and shall include bituminous base course and bituminous surface course.

ii. The subdivider shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil sub-grade data obtained by its soils engineer, to the Town Engineer.

iii. Upon written approval by the Town Engineer, the subdivider may proceed to construct the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Town Board Plan Commission.

iv. The street/road shall be constructed to Town Specifications as described in the Town Highway Development Ordinance.

(C) Inspection of Street Improvements. The Town Engineer shall inspect all street improvements before the same are accepted by the Town.

(11) **CHANGE ORDERS.** When extra work not specified in the contract is required to complete the project, the Town will notify the Subdivider or the engineering representative. No extra work shall proceed until the Subdivider or the representative has entered into a written agreement for the additional work.

(12) **EROSION CONTROL.** The subdivider shall take all steps necessary to prevent the erosion, siltation, sedimentation, washing and blowing of dirt and debris caused by grading, excavations open cuts, side slopes, and other activities by the subdivider or the contractors. Reasonable methods of control shall include, but not be limited to, seeding and mulching, sodding, berm construction, pond construction, and watering. In such cases where the method of control has failed, the subdivided shall

clean up the materials which have been displaced prior to construction of additional improvements. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Engineer's decision may be appealed to the Board.

(13) FLOOD PLAIN/SHORELAND. All provisions of Dane County Ordinances relating to flood plain and shoreland zoning are incorporated herein and adopted by reference.

(14) INSPECTION. Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or any release of the securities deposited pursuant to this ordinance.

(15) ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(A) After the subdivider has installed all required improvements, the subdivider shall notify the Town Engineer in writing that the work is complete and ready for final inspection. The Town Engineer shall inspect the improvements and forward a letter to the subdivider indicating the Town Engineer's approval or disapproval. When the improvements have been approved by the Town Engineer, the Clerk will prepare a final billing for engineering, inspection and legal fees and submit it to the subdivider for payment. In addition, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, sub-contractor, material man or laborer.

(B) Resolution When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be prepared and presented to the Town Board.

(C) Security Release The security furnished pursuant to this ordinance shall remain in full force for a period of one year after the completion of the project and acceptance by the Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Town shall release the security to the subdivider upon expiration of the one year guarantee period.

4.2.12 DESIGN STANDARDS

(1) STREET ARRANGEMENT. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on any official map, master plan or component

neighborhood development plan of the Town. In areas for which plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of the subdivision or land division shall have access to a public street which is, at a minimum, sufficient to allow ingress and egress of motor vehicles.

(A) Arterial Streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they connect.

(B) Collector Streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

(C) Local Streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(D) Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the 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. Temporary turnarounds shall be required where the street ends at the boundary of the subdivision. The road right-of-way shall continue to the adjacent lands and connect to roads constructed on such lands if approved by the Town Board.

(E) Arterial and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen plantings contained in a non-access reservation along the rear property line, or by the use of frontage streets.

(F) Reserve Strips controlling access to roads or highways are prohibited except where control of such strips is placed with the Town under conditions approved by the Town Board.

(2) STREET NAMES AND NUMBERING.

(A) Street names and building numbers shall be assigned in accordance with the provisions of Chapter 76 of the Dane County Ordinances.

(B) The following designations shall be used only in the situations indicated.

- i. Lane - a street, one block long, not ending in a cul-de-sac.
- ii. Circle - a cul-de-sac of nine lots or more.
- iii. Court - a cul-de-sac of eight lots or less.

(3) **LIMITED ACCESS HIGHWAYS RIGHTS-OF-WAY.** Whenever the proposed subdivision or land division contains or is adjacent to a limited access highway the design shall provide the following treatment:

(A) In Residential Districts a buffer strip at least 30 feet of depth, in addition to the normal lot depth required, shall be provided adjacent to a limited access arterial highway. As used in this section, the term "buffer strip" means an area of hedges, trees, tall grasses or other foliage which creates a visual screen between two areas. The lot depth required, including such buffer strip, shall not be less than 150 feet. The 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 or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."

(B) Commercial and Industrial Districts shall have on each side of the limited access highway and streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such highway, but not less than one hundred and fifty (150) feet.

(C) Streets Parallel to a Limited Access Highway shall, when intersecting a major street or highway which crosses said highway, be located at a minimum distance of two hundred and fifty (250) feet from said highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(D) Location of Local Streets in residential areas immediately adjacent to arterial streets and highways shall be avoided.

(4) **STREET DESIGN STANDARDS.**

(A) Minimum Right-of-way. The minimum right-of-way for all proposed streets and roads shall be 66 feet or such other width as is specified by the Town master plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be 66 feet.

(B) Cul-de-Sac Streets. Cul-de-sac street ends are prohibited unless authorized by a variance granted by the Town Board. No variance shall be granted unless the Town Board finds, after hearing, that use of cul-de-sac street ends is necessary to overcome limitations imposed by the physical characteristics of the land, so that development may occur which is consistent with the policies stated in this chapter. If the Town Board grants a variance, the cul-de-sac shall conform to the following standards:

- i. Streets designed to have one end permanently closed shall not exceed 1,000 feet in length.
- ii. Except as provided in this ordinance, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 150 feet, and a minimum paved diameter of 100 feet. The reverse curve on a cul-de-sac shall have a 75 foot minimum radius when the bulb is centered on the street and 100 foot minimum radius when the bulb is offset.
- iii. In areas zoned B-1, B-2, C-1, C-2, Industrial or other Commercial zone, all streets which are designed to have one end permanently closed, shall terminate in a circular turnaround having a minimum right-of-way of 175 feet, and a minimum paved diameter of 120 feet.

(C) Street Grades and Radii of Curvature Unless necessitated by exceptional topography and subject to the approval of the Town Engineer, the street grades and radii of curvature shall conform to the Design Standard in the Dane County Subdivision Ordinance and the Town Road Ordinance. In the event of a conflict between the County and Town standards, the Town Engineer shall determine which standard shall be applied, on the basis of which standard is best suited to the estimated traffic load of the proposed road.

(5) **BLOCKS.**

(A) The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; stormwater management; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.

(B) Blocks in residential areas shall not be less than six hundred (600) feet nor more than fifteen hundred (1500) feet in length unless otherwise dictated by exceptional topography or other limiting design factors.

(C) **Width.** Blocks shall have sufficient width to provide for two tier 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-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(6) LOTS.

(A) 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.

(B) No lot may have frontage on streets on two parallel sides nor may a lot be platted so that the building will face the reverse side of the lot. The Town Board may grant a variance from this requirement where necessary, the physical characteristics of the land so require in order to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation

(C) Residential lots to be served by private sewage disposal facilities shall comply with the rules of the Wisconsin Department of Commerce and Dane County Sanitary Code.

(D) Lots must front on and have access to a state, county highway or approved town road. Every lot shall front or abut on a public street or road for a distance of at least sixty-six (66) feet

(E) Side lot lines shall be substantially at right angles or radial to street lines. Flag lots are prohibited.

(F) Lots shall follow municipal boundary lines rather than cross them.

(G) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.

(H) Residential lots fronting or backing on arterial highways shall be platted with extra depth to permit generous distances between the buildings and such traffic-ways.

(I) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(J) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.

(7) EASEMENTS.

(A) Utility Service Lines to be Underground in Newly Platted Areas

i. All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all cable television and all other common carrier services

installed within a newly platted area shall be underground unless the Town Board shall specifically find after study that:

- a. The placing of such facilities underground would not be compatible with the planned development;
- b. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
- c. The lots to be served by said facilities can be served directly from existing overhead facilities.
- d. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(B) Easement Conditions The subdivider shall include appropriate easements in the plat, shall prepare appropriate easement deeds and record the same with the final plat. Easements shall be for the installation of gas, electric and communication lines. Such easements shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

(C) Drainage Easements Where a subdivision is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Town Board. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Town Board. Parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels or adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Town Engineer and Town Board. Drainage easements shall substantially maintain existing water flow patterns onto neighboring lands.

(8) RESERVATION AND DEDICATION OF LAND.

(1) Public Ways. Whenever a tract of land to be divided or subdivided abuts, includes or is adjacent to all or any part of a street, an arterial street, drainageway or other public way which has been designated in any applicable master plan or official map, said public way or street shall be incorporated into the plat and dedicated to the public or to the Town by the subdivider in the locations and dimensions indicated on said plan or map.

(2) Public Sites and Open Spaces.

a. In designing a land division or subdivision, due consideration shall be given by the subdivider to the reservation of suitable sites of adequate area for future drainageways, parks, playgrounds, and other public purposes. In the location of such facilities, consideration shall be given to the protection and preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, water courses, watersheds, wetlands, wildlife habitat and ravines.

b. All subdividers shall be required to dedicate developable land to the Town for park, school or other public uses, other than streets or drainageways, at a rate of four-hundredths (.04) acres (1,750 square feet) per dwelling unit. Whenever a proposed playground, park, or other public area, other than streets or drainageways, designated in the Master Plan or Master Plan component of the Town of Bristol is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Town Board, upon the recommendations of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

c. Where, in the opinion of the Town Board, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the Town's comprehensive development or park plan, or Town officials determine that a cash contribution would better serve the public interest, the Board may require the subdivider to contribute a cash payment in lieu of land at a rate of \$750 for each proposed dwelling unit. The fee imposed shall be used for park land acquisition and park equipment.

d. The Town shall place any fee collected pursuant to the provisions of this section in a fund which may be used for any park purpose, including land acquisition and development of adequate park, playground, recreation and open space to meet the needs created by the land division or subdivision.

(9) SURVEY MONUMENTS. Before final approval of any plat or certified survey map within the corporate limits of the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer. The Town Board may allow deferral of installation of monuments otherwise required under Section 236.15(b),(c) and (d), for a period not to exceed three (3) years on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

4.2.13 DEVELOPMENT AGREEMENT AND SECURITY.

(1) Before any final plat or certified survey map is approved, the subdivider shall enter into a development agreement with the Town wherein the subdivider agrees to install all required improvements within eighteen (18) months of the date that the plat or certified survey map is recorded. The Town Board may allow phased construction of plats.

(2) Security Required. At the time the development agreement is executed, the subdivider shall file a bond, certificate of deposit, irrevocable letter of credit, or certified check, in such form as is acceptable to the Board and approved by the Town Attorney, with the Town. The security shall be an amount equal to one hundred twenty five percent (125 %) of the estimated cost of the required improvements as determined by the Town Engineer. Such deposit shall guarantee that such improvements will be completed according to Town specifications by the subdivider or its contractors not later than eighteen (18) months from the date that the plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule. Such security shall be held by the Town and either released or used in the manner specified in this ordinance. The provision of security by the subdivider shall not release the subdivider from its obligations under the development agreement nor prejudice the right of the Town to recover the full cost of completion of the improvements if the subdivider fails to complete the same.

(3) Governmental Units. The State of Wisconsin, Dane County and a City, Village or Town of Dane County may, in lieu of the bond or security provisions of this ordinance, may file a resolution duly adopted by such governmental unit agreeing to comply with the provisions of this section.

(4) Construction in Phases. The subdivider may elect with the approval of the Town Board, to install the improvements in phases, provided that:

- a. The phases are specified in the agreement for land division requirements.
- b. Improvements constructed during the first and each subsequent, stage, of construction shall not be accepted nor shall any occupancy permits be issued within the completed area of the subdivision or development until the security required for the next stage of construction has been posted with the Town.
- c. The subdivider shall record deed restrictions reviewed by the Town (or its designated representative) which specify that the lots included in future construction phases shall not be conveyed, transferred or sold unless the Town's approval is obtained.
- d. Erosion control plans and measures submitted and approved shall address the erosion problems posed by the construction of the project in phases.

4.2.14 APPEALS.

(1) If the Town Plan Commission was acting at the request of the Town Board, the following decisions of the Plan Commission may be appealed to the Town Board:

- a. Rejection of a preliminary plat;
- b. Rejection of a final plat;

- c. Rejection of a certified survey map;
- d. Requirement of a preliminary plat in connection with a land division;
- e. Determination that land is unsuitable for subdivision;

(2) A written Notice of Appeal must be filed with the Clerk within 14 calendar days of the date when notice of the action of the Plan Commission appealed from is mailed to the subdivider.

(3) The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions, shall specify the reasons why the subdivider believes said action was inappropriate, and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.

(4) The Clerk shall file the Notice of Appeal with the Board and shall schedule the appeal for consideration by the Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least ten (10) days prior to the hearing of the appeal.

(5) Within thirty (30) days of the appeal hearing, the Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Board shall be sent the subdivider and the Plan Commission.

(6) The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.

(7) Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Board, appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15 of the Wisconsin Statutes.

4.2.15 BUILDING PERMITS.

No building permits shall be issued for erection of a structure on any lot created by a land division or subdivision until all the requirements of this ordinance have been met. No construction of any kind may commence until the final plat has been recorded.

4.2.16 THE FEES CHARGED FOR LAND DEVELOPMENT REVIEW

(1) GENERAL. The subdivider shall pay the Town all fees as hereinafter required and at the times specified.

(2) **PRELIMINARY PLAT AND CERTIFIED SURVEY REVIEW FEE.** The subdivider shall pay a fee of Two Hundred Fifty Dollars (\$250.00) plus Twenty-Five dollars (\$25.00) for each lot or parcel within the preliminary plat or certified survey to the Treasurer at the time the application or reapplication for approval of any preliminary plat or certified survey is filed.

(3) **ENGINEERING, INSPECTION AND ATTORNEY FEES.**

(A) The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, certified survey, final plat, comprehensive development plan, or contract, with the drafting of legal documents, and with such inspections as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting, engineering, inspection and legal fees shall be the actual costs to the Town on the basis of submitted invoices. Such fees may be billed monthly, or upon completion of the project as determined by the Board.

(B) To guarantee payment of the engineering, inspection and attorney's fees, the subdivider shall deposit the sum of \$1,000.00 plus \$100.00 for each lot or parcel within the preliminary plat or certified survey with the Town Clerk at the time that the application for approval is first filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat or certified survey is approved by the Town Board or thirty days after the preliminary plat, certified survey, or final plat is rejected. In the event that the subdivider fails to pay such fees within fourteen (14) days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the security deposit. The subdivider shall replenish the deposit. Failure to maintain the required security balance shall constitute grounds for issuance of a "stop work" order by the Town.

(C) The subdivider shall reimburse the Town for the cost of time of Town officers or employees who are engaged in providing services or assistance to the subdivider in connection with the proposed or approved plat or land division. The subdivider shall also reimburse the Town for the cost of per diems, mileage and advertising or notices of any special meetings called solely to accommodate a request from the subdivider.

4.2.17 **OFFENSES AND PENALTIES.**

(A) It shall be unlawful to build upon, divide, convey, record or monument or extract minerals from any land in violation of this ordinance or of the Wisconsin Statutes.

(B) No person, partnership, firm, corporation, or entity of any sort shall be issued a building permit by the Town of Bristol, authorizing the building on, or improvement of, any land division, subdivision or replat within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met.

(C) The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes. The Town may issue citations for violations of the provisions of this ordinance.

(4) PENALTIES. Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) plus all applicable assessments and the costs of prosecution of each violation. Each day a violation exists or continues shall constitute a separate offense.

4.2.18 WAIVER.

(1) Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions of this ordinance to a land division because extraordinary or undue hardship resulting from the characteristics of the land would result, the Town Board may waive or modify any requirement, other than requirements of state law or the recording of the certified survey map or plat map, and only to the extent a waiver is found to be just and proper.

(2) The Town Board shall grant such relief only where it will not be detrimental to the public good, impair the intent and purpose of this ordinance, or impair the desirable general development of the community in accordance with the master plan.

(3) Any subdivider who requests a waiver of a provision of this ordinance shall make a written application for a waiver and file the application with the Town Clerk. The Town Board shall hold a public hearing on the application not less than 10 days after it is filed. The Town Clerk shall mail a notice of the hearing to all adjacent landowners and to the County Highway Department. The waiver application shall state the basis for the application and the specific hardship which is claimed to exist.

(4) Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified its and shall be filed with the Town Clerk.

Sec. 4.3.0 Driveways

DRIVEWAY ORDINANCE FOR THE TOWN OF BRISTOL

DEFINITIONS

(1) "Culvert" means any device for the drainage of water which is installed under or along, a highway or driveway within the town limits. A culvert may be constructed of metal, concrete or similar materials that meet the specifications of the Wisconsin department of transportation.

(2) "Driveway or private road" has the meaning specified in s. 340.01(46), Stats.

(3) "Highway" has the meaning specified in s. 340.01(22), Stats.

(4) "Right-of-way" has the meaning specified in s. 340.01(51), Stats.

(5) "Roadway" has the meaning specified in s. 340.01(54), Stats.; and may be applied to driveways and highways alike.

