

Town of West Bend Code Adoption Ordinance

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions.

Article I, Rules of Construction.

Section 1-1A is amended as indicated: "...Code, shall mean the Wisconsin Statutes ~~for the year 1987-88; the term shall include session laws of the 1989-90 Legislature not yet printed in statute form~~ as of the adoption of this Code, as amended or renumbered from time to time."

Article II, General Penalty.

A. Section 1-3 is amended to read as follows:

§ 1-3. Violations and penalties.

Generally, except as otherwise provided, any person who shall violate any of the provisions of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted by reference in this Code, shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

- A. *First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit \$100 for each such offense together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.*
- B. *Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$250 for each such offense together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.*
- C. *Third offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$500 for each such offense together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.*

B. In § 1-6:

- (1) Subsection B(6) is amended as indicated: "Time and date in which the alleged violator may appear in court and a statement describing whether the appearance is mandatory."
- (2) Subsection B(7)(b) is amended to read as follows:

That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court or he or she is subsequently summoned.

C. Original Sections 25.04(e), Forfeiture of bonds for municipal citations, and 25.04(f), Juveniles, are repealed.

Chapter 5, Administration of Government.

A. Section 5-2 is amended to read as follows:

The elected officials of the Town shall consist of Town Board members. The Town Board shall consist of three Supervisors who shall be elected in odd-numbered years for two-year terms; one shall be designated on the election ballot as Town Chairperson.

B. Section 5-4 is amended to read as follows:

The purchase of materials and supplies shall be made in accordance with § 36-4D of the Town Code.

C. Section 5-5 is amended as indicated: “~~The West Bend News~~ Washington County Daily News of West Bend, Wisconsin, shall...”

Chapter 57, Police Department.

Section 57-2 is amended to read as follows:

§ 57-2 Violations and penalties.

- A. Generally, except as otherwise provided, any person who shall violate any of the provisions of this code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted by reference in this code, shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) *First offense. Any person who shall violate any provision of this code shall, upon conviction thereof, forfeit \$100 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.*
 - (2) *Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$250 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.*
 - (3) *Third offense. Any person found guilty of violating any ordinance or part of an ordinance of this code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.*
- B. *Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this code.*
- C. *Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.*

Chapter 65, Records.

- A. Section 65-5 is amended as indicated: "...page. It is intended that ~~this~~ the fee schedule established by the Town Board shall ~~should~~ cover ~~the payment of~~ the actual, necessary and direct costs incurred...
- B. Section 65-7 is amended to change the phrase "committee on public records" to "Public Records Board."

Chapter 82, Village Board.

Section 82-2A is amended as indicated: "...on the second ~~Wednesday~~ Tuesday of each calendar month at ~~7:30~~ 6:30 p.m. Any regular..."

Chapter 104, Alcohol Beverages.

Article I, Licensing and Regulation.

- A. Section 104-1 is amended as indicated: "...except §§ 125.03, 125.075, 125.14(4), 125.15, 125.16, 125.19, ~~125.20~~, 125.29, 125.30, 125.33, 125.52, 125.53, 125.54, 125.55, 125.56, 125.58, ~~125.59~~, 125.60, 125.61, 125.62, 125.65, 125.67 and 125.69, Wis. Stats., exclusive..."
- B. Section 104-3 is amended to change the reference to "§§ 125.26(6) and 125.51(4m), Wis. Stats." to "§§ 125.26(6) and 125.51(3m), Wis. Stats."
- C. Section 104-4 is amended as indicated: "...from such investigation. Except as otherwise specifically set forth in this article, no license or permit..."
- D. Section 104-5 is amended to read as follows:

§ 104-5 License fees.