(6) EFFECTIVE DATE

(a) This ordinance shall take effect upon passage and publication.

DRIVEWAY PERMITS

(1) APPLICATION AND APPROVAL REQUIRED

(a) No person shall establish or construct a driveway, highway, or other access, from any parcel to any highway required to be maintained by the town; without first applying for, and receiving, a driveway permit from the town building inspector.

(b) The town building inspector shall approve the location and specifications of the driveway following a review of the application and the on-site conditions; based on the Dane County driveway siting criteria in effect on the date of application of this ordinance.

(c) The applicant may appeal the decision of the town building inspector to the town board, at a regularly scheduled board meeting. The board shall make a final decision only after having viewed the on-site conditions, and hearing any testimony presented.

(d) All applications for a permit, authorized by this Ordinance, shall be in writing on an official form furnished by the Town Clerk or Building Inspector. All applications shall be filed with the Building Inspector together with the permit fee. Permit applications shall contain the name, address, and phone number of the applicant, the name of the property owner, a proof of the applicant's ownership or right to possess the subject property, identification of the construction materials proposed to be used, and with a scale drawing of the property and the proposed location of the driveway or field road.

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

1. The applicant represents all parties in interest and that such proposed driveway or field road is for the bona fide purpose of securing access to the applicant's property.
2. The Town, notwithstanding the construction of such driveway or field road, reserves the right to make any changes, additions, repairs, or relocations within the dedicated portion of the public right-of-way at any time, including relocation, reconstruction, widening, and maintaining the public right-of-way without compensating the owner of such private driveway or field road for the damage or destruction of such private driveway or field road.
3. The applicant and applicant's heirs, successor, or assigns agree to indemnify and hold harmless the Town, its officials, officers, agents, or employees against any claim or any cause of action for personal injury or property damage sustained because of granting such permit.

4. Utility relocation costs shall be the responsibility of the property owner

(2) JOINT DRIVEWAYS.

No property may be served by a joint driveway unless the joint driveway exists pursuant to a written agreement which is recorded in the Dane County Register of Deeds office against all the properties involved. The written agreement must define the location of the driveway, provide for maintenance of the driveway and apportionment of the cost of maintenance among the owners. The agreement must state that maintenance includes, but is not limited to plowing, tree trimming, drainage control, erosion and grading, and that if the property owners do not abide by the agreement, the town may provide services on an emergency basis with special charges assessed to each property owner. If such special assessments are not timely paid, then the special charges shall be added to the tax roll. Equipment fees will be determined at the current Dane County Highway Department's equipment rental rate and personnel costs will be according to the Town of Bristol's Highway Department personnel that are utilized.

(3) DRIVEWAY SPECIFICATIONS

(a) Culverts. Each driveway, regardless of length, which serves a developed or undeveloped parcel within the town limits, shall have a culvert along the ditch-line, unless an alternate installation is approved by the town building inspector or town board.

1. The culvert shall be sized such, that it will adequately carry the expected storm water runoff at the 10-year rainfall event and remain in place if overtopped by a larger rainfall event. All culverts shall be at least the equivalent of a circular pipe 18 inches or more in diameter.

2. Each culvert shall have a flared metal end-section, or a head-wall at both ends. Head-walls required by this section shall be installed so that they do not create a traffic hazard, or interfere with the snow removal operations of the town. The end walls shall have slopes of at least 1:1 and shall be constructed of soft Earthen materials other than concrete or boulder rocks.

3. Each culvert shall be at least 24 feet but not more than 30 feet in length, unless the site conditions justify the building inspector in authorizing an alternate length.

4. Due to the nature of the existing highway ditch-lines within the town, consideration should be given to installing an elliptical culvert pipe; to allow the driveway to meet the pavement without excessive rise in elevation, or the need for unnecessary grading along the ditch-line.

(b) Each driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding, which is more than 100 feet but less than 200 feet in length shall be constructed and maintained with:

1. A stabilized base of compacted rock, 6 inches or more in depth;

2. An all-weather roadway of compacted road gravel, asphalt or concrete, 2 inches or more in depth and 16 feet or more in width;

3. An area 8 feet or more from each side of the centerline of the driveway, and

4. A full-width overhead clearance of 14 feet or more in height, free of encroachments, as described in s. 86.04, Stats.;

4. Adequate drainage along the driveway, including side ditches as necessary; and

5. A grade of 12 percent or less.

(c) Long driveways. 1. In addition to the requirements of (b), each driveway which serves a dwelling, commercial building, agricultural building, swimming pool, garage or other outbuilding, which is 100 feet or more in length shall be constructed and maintained in accordance with the design standards, as described in s. 86.26(1)(b), Stats., with the exception that the driveway need not be dedicated to the town. Driveways 100 feet or more in length shall have an area of 6 feet or more from each side of the edge of the driveway free of encroachments, as described in s. 86.04, Stats.

2. As an alternate to constructing a driveway to town road standards as required by par. (a), the property owner may elect to comply with the following standards:

a. Safe Passage - Driveways longer than 500 feet shall include a bump-out that is a minimum of eighteen feet (18') in width, and a sixteen foot (16') height clearance for branches shall be maintained, for a distance of forty feet (40') to allow for safe simultaneous passage of vehicles. In addition the following applicable requirements shall be satisfied

b. A driveway over eight hundred feet (800') with visibility unobstructed by curves, steep topography or vegetation, shall require a bump-out every five hundred feet (500').

c. A driveway over eight hundred feet (800') with visibility obstructed by curves, steep topography, or vegetation, shall require a bump-out every three hundred feet (300').

(d) All costs of construction, including but not limited to: the cost of the culvert, flared end-sections or head-walls, and any grading and paving required, shall be the responsibility of the landowner of the parcel the driveway serves.

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

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

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

(g) Storm water Run-off- The driveway or field road shall be constructed to prohibit stormwater run-off from flowing or encroaching onto the traveled portion of the public highway.

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

(i) Location. A driveway or field road, outside of a town subdivision, shall be located at least one hundred feet (100') from a paved or traveled portion of an intersecting public highway.

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

(k) No driveway shall be closer than twenty-five feet (25') to the extended line of a public highway at any "T" intersection.

(L) Driveway access locations shall not exceed ten (10) per mile on each side of the public highway

(4) EXISTING DRIVEWAYS AND FIELD ROADS.

(a) When wash outs, erosion, or other conditions created by existing driveways or field roads become a potential hazard to a public highway, the Town Board shall provide written notice to the property owner of such conditions. If the property owner fails to correct such conditions within thirty (30) days of the date of the written notice by the Town, the owner shall be found in violation of this Ordinance. In addition, the Town shall take reasonable steps to eliminate the hazard, and charge the Town's cost to the property owner as a special charge.

(b) Improper field access. In order to minimize damage to town highways, farm fields should be accessed only at designated field road accesses. No more than two such accesses may be designated for each field without permission from the Town Building Inspector.

(5) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable with a forfeiture of not less than \$100 nor more than \$250 per violation. Each day of continued violation constitutes a separate offense.

(6) VARIANCES.

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because of exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper, as long as such modification does not violate the intent of this Ordinance as stated under Section 4.2.1. Authority and Purpose. Application for any such variance shall be made in writing to the Town Clerk.

(7) PERMITS LAPSE.

Unless construction of a driveway or field road has not commenced within one (1) year from the date of issuance of the permit, such permit shall lapse.

(8) SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

(9) NO DEDICATION.

Under no condition shall any private driveway be dedicated, nor acceptance thereof be deemed to have occurred, prior to the private driveway first being upgraded to comply with town and road standards, and Wisconsin State Statutes. All standards related to design, grading, construction and drainage shall meet State Department of Transportation Standard Specifications for Roads and Bridge Construction and its supplements, or the Town's Land Division Ordinance, the more restrictive provision shall apply.

(10) EFFECTIVE DATE

(a) For new construction, the provisions of (2) take effect upon passage and publication.

(b) Persons that have driveways which were constructed prior to passage of this ordinance, shall have a period of up to one year from the date they are notified in writing of the passage of this ordinance, to comply with the provisions of (2).

8.03 RIGHT OF WAY PERMITS (1)

APPROVAL REQUIRED

(a) No person shall make any excavation or fill or install any culvert or make any other alteration

in, under or through any town roadway or in any manner disturb any town right-of-way or bridge without applying for and receiving a permit from the town building inspector.

(b) The town building inspector shall approve the location and specifications of any alterations.

(c) As a condition of permit approval, the town shall require and the applicant shall provide the following:

1. A permit fee, in an amount set by resolution of the town board, to reimburse the town for costs incurred by them in reviewing, inspecting and monitoring such work.
2. A deposit, in an amount to be set by resolution of the town board, to ensure proper construction, completion of work, and absence of damages to town rights-of-way. The deposit shall be in the form of i) a bond from a surety company acceptable to the town; ii) cash; iii) certified or cashier's check. Upon completion of the work and inspection by the building inspector, the town shall refund the deposit in a timely manner, less any damage, repair, completion or excess inspection costs.
3. A certificate of insurance naming the town as an insured and holding the town free from all liability by reason of injury to third persons or property, and to pay any and all damages and costs arising from such work.

(2) PENALTY FOR VIOLATION

(a) Any damage caused to town property and/or right of way due to any work done under this permit is the responsibility of the permit holder.

(b) Violations of this ordinance shall be punishable as forfeitures in an amount not less than \$150 nor more than \$500, with each day of continued violation constituting a separate offense.

(3) EFFECTIVE DATE: Adopted November 2, 2007.

Sec. 4.4.0 Moratorium on Certain Land Divisions

This section is obsolete. Historical copy is available at the Town Hall.

Chapter 5

Streets & Highways

- 5.1.0 State Traffic Code Adopted
- 5.2.0 Town Road Speed Limits
- 5.3.0 Vehicle Weight Limits
- 5.4.0 Parking
- 5.5.0 Mail and Newspaper Receptacles
- 5.6.0 Laying Out of Roads and Subdivisions

Section 5.2.0 State Traffic Code Adopted.

AN ORDINANCE RELATED TO ADOPTION OF THE STATE TRAFFIC CODE

The Town Board of the Town of Bristol, Dane County, Wisconsin, do hereby ordain as follows:

ARTICLE ONE. Pursuant to section 349.06, Wis. Stats., the Town of Bristol hereby enacts the provisions of Chapters 341 through 348 and 350 of the Wisconsin Statutes for all offenses for which the penalty is a forfeiture. These statutes are hereby incorporated by reference. All amendments to these statutes shall be incorporated herein automatically.

ARTICLE TWO. (1) The provisions of this ordinance may be enforced by citation issued by a peace officer. In issuing a citation, the peace officer shall cite the violation using the same section number as the state statute, but shall reference the violation as a violation of the Town of Bristol ordinance. For example, a speeding citation shall be cited as "sec. 346.57, Bristol Ordinances."

(2) For the purpose of establishing a bond amount for issuance of a citation, the peace officer shall use the bond schedule contained in the latest official bond schedule issued by the State of Wisconsin for traffic offenses.

ARTICLE THREE. This ordinance shall take effect upon its publication in the official newspaper.

Dated January 12, 2004

Section 5.2.0 Town Road Speed Limits.

ORDINANCE ESTABLISHING REDUCED SPEED LIMITS ON CERTAIN ROADS IN THE TOWN OF BRISTOL

A traffic and engineering investigation having been made on the following described roadways in the Town of Bristol, Dane County Wisconsin, the maximum permissible speed at which vehicles may be operated on the roadways, which speed is herewith established as reasonable and safe pursuant to Section 349.11 Wis. Stats., shall be as set forth herein, and upon the erection of standard signs giving notice thereof.

The Town Board of Supervisors of the Town of Bristol, Dane County, Wisconsin, does hereby ordain as follows:

Section 1. In this ordinance, the following terms are defined as stated:

- (a) A "Vehicle" is any device in, upon or by which people or property are transported or drawn upon a highway, except railroad trains.
- (b) The term "speed" means the rate of travel of a vehicle, measured in miles per hour.

Section 2. No person shall drive a vehicle at a speed in excess of the following limits:

Bird Street: Forty-five miles per hour (45 mph) from its intersection with Happy Valley Road, southerly to the City of Sun Prairie limits.

Briar Lane: Twenty-five miles per hour (25 mph) from its intersection with Happy Valley Road, northerly to its end.

Bridle Pass: Twenty-five miles per hour (25 mph) from its intersection with Ridge Point Run, easterly to its intersection with Tartan Trail.

Brooks Ridge Drive: Twenty-five miles per hour (25 mph) from its intersection with Egge Road, northerly to its intersection with Brooks Ridge Road.

Bruin Road: Twenty-five miles per hour (25 mph) from its intersection with Briar Lane, westerly to its intersection with Fawn Lane.

Bunker View: Twenty-five miles per hour (25 mph) from its intersection with Ridge Point Run, easterly and southerly to its intersection with Tartan Trail.

Castleton Crossing: Twenty-five miles per hour (25 mph) from its intersection with Mile Road easterly and northerly to its end.

Cheddar Crest: Twenty-five miles per hour (25 mph) from its intersection with Sam Hill Drive, easterly to its end.

Country Drive: Twenty-five miles per hour (25 mph) from its intersection with Brooks Ridge Drive, westerly to its end.

***Craig Lane:** Twenty-five miles per hour (25 mph) from its intersection with Bruin Road, northerly and easterly to its intersection with Norway Road.

***Drumlin Pass:** Twenty-five miles per hour (25 mph) from its intersection with Lily View Lane easterly to its end.

Egre Road: Forty-five miles per hour (45 mph) from its intersection with County Trunk Highway N, westerly to the Town of Windsor limits.

***Elder Lane:** Forty-five miles per hour (45 mph) from Highway V V southwest to its intersection with Vinburn Road.

***Esker Trail:** Twenty-five miles per hour (25 mph) from Highway V southerly and westerly to its intersection with Tam O' Shanter Trail.

Fawn Lane: Twenty-five miles per hour (25 mph) from its intersection with Craig Lane, southerly to its end.

Fern Drive: Twenty-five miles per hour (25 mph) from its intersection with Norway Road, easterly to its end.

***Fiord Lane:** Twenty-five miles per hour (25 mph) from its intersection with Craig Lane northerly to its intersection with Midnight Sun Drive.

***Fissure Trail:** Twenty-five miles per hour (25 mph) from its intersection with Lily View Lane westerly to its end.

Happy Valley Road: Forty-five miles per hour (45 mph) from its intersection with County Trunk Highway N westerly to the Town of Windsor limits.

Hawks Haven Trail: Twenty-five miles per hour (25 mph) from its intersection with Castleton Crossing, westerly to its end.

Hensen Drive: Twenty-five miles per hour (25 mph) from its intersection with Bird Street, easterly to its end.

Hensen Drive: Twenty-five miles per hour (25 mph) from its intersection with Bird Street, westerly to its intersection with Scotland Parkway.

Hilltop Drive: Twenty-five miles per hour (25 mph) from County Trunk Highway N, westerly to its intersection with Prairie View Drive.

Hilton Lane: Twenty-five miles per hour (25 mph) from its intersection with Bird Street, easterly to its end.

Horseshoe Drive: Twenty-five miles per hour (25 mph) from its intersection with Bird Street, easterly to its end.

Jamar Court: Twenty-five miles per hour (25 mph) from its intersection with Starcrest Trail, southerly to its end.

James Drive: Twenty-five miles per hour (25 mph) from its intersection with Prairie View Drive, westerly to its end.

Kiltie Drive: Twenty-five miles per hour (25 mph) from its intersection with Scotland Parkway, easterly to its intersection with Tartan Trail.

***Leaf Lane:** Twenty-five miles per hour (25 mph) from its intersection with Esker Trail easterly to its end.

***Lily View Lane:** Twenty-five miles per hour (25 mph) from its intersection with Esker Trail, southerly and westerly to its end.

Lmor Drive: Twenty-five miles per hour (25 mph) from its intersection with County Trunk Highway N, westerly to its intersection with Prairie View Drive.

Lmor Drive: Twenty-five miles per hour (25 mph)) from its intersection with Brooks Ridge Drive, easterly to its end.

Lochside Lane: Twenty-five miles per hour (25 mph) from its intersection with Hensen Drive, southerly to its intersection with Scotland Parkway.

Longhorn Lane: Twenty-five miles per hour (25 mph) from its intersection with Cheddar Crest, southerly to its end.

Marion Court: Twenty-five miles per hour (25 mph) from its intersection with Prairie View Drive, easterly to its end.

***Midnight Sun Drive:** Twenty-five miles per hour (25 mph) from its intersection with Wyndwood Way westerly to its end.

Mile Road: Forty-five miles per hour (45 mph) from its intersection with Vinburn Road northerly to its intersection with Muller Road.