The fees for issuance of the following fermented malt beverage and intoxicating liquor licenses shall be established in the current fee schedule, on file in the Town offices, as amended from time to time by the Town Board:

- A. *Class "A" Liquor License.*
- B. *Class "A" fermented malt beverage retailer's license.*
- C. *Class "B" fermented malt beverage license. A six-month license may not be renewed in the same calendar year. See § 125.26, Wis. Stats.*
- D. *Class "B" fermented malt beverage and wine license (picnic license). Issued to organizations enumerated in § 125.26(6), Wis. Stats. In addition to designating the hours and dates of fermented malt beverage and wine sales, the Town Board may impose additional conditions relating to such sales.*
- E. *"Class B" intoxicating liquor license. See § 125.51(3), Wis. Stats., for bona fide clubs and lodges situated and incorporated or chartered in the state for at least six years. See § 125.51(9), Wis. Stats., for proration of fee for a six-month license.*
- F. *Operator's license. See § 125.17, Wis. Stats.*
- G. *Transfer of license. See § 125.04(12), Wis. Stats.*
- E. Section 104-8A(2) is amended to read as follows:

Have been residents of this state continuously for at least 90 days prior to the date of application.
- F. Section 104-12A is amended to read as follows:

Sale restrictions. Pursuant to § 125.51(3)(b), Wis. Stats., the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold, is allowed on any premises for which any "Class B" intoxicating liquor license or combination Class B alcohol beverage license has been issued. Packaged goods sales of fermented malt beverages and wine from such premises may also be made in any quantity.

Chapter 111, Animals.

Article I, Dog Regulations.

A. Section 111-2A is amended to read as follows:

A. *The following license fees for dogs shall be as established in the current fee schedule, on file in the Town offices, as amended from time to time by the Town Board:*

- (1) *Unneutered male dog.*
- (2) *Unspayed female dog.*
- (3) *Neutered male dog.*
- (4) *Spayed female dog.*
- (5) *Duplicate license.*

B. Section 111-3 is amended as indicated: "...collect a late fee of ~~\$5~~ as established in the Town Fee Schedule from every owner...":

C. Section 111-4 is amended as indicated: "...kennel license fee of ~~\$30~~ as established in the Town Fee Schedule for a kennel of 12 dogs or less, plus ~~\$3~~ an additional fee for each dog in excess of 12, in lieu..."

D. Section 111-8D is amended as indicated: "...the owner shall forfeit ~~\$10~~ \$25 for the first offense and ~~\$20~~ \$100 for subsequent offenses."

E. In § 111-14:

- (1) Subsection A is amended as indicated: "...upon conviction, ~~forfeit not less than \$50 nor more than~~ be subject to a forfeiture of \$100."
- (2) Subsection B is amended as indicated: "...upon conviction, ~~forfeit not less than \$100 nor more than~~ be subject to a forfeiture of \$500."

Article II, Vicious Dogs Regulated.

Section 111-16 is amended to read as follows:

§ 111-16 Definitions.

The following terms when used in this article are defined as follows:

VICIOUS DOG

- A. *Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.*
- B. *Any dog which attacks a human being or another domestic animal without provocation.*
- C. *Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dogfighting.*

Chapter 118, Building Construction.

Article I, Building Code.

A. Section 118-4B is amended as indicated: "...the Uniform Dwelling Code shall not apply to buildings covered by the Uniform ~~Dwelling~~ Building Code."

B. In § 118-7:

(1) An introductory paragraph is added to read as follows:

The following permits are issued by the Town and require a permit fee as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board:

(2) Subsection A(25) is amended to read as follows:

Miscellaneous permits/fees. Road access permit (driveway); see Chapter 250, Article IV, Road Access Permits, of the Town Code.

Chapter 125, Burning, Open.

A. Section 125-3 is amended as indicated: "...shall forfeit ~~not less than \$10~~ \$200 for the first offense and not more than \$200 \$500 for the second offense, together with the costs..."

B. Section 125-5 is amended as indicated: "The ~~Town Fire Warden~~ Washington County Sheriff's Department is hereby authorized and directed to enforce all the provisions of this chapter. Without limitation, the ~~Fire Warden~~ Sheriff's Department is given the authority..."

Chapter 156, Health and Sanitation.

Section 156-4 is amended as indicated: "...a forfeiture of ~~not less than \$25~~ \$100 for the first offense, not more than \$500 \$250 for the second offense, and \$500 for the third offense, together with the costs of prosecution..."

Chapter 164, Junk Dealers.

A. Section 164-4 is amended to read as follows:

The annual license fee shall be as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board. The license year shall commence on July 1 of each year.

B. Section 164-7A is amended as indicated: "...provisions hereunder shall not be in effect unless ~~is~~ the licensee has received..."

Chapter 173, Lakes and Waters.

A. In § 173-24:

(1) Subsection A is amended to read as follows:

Section 30.51, Certificate of number and registration; requirements; exemptions.

(2) Subsection B is amended to read as follows:

Section 30.52, Certificate of number and registration; application; certification and registration period; fees; issuance.

(3) Subsection C is amended to read as follows:

Section 30.53, Certificate of origin; requirements; contents; guaranteed asset protection waivers.

- B. Section 173-29A is amended as indicated: “...shall be ~~fin~~~~ed not more than~~ subject to a forfeiture of \$100 for the first offense, and fined not more than \$200 upon conviction of the same offense a second or subsequent time within one year from the first offense, alternative maximum thirty- and ninety-day imprisonment on default \$250 for the second offense, and \$500 for the third offense, together with the costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs, together with subsequent costs, shall be paid, but not exceeding 30 days.”

Chapter 177, Licenses and Permits.

Article II, Cigarette Retail License.

Section 177-12 is amended to read as follows:

The annual license fee shall be as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board.

Article III, Entertainment License.

Section 177-15 is amended to read as follows:

The per-day license fee shall be as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board, except that no fee shall be charged for events held or sponsored by educational, charitable, nonprofit or religious organizations when the proceeds thereof shall be devoted to the purposes of such organization.

Article IV, Solid Waste and Recyclables Collectors.

A. Section 177-19 is amended to read as follows:

Any licensing agreement under this article shall be reviewed annually by the Town Board. Licensing agreements shall run for the calendar year. Such agreements may be renewed only if the Town Board determines that the applicant has in all respects complied with the terms and conditions upon which such license agreement was issued, and that the continuation of such license agreement would be in the public's interest. The Town Board shall determine from time to time the fee to be paid by the applicant as a condition precedent to the approval of the annual licensing agreement.

B. Section 177-20 is amended to read as follows:

Any person, firm, corporation, or municipality found to be in violation of this article shall pay a forfeiture of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense, together with the costs and expenses of prosecution and the costs and expenses of collecting the damages, plus immediate revocation of their licensing agreement by the Town Board. Each day that a violation exists shall be deemed a separate violation.

Chapter 193, Nuisances.

A. Section 193-5 is amended as indicated: “...forfeitures under ~~Section XXX of this ordinance~~ § 193-8 of this chapter.”

B. Section 193-8 is amended to read as follows:

Any person who shall violate any part of this chapter shall, upon conviction thereof, forfeit \$100 for the first offense, \$250 for the second offense, and \$500 for the third, together with the costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until said forfeiture and costs of prosecution, together with subsequent costs, shall be paid, but not to exceed 90 days.

Chapter 202, Peace and Good Order.

Article I, State Laws Adopted.

Section 202-1 is amended to read as follows:

§ 202-1 Offenses against state laws subject to forfeiture.

The following Wisconsin Statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter I, Article II, General Penalty, of the Town Code.

- A. Section 346.935, Intoxicants in Motor Vehicles.
- B. Section 940.19(1), Battery.
- C. Section 940.225(3m), Sexual Assault or Sexual Contact.
- D. Section 940.34, Duty to Aid Victim or Report Crime.
- E. Section 941.01, Negligent Operation of Vehicle.
- F. Section 941.10, Negligent Handling of Burning Materials.
- G. Section 941.12, Interfering with Fire Fighting.
- H. Section 941.13, False Alarms.
- I. Section 941.20, Endangering Safety by Use of Dangerous Weapon.
- J. Section 941.21, Disarming a Police Officer.
- K. Section 941.23, Carrying Concealed Weapon.
- L. Section 941.35, Emergency Telephone Calls.
- M. Section 941.37, Obstructing Emergency or Rescue Personnel.
- N. Section 943.01(1), Criminal Damage to Property.
- O. Section 943.06, Molotov Cocktails.
- P. Section 943.11, Entry Into Locked Vehicle.
- Q. Section 943.125, Entry Into Locked Coin Box.
- R. Section 943.13, Trespass to Land.
- S. Section 943.14, Criminal Trespass to Dwellings.
- T. Section 943.15, Entry Onto a Construction Site or into a locked building, dwelling or room.
- U. Section 943.20, Theft.
- V. Section 943.22, Use of Cheating Tokens.
- W. Section 943.24 Issue of Worthless Checks.
- X. Section 943.34(1), Receiving Stolen Property.
- Y. Section 943.37, Alteration of Property Identification Marks.
- Z. Section 943.50, Shoplifting.
- AA. Section 944.23, Making Lewd, Obscene or Indecent Drawings.
- BB. Section 944.30, Prostitution.
- CC. Section 944.31, Patronizing Prostitutes.