***Molly's Way:** Twenty-five miles per hour (25 mph) from its intersection with Lily View Lane southerly to its end.

Moonlight Circle: Twenty-five miles per hour (25 mph) from its intersection with Twilight Drive, southerly to its end.

Moonlight Circle: Twenty-five miles per hour (25 mph) from its intersection with Twilight Drive, northerly to its end.

****Muller Road:** Forty-five miles per hour (45 mph) from County Road V V to Russet Road.

Nessie Lane: Twenty-five miles per hour (25 mph) from its intersection with Scotland Parkway, southerly and westerly to its intersection with Tartan Trail.

Northern Light Drive: Twenty-five miles per hour (25 mph) from its intersection with Happy Valley Road, southerly to its intersection with Moonlight Circle.

Northstar Court: Twenty-five miles per hour (25 mph) from its intersection with Twilight Drive, southerly to its end.

Northwynde Passage: Twenty-five miles per hour (25 mph) from its intersection with Starburst Drive, northerly, easterly and southerly to its intersection with Starburst Drive.

***Norway Road:** Forty-five miles per hour (45 mph) from its intersection with Vinburn Road south to its intersection with Happy Valley Road.

***Oslo Lane:** Twenty-five miles per hour (25 mph) from its intersection with Wyndwood Way southerly to its end.

Parkway Drive: Twenty-five miles per hour (25 mph) from its intersection with Prairie View Drive, westerly to its end.

Peaceful Court: Twenty-five miles per hour (25 mph) from its intersection with Starcrest Trail, southerly to its end.

Pearl Court: Twenty-five miles per hour (25 mph) from its intersection with Starcrest Trail, westerly to its end.

Pebble Valley Court: Twenty-five miles per hour (25 mph) from its intersection with Norway Road, easterly to its end.

Prairie View Drive: Twenty-five miles per hour (25 mph) from its intersection with Starcrest Trail, southerly to its end.

Ridge Point Run: Twenty-five miles per hour (25 mph) from its intersection with Egge Road, northerly to its intersection with Bunker View.

Ridgeway Circle: Twenty-five miles per hour (25 mph) from its intersection with Van Ryen Court, westerly to its end.

Saddle Brook Trail: Twenty-five miles per hour (25 mph) from its intersection with Ridge Point Run, easterly and northerly to its intersection with Tartan Trail.

Sam Hill Drive: Twenty-five miles per hour (25 mph) from its intersection with Horseshoe Drive, southerly to its end.

Scotland Parkway: Twenty-five miles per hour (25 mph) from its intersection with Bird Street, westerly to its end.

Scotland Parkway: Twenty-five miles per hour (25 mph) from its intersection with Bird Street, northerly and westerly to its intersection with Cheddar Crest.

Shadow Trail: Twenty-five miles per hour (25 mph) from its intersection with Starburst Drive, southerly and easterly to Starburst Drive.

***Sportsman Drive:** Twenty-five miles per hour (25 mph) from its intersection with Greenway Road to its end.

Starburst Drive: Twenty-five miles per hour (25 mph) from its intersection with Parkway Drive, northerly and westerly to its end.

Starcrest Trail: Twenty-five miles per hour (25 mph) from its intersection with Happy Valley Road, southerly and easterly to County Trunk Highway N.

Starlight Court: Twenty-five miles per hour (25 mph) from its intersection with Starcrest Trail, southerly to its end.

***Stone Quarry Road:** Forty-five miles per hour (45 mph) its entire length.

Suffolk Down Road: Twenty-five miles per hour (25 mph) from its intersection with Tam O' Shanter Trail, northerly to its end.

***Tam O' Shanter Trail:** Twenty-five miles per hour (25 mph) from its intersection with County Trunk Highway VV, easterly to its intersection with Highway V.

Tartan Trail: Twenty-five miles per hour (25 mph) from its intersection with Ridge Point Run, northerly and easterly to its intersection with Nessie Lane.

Twilight Drive: Twenty-five miles per hour (25 mph) from its intersection with Starburst Drive, easterly to its intersection with Starcrest Trail.

Vale Road: Twenty-five miles per hour (25 mph) from its intersection with Hilltop Drive, northerly to its intersection with Starcrest Trail.

Van Ryen Court: Twenty-five miles per hour (25 mph) from its intersection with County Trunk Highway VV, southerly to its end.

***Viking Pass:** Twenty-five miles per hour (25 mph) from its intersection with Wyndwood Way northerly to its intersection with Craig Lane.

Vinburn Road: Forty-five miles per hour (45 mph) from its intersection with Norway Road, westerly to its intersection with Mile Road.

Weber Drive: Twenty-five miles per hour (25 mph) from its intersection with Van Ryen Court, westerly to its end.

Welford Place: Twenty-five miles per hour (25 mph) from its intersection with Castleton Crossing to its end.

Wendt Way: Twenty-five miles per hour (25 mph) from its intersection with Briar Lane, westerly to its intersection with Fawn Lane.

Wilburn Road: Forty-five miles per hour (45 mph) from its intersection with Happy Valley Road, southerly to the City of Sun Prairie limits.

***Wyndwood Way:** Twenty-five miles per hour (25 mph) from its intersection with Norway Road, easterly to its end and westerly and northerly to its intersection with Vinburn Road.

Section 3. This ordinance shall be effective upon its adoption and publication.

Adopted: October 13, 2003

Gerald Derr, Chairman

Scott Grove, Supervisor

Sandra Dulin, Supervisor

CERTIFICATION

I hereby certify that the above ordinance was duly adopted by the Town Board of the Town of Bristol on the 13th day of October, 2003. Publication date: October 23rd, 2003.

Sandra Klister, Town Clerk

I hereby certify that the above amended ordinance (* items) was duly adopted by the Town Board of the Town of Bristol on the 15th day of November, 2004. Publication date: November 24, 2004.

Sandra Klister, Town Clerk

I hereby certify that the above amended ordinance (** items) was duly adopted by the Town Board of the Town of Bristol on the 20th day of July, 2010. Publication date: September 16, 2010.

Sandra Klister, Town Clerk

Section 5.3.0 Vehicle Weight Limits.

ORDINANCE REGULATING WEIGHT LIMITS FOR VEHICLES ON TOWN OF BRISTOL ROADS

Town of Bristol, Dane County, Wisconsin

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

SECTION 1 – STATEMENT OF PURPOSE:

In the interest of public safety on Town roads, the roads and streets of the Town of Bristol are hereby declared to have special weight limitations as set forth herein. In the absence of such special limitations, there is a likelihood that Town roads will be seriously damaged or destroyed. Such limitations are adopted pursuant to Sec. 349.16, Wis. Stats., which is hereby adopted by reference and made a part of this ordinance.

SECTION 2 – WEIGHT LIMITATIONS:

It shall be unlawful for any person to operate a vehicle in excess of ten (10) tons on any Town roads or streets, except when necessary for the purpose of delivering and moving supplies or other necessary commodities to or from any farm, place of business or residence fronting on Town roads, and except when necessary for the purpose of leaving or returning to a terminal or place of garaging a vehicle; however, such operator shall leave such road and re-enter roads not prohibited by such weight limitation at the closest to its immediate destination and shall take the most direct route to the destination. Municipal owned vehicles engaged in snow or ice removal, sanding or salting, Fire and EMS vehicles, vehicles involved in agricultural activities, fuel trucks, school buses and garbage/recycling trucks contracted by the Town shall also be exempt from the general weight restrictions of this Section. All roads and streets within the Town of Bristol, per the State Department of Transportation Mileage Plat Map, are covered under this section.

SECTION 3 – NOTICE/SIGNS:

Appropriate weight limitation signs shall be erected on Town Roads and/or streets. A map showing the location of the signs shall be on file with the Town Clerk.

SECTION 4 – SEASONAL WEIGHT LIMITATIONS:

In addition to the permanent weight limitations on Town Roads, the Town Chairperson may impose special seasonal limitations on any Town Road or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, which would likely be seriously damaged or destroyed in the absence of such special limitations. When such seasonal limitations are in effect, the pick-up and delivery exceptions to Section 2 above shall not apply – except for the specifically exempted vehicles allowed in Section 2, or by written permission of the Town Board.

SECTION 5 – PERMIT TO ALLOW OVERWEIGHT LOADS:

The Town Chairperson or his/her designee shall be authorized to issue special permits granting the privilege of exceeding the weight limits as specified in the permit. Special permits may be issued only on an occasional basis for a non-routine load where no other practical alternative exists. The Town will charge a fee of \$25.00 for the excess weight permit to defray costs of staff time and materials.

SECTION 6 – PENALTY FOR VIOLATION:

The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided, together with the costs of prosecution imposed and provided in Section 345.20 to 345.53 Wis. Stats. The forfeiture for a first violation of any provision of this ordinance shall be not less than Five Hundred (\$500.00) Dollars. The forfeiture for a second or subsequent offenses shall not be less than One Thousand (\$1000.00) Dollars.

SECTION 7 – ENFORCEMENT:

This ordinance shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Chapter 800, and Section 66.12, Wis. Stats. This ordinance may be enforced by the issuance of a citation by officials authorized to do so on behalf of the Town.

SECTION 8 – SEVERABILITY:

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SECTION 9 – EFFECTIVE DATE:

This ordinance shall take effect the day after its publication pursuant to law.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Bristol, Dane County, Wisconsin, at a regular meeting held on the 9 day of March, 2004.

Section 5.4.0 Parking

ORDINANCE RELATED TO PARKING RESTRICTIONS ON TOWN ROADS

The Town Board of Supervisors of the Town of Bristol, Dane County, Wisconsin, does hereby ordain as follows:

Section 1. Parking prohibited in specific places. It is unlawful for the operator of a vehicle to park such vehicle in any of the following places except to comply with the directions of a traffic officer or traffic control signal or sign:

- A. On Van Ryen Court, south of County Highway V, as posted.
- B. Hilton Lane, as posted.
- C. Elder Lane, as posted.
- D. Branch Road, as posted.

Section 2. Parking prohibited during the months of December, January, February and March of each year.

Parking shall be prohibited on all Town of Bristol roads each winter during the months of December, January, February and March. This section does not apply to emergency vehicles.

Section 3. Penalty. Any person who violates section 1 or 2 of this ordinance shall forfeit not less than ten nor more than twenty five dollars. Each day, or partial day, of continued violation shall constitute a separate offense. In addition, without limiting the authority of the Town to impose the forfeiture, the Town may cause a vehicle parked in violation of this ordinance to be towed.

Section 4. This ordinance shall take effect upon its publication in the official newspaper.

Adopted: October 13, 2003

Amended: January 14, 2008

Amended: November 17, 2008

Published: October 23, 2003 and February 7, 2008

Section 5.5.0 Mail and Newspaper Receptacles

AN ORDINANCE REGULATING THE LOCATION OF MAIL AND NEWSPAPER RECEPTACLES

The Town Board of the Town of Bristol does ordain as follows: That in all platted subdivisions consisting of four or more lots within the Town of Bristol, all receptacles for the purpose of collecting United States mail and newspapers shall be erected and maintained on only one side of each street within the subdivision, and that in cul-de-sacs, such receptacles shall be erected in a group, with not more than one-foot space between each receptacle, and that the location of such mail and newspaper receptacles in such subdivisions shall be at such location as shall be designated by the postmaster of the community responsible for the mail service in the affected area.

Adopted by the Town Board of the Town of Bristol this 4th day of September, 1979.

Section 5.6.0 Laying Out of Roads & Acceptance of Subdivisions

AN ORDINANCE AMENDING THE ORDINANCE REGULATING THE LAYING OUT OF ROADS AND ACCEPTANCE OF SUBDIVISIONS.

The Town Board of the Town of Bristol does ordain as follows: That the ordinance enacted on July 14, 1964 entitled "An Ordinance Regulating the Laying Out of Roads and Acceptance of Subdivisions" and the amendment thereto enacted on September 26, 1972 entitled "An Ordinance Amending the Ordinance Regulating the Laying Out of Roads and Acceptance of Subdivisions" shall be and hereby is amended as follows:

A. That Section 1 thereof shall be amended by adding thereto the following sentence:

"That all of the specifications set forth in Section 3 of this ordinance, as amended, shall be applicable to the laying out and construction of highways and public roads in the Town of Bristol which are not located within a subdivision (i.e. plat or certified survey) except that the blacktop mat shall be 20 feet in width and no less than 2.5 inches thick, with 4 feet of compacted 3/4-inch rock on each shoulder instead of those specifications which are set forth in sub-subsection (4) of subsection (c) of Section 3 herein below stated as an amendment to said subsection (c)."

B. That subsection (c) of Section 3 shall be stricken, and the following substituted in its place and stead:

"(c) The bed of such road, lane, highway or other public ways shall consist of at least 28 feet in width surfaced as follows:

- (1) 4-inches of compacted three (3)-inch rock spread across the 28 foot width;
- (2) 4-inches of 3/4-inch compacted rock spread across the 28 foot width,
- (3) 2-inches of 3/4-inch compacted rock spread across the 28 foot width

immediately prior to surfacing the road bed with blacktop, and

(4) A 22 foot wide blacktop mat no less than 2.5 inches in thickness, with 3 feet of compacted 3/4-inch rock on each shoulder."

C. That in all other respects the said ordinance regulating the laying out of roads and acceptance of subdivisions as adopted on July 14, 1964 and as amended on September 26, 1972, be and the same hereby are confirmed except as amended herein.

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Bristol on the 18th day of September, 1979, and was posted by me in three of the most public places of the Town on the 19th day of September, 1979.

Chapter 6

Parks & Recreation

6.1.0 Park Closing Hours

6.2.0 Park Regulations

Section 6.1.0 Park Closing Hours

ORDINANCE ESTABLISHING CLOSING HOURS FOR TOWN PARKS

The Town of Bristol, by its Board of Supervisors, does hereby Ordain as follows:

Article One. The following is enacted as the Parks Closing Hours Ordinance of the Town of Bristol, Dane County, Wisconsin:

- (a) All areas designated as public parks, or set aside as recreational land or Out lots in subdivisions, shall be open from the hours of 7:00 a.m. to 10:00 p.m. The Chairperson may grant a one-time permit for use of a Park after its regular hours in response to a written request from a person or organization. The permit shall assure that such after- hours use will be for purposes and on conditions that will not disrupt adjacent residents.
- (b) No person may be present in a Town park outside of the open hours of the Park, except by permit granted by the Chairperson.
- (c) No person may camp, lodge, or otherwise occupy a Park overnight.
- (d) No person may possess or consume alcohol in a Park during the closed hours.

Violations

Any person violating section (b), (c) or (d) shall forfeit the sum of not less than fifty nor more than two hundred fifty dollars. The provisions of this ordinance provide for the maintenance of the public health and welfare, and therefore, may be enforced by injunction if necessary.

Dated December 10, 2007.

Section 6.2.0 Park Regulations

PARK REGULATIONS.

6.2.1: PURPOSE AND DEFINITION.

In order to protect the parks, parkways, recreational facilities and conservancy areas within the town from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to or leased for the public use as a park, parkway, recreation facility or conservancy district in the city.

6.2.2: ACTIVITIES PROHIBITED IN TOWN OF BRISTOL PARKS

(a) Motorized Vehicles. Except for authorized maintenance equipment and emergency vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have a permit for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate a snowmobile in a town park.

(b) Skateboarding, skating and rollerblading are prohibited in all town parks.

Adopted by the Town Board of the Town of Bristol, September 8, 2008.

Chapter 7

Environment

7.1.0 Recycling

7.2.0 Illicit Discharge Control

Section 7.1.0 Recycling Ordinance No. 1

TOWN OF BRISTOL

RECYCLING ORDINANCE NO. 1

The Town Board of the Town of Bristol, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. PURPOSE. The Town of Bristol finds participation in a mandatory source separation recycling program appropriate in this jurisdiction to conserve available, local landfill capacity. The Town further finds it appropriate to participate in both county-wide and state-wide recycling programs to conserve energy, recycle valuable resources, and to protect public health, welfare and the environment. The Town of Bristol also finds participation in these programs appropriate to achieve consistency with county-wide recycling policies to ensure that the Town will be able to use the county-owned landfill and the county material recycling facility,

SECTION 2. DEFINITIONS. The following words are defined in this ordinance as follows:

(a) "Collector/Hauler" means the contractor or entity chosen by the Town of Bristol to handle, transport and dispose of the community's solid waste, recyclables and non-recyclables, or, person or persons contracting with waste generators for these services, and will enforce preparation standards for recyclable materials as well as ensure community compliance with this source separation recycling program.

(b) "Corrugated cardboard" means heavy duty Kraft paper packaging, material with a corrugated medium between two flat paper liners, and does not include paperboard such as for cereal or laundry detergent boxes or holders for 6 packs or 12 packs of beverage cans or bottles.

(c) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.

(d) "Glass" means glass bottles, jars and containers and does not include window glass, drinking glasses, pyrex, light bulbs or other non-container glass.