- DD. Section 944.33, *Pandering.*
- EE. Section 944.34, *Keeping Place of Prostitution.*
- FF. Section 944.36, *Solicitation of Drinks Prohibited.*
- GG. Section 945.02, *Gambling.*
- HH. Section 945.03, *Commercial Gambling.*
- II. Section 945.04, *Permitting Premises to be Used for Commercial Gambling.*
- JJ. Section 946.40, *Refusing to Aid Officer.*
- KK. Section 946.41, *Resisting or Obstructing Officer.*
- LL. Section 946.42, *Escape.*
- MM. Section 946.44, *Assisting or Permitting Escape.*
- NN. Section 946.65, *Obstructing Justice.*
- OO. Section 946.70, *Impersonating Peace Officers, Fire Fighters, or Other Emergency Personnel.*
- PP. Section 946.72, *Tampering with Public Records and Notices.*
- QQ. Section 947.01, *Disorderly Conduct.*
- RR. Section 947.013, *Harassment.*
- SS. Section 947.015, *Bomb Scares.*
- TT. Section 947.06, *Unlawful Assemblies and their Suppression.*
- UU. Section 948.40, *Contributing to the Delinquency of a Child.*
- VV. Section 948.60, *Possession of a Dangerous Weapon by a Person Under 18.*
- WW. Section 948.63, *Receiving Property from a Child.*
- XX. Sections 951.01 to 951.15, *Crimes Against Animals.*

Article II, Firearms and Other Dangerous Weapons.

Section 202-6A is amended as indicated: “...forfeiture of ~~not less than \$100 and no more than \$200~~ \$500 for the first offense, \$750 for the second offense, and \$1,000 for the third, plus costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs, together with subsequent costs, shall be paid, but not exceeding 30 days.”

Article III, Offenses Against Public Safety and Peace.

Section 202-7 is amended to read as follows:

No person shall possess marijuana, as defined in § 961.01(14), Wis. Stats., subject to the exceptions in § 961.41(3g), Wis. Stats., except that if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana, the subject of the complaint may not be prosecuted under this section for the same action that is the subject of the complaint unless the charges are dismissed or the District Attorney declines to prosecute the case.

Article IV, Offenses to Property.

Section 202-14 is amended to read as follows:

No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the Town or upon any private property or into or upon any body of water or stream within the Town.

Article V, Enforcement.

Section 202-19 is amended as indicated: “Unless otherwise specified in this chapter, any person who...”

Chapter 206, Peddling and Soliciting.

Section 206-4 is amended as indicated: “...pay to the Town Clerk ~~\$5~~ as set by the Town Board to cover the cost...”

Chapter 224, Rental Properties.

Section 224-6A is amended as indicated: “...pay a forfeiture of ~~not less \$100 for the first offense, nor more than \$250 for the second offense, and \$500 for the third offense,~~ not less \$100 for the first offense, nor more than \$250 for the second offense, and \$500 for the third offense, plus the applicable surcharges...”

Chapter 238, Snowmobiles.

- A. In § 238-1, the reference to § 350.06, Firearms and bows, in the 1990 Code, is repealed.
- B. Section 238-2 is amended as indicated: “...346.92(1) and 346.94(1), ~~(6), (6m)~~ and (9), Wis. Stats.”