(e) "Good faith" means reasonable efforts to adhere to the policies, standards and rules of this mandatory source separation recycling program.

(f) "Hazardous waste" or "hazardous substance" means those wastes or substances defined thusly in NR 181 of the Wisconsin Administrative Code (Including all amendments provided thereto) as provided therein pursuant to section 144.62, Wis. Stats., or other acts pursuant to authority vested in the Wisconsin Department of Natural Resources to describe and list materials thusly and also includes in the meaning of "hazardous waste" or "hazardous substance" as described supra those solid wastes or substances found in household waste (notwithstanding the household waste exclusion provided in" s, NR 181.12(4)(a), Wisconsin Administrative Code.)

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

(h) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, water heater or-any other item commonly referred to as a white good.

(l) "Metal cans" means tin coated steel cans, bi-metal cans, and aluminum cans used for food and other non-hazardous materials but excluding aerosol cans and cans that held paint, paint related products, pesticides or other toxic or hazardous substances.

(j) "Multifamily dwelling" means a residential dwelling place intended to be the residence of four or more independent family units.

(k) "Municipality" means a city, village or town located wholly or partly within the boundaries of Dane County.

(l) "Newspapers" means matter printed on newsprint including daily or weekly publications and advertising materials but excludes glossy paper, magazines, catalogs or similar materials.

(m) "Non-recyclable material" means all items of waste not recyclable except hazardous waste or hazardous substances.

(n) "Other paper" shall mean all paper excluding newsprint materials or materials specifically excepted in the definition of "newspapers," and "corrugated cardboard" but shall include grades of fiber materials with available markets for recycling.

(o) "Oversize and bulky waste" means large items such as furniture* mattresses, carpeting* construction or demolition materials of substantial dimensions, brush and other large items whose proportions are not easily reduced..

(p) "Person" includes any individual, corporation, organization, association* local governmental unit, as defined in section 66.299(1), Wis. Stats., state agency or authority or federal agency.

(q) "Plastic container" means a blow molded plastic bottle made of high density polyethylene (HOPE) or a plastic bottle or jar made of polyethylene terephthalate (PET), but does not include HOPE containers that are not blow molded including but not limited to containers for yogurt, cottage cheese, butter, margarine, ice cream and similar products.

(r) "Preparation standards" shall mean criteria provided establishing acceptable good faith limits for introduction of materials into the source separation recycling program involving either transport to a material recycling center or temporary storage of such materials.

(s) "Recyclable material" means identified materials meeting preparation standards and shall include the following: newspapers; corrugated cardboard; (unbroken) brown, green and clear container glass; aluminum, bi-metal and tin-coated steel cans; blow-molded HOPE and PET plastic containers; tires (regardless of size); used oil; lead-acid batteries; and large appliances. "Recyclable material" further means identified materials meeting preparation standards where economical markets or short-term storage are available and shall include the following: other paper; polystyrene foam; PVS containers; polypropylene containers; HOPE and PET containers other than bottles; types of plastic containers labeled "other"; and, other materials determined to have economical markets available.

(t) "Refuse" means combustible and non-combustible materials including, but not limited to: paper products, wood, metal, glass, cloth and products thereof in unrecoverable condition; litter and street rubbish not including yard waste; uncontaminated ashes; and, building materials such as wood, concrete, glass, plaster and other intermixed materials produced in construction or demolition of structures. "Refuse" for purpose of this ordinance shall not include "oversize or bulky waste."

(u) "Solid Waste" means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

(v) "Solid waste storage" shall mean safe, environmentally sound short-term containment of materials and for recyclables shall involve preserving materials in a condition meeting preparation standards.

(w) "Tires" for collection purpose shall mean rubber tires, from automobile and light truck tires and other tires whose size is less than 1100 x 24.5, which are removed from rims.

(x) "Used oil" means any contaminated petroleum-derived or synthetic oil including but not limited to the following: engine and other mechanical lubricants; hydraulic and transmission fluid; metalworking fluid; and, insulating fluid or coolant.

(y) "Yard waste" means leaves, grass clipping, yard and garden debris, including clean woody vegetative material no greater than six (6) inches in diameter and holiday trees, but does not include tree stumps, extensive root systems or shrubs with intact root balls.

SECTION 3. APPLICABILITY. This ordinance shall apply to all persons, entities and appropriate waste generating activities, within the corporation limits of the Town of Bristol.

SECTION 4. CONFLICT AND SEVERABILITY. The provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or pertinent Dane County Ordinances in their interpretation and application. Because this ordinance creates a comprehensive, mandatory source separation recycling program in our community, where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretations consistent with state and county law shall control. If any section, provision or portion of this ordinance is found unconstitutional or invalid by a court, the remainder of the ordinance shall remain enforceable and shall not be affected by that ruling.

SECTION 5. PREPARATION STANDARDS. Acceptable recyclable materials shall be prepared in accordance with the following standard for collection purposes pursuant to this ordinance:

- "Newsprint" shall be dry, free of paper not normally included in the newspaper and not sunburnt;
- "Corrugated cardboard" shall be flattened, empty and free of food debris and other contaminating material;
- "Glass containers" shall be empty, clean and free of metal caps and rings, other contaminants such as window glass, drinking glasses, ceramics and similar material;
- "Metal cans" shall be empty, with ends removed and flattened where possible, and clean, with labels removed;
- "Plastic containers" shall not be tied together, and shall be empty, clean, flattened and have caps removed.
- "Lead-acid batteries" shall have all caps firmly attached and be free from leaks.

Furthermore, additional preparation standards may be provided by notice to generators of waste and collectors/haulers or by amendment to this subsection when other materials become recyclable dependent upon available economic markets.

SECTION 6. MANDATORY SOURCE SEPARATION AND COLLECTION. The following provisions shall apply to all non-hazardous solid waste generated with the municipality:

(a) Non-recyclable Material.

(1) All garbage, refuse and other non-recyclable materials shall be collected, removed and disposed of pursuant to the municipality's agreement with the designated collector/hauler or persons' private agreements with collectors/haulers unless such arrangements are unavailable or not required, in which case persons shall follow these guidelines in their own disposal of solid waste they generated.

(2) All garbage placed curbside for collection shall be well drained, wrapped and deposited in watertight containers or watertight bags. No container or bag placed for collection shall exceed 30 gallons in capacity or 50 pounds in weight.

(3) All refuse and other non-recyclable materials placed curbside for collection shall be placed in suitable containers of not more than 30 gallons in capacity or 50 pounds in weight.

(4) Any bag or container placed curbside for collection as refuse or non-recyclable material which contains any recyclable material may be refused by the collector/hauler unless the generator shows good faith for recycling. Where dumpsters are used, the collector/hauler may refuse collection from bins containing recyclable materials unless the owner or generator shows good faith for recycling.

(5) The municipality shall ensure special arrangements are made for the collection of oversize and bulky waste.

(b) Grass, Leaves and Brush. Grass, leaves and brush shall not be collected with the Intent of disposal at Dane County sanitary landfills. The municipality shall make suitable arrangements for disposal of yard waste. All persons who generate yard waste shall be responsible for appropriate disposal of yard waste from properties owned or occupied by the aforementioned persons. Composting of yard waste on private property is permitted where no nuisance to others occurs.

(c) Separation and Handling of Recyclable Materials.

(1) Separation of Recyclables Required. All recyclable materials shall be separated from other solid waste. Recyclable materials placed at the curbside for collection shall be co-mingled in a system facilitating transport and processing as provided herein. Recyclable materials shall meet preparation standards and persons shall make good faith efforts to ensure recyclables and recycling containers are well-drained and reasonably clean.

(a) Residential containers for recyclable materials shall be the appropriately marked recycling bin.

1. Containers. Glass, metal cans and plastic containers separated and placed curbside shall be in a manner facilitating the collector/hauler's collection of these materials enabling ready identification of the various materials.
2. Newspaper and corrugated cardboard. Newspaper shall be securely tied in neat bundles less than 12 inches thick or placed in suitable containers facilitating handling and collection. Corrugated cardboard shall be flattened and securely tied in bundles or placed in suitable containers facilitating handling and collection. Corrugated cardboard and newspaper shall not be intermixed, bundled together or mixed with other recyclable materials such as paper.
3. Other items. The municipality shall arrange for the recycling of the following: lead-acid batteries, major appliances and large metal products.
4. Curbside service not chosen or mandatory. All persons or entities in the municipality generating solid waste shall make a good-faith effort to separate recyclables from non-recyclables and shall take all the following recyclable materials to available recycling collection points: corrugated cardboard, glass, newspaper, paper, plastic, metal cans, lead-acid batteries, major appliances, used oil, tires and other materials deemed recyclable as economical markets become available. Persons transporting recyclables to collection points shall meet preparation standards for those materials.

(b) Requirements for Multi-Family Dwellings. Owners of multi-family dwellings shall provide adequate containers for handling and collection of recyclable materials enabling tenants to ensure separation of recyclables and ensuring that recyclables meet preparation standards. Owners of Multi-Family Dwellings are required to notify tenants on move-in and semi-annually thereafter of County and Municipal recycling requirements,

(c) Requirements at Commercial, Retail, Industrial, Institutional and Governmental Facilities. The owners of commercial, retail, industrial, institutional and governmental facilities shall provide adequate, marked containers for separate handling and collection of recyclable materials, excluding used oil and major appliances. All owners shall exercise good faith to maintain sufficient, well-kept containers to meet their generators' requirements for recycling purposes. All owners shall exercise good faith to meet preparation standards for recyclables providing suitable containers for that purpose. Owners shall regularly, periodically notify all users and occupants of the facilities of the recycling programs provided in this paragraph.

(d) Prohibited Practices in Collection and Handling of Recyclables. No person, persons or other entity generating waste, within the municipality shall do any of the following:

- (1) Mix or permit intermixing of recyclable and non-recyclable materials intended for collection by a collector/hauler or intended to be processed at a material recycling facility unless good faith to recycle is shown.
- (2) Deposit or cause to be deposited any recyclable material at any authorized collection point when the site is closed or not operating.
- (3) Deposit or cause to be deposited any recyclable material in or upon any public street, public waters, or public grounds in the municipality except at authorized locations within appropriate packaging or placed into appropriate containers during specifically authorized collection periods if any are provided.
- (4) Deposit or cause to be deposited any recyclable material in any container not specifically intended for the collection of that type or group of recyclable material.
- (5) Deposit or cause to be deposited any non-recyclable material in any container specifically intended for the collection or deposit of recyclable material.

SECTION 7. VIOLATION AND PENALTY. Any person who violates any provisions of this ordinance or any regulations promulgated pursuant to this ordinance shall forfeit upon conviction thereof not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each separate violation hereunder, provided that the range of forfeiture for the third and any subsequent violation of this ordinance or regulations promulgated pursuant thereto within a twelve month period shall be not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each separate violation. Each Incident of violation shall be a separate offense and each day or part thereof during which a violation occurs or continues shall be deemed a separate offense.

SECTION 8. PROMULGATION OF REGULATIONS. The Town of Bristol shall prepare regulations, standards and schedules as necessary to make effective all provisions of this ordinance. Periodically, upon a schedule adopted by the municipality, the Town Board shall prepare notices and distribute other information to persons and entities generating waste with the Town for the purpose of informing the public about the requirements dictated by this mandatory source separation recycling ordinance.

SECTION 9. CONSISTENCY. All ordinances of the Town of Bristol or parts of those ordinances construed to be inconsistent with this ordinance for the purpose of achieving an effective recycling program in the municipality shall be hereby repealed as to such inconsistency only for the limited purpose of making effective all provisions in this ordinance.

SECTION 10. EFFECTIVE DATE. This ordinance shall be In full force and effect on March 4, 1991.

Section 7.2.0 Illicit Discharge Control

ILLICIT DISCHARGE CONTROL ORDINANCE

Section 7.2.1	Purpose
Section 7.2.2	Definitions
Section 7.2.3	Applicability
Section 7.2.4	Responsibility for Administration
Section 7.2.5	Severability
Section 7.2.6	Ultimate Responsibility
Section 7.2.7	Discharge Prohibitions
Section 7.2.8	Monitoring of Discharges
Section 7.2.9	Notification of Spills
Section 7.2.10	Enforcement, Penalties and Remedies
Section 7.2.11	Effective Date

SECTION 7.2.1: PURPOSE

The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the **Town of Bristol** and protect waters of the state through the regulation of illicit discharges to the municipal separate storm sewer system as required by federal and state law. This Chapter establishes methods for controlling the discharge of pollutants into the municipal separate storm sewer system owned or operated by the **Town of Bristol** in order to comply with the requirements of the Clean Water Act, Chapter 283.33,

Wis. Stats., and Wisconsin Pollutant Discharge Elimination System municipal storm water discharge permit program under Chapter NR 216, Wis. Adm. Code.

SECTION 7.2.2: DEFINITIONS

For the purposes of this Chapter, the following definitions are applicable:

- (1) **“Authorized agency”** means employees or designees of the director or directors of the municipal agency or agencies of the **Town of Bristol** designated to administer or enforce this Chapter.
- (2) **“Illicit connection”** means any drain or conveyance, whether on the surface or subsurface, which allows the discharge of sanitary waste to the municipal separate storm sewer system and any connections to the municipal separate storm sewer system from indoor drains and sinks.
- (3) **“Illicit discharge”** means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharges not requiring a WPDES permit.
- (4) **“Municipal separate storm sewer” or “MS4”** means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets the following criteria:
 - a. Owned or operated by the **Town of Bristol**.
 - b. Designed or used for collecting or conveying storm water.
 - c. Which is not a combined sewer conveying both sanitary wastewater and storm water.
 - d. Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (5) **“Non-storm water discharge”** means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water.
- (6) **“Storm water”** means surface runoff and drainage of rainfall and snow or ice melt.
- (7) **“Waters of the state”** means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, well, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

SECTION 7.2.3: APPLICABILITY

This Chapter shall apply to all discharges to the MS4 and to all activities that can reasonably be expected to result in a discharge to the MS4.

SECTION 7.2.4: RESPONSIBILITY FOR ADMINISTRATION

The **Town of Bristol** shall administer, implement and enforce the provisions of this Chapter. Any powers granted or duties imposed by this Chapter upon the authorized agency may be delegated by the Town Board Chair to persons or entities acting in the beneficial interest of or in the employ of the Town.

SECTION 7.2.5: SEVERABILITY

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person,

establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

SECTION 7.2.6: ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; Therefore, this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharges.

SECTION 7.2.7: DISCHARGE PROHIBITIONS

(1) Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the MS4 or waters of the state of any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited. The following non-storm water discharges or flows are generally not considered illicit discharges if done so in a non-polluting manner: water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool water, street wash water and fire fighting.

(2) Prohibition of Illicit Connections.

- (a) The construction, use maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this Chapter if the person connects a line conveying sanitary waste to the MS4, or allows such a connection to continue.

SECTION 7.2.8: MONITORING OF DISCHARGES

Access to Facilities.

The authorized agency shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized agency.

SECTION 7.2.9: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or water of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said

person shall notify the authorized agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized agency within three business days of the phone notice.

SECTION 7.2.10: ENFORCEMENT, PENALTIES, AND REMEDIES

(a) *Violations*. It shall be unlawful for any person to violate any provision of this Chapter. Each and every day during which the violation continues shall constitute a separate offense. The Town may institute appropriate action of proceedings to enjoin violation of this Chapter.

(b) *Penalties*. Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and also pay the costs of prosecution for each violation, including the Town's reasonable and actual attorney's fees and disbursements incurred in the prosecution of such violations.

SECTION 7.2.11: EFFECTIVE DATE

This ordinance shall take effect the day after passage and posting or publication pursuant to law.

The above and foregoing ordinance was adopted by the Town Board of the Town of Bristol at its meeting held on September 8, 2008.

Chapter 8

Animals

8.1.0 Control of Dogs

8.2.0 Animal Waste

Section 8.1.0 Control of Dogs

TOWN OF BRISTOL

TOWN ORDINANCE FOR THE CONTROL OF DOGS

The Town Board of the Town of Bristol, County of Dane, Wisconsin, do ordain as follows:

Section 1. Dogs Not to Run at Large. It shall be unlawful for any person owning, keeping or harboring any dog, to permit such dog to run at large within the limits of the Town of Bristol, Dane County, Wisconsin, at any time.

Section 2. The enforcement of this ordinance shall be carried out by any Town of Bristol Constable. If the identity and ownership of the dog offending private property can be readily ascertained, the Constable may forthwith advise such owner of the dog's transgressions. This shall not limit the authority of the Constable to impound said dog forthwith, or to prosecute such owner as herein provided.

Section 3. If the persons who own or harbor the said offending dog, contrary to the provisions of this ordinance, can be reasonably ascertained, said individual shall be notified in person or by United States mail, that said dog is impounded.

Section 4. If such person owning or harboring offending dogs cannot be ascertained, then, and in that case, the Constable shall post written notice within 43 hours after said seizure and these notices shall be posted in the Star Countryman newspaper in the Town of Bristol, and on the bulletin board at the Town Hall. Said notice shall be dated and if the owner does not reclaim the dog within 5 days, Sundays excepted, then and in that case the dog shall be humanely dispatched.

Section 5. Any dog impounded pursuant to this ordinance must be licensed in the Town before it can be released and the licensing shall be determined by the Town and County records. The owner claiming his dog shall be charged \$5.00 per day for its keep and said payment shall be paid to the Town Treasurer.

Section 6. Penalties. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon

conviction thereof shall be punished by a fine of not less than \$10.00, nor more than \$25.00, together with the costs of prosecution and in default of payment of fine imposed, with costs to be committed to the County Jail of Dane County for a term not to exceed 30 days.

Section 7. All ordinances, in whole or in part which conflict with the provisions of this ordinance are hereby repealed.

Section 8. Intent. It is the intention of this ordinance to protect the citizens from the ravages and damages caused by dogs, particularly those owned by people who fail to respect the right of others. It is not the intention of this ordinance to penalize farmers or others, whose dog may, for the first time and without their knowledge, cause disturbance.

Section 9. This ordinance shall take effect and be in force from and after passage and publication.

Approved by:
Town Board of Bristol July 6, 1982.

Section 8.2.0 Collection of Animal Waste

ORDINANCE REQUIRING PROPER COLLECTION AND DISPOSAL OF PET WASTE

- 8.2.1 Person Walking Animal Required to Remove Fecal Matter. It shall be unlawful for any person to cause or permit any animal, specifically including, but not limited to, dogs, horses and cats, to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog or cat, or horse to be on property not owned or possessed by such person shall immediately remove all excrement of such dog, cat or horse to a receptacle located upon property owned or possessed by such person. No person shall permit their dog or cat or other animal to excrete feces upon public rights of way or in any town park. This section shall not apply to a person who is visually or physically handicapped.
- 8.2.2 Accumulation of Fecal Matter Prohibited on Private Yards. The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter by flushing down a toilet or saving such waste in a sealed container for garbage pickup. Animal feces shall not be disposed of in storm sewers or municipal drainage ditches or retention areas.
- 8.2.3 Violations of this Section. Any person who violates this section of the code of ordinances shall be subject to a forfeiture of not less than twenty-five dollars

(\$25.00) and not more than one hundred dollars (\$100.00) for the first violation and not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for subsequent violations.

Adopted by the Town Board of the Town of Bristol on September 8, 2008.

Chapter 9

Public Peace & Order

9.1.0 Jake Brakes, Tire Squealing & Vehicle Noise

9.2.0 Hunting & Discharge of Weapons

Section 9.1.0 Ordinance Related to the Use of Jake Brakes, Tire Squealing & Vehicle Noise

AN ORDINANCE RELATED TO THE USE OF JAKE BRAKES, TIRE SQUEALING AND VEHICLE NOISE

The Town of Bristol, by the Town Board of Supervisors, do hereby ordain as follows:

ARTICLE ONE. Definitions. In this ordinance, the following terms have the meanings set forth herein:

(1) "Residential Area" means the portion of a highway located between posted traffic signs which indicate that engine brakes may not be used in the area.

(2) "Engine Brakes," are any mechanical exhaust device, compression brake or other braking device in a motor vehicle other than the conventional brake pads and drums or disks, used for the purpose of slowing or stopping a motor vehicle.

(3) "Emergency" means a situation in which there is an imminent and immediate risk of injury to a person or damage to another vehicle or property. The term does not include situations which result from operating the vehicle in excess of the posted speed limit or from lack of due care by the vehicle operator.

(4) "Horn" means the sound alert device installed in a vehicle or any other warning sound emitting device installed on a vehicle, whether part of the original factory equipment or installed later.

ARTICLE TWO. Unlawful use of Engine Brakes and Compression Brakes.

It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated Engine Brakes in a Residential Area of the Town of Bristol, except in an Emergency.

ARTICLE THREE . Unlawful Use Of Horn.

(1) No person may operate a vehicle Horn in a Residential Area except in an emergency.

(2) No person may operate a vehicle Horn for the purpose of causing a disturbance of the peace or to annoy another person or persons.

ARTICLE FOUR. Tire Squealing, Spinning or Smoking.

(1) No person may operate a motor vehicle in a manner which causes the tires of the vehicle to squeal or otherwise emit unusual noise.

(2) No person may operate a motor vehicle in a manner which causes the tires to spin freely and kick up gravel, dirt or sand except for the purpose of maintaining control of the vehicle in an Emergency or while engaging in towing a disabled vehicle, or while engaged in agricultural or construction activities.

(3) No person make operate a vehicle in a manner which causes the tires of the vehicle to emit smoke.

ARTICLE FOUR. ENFORCEMENT.

(1) This ordinance may be enforced by any peace officer who observes a violation.

(2) The owner or occupant of property in a Residential Area who observes a violation of this ordinance may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the vehicle involved in the violation.

(c) Identification of the vehicle as an automobile, motor truck, motor bus, motorcycle or other type of vehicle.

(d) Information identifying the operator of the vehicle, if any,

(3) Within 24 hours after observing the violation, the property owner or occupant may deliver the report to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

(4) (a) Within 48 hours after receiving a report containing all the information in sub. (2), the traffic officer may prepare a uniform traffic citation under s. 345.11 and may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address.

PENALTIES.

(1) Any person who is convicted of violating any provision of this ordinance shall forfeit not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00) per violation.

(2) Any person who is convicted of a second or subsequent violation of the same provision of this ordinance in less than twelve months shall forfeit not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

Adopted by a meeting of the Town Board on October 6, 2004.

Section 9.2.0 Ordinance Regulating Hunting & Discharge of Weapons

ORDINANCE REGULATING HUNTING & DISCHARGE OF WEAPONS

The Town Board Of The Town Of Bristol, Dane County, Wisconsin, Does Ordain As Follows:

SECTION 1: DEFINITION

WEAPON: The work weapon as used in this ordinance includes without limitation any pistol, rifle, or other fire arm, bow and arrow, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

SECTION 2: HUNTING AND DISCHARGE OF WEAPONS REGULATED

No person shall hunt, carry a weapon, or discharge, attempt to discharge, or cause to be discharged, any weapon within the corporate limits of the Town of Bristol.

SECTION 3: EXCEPTIONS

The following are exceptions to Section 2 of this ordinance:

- A. When such weapon is being carried or used by a police officer in the lawful performance of his duty.
- B. When such weapon is necessary to protect the personal property of one carrying such weapon or the personal property of another, except that such weapon shall not constitute a concealed weapon within the definition of Section 941.23 - of the Wisconsin Statutes.
- C. When such weapon is carried or used upon a licensed target practice range.

D. When such weapon is carried or used for hunting purposes upon agriculturally zoned property within the Town of Bristol provided, that such agricultural property is not owned by the Town of Bristol and, further provided, that such weapon shall not be carried or used for hunting purposes within 500 feet of a dwelling house,

SECTION 4: REFERENCES

Reference to the term "person", "anyone" or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation, and also a responsible member or a responsible officer or a responsible managing agent of any singular proprietorship, partnership, or corporation unless the context clearly indicates otherwise.

SECTION 5: SEVERABILITY AND CONFLICT

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6: PENALTY

Anyone violating this ordinance shall forfeit not less than TWENTY DOLLARS (\$20.00) nor more than TWO HUNDRED DOLLARS (\$200.00) for each offense. In default of payment of the above forfeiture, upon conviction thereof, the person violating this ordinance shall be confined to the County Jail until such forfeiture with costs have been paid, not to exceed thirty (30) days. Each day of violation shall constitute a separate offense under this ordinance.

SECTION 7: EFFECTIVE DATE

In accordance with the Wisconsin Statute 61.50(1), this ordinance shall take effect the day after posting has been filed and recorded with the Town Clerk.

IN WITNESS WHEREOF, the undersigned Chairman and Clerk of the Town Board have set their hands and seals July 6, 1981.

Chapter 30

Outdoor Burning & Fire Prevention

- 30.1.0 Fire Prevention & Safety Codes Adopted
- 30.2.0 Open Burning in the Town of Bristol
- 30.3.0 Outdoor Fired Furnaces

Section 30.1.0 Ordinance Relating to Fire Prevention & Safety Codes

AN ORDINANCE RELATING TO FIRE PREVENTION AND SAFETY CODES

Pursuant to Wisconsin Statutes, including Wis. Stat. §§ 60.22, 60.555, 60.10, and 61.34, the Town Board of the Town of Bristol, Dane County, Wisconsin, hereby ordains as follows:

Section 1. Repeal and Recreation of Section 3-2-2. Section 3-2-2 of the Town Code of Ordinances is repealed and recreated as follows:

Sec. 30.1.1 ADOPTION OF CODES

- (a) The following orders, rules, and regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time may be amended, updated and renumbered, are incorporated herein by reference and adopted as part of this Chapter 30.

- (1) Comm 5 - Licenses, Certifications, and Regulations
- (2) Comm 7 - Explosive Materials
- (3) Comm 10 - Flammable and Combustible Liquids
- (4) Comm 14 - Fire Prevention
- (5) Comm 16 - Electrical
- (6) Comm 28 - Smoke Detectors
- (7) Comm 30 - Fire Department Safety and Health
- (8) Comm 40 - Gas Systems
- (9) Comm 43 - Anhydrous Ammonia
- (10) Comm 61 to 65 - Wisconsin Commercial Building Code
- (11) Comm 66 - Existing Buildings
- (12) Comm 75 to 79 - Existing Buildings

- (b) The following codes of the National Fire Protection Association (NFPA) as from time to time may be amended, updated, and renumbered, are hereby adopted by reference and made a part of this Chapter 30: NFPA 1 and NFPA's incorporated standards and codes as published in the National Fire Codes of the NFPA.
- (c) The 2006 Edition of the International Fire Code (IFC), Appendix D, as from time to time may be amended, updated, and renumbered, is hereby adopted by reference and made a part of this Chapter 30.

In case of a conflict between any provision of the Wisconsin Administrative Code, the NFP1 fire prevention code, and the International Fire Code, Appendix D, the strictest provision shall apply.

Section 2. Creation of Section 30.1.2

Sec. 30.1.2 KNOX BOX PROVISIONS

- (a) "Knox Box" shall be defined as a non-destructible emergency key box purchased through the Knox Company, which will hold a master key to the building or structure on which it is mounted for safe and secure rapid entry by the Fire Department. The Knox Box shall be installed to the right of the main entrance door, between four and five feet above ground level. If this is not possible, the Knox Box shall be placed in a location approved by the Chief of the Fire Department or his/her designee(s).

The Knox Box shall contain:

1. Keys to all locked points of egress, whether interior or exterior of such building or structure.
2. Keys to all locked mechanical rooms.
3. Keys to locked elevator rooms.
4. Keys to elevator controls.
5. Keys to all fences or secured areas.
6. A floor plan of the rooms within the building may be required at the reasonable discretion of the Chief of the Fire Department.

All keys will be labeled with correct locations.

- (b) Buildings/Rooms Subject to this Section include:
 1. All buildings or part of a building used for business or commercial purposes.

2. All multiple family dwellings (buildings containing more than two dwelling units).
 3. When access to a room or area within a building is determined by the Chief of the Fire Department or his/her designee to be unduly difficult because of secured openings, and therefore better access is necessary for life saving or firefighting purposes, the room/area shall be equipped with a Knox Box at a location approved by the Chief of the Fire Department or his/her designee(s).
- (c) Properties protected by a locked fence or gate shall be equipped by the owner at the owner's expense, with either a Knox security padlock or a Knox Box, installed at a location approved by the Chief of the Fire Department or his/her designee(s).
 - (d) The owners of all buildings or structures protected by an automatic sprinkler system or standpipe system whose fire department connection to the system has been vandalized or damaged may be required to install, at the owner's expense, a Knox fire department connection security cap as directed by the Chief of the Fire Department or his/her designee(s).
 - (e) Exemptions from the requirements of this section relating to the installation of a Knox Box may be granted at the discretion of the Chief of the Fire Department or his/her designee(s) upon the written request of a property owner stating the reasons for such exemption, but only after the property owner has waived in writing any potential claim that could be made against the Fire Department, the Town, and the members of the Fire District as a result of not installing a Knox Box and has agreed in writing to indemnify the Fire Department, the Town, and the members of the Fire District.
 - (g) In addition to the forgoing requirements, all buildings over twenty-five thousand (25,000) square feet in floor area in the aggregate must number or letter their doors (and windows when required by the Chief of the Fire Department or his/her designee). Numbering or lettering will be placed on each door starting at the main entrance, and progressing around the building clockwise with no less than eight-inch high reflective numbers or letters that are a contrasting color to the door. Numbers and letters must be at least five feet above ground level. Where double doors or a grouping of doors exists close together, they may be numbered as one.

- (h) All newly constructed buildings or structures, including, but not limited to, all building or structures not yet occupied, all buildings or structures currently under construction, and all buildings, structures or businesses applying for an occupancy permit after the effective date of the adoption of this ordinance, shall comply with the provisions of this Section 30.1.2. Existing buildings that are not in compliance on the effective date of this ordinance shall comply with the provisions of this Section 30.1.2 within eighteen (18) months after the effective date of this section.

Section 3. Creation of Section 30.1.3 Section 30.1.3 of the Town Code of

Ordinances is created to provide as follows:

Section 30.1.3 INSPECTIONS

The Chief of the Fire Department or his/her designee(s) shall inspect all premises, as required by Section 101.14, Wisconsin Statutes, and shall enforce the laws and ordinances governing the same.

Section 4. Creation of Section 30.1.4. Section 30.1.4 of the Town Code of

Ordinances is created to provide as follows:

Sec. 30.1.4 ENFORCEMENT AND FORFEITURES

- (a) It shall be the responsibility of the Chief of the Fire Department or his/her designee(s) to enforce this Chapter 30.
- (b) The Chief of the Fire Department may delegate any authority to any Department member or employee of the Sun Prairie Volunteer Fire Department.
- (c) The Chief of the Fire Department and his/her designee(s) are authorized to issue citations for violations of this Chapter 30.
- (d) The penalty for each violation of this Chapter 30 shall be a forfeiture of not less than \$250 and not more than \$500. Each day that a violation continues to exist shall be considered a separate violation.
- (e) This chapter is cumulative in its legal effect and is not in lieu of any and all other legal and equitable remedies under Town ordinances or codes, state statutes, state administrative codes, and common law.

Section 5. Effective Date. This ordinance shall take effect the day after posting or publication pursuant to law.

The above and forgoing ordinance was duly adopted by the Town Board of the Town of Bristol at a meeting held on August 10, 2009.

Section 30.2.0 Outdoor and Refuse Burning Ordinance For the Town of Bristol

OUTDOOR AND REFUSE BURNING ORDINANCE FOR THE TOWN OF BRISTOL, DANE COUNTY, WISCONSIN

SECTION 1: PURPOSE

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

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Bristol.

2.1. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances in a fashion which is lawful under this ordinance.

2.2. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

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

SECTION 4: DEFINITIONS

4.00 Definitions.

4.1. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4. "Fire Chief" means the Chief of the Sun Prairie Area Fire District or other person authorized by the Fire Chief

4.5. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

4.6. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

4.7. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

4.8. "Refuse" means any waste material except clean wood.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.0 General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Bristol unless the burning is specifically permitted by this ordinance.

5.1 Grills, barbecues, deep fryers, smokers and other appliances which cook or prepare food using heat generated by burning charcoal or natural gas in cylinders designed to hold 20 pounds or less of gas, may not be used on second story porches or in enclosed porches or areas. All residential landlords in the Town shall include building rules forbidding such use of grills.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00 Materials that may not be burned.

6.10 Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device

6.11. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.12. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

6.13. Asphalt and products containing asphalt.

6.14. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.15. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

6.16. Rubber including tires and synthetic rubber-like products.

6.17. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 9 of this ordinance.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE MATERIAL

7.00 Burning leaves, brush, clean wood and other vegetative debris.

7.1 Effective upon adoption of this ordinance, open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is prohibited within 200 feet of an adjacent structure owned by another person.

7.2. The regulations contained in sections 7.2 through 7.13 shall apply to burning which is lawful. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.3. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

7.4. Materials which are burned may be burned only on the property on which the materials were generated.

7.5. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance, and if done with a written permit from the Sun Prairie Fire Chief or his/her designee.

7.6. Fires set for forest, prairie or wildlife habitat management are allowed by permit from the Sun Prairie Fire Chief.

7.7. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a fire ring or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

7.8 Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

7.9. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources and the Sun Prairie Fire Chief.