Chapter 244, Solid Waste.

Article I, Recycling.

Section 244-18C is amended to read as follows:

Any person who violates a provision of this article shall, upon conviction thereof, forfeit \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense.

Article II, Leaf and Yard Waste.

Section 244-23 is amended to read as follows:

Any person who shall be found guilty of violating any of the provisions of this article shall be subject to a forfeiture of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense, together with the costs of prosecution, and, in default of the payment of such forfeiture, shall be imprisoned at the County Jail of Washington County until such forfeitures and all costs, including subsequent costs, have been paid, but not for a period exceeding 30 days.

Chapter 250, Streets and Sidewalks.

Article I, Moving of Buildings.

Section 250-3 is amended to read as follows:

For any building that is moved by use of heavy moving trucks or rollers, there shall be a fee as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board.

Article II, Search for Markers.

Section 250-12 is amended to read as follows:

A permit fee, as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board, shall be required for each digging and shall be used by the Town to defray the cost of restoration and repair of the Town roads to their original condition.

Article IV, Road Access Permits.

- A. Section 250-18 is amended as indicated: “...accompanied by a ~~payment of \$50 fee as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board,~~ made payable...”
- B. Section 250-23 is amended to read as follows:

Any person who shall violate the provisions of this article shall, upon conviction thereof, be subject to the provisions of Chapter 1, Article II, General Penalty, of the Town Code. Each day a violation exists or continues shall constitute a separate offense. In addition, the Town shall have the right to barricade and seal off any such road access for which a permit has not been granted.

Article V, Obstructions and Encroachments.

A new § 250-26 is added to read as follows:

Any person who shall violate any provision of this article or any rule, regulation or order made hereunder shall be subject to a penalty as provided in Chapter 1, Article II, General Penalty, of the Town Code.

Article VII, Mailbox Replacement.

In § 250-32, Subsections C and E are amended to change “Highway Department” to “Department of Public Works.”

Chapter 266, Vehicles, Abandoned.

Section 266-14 is amended as indicated: “...disabled vehicles. The provisions of ~~sub. (11)~~ § 266-12 above shall apply to any vehicle removed under this section.”

Chapter 275, Vehicles and Traffic.

- A. Section 275-5D(1) is amended to change “Highway Department” to “Department of Public Works.”
- B. Section 275-7A is amended as indicated: “...designated Class "B" highways, ~~pursuant to § 349.15, Wis. Stats.~~ No person shall...”
- C. In § 275-10:

- (1) Subsection D is amended to read as follows:

Notice of demerit points and receipts. Every officer accepting a forfeited penalty or money deposit under this chapter shall furnish a receipt on a serially numbered form, and shall deliver the original receipt to the alleged violator if requested, and shall state to the alleged violator that inquiry may be made at the office of the Clerk of Court or Municipal Judge regarding the disposition of the deposit. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of §§ 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats.

- (2) Subsection I(3)(a) is amended to change the phrase “Town Clerk-Treasurer” to “Town Clerk.”
- (3) Subsection I(4)(b) is amended to change each instance of the phrase “Clerk-Treasurer” to “Town Clerk.”

D. In § 275-11:

- (1) Subsection D is amended as indicated: "...the Town Clerk. ~~An annual registration fee of \$20,~~ Each registrant shall pay an annual fee as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board, and the registration sticker..."

- (2) Subsection E(2) is amended to read as follows:

Any person who violates this section shall be subject to a forfeiture of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense, as well as possible loss of registration and the right to operate a golf cart on Town-designated public roads.

Chapter 310, Subdivision and Land Development.

- A. Section 310-16A is amended as indicated: "...upon conviction thereof, ~~forfeit not less than \$100 nor more than \$1,000~~ be subject to a forfeiture of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense, plus the costs of prosecution..."

- B. Section 310-18B is amended as indicated: "...requirements set forth in ~~Sections 18.7 and 18.8 Articles VIII and IX of this chapter.~~"

- C. Section 310-20L is amended as indicated: "...where required by § SPS ~~385.06~~ 385.60, Wis. Adm. Code, taken at..."