7.10 Open burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property.

7.11. Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours.

7.12. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire. A person who undertakes open burning shall be strictly liable for all damages caused by a fire the person sets.

7.13. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

7.14. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 150 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

7.15. No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the **Town of Bristol**.

7.16. With the exception of campfires, any open burning allowed by this ordinance requires that the proposed burning be reported to the Sun Prairie Volunteer Fire Department by calling the fire department non-emergency phone number and leaving the required information on the answering machine at the fire station. This must be done before burning can begin.

7.17 The Town Board may designate dates and times during which open burning of leaves, brush, yard waste and clean wood generated on a property may be burned on that property by the owner or the owner's designee. No other materials or accelerants may be burned. This section does not permit burning of any wet yard waste, or of grass clippings, paper, garbage, painted or treated wood, building materials or waste. The Town Board may reduce the required setback distance in the case of spring and fall yard waste burn dates.

SECTION 8: BURN BARRELS

8.00 Burn barrels.

Upon adoption of this ordinance, no person shall use or maintain a burn barrel in any lot within a platted subdivision in the **Town of Bristol**.

A burn barrel may be used in the Town of Bristol only in accordance with the following provisions:

8.1. The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.

8.2. Any burn barrels shall be located at least 200 feet from the nearest building that is not on the same property as the burn barrel.

8.3. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

8.4. The burn barrel shall not serve a commercial enterprise.

SECTION 9: SMALL QUANTITY BURN EXEMPTIONS.

9.1. Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

9.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

9.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

9.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3, 7.6, and 7.11-7.15 of this ordinance.

SECTION 10: LIABILITY

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

SECTION 11: RIGHT OF ENTRY AND INSPECTION

11.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the Town of Bristol who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats. In the event of a fire emergency, the Fire Chief and members of the Fire Department may access property to extinguish uncontrolled fire in order to protect the safety of persons and property.

SECTION 12: ENFORCEMENT AND PENALTIES

12.00 Enforcement and penalties.

12.1. The Fire Chief, the Dane County Sheriff's Department and the Town of Bristol are authorized to enforce the provisions of this ordinance.

12.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than **\$50** or more than \$500 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Adopted: May 8, 2006 Published: May 18, 2006

Dated this 8th day of May, 2006.

Amended: October 9, 2006 and July 13, 2011.

Section 30.3.0 Outdoor Fired Furnaces

ORDINANCE REGULATING THE INSTALLATION AND OPERATION OF OUTDOOR FIRED FURNACES IN THE TOWN OF BRISTOL

A. Definitions

1. Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily developed for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source, regardless of whether the unit is placed indoors or outdoors.
2. Outdoor Wood-Pellet Furnace: An outdoor wood-pellet furnace that is specifically designed to burn wood pellet fuel, corn, or other biomass pellets with metered fuel and air feed and controlled combustion engineering, which burns only wood pellets, corn or other biomass pellets.
3. Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.
4. EPA OWHH Phase 1 Program: Program administered by the U.S. Environmental Protection Agency and that has a particulate matter emission limit of 0.60 pounds per million BTU and is labeled accordingly.
5. EPA Outdoor Wood Heater Phase 1 Program Qualified Model: An Outdoor Wood-fired Heater that has been EPA OWHH Phase 1 Program qualified. The model has met the Phase 1 emission level and is labeled accordingly.
6. Existing Outdoor Wood Furnace: An outdoor wood furnace that was purchased and installed prior to the effective date of this ordinance.

7. Natural Wood: Wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or flues as in plywood or other composite wood products.

B. Regulations

1. No person shall, from the effective date of this local law, construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of this ordinance.

2. No person shall, from the effective date of this ordinance, operate an existing Outdoor Wood Furnace unless such operation conforms with the manufacturer's instruction regarding such operation and the requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood Furnace.

3. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance.

4. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

C. Requirements

Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions;

1. Existing Outdoor Wood Furnaces, per Chapter II, Section A (6) of this ordinance become subject to all requirements of new Outdoor Furnaces under this ordinance at such time that the property containing the Outdoor Furnace is sold or transferred to a new owner.

2. Outdoor Wood Furnaces are prohibited on all platted subdivision lots in the Town of Bristol and on Certified Survey (CSM) lots located in designated growth and development areas per the Town of Bristol Comprehensive Smart Growth Plan.

3. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

4. The following fuels are strictly prohibited in new and existing Outdoor Wood Furnaces:

a. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

b. Rubbish or garbage, including, but not limited to, food wastes, food packaging or food wraps.

c. Any plastic materials including but not limited to, nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.

d. Rubber, including tires or synthetic rubber-like products.

e. Newspaper, cardboard or any paper with ink or dye products.

f. Any other items not specifically allowed by the manufacturer or this ordinance.

5. Outdoor Wood Furnaces must be EPA OWHH Phase 1 Program Qualified and be labeled accordingly.
6. Setbacks for approved Outdoor Wood Furnaces:
 - a. The Outdoor Wood Furnace shall be located at least 15 (fifteen) feet from the owners property line.
 - b. The Outdoor Wood Furnace shall be located at least 500 (five hundred) feet from any residence that is not served by the Outdoor Wood Furnace unless the owner of the neighboring property gives written permission and agrees to a deed notification for the property waiving the required setback.
7. Chimney heights for approved Outdoor Wood Furnace:
 - a. The chimney of any new Outdoor Wood Furnace shall extend at least 20 feet.
8. A Town of Bristol building permit must be obtained prior to the installation of any Outdoor Wood Furnace.

D. Violations and Penalties

Any person who shall violate any provision of this ordinance shall be subject to a fine of \$500 (five hundred dollars). Each week's continued violation shall constitute a separate and distinct offense. This section shall be enforced by the Town of Bristol building inspector.

In the event that the Town of Bristol is required to take legal action to enforce the provisions of this ordinance, the violator may be responsible for any and all necessary costs relative thereto, including attorney's fees, and such expense shall be charged to the property affected by including such expense in the next annual tax levy against the property.

E. Severability

The provisions of this ordinance are severable and the invalidity of a particular provision shall not invalidate any other provisions.

F. Effective Date

This ordinance is effective upon adoption and publication.

Adopted: October 21, 2008

Published: November 19, 2008

Chapter 31

Large Assemblies

- 31.01 Intent
- 31.02 Permit Required
- 31.03 Application for
- 31.04 Use of Permit
- 31.05 Revocation
- 31.06 Enforcement

Sec. 31.01 Intent.

It is the intention of the Town Board to regulate the assembly of large numbers of people on private land wherever such land does not have established facilities to provide for the health, sanitary, fire, police, transportation, and utility services regularly provided at established large assembly gathering places in order that the health, safety, and welfare of all persons in the Town, residents and visitors alike, may be protected.

Sec. 31.02 Permit Required.

No person may do any of the following, alone or in combination with one or more other persons: Allow, permit, sponsor, maintain, promote, conduct, advertise, act as entrepreneur for, undertake, organize, manage, provide a location for, sell tickets for, give tickets away for, or allow persons to be admitted to an actual or reasonably anticipated assembly of 300 or more persons unless a large assembly permit for the assembly has been approved by the Town Board.

Sec. 31.03 Application for Permit.

- (1) **Application to Town Board.** Application for a large assembly permit must be made to the Town Board at least 60 days in advance of the assembly. The application must be submitted to the Town Clerk.
- (2) **Fee.** The application fee for a large assembly permit is \$500.00. The fee must be submitted to the Town Clerk at the time the application is submitted, and the application will be considered incomplete if not accompanied by the required fee. The application fee is not refundable.
- (3) **Application Contents.** An application for a large assembly permit must contain the following:

LARGE ASSEMBLIES

- (a) The address and legal description of all property upon which the assembly is to be held.
- (b) A statement of the size of the property upon which the assembly is to be held.
- (c) The name, residence address, and mailing address of all owners of the property upon which the assembly is to be held.
- (d) Proof of ownership of all property upon which the assembly is to be held.
- (e) Unless the applicant is the only owner of record of the property upon which the assembly is to be held, a statement made upon oath or affirmation by all owners of record of such property that the applicant has permission to use such property for an assembly of 300 or more persons on certain stated dates.
- (f) A statement describing the nature or purpose of the assembly.
- (g) The specific days and hours during which the assembly is to be held.
- (h) The maximum number of persons the applicant will permit to assemble. The maximum number must not exceed the maximum number that can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and, where the assembly is to continue overnight, the maximum number must not be more than is allowed to sleep within the boundaries of the location of the assembly under the zoning or health regulations of the Town, county or state.
- (i) Proof that the applicant will fully comply with the standards in HSS 178, Wis. Adm. Code at the time of the assembly.
- (j) The name, residence address, 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, residence address and mailing address of each person holding 10% or more of the stock of such corporation.
- (k) 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.
- (l) The application shall be signed and sworn to or affirmed by the individual making application; by all officers in the case of a corporation; by all partners in the case of a partnership; by all officers of any other entity that can be sued; or, in the case of any other entity, by all members of such entity.
- (4) **Board Review.**

LARGE ASSEMBLIES

- (a) The Town Board will review any application for a large assembly permit and may approve an application, approve an application with conditions, or reject an application. Any decision of the Town Board shall be final.
 - (b) Any permit shall allow no more than the maximum number of people stated on the application.
- (5) **Insurance.** Before the applicant may take physical possession of an approved large assembly permit, the applicant must submit to the Town Clerk an insurance policy and/or bond that will insure the Town and its representatives, agents, officers, servants, and employees against any liability or causes of action that might arise by reason of granting the large assembly permit and against any damages caused by the persons attending the assembly. The amount and other terms of the insurance policy and/or bond will be set by the Town Board at the time the permit is approved by the Town Board.

Sec. 31.04 Use of Permit.

The permittee must comply with all conditions of the permit. The permittee must prevent the number of people assembled (including nonpaying participants such as entertainers or workers) from exceeding the maximum number of people allowed to assemble under the terms of the permit.

Sec. 31.05 Revocation.

Any permit may be revoked by the Town Board at any time if it is determined that the permit was approved on the basis of incorrect information or if any of the conditions necessary for the approval of the permit, or contained in the permit, are not complied with, or if any condition previously met ceases to be complied with.

Sec. 31.06 Enforcement.

- (1) **Nuisance.** The holding of an assembly in violation of any term of a large assembly permit or in violation of any provision of this Chapter is deemed to be a public nuisance and may be abated as such. The provisions of this Chapter may be enforced by an injunction in any court of competent jurisdiction.
- (2) **Forfeiture.** Any person who violates any provision of this Chapter shall forfeit not less than \$1,000.00 nor more than \$10,000.00. Each day a violation occurs or exists shall be considered a separate offense.

Chapter 50

Traffic

- 50.01 State Traffic Code Adopted
- 50.02 Other State Traffic Statutes Adopted
- 50.03 Administrative Code Provisions Adopted
- 50.04 Disorderly Conduct With a Motor Vehicle (Bristol 9.1.0)
- 50.05 Unnecessary Noise With a Motor Vehicle (Bristol 9.1.0)
- 50.06 Operation of Motor Vehicle In Place Without Permission
- 50.07 Use of School Bus Lights
- 50.08 Parking Regulations (Bristol 5.6.0)

Sec. 50.01 State Traffic Code Adopted.

The provisions of Chapters 340 through 350 of the Wisconsin Statutes that the Town may adopt as ordinances are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any of said Chapters that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

Sec. 50.02 Other State Traffic Statutes Adopted

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

- | | |
|---------|---|
| 349.135 | Radios and Other Electric Sound Amplification Devices |
| 941.01 | Negligent Operation of Vehicle Off Highway |
| 943.23 | Operating Vehicle Without Owner's Consent |

Sec. 50.03 Administrative Code Provisions Adopted.

The provisions of the traffic regulations promulgated by the Wisconsin Department of Transportation under Chapter 110, Chapter 347, or Chapter 348 of the Wisconsin Statutes that the Town may adopt as ordinances are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future regulation promulgated by the Wisconsin Department of Transportation under Chapter 110, Chapter 347, or Chapter 348 of the Wisconsin Statutes that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future

regulation. Any future amendment of any provision incorporated herein that the Town may adopt as an ordinance is hereby adopted as an ordinance and incorporated herein as if fully set forth as of the effective date of that future amendment. Rules pertaining to federal motor vehicle carrier safety standards are not adopted.

Sec. 50.04 Disorderly Conduct With a Motor Vehicle.

No person may, on public or private property, operate a motor vehicle in a disorderly manner. The conduct prohibited by this provision includes, but is not limited to, the following: The deliberate or intentional spinning of wheels; causing a vehicle, while commencing to move or in motion, to have one or more wheels off the ground; operation in a manner that would tend to cause a disturbance; negligent operation; operation that endangers or damages property; operation that endangers or injures the health or safety of a person; operation that causes annoying or disturbing smoke, odor, or gas; and reckless operation.

Sec. 50.05 Unnecessary Noise With a Motor Vehicle.

No person may, on public or private property, cause unnecessary and annoying noise with a motor vehicle. The noises prohibited by this provision include, but are not limited to, the following: Squealing tires; excessive noise from an engine; unnecessary blowing of a horn; loud muffler noise; and the backfire of an engine.

Sec. 50.06 Operation of Motor Vehicle In Place Without Permission.

No person may operate a licensed or unlicensed motor vehicle on private or public property, other than on improved roadways, unless the owner of said land first consented to such operation.

Sec. 50.07 Use of School Bus Lights.

School bus operators shall use flashing red warning lights in a residence or business district when pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals and such persons must cross the street or highway before being loaded or after being unloaded.

Sec. 50.08 Parking Regulations.

- (1) **Abandoned Vehicle.** The time period for a vehicle to be deemed abandoned and constituting a public nuisance under sec. 342.40, Stats., is hereby determined to be 48 hours. The Town Chair or the Town Chair's designee is authorized to make the determinations under sec. 342.40, Stats. In addition to the prohibitions contained in sec. 342.40, Stats., the Town prohibits any person from abandoning a snowmobile or all-terrain vehicle on any public roadway or private or public property.

- (2) **Emergency Parking Regulations.** Any law enforcement officer acting on behalf of the Town and any person designated by the Town Board may regulate the parking and the movement of traffic in emergency situations, including street maintenance and snow removal. Such person or persons shall give notice of such parking restrictions by placing appropriate signs in the areas in which such restrictions will be in effect.
- (3) **Towing.** Any vehicle parked in violation of any part of this section or any other ordinance may be towed at the direction of any law enforcement officer acting on behalf of the Town. The owner of any towed vehicle shall pay the reasonable costs of having the vehicle towed and stored.
- (4) **Parking Violations:**
- (a) **Parking Provisions Adopted.** The parking provisions of Chapters 340 through 350 of the Wisconsin Statutes are hereby adopted and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required to be performed by this section. Any future amendment of said Chapters that relates to parking is hereby adopted and is incorporated herein as if fully set forth as of the effective date of that future amendment.
- (b) **Parking Violations Prohibited.** No person may park any vehicle in violation of the subsection.
- (c) **Procedure.** Any parking citation issued pursuant to this subsection shall be a citation form prepared by the Town. If payment for any such citation is received by the Town within 15 days of issuance of the citation, the citation shall not be filed with or transmitted to the municipal court and no court costs shall be payable. If payment for any such citation is not received by the Town within 15 days of issuance of the citation, the citation shall be filed with or transmitted to the municipal court for processing and, if a forfeiture is imposed pursuant to the citation, court costs also shall be imposed.
- (5) **Parking Violation Registration Program.** The Town elects to participate in the Wisconsin Department of Transportation program that allows for suspending and/or refusing the registration of a vehicle as a consequence of any unpaid forfeiture for any nonmoving traffic violation. The Town will pay the costs assessed by the Wisconsin Department of Transportation to the Town for the Town's participation in the program; such costs shall be assessed by the Town against the person charged with the nonmoving traffic violation. The "authority" described as a part of the program shall be any Town official who was authorized to have issued the citation for the nonmoving traffic violation.

Chapter 51

Alcohol Beverages

51.01 State Alcohol Beverages Chapter Adopted

Sec. 51.01 State Alcohol Beverages Chapter Adopted.

The provisions of Chapter 125 of the Wisconsin Statutes that the Town may adopt as ordinances are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment to Chapter 125 that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

Chapter 52

Public Safety and Order

52.01	State Safety Statutes Adopted
52.02	State Statutes Relating to Those Under Certain Ages Adopted
52.03	Curfew
52.04	Hunting or Discharge of Firearm
52.05	Prohibited Weapons
52.06	Possession of Marijuana
52.07	Damage to Property
52.08	Damage to Public Property
52.09	Interference With Public Safety Officer
52.10	Failure to Obey Lawful Order
52.11	Trespass
52.12	Littering
52.13	Loud and Unnecessary Noise
52.14	Disturbance of Lawful Assembly
52.15	Drunkenness
52.16	Dogs
52.17	Use of Town Rights-of-Way

Sec. 52.01 State Safety Statutes Adopted.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment. Any offense that would be a felony if charged as a violation of a Wisconsin Statute is not adopted.