D. In § 310-27:

- (1) Subsection R is amended as indicated: "...where required by § SPS ~~385.06~~ 385.60 of the Wisconsin Administrative Code..."

- (2) Subsection S is amended as indicated: "...where required by § SPS ~~385.06~~ 385.60 of the Wisconsin Administrative Code..."

- E. Section 310-64C is amended to change the reference to "Chapter 60.30, Wis. Stats." to "Ch. 60, Subch. IX, Wis. Stats."

- F. Section 310-65E(3) is amended to change the reference to "Chapter 60.30, Wis. Stats." to "Ch. 60, Subch. IX, Wis. Stats."

- G. In § 310-66, the introductory paragraph is amended to change the phrase "Department of Health and Social Services" to "Department of Natural Resources."

H. In § 310-85B:

- (1) The definition of "sanitary sewer service area" is amended to change the phrase "Department of Natural Resources" to "Department of Safety and Professional Services."

- (2) The definition of "Wisconsin Administrative Code" is amended to read as follows:

The rules of administrative agencies having rule-making authority in Wisconsin, published in a continual revision system as directed by § 35.93 and Chapter 227, Wis. Stats., including subsequent amendments to those rules.

Chapter 325, Zoning.

- A. Section § 325-17A(5)(c) is amended as indicated: "...require a surety or assess a fee or other instrument..."

- B. Section 325-22 is amended as indicated: “Unless otherwise specified in this chapter, any person, firm, or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator/Building Inspector issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, forfeit not less than \$20 nor more than \$200 and be subject to a forfeiture of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense, plus costs of prosecution...”
- C. Section 325-29A(1) is amended to read as follows:
- The Shoreland Residential/Mixed Use District consists of shoreland uses that are contained within the historic lakeshore community, including rental cottages, lodging accommodation, hotel rooms, tavern and/or restaurant facilities, or owner-occupied housing operated in a long-standing, uninterrupted manner as businesses licensed by the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, pursuant to Ch. 97, Wis. Stats., and Chs. ATCP 72 and 75, Wis. Adm. Code.*
- D. Section 325-42D(3) is amended to change the reference to “Chapter 17.4.04.H” to “§ 325-75G.”
- E. Section 325-52H(4)(d) is amended to change the reference to “Paragraph 7.02 subparagraph J” to “§ 325-52D(4)(j).”
- F. In § 325-97:
- (1) Subsection D(2) is amended to read as follows:
- The fee for the permit shall be as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board, and payable upon submittal of a complete application.*
- (2) Subsection E(2) is amended to read as follows:
- The fee for the permit shall be as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board, and payable upon submittal of a complete application.*
- (3) Subsection F(2) is amended to read as follows:
- The fee for the permit shall be as established in the current Fee Schedule, on file in the Town offices, as amended from time to time by the Town Board, and payable upon submittal of a complete application.*
- (4) Subsection G is amended to read as follows:
- Violations and penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, be subject to a forfeiture of \$100 for the first offense, \$250 for the second offense, and \$500 for the third offense, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this section. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.*
- G. In § 325-99:
- (1) Subsection C(1)(a) is amended as indicated: “...location of the ~~hive(s)~~ henhouse(s) in relationship to...”
 - (2) Original Section 17.11.15.C.1.e., which contained identical provisions to § 325-99C(1)(c), is repealed.
- H. Section 325-102D(2) is amended to change the reference to “Section 17.2.08.B” to “§ 325-15B.”

- I. Section 325-105F is amended to change the phrase “10 days” to “five days.”
- J. Original Sec. 17.13.07, Protest, is repealed.
- K. In § 325-120, the definition of family is amended to read as follows:

One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- (1) *The group shares the entire dwelling unit.*
- (2) *The group lives and cooks together as a single housekeeping unit.*
- (3) *The group shares expenses for food, rent, utilities or other household expenses.*
- (4) *The group is permanent and stable and not transient or temporary in nature.*
- (5) *Any other factor reasonably related to whether the group is the functional equivalent of a family.*