29.29	Noxious Substance in Water
167.10	Fireworks Violation
175.25	Illegal Storage of Junked Vehicle
940.19(1)	Battery
941.10	Negligent Handling of Burning Material
941.12(2)	Interfering With Fire Fighting-Equipment
941.12(3)	Interfering With Fire Fighting-Hydrant
941.13	False Alarm
941.20(1)	Reckless Use of Weapon
941.23	Carrying a Concealed Weapon

941.235	Carrying a Firearm in a Public Building
941.24	Possession of Switchblade Knife
941.26(4)	Machine Guns and Other Weapons
941.2965	Illegal Use of a Facsimile Firearm
941.297	Sale of Imitation Firearm
941.35	Illegal Conduct Relating to Emergency Telephone Call
941.36	Fraudulent Tapping of Electric Wire or Gas or Water Meter or Pipe
941.37(2)	Obstructing Emergency or Rescue Personnel
942.05	Illegal Opening of Letter
943.01(1)	Damage to Property
943.017	Illegal Graffiti
943.11	Illegal Entry Into Locked Vehicle
943.125	Illegal Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Trespass to Dwelling
943.145	Trespass to a Medical Facility
943.15	Illegal Entry Into Locked Site
943.20	Theft
943.21	Fraud on Innkeeper or Taxicab Operator
943.22	Use of Cheating Token
943.225	Refusal to Pay for Motor Bus Ride
943.24	Issuance of Worthless Checks
943.37	Alteration of Property Identification Mark
943.38(3)	Forgery
943.392	Fraudulent Data Alteration
943.41	Credit Card Crime
943.455	Theft of Cellular Telephone Service
943.46	Theft of Cable Television Service
943.47	Theft of Satellite Cable Programming
943.50	Retail Theft
943.55	Removal of a Shopping Cart
943.61	Theft of Library Material
943.70	Computer Crime
944.15	Public Fornication
944.17	Sexual Gratification
944.20	Lewd and Lascivious Behavior
944.21	Obscene Material or Performance
944.23	Making Lewd, Obscene or Indecent Drawing
944.30	Prostitution
944.31	Patronizing Prostitutes
944.33(1)	Pandering
944.36	Solicitation of Drinks
945.02	Gambling
945.04	Permitting Premises to be used for Commercial Gambling

946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.42	Escape
946.46	Encouraging Violation of Probation or Parole
946.69	Falsely Assuming to Act as Public Officer or Employee
946.70	Impersonating a Peace Officer
946.72	Tampering with Public Record or Notice
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.0125	Unlawful Use of Computerized Communications System
947.13	Harassment
947.02	Vagrancy
947.06	Unlawful Assembly
948.51	Hazing
951.02	Mistreating Animal
951.03	Dog Napping or Cat Napping
951.04	Leading Animal from Motor Vehicle
951.05	Cruel Transportation of Animal
951.06	Expose Animal to Poisonous or Controlled Substance
951.07	Illegal Use of Certain Animal Device
951.08	Instigating Fight Between Animals
951.09	Shooting at Caged or Staked Animal
951.095	Harassment of Police Animal
951.10	Illegal Sale of Baby Rabbit, Chick or Other Fowl
951.11	Illegal Artificially Colored Animal
951.13	Failure to Provide Proper Food and Drink to Confined Animal
951.14	Failure to Provide Proper Shelter to Animal
951.15	Illegal Neglect or Abandonment of Animal

Sec. 52.02 State Statutes Relating to Those Under Certain Ages Adopted.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

938.983(2)	Possess, Buy, Attempt to Buy, or Falsely Represent Age to Receive Tobacco Product
961.573(2)	Possession of Drug Paraphernalia
961.574(2)	Manufacture or Delivery of Drug Paraphernalia
961.575(2)	Delivery of Drug Paraphernalia to a Minor

Sec. 52.03 Curfew.

- (1) **Curfew Established.** It shall be unlawful for any minor to be in, on, or at (whether on foot, in or on any type of vehicle, or otherwise), any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building, swimming beach, or any other public place in the Town between the hours of 12:00 midnight and 5:00 a.m. the next day, unless accompanied by his or her parent, guardian, or person having legal custody of his or her person, or unless there exists a reasonable necessity therefore. The fact that said minor, unaccompanied by parent, guardian, or custodian, is found in, on, or at any such public place during the aforementioned hours shall be prima facie evidence that said minor is there unlawfully and that no reasonable excuse exists therefore.
- (2) **Exceptions.**
 - (a) This section shall not apply to a minor:
 - (i) Who is performing an errand as directed by his or her parent, guardian, or custodian;
 - (ii) Who is on his or her own premises or in an area immediately adjacent thereto;
 - (iii) Whose employment makes it necessary to be in such a place during such hours;
 - (iv) Who is returning home from a supervised school, church, or civic function, but not later than 60 minutes after the conclusion of such function.
 - (b) These exceptions shall not, however, permit a minor to unnecessarily loiter about said public places or be in a parked motor vehicle on any of the described public places.
- (3) **Parental Responsibility.** It shall be unlawful for any parent, guardian, or custodian to allow or permit such minor to violate the provisions of this section. The fact that prior to the present offense a parent, guardian, or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian, or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any minor to violate this section.

Sec. 52.04 Hunting or Discharge of Firearm.

No person, except a law enforcement officer in the performance of an official duty, may hunt any wild game or discharge any firearm, shotgun, rifle, hand gun, spring gun, air gun, pellet gun, arrow, or bolt from within the right-of-way of any public roadway, street, or highway.

Sec. 52.05 Prohibited Weapons.

- (1) **Prohibited Weapons.** No person may sell, manufacture, purchase, possess, or carry metallic knuckles or knuckles of any substance that could be put to the same use with the same or similar effect as metallic knuckles, a "Numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "sunken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person.
- (2) **Definitions.** For the purposes of this section:
 - a. **"Numchuk"** means an instrument consisting of 2 or more sticks, clubs, or rods connected by a rope, cord, wire, chain or similar device.
 - b. **"Churkin "** means a throwing knife consisting of several sharp points protruding from a disc.
 - c. **"Sucbai"** means a short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

Sec. 52.06 Possession of Marijuana.

No person may possess 25 grams or less of marijuana, as defined by Wisconsin law, except as authorized by Wisconsin law.

Sec. 52.07 Damage to Property.

No person may negligently, recklessly, or intentionally damage, injure, deface, destroy, remove, or interfere with any property owned by another person without the consent of the owner, unless authorized to do so by law. No person may place, or permit to be placed, any sign, poster, advertisement, notice, or other writing or paper upon any pole or other structure without the consent of the owner.

Sec. 52.08 Damage to Public Property.

No person may damage any public property. No person may climb any tree or pick any flower or fruit, wild or cultivated, or break, cut down, trample upon or negligently, recklessly, or intentionally damage, injure, deface, destroy, remove, or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, sidewalk, bridge, building, structure, or other public property.

Sec. 52.09 Interference With Public Safety Officer.

- (1) **Interference with Public Safety Officer.** It shall be unlawful for any person to interfere with the efforts of any public safety officer to discharge that officer's lawful duties.
- (2) **Definitions.** For the purposes of this section:
 - (a) **"Public safety officer"** means any police officer, sheriff, deputy sheriff, marshal, fire fighter, emergency medical technician, ambulance driver, or hazardous materials team member.
 - (b) **"Interfere"** means to impede, obstruct, hamper, burden, or increase the difficulty of the response of a public safety officer.

Sec. 52.10 Failure to Obey Lawful Order.

It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer that is given while such officer is acting as a law enforcement officer in the Town.

Sec. 52.11 Trespass.

No person may enter or remain on any property after having been notified by the owner or lawful occupant not to enter or remain on the property, unless authorized to do so by law.

Sec. 52.12 Littering.

No person may leave, drop, throw, deposit, or lose possession of any paper, plastic, glass, can, refuse, waste, weeds, sod, brush, gravel, stone, sand, boulder, machinery, garbage, rubbish, filth, litter, or chemical upon a street, alley, highway, public park, water, or other public or private property without the consent of the owner of the property. For the purposes of this section, "chemical" means a chemical for which a materials safety data sheet exists and is required to be maintained by the Community Right To Know Act.

Sec. 52.13 Loud and Unnecessary Noise.

- (1) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and unnecessary noise. It shall be

unlawful for any person to knowingly or wantonly use or operate, or to cause to be used or operated, any mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed. **PUBLIC SAFETY AND ORDER**

- (2) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
- (a) ***Horns, signaling devices.*** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle for longer than 3 seconds in any period of 1 minute or less, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device, and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
 - (b) ***Radios, phonographs, similar devices.*** The playing, using, or operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - (c) ***Loudspeakers, amplifiers for advertising.*** The playing, using, or operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can be made only by the announcer in person and without the aid of any mechanical device.
 - (d) ***Animals.*** The keeping of any animal, including any bird, that causes frequent or long, continued, unnecessary noise.
 - (e) ***Exhausts.*** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
 - (f) ***Construction or repair of buildings.*** The erection (including excavation), demolition, alteration, or repair of any building by the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays.
 - (g) ***Schools, courts, churches, hospitals.*** The creation of any excessive noise near or adjacent to any school, institution of learning, church, or court while

in use, or near or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in the streets indicating a nearby school, hospital, or court. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

(h) **Exceptions.** The provisions of this section shall not apply to:

- (i) Any vehicle of the Town while engaged in necessary public business.
- (ii) Excavations or repairs of streets or other public construction by or on behalf of the Town, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (iii) The reasonable use of amplifiers or loudspeakers in the course of public addresses, which are noncommercial in nature.

Sec. 52.14 Disturbance of Lawful Assembly.

No person may intentionally interrupt or in any way molest or disturb any public or private school, Sunday School, or church or other place where religious worship is held, or intentionally create or encourage any noise, riot, or disturbance at, in, or near the same, which shall have the effect to disturb or hinder the exercise of any such school, church, or place of worship, or intentionally interrupt, molest, or disturb any lawful assemblage of people, or intentionally create any disturbance at or in any place of public gathering or entertainment.

Sec. 52.15 Drunkenness.

No person may be in a state of alcohol intoxication or impairment in or upon any public place.

Sec. 52.16 Dogs.

- (1) **Dog At Large.** No dog may be at large on the property of another without the property owner's consent. No dog may be at large on public highways or other public property.
- (2) **Dog Barking.** No dog may bark for a period of time in excess of 15 minutes, except while the dog is actively engaged in lawful hunting or tracking activities.
- (3) **Caretaker Responsibility.** If a dog is in violation of any provision of this section, the caretaker of that dog is deemed to have violated the terms of this section.

(4) **Definitions.** For the purposes of this section:

- (a) **"At large"** means not on a leash.
- (b) **"Caretaker"** means a person who owns the dog or provides food, shelter, or otherwise cares for the dog.

Sec. 52.17 Use of Town Rights-of-Way.

- (1) **Prohibited Activities.** No person may erect, install, construct, place, or maintain within any right-of-way owned or under the control of the Town any sign, placard, bulletin, or similar item, either on a temporary or permanent basis, regardless of the content of the communication or message contained therein.
- (2) **Penalties.** Any person who violates any provision of this section shall be subject to a forfeiture of not less than \$100.000 nor more than \$500.00 for each violation. Any person who violates any provision of this section shall be deemed to be causing a public nuisance and the same may be abated as such.

Chapter 53

False Alarms

53.01 False Report of an Emergency.

53.02 False Alarms

53.03 Definitions

53.04 Enforcement

Sec. 53.01 False Report on an Emergency.

No person may communicate the existence of an emergency or otherwise request the assistance of a public safety officer if that person does not have a good faith belief that there is a basis in fact for the communication.

Sec. 53.02 False Alarms.

No false alarm for assistance by a public safety officer may be made by a defective or improperly functioning alarm system. If such a false alarm occurs, the owner of the alarm system is deemed to have violated the terms of this section.

Sec. 53.03 Definitions.

For the purposes of this Chapter:

- (1) **"Public safety officer"** means any police officer, sheriff, deputy sheriff, marshal, fire fighter, emergency medical technician, ambulance driver, or hazardous materials team member.

Sec. 53.04 Enforcement.

- (1) **False Report of an Emergency.** Any person who falsely reports an emergency as described above shall forfeit not less than \$500.00 nor more than \$2,000.00 for each violation. In addition, such person may be required to reimburse the public safety agency for the actual costs of the public safety response.

- (2) **False Alarms.** Any owner of a system that reports a false alarm as described above shall forfeit not less than \$50.00 for the first offense, not less than \$150.00 for the second offense, and not less than \$250.00 for the third and any subsequent offense. In addition, such person may be required to repair the malfunctioning alarm system. If repairs are ineffective, such person may be required to disconnect the malfunctioning alarm system or to render it inoperable. In addition, any such person may be required to reimburse the public safety agency for the actual costs of the public safety response.

Chapter 90

Municipal Court

- 90.01** Municipal Court Established
- 90.02** Procedure
- 90.03** Sessions
- 90.04** Term
- 90.05** Court Costs
- 90.06** Contempt Authority
- 90.07** Municipal Court Clerk

Sec. 90.01 Municipal Court Established.

A municipal court for the Town of Bristol is established. The municipal court shall be a joint municipal court with the Towns of Blooming Grove, Burke, Sun Prairie and Westport.

Sec. 90.02 Procedures.

The municipal court's procedures shall be consistent with Wisconsin law.

Sec. 90.03 Sessions.

- (1) **Place.** The municipal court shall be held in the Town of Burke Town Hall and at such other locations as determined by the Court Administrative Commission, of which the Town is a member.
- (2) **Days and Hours.** The municipal court shall be in session on such days and at such hours as the municipal judge determines to be reasonable and appropriate.

Sec. 90.04 Term.

The municipal judge shall be elected for a 4-year term.

Sec. 90.05 Court Costs.

The municipal court costs shall be the maximum permitted by law.

Sec. 90.06 Contempt Authority.

The municipal judge may impose a forfeiture for contempt or, upon nonpayment of the forfeiture and applicable assessments, a jail sentence. The municipal judge may impose the maximum forfeiture and maximum jail sentence allowed by Wisconsin law.

Sec. 90.07 Municipal Court Clerk.

- (1) **Appointment.** The municipal judge shall, in writing, appoint a clerk of the municipal court. The clerk's salary shall be fixed by the Court Administrative Commission, of which the Town is a member. The clerk shall, before entering upon the duties of the office, take the appropriate oath and give a bond if a bond is required by the Commission. The cost of any bond shall be paid by the towns that are members of the Commission. The oath and any bond shall be filed with the clerks of each town that is a member of the Commission.
- (2) **Duties.** The municipal court clerk shall:
 - (a) File citations and complaints.
 - (b) Maintain all court papers and files.
 - (c) Schedule court proceedings.
 - (d) Prepare docket sheets.
 - (e) Communicate with parties regarding court proceedings.
 - (f) Reply to mail concerning routine matters as prescribed by the municipal judge.
 - (g) Prepare and mail warrants and summons.
 - (h) Prepare a monthly report concerning financial activities.
 - (i) Assist in the collection of traffic bonds.
 - (j) Prepare necessary communications to the clerk of the circuit court.
 - (k) Perform such other duties as required by the municipal judge and the Commission.

Chapter 91

Construction of Code

- 91.01 Title of Code
- 91.02 Definitions
- 91.03 Principles of Construction
- 91.04 Conflict of Provisions
- 91.05 Severability of Provisions

Sec. 91.01 Title of Code.

These collected ordinances shall be known as the "Code of Ordinances" of the Town of Bristol, Dane County, Wisconsin.

Sec. 91.02 Definitions.

For the purposes of this Code of Ordinances:

- (1) **"Code"** means this Code of Ordinances, unless the context indicates otherwise.
- (2) **"Person"** means any natural person, corporation, partnership, association, body politic, and all other entities that are capable of being sued.
- (3) **"Town"** means the Town of Bristol, Dane County, Wisconsin.
- (4) **"Wisconsin Administrative Code"** and its abbreviation "Wis. Adm. Code" mean the Wisconsin Administrative Code as it existed at the time the Code of Ordinances provision containing that term was adopted, and as the Wisconsin Administrative Code is thereafter amended.
- (5) **"Wisconsin Statutes"** and its abbreviation "Stats." mean the 1995-1996 Wisconsin Statutes and those statutes as amended.

Sec. 91.03 Principles of Construction.

The following principles shall be applied in the construction and enforcement of this Code, unless such application would be inconsistent with the Code's intent:

- (1) **Acts by Agents.** When an ordinance requires a person to perform an act that may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agent.
- (2) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words and phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Code.
- (3) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (4) **Singular and Plural.** Every word in this Code referring to the singular number only shall also be construed to apply to multiple persons or things, and every word in this Code referring to a plural number shall also be construed to apply to one person or thing.
- (5) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (6) **Time.** In computing any period of time prescribed or allowed by this Code, and unless the Code provision states to the contrary, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than 7 days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law.

Sec. 91.04 Conflict of Provisions.

- (1) **Different Chapters.** If the provisions of different chapters of this Code 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.
- (2) **Different Sections.** If the provisions of different sections of the same chapter of this Code conflict with each other, the provision that is more specific in its application to the events or persons raising the conflict shall control over the more general provision.
- (3) **Different Adoption Dates.** If the provisions of different parts of the Code remain in conflict after application of the above-stated rules, the part more recently adopted by the Town shall control.

Sec. 91.05 Severability of Provisions.

If any provision 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 provision of this Code.

Chapter 92

Enforcement of Code

- 92.01 Citations
- 92.02 Party of an Offense
- 92.03 General Penalty Provisions
- 92.04 Deposit Schedule

Sec. 92.01 Citations.

- (1) **Authorization for Use of Citations.** The Town hereby elects to adopt and authorize the use of citations to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.
- (2) **Officials Authorized to Issue Citations.** Citations authorized by this Code may be issued by Town and Dane County law enforcement officers and by the following designated Town officials, whenever there are such Town officials, with respect to matters directly related to each official's area of responsibility. The officials granted authority to issue citations under this section may delegate that authority to other Town employees only with the approval of the Town Board:
 - (a) Building Inspector.
 - (b) Weed Commissioner.
 - (c) Health Inspector.
 - (d) Animal Control Officer.
- (3) **Forms of Citations.** Each citation shall contain the information required by Wisconsin law and may contain additional information.
- (4) **Receipt for Cash Deposits.** Deposits shall be made by cash, money order, personal check, or certified check to the clerk of the municipal court. A receipt shall be given for each cash deposit received.

Sec. 92.02 Party to an Offense.

A person may be charged with and convicted of the commission of an offense if that person directly committed an offense or if that person aided and abetted the commission of an offense.

Sec. 92.03 General Penalty Provisions.

- (1) **Penalties.** Except where a penalty is provided elsewhere in this Code:
 - (a) **General Penalties.** Any person found guilty of having violated any provision of this Title shall be subject to a forfeiture of not less than \$30.00 nor more than \$1,000.00; shall be ordered to pay all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law; and shall be ordered to pay the costs of prosecution whenever such costs are allowed by state law.
 - (b) **Adopted Penalties.** Any person found guilty of having violated any provision of this Code that is adopted from a state provision shall be subject to a minimum forfeiture equal to the minimum forfeiture or fine permitted for violation of the state provision and to a maximum forfeiture equal to the maximum forfeiture or fine permitted for violation of the state provision, provided that the maximum forfeiture shall not exceed \$2,000.00; shall be ordered to pay all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law; and shall be ordered to pay the costs of prosecution whenever such costs are allowed by state law. If an adopted state provision has no penalty provision, the general penalty provisions of this Code shall apply.
 - (c) **Forfeitures for Parking Penalties.** The minimum and maximum forfeiture for a violation of non-moving traffic violations adopted by reference in Section 8-1-1 as described in Chapters 340 through 350 of the Wisconsin Statutes shall be found in the current edition of the Revised Uniform Traffic Deposit Schedule. For all other parking violations, the minimum forfeiture shall be \$20.00.
- (2) **Juvenile Dispositions and Sanctions.** For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in sees. 938.343 and 938.344, Stats., in accordance with the provisions of those statutes. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under sees. 938.343 or 938.344, Stats., the municipal court is authorized to impose any of the sanctions listed in sec. 938.355(6)(d), Stats., in accordance with the provisions of those statutes.
- (3) **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.
- (4) **Other Remedies.** The Town shall have any and all other remedies afforded by Wisconsin law in addition to the remedies, terms, and penalties described in this Title. No person who has been convicted of a violation of any provision of this Code shall be issued a license or permit by the Town, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees, surcharge, or other remedy is paid.

Sec. 92.04 Deposit Schedule.

The Town's deposit schedule shall consist of the most recent Revised Uniform State Traffic Deposit Schedules adopted by the Wisconsin Judicial Conference as supplemented and amended by the deposit schedule shown on the following pages. The deposit amount shall be the basic deposit amount plus all costs, fees, assessments, charges, surcharges, and penalties imposed by law.

ENFORCEMENT OF CODE

DEPOSIT SCHEDULE

Ordinance Number/Offense Amount	Basic Deposit
Chapter 30 Outdoor Fires	
30.01 Outdoor fire without a permit.....	\$100.00
Chapter 31 Large Assemblies	
31.02 Allowing large assembly without a permit	\$1,000.00
31.04 Violation of large assembly permit condition	1,000.00
Chapter 50 Traffic	
50.01 Violation of state traffic code.....	<i>see the uniform deposit schedule</i>
50.02 Unlawful Removal of Parking Citation	30.00
50.03 Administrative Code Provisions Adopted.....	<i>see uniform deposit schedule</i>
50.04 Disorderly conduct with a motor vehicle	50.00
50.05 Unnecessary noise with a motor vehicle	50.00
50.06 Operation of motor vehicle in place without permission	50.00
50.07 Use of school bus lights	<i>See 346.48(2)</i>
50.08(1) Abandoned vehicle	<i>See 346.94(13)</i>
50.08(2) Violation of emergency parking regulations	20.00
50.08(4), (6), (7) Parking violations.....	20.00
50.09 Avoidance of traffic control prohibited	30.00

ENFORCEMENT OF CODE

50.10 Unauthorized vehicles prohibited on public land 30.00

Chapter 51 Alcohol Beverages

51.01 Failure to obtain alcohol beverage license
 adopting 125.04(1) \$500.00

51.01 Unlawfully procuring for, selling, dispensing, or giving away
 alcohol beverage to an underage person
 adopting 125.07(1)(a)1
 1st in 30 months 100.00
 2nd in 30 months 500.00
 3rd in 30 months 1,000.00
 4th or more in 30 months 2,000.00
 (mandatory alcohol license suspension for each offense)

51.01 Licensee unlawfully selling, vending, dealing, or trafficking in
 alcohol beverage to or with an underage person
 adopting 125.07(1)(a)2
 1st in 30 months..... 100.00
 2nd in 30 months 500.00
 3rd in 30 months 1,000.00
 4th or more in 30 months 2,000.00
 (mandatory alcohol license suspension for each offense)

51.01 Adult knowingly permitting or failing to take action to prevent
 illegal consumption on premises owned or under the adult's control
 adopting 125.07(1)(a)3
 1st in 30 months..... 100.00
 2nd in 30 months 500.00
 3rd in 30 months 1,000.00
 4th or more in 30 months 2,000.00
 (mandatory alcohol license suspension for each offense)

51.01 Adult intentionally encouraging or contributing to an underage
 alcohol violation
 adopting 125.07(1)(a)4
 1st in 30 months..... 100.00
 2nd in 30 months 500.00
 3rd in 30 months 1,000.00
 4th or more in 30 months 2,000.00
 (mandatory alcohol license suspension for each offense)

ENFORCEMENT OF CODE

51.01	Procuring for, selling, dispensing or giving away alcohol beverage to an intoxicated person adopting 125.07(2)(a)1	100.00
51.01	Licensee selling, vending, dealing, or trafficking alcohol beverage to an intoxicated person adopting 125.07(2)(a)2	100.00
51.01	Licensee directly or indirectly permitting underage person on licensed premises adopting 125.07(3)(a).....	100.00
51.01	Underage procuring or attempting to procure alcohol beverage from a licensee adopting 125.07(4)(a)1	<i>see the uniform deposit schedule</i>
51.01	Underage possession or consumption of alcohol beverage on licensed premises, under 17 years adopting 125.07(4)(a)2 1st in 12 months (<i>optional driver's license suspension of 30-90 days</i>) 2nd in 12 months (<i>optional driver's license suspension of up to 1 year</i>)..... 3rd or more in 12 months (<i>optional driver's license revocation of up to 2 years</i>)	90.00 150.00 500.00
51.01	Underage possession or consumption of alcohol beverage on licensed premises, 17-20 years adopting 125.07(4)(a)2 1st in 12 months (<i>optional driver's license suspension of 30-90 days</i>) 2nd in 12 months (<i>optional driver's license suspension of up to 1 year</i>)..... 3rd in 12 months (<i>optional driver's license revocation of up to 2 years</i>)..... 4th or more in 12 months (<i>optional driver's license revocation of up to 2 years</i>).....	90.00 150.00 500.00 750.00
51.01	Underage entry or attempted entry onto licensed premises, under 17 years adopting 125.07(4)(a)3 1st in 12 months (<i>optional driver's license suspension of 30-90 days</i>) 2nd in 12 months (<i>optional driver's license suspension of up to 1 year</i>)..... 3rd or more in 12 months (<i>optional driver's license revocation of up to 2 years</i>)	90.00 150.00 500.00
51.01	Underage entry or attempted entry onto licensed premises, 17-20 years adopting 125.07(4)(a)3 1st in 12 months (<i>optional driver's license suspension of 30-90 days</i>)	90.00

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	2nd in 12 months (<i>optional driver's license suspension of up to 1 year</i>)	150.00
	3rd in 12 months (<i>optional driver's license revocation of up to 2 years</i>).....	500.00
	4th or more in 12 months (<i>optional driver's license revocation of up to 2 years</i>).....	750.00
51.01	Falsely represented age for purpose of receiving alcohol beverage from licensee, under 17 years adopting 125.07(4)(a)4	
	1st in 12 months (<i>optional driver's license suspension of 30-90 days</i>)	90.00
	2nd in 12 months (<i>optional driver's license suspension of up to 1 year</i>).....	150.00
	3rd or more in 12 months (<i>optional driver's license revocation of up to 2 years</i>)	500.00
51.01	Falsely represented age for purpose of receiving alcohol beverage from licensee, 17-20 years adopting 125.07(4)(a)4	
	1st in 12 months (<i>optional driver's license suspension of 30-90 days</i>)	90.00
	2nd in 12 months (<i>optional driver's license suspension of up to 1 year</i>).....	150.00
	3rd in 12 months (<i>optional driver's license revocation of up to 2 years</i>).....	500.00
	4th or more in 12 months (<i>optional driver's license revocation of up to 2 years</i>).....	750.00
51.01	Underage possession or consumption of alcohol beverage adopting 125.07(4)(b)	<i>see the uniform deposit schedule</i>
51.01	Identification card violation adopting 125.085(3)(a)	<i>see the uniform deposit schedule</i>
51.01	Identification card violation adopting 125.085(3)(b)	<i>see the uniform deposit schedule</i>
51.01	School-related possession of alcohol beverage adopting 125.09(2)(b)	<i>see the uniform deposit schedule</i>

Chapter 52 *Public Safety and Order*

52.01	29.29	Noxious substance in water.....	\$100.00
	167.10	Fireworks violation	200.00
	175.25	Illegal storage of junked vehicle	100.00
	940.19(1)	Battery	500.00
	941.10	Negligent handling of burning material.....	300.00

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941.12(2)	Interfering with fire fighting-equipment.....	500.00
941.12(3)	Interfering with fire fighting-hydrant.....	500.00
941.13	False alarm.....	300.00
941.20(1)	Reckless use of weapon.....	300.00
941.23	Carrying a concealed weapon.....	200.00
941.235	Carrying a firearm in a public building.....	500.00
941.24	Possession of switchblade knife.....	300.00
941.2965	Illegal use of a facsimile firearm.....	200.00
941.297	Sale of imitation firearm.....	200.00
941.35	Illegal conduct relating to emergency telephone call.....	200.00
941.3 6	Fraudulent tapping of electric wire or gas or water meter or pipe.....	100.00
941.37(2)	Obstructing emergency or rescue personnel.....	500.00
942.05	Illegal opening of letter.....	100.00
943.01(1)	Damage to property.....	200.00
943.017	Illegal graffiti.....	200.00
943.11	Illegal entry into locked vehicle.....	200.00
943.125	Illegal entry into locked coin box.....	200.00
943.13	Trespass to land.....	200.00
943.14	Trespass to dwelling.....	500.00
943.145	Trespass to a medical facility.....	500.00
943.15	Illegal entry into locked site.....	500.00
943.20	Theft.....	200.00
943.21	Fraud on innkeeper or taxicab operator.....	200.00
943.22	Use of cheating token.....	100.00
943.225	Refusal to pay for motor bus ride.....	25.00
943.24	Issuance of Worthless Checks.....	200.00
943.37	Alteration of property identification mark.....	200.00
943.38(3)	Forgery.....	200.00
943.392	Fraudulent data alteration.....	200.00
943.41	Credit card crime.....	200.00
943.455	Theft of cellular telephone service.....	200.00
943.46	Theft of cable television service.....	200.00
943.47	Theft of satellite cable programming.....	200.00
943.50	Retail theft.....	200.00
943.55	Removal of a shopping cart.....	50.00
943.61	Theft of library material.....	100.00
943.70	Computer crime.....	200.00
944.15	Public Fornication.....	200.00
944.17	Sexual Gratification.....	200.00
944.20	Lewd and lascivious behavior.....	200.00
944.21	Obscene material or performance.....	200.00
944.23	Making lewd, obscene or indecent drawing.....	200.00

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	944.30	Prostitution	200.00
	944.31	Patronizing Prostitutes	200.00
	944.33(1)	Pandering.....	200.00
	944.36	Solicitation of drinks	100.00
	945.02	Gambling	200.00
	945.04	Permitting premises to be used for commercial gambling	500.00
	946.40	Refusing to aid officer	500.00
	946.41	Resisting or obstructing officer.....	500.00
	946.42	Escape	500.00
	946.46	Encouraging violation of probation or parole	300.00
	946.69	Falsely assuming to act as public officer or employee	200.00
	946.70	Impersonating peace officer.....	500.00
	946.72	Tampering with public record or notice.....	100.00
	947.01	Disorderly conduct	200.00
	947.012	Unlawful use of telephone	200.00
	947.0125	Unlawful use of computerized communication system	200.00
	947.013	Harassment.....	200.00
	947.02	Vagrancy	200.00
	947.06	Unlawful assembly	100.00
	948.51	Hazing	300.00
	951.2	Mistreating animal.....	500.00
	951.3	Dognapping or catnapping	500.00
	951.4	Leading animal from motor vehicle	100.00
	951.5	Cruel transportation of animal	500.00
	951.6	Expose animal to poisonous or controlled substance	500.00
	951.7	Illegal use of certain animal device	500.00
	951.8	Instigating fight between animals.....	500.00
	951.9	Shooting at caged or staked animal	500.00
	951.095	Harassment of police animal	500.00
	951.10	Illegal sale of baby rabbit, chick or other fowl.....	100.00
	951.11	Illegal artificially colored animal	100.00
	951.13	Failure to provide proper food and drink to confined animal	500.00
	951.14	Failure to provide proper shelter to animal	500.00
	951.15	Illegal neglect or abandonment of animal.....	500.00
52.02	938.983(2)	Possess, buy, attempt to buy, or falsely represent age to receive tobacco product.....	<i>see the uniform deposit schedule</i>
	961.573(2)	Possession of drug paraphernalia	<i>see the uniform deposit schedule</i>
	961.5 74(2)	Manufacture or delivery of drug paraphernalia.....	<i>see the uniform deposit schedule</i>
	961.575(2)	Delivery of drug paraphernalia to	<i>see the uniform deposit schedule</i>

52.03	Curfew violation	100.00
52.04	Hunting or discharge of firearm.....	500.00
52.05	Prohibited weapons.....	300.00
52.06	Possession of marijuana.....	100.00
52.07	Damage to property	200.00
52.08	Damage to public property	200.00
52.09	Interference with public safety officer	500.00
52.10	Failure to obey lawful order.....	300.00
52.11	Trespass.....	70.00
52.12	Littering	200.00
52.13	Loud and unnecessary noise	100.00
52.14	Disturbance of lawful assembly	100.00
52.15	Drunkenness.....	200.00
52.16	Dog at large/barking.....	50.00
52.17	Use of town rights-of-way.....	100.00
52.18	Violation of posted park rules	50.00

Chapter 53 False Alarms

53.01	False report of an emergency.....	\$500.00
53.02	False alarm	
	1st	50.00
	2nd	150.00
	3rd.....	250.00

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For any offense not listed herein, unless the maximum forfeiture
is less than \$100.00, in which case the basic deposit amount shall
be the maximum forfeiture 100.00