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PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

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[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Construction** **[Adopted by the Town Board of the Town of Washington]**

§ 1-1. Rules of construction.

In the construction of this Municipal Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the provision:

- A. Wisconsin statutes. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes as of the adoption of this Code, as amended or renumbered from time to time. **[Amended 7-17-2018 by Ord. No. 2018-1]**

- B. Gender, singular and plural. Every word in this Code and in any provisions imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
- C. Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
- D. Acts of agents. When a provision requires an act to be done which may by law as well be done by an agent as the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

§ 1-2. Conflict; separability.

- A. Conflict of provisions. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- B. Separability of Code provisions. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

§ 1-3. Clerk to file documents incorporated by reference.

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

ARTICLE II

General Penalty**[Adopted by the Town Board of the Town of Washington]****§ 1-4. General penalty.**

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- A. First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, 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 provision or part of a provision of this Code who has previously been convicted of a violation of the same provision within one year shall, upon conviction thereof, forfeit not less than \$10 nor more 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.

§ 1-5. 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.

§ 1-6. 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.

ARTICLE III

Enforcement by County**[Adopted 7-17-2018 by Ord. No. 2018-1]****§ 1-7. Authority.**

The Town of Washington Town Board delegates the nonexclusive authority to enforce all ordinances adopted by the Town Board to the Shawano County Sheriff's Department.

§ 1-8. Construal of provisions.

This article is not intended to infringe upon or otherwise replace any other enforcement options that the Town of Washington has to enforce its ordinances.

ARTICLE IV**Adoption of Code**

[Adopted 7-17-2018 by Ord. No. 2018-1]

§ 1-9. Adoption of Code.

Pursuant to § 66.0103, Wis. Stats., the ordinances of the Town of Washington of a general and permanent nature adopted by the Town Board of the Town of Washington, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 256, are hereby approved, adopted, ordained and enacted as the "Code of the Town of Washington," hereinafter referred to as the "Code."

§ 1-10. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-11. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-12. Copy of Code on file.

A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public for at least two weeks, in accordance with § 66.0103, Wis. Stats., and until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-13. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Washington" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or

supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-14. Publication; filing.

The Clerk of the Town of Washington, pursuant to law, shall cause to be published, in the manner required by law, a notice of the adoption of this ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The publication of notice of the enactment of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-15. Code to be kept up-to-date.

It shall be the duty of the Town Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-16. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-17. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Washington to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a forfeiture of not more than \$500.

§ 1-18. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-19. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-20. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Washington which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect. In addition, Chapter 8, Dumping and Waste Disposal, of the prior Town Code is specifically repealed.

§ 1-21. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-20 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to November 15, 2016.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.

- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending a zoning map or otherwise rezoning property.
- O. Any charter ordinances.
- P. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- Q. Any ordinance or portion of an ordinance establishing or amending a deposit or bond schedule.
- R. Chapter 6, Cable Communications System Franchise, of the prior Town Code.

§ 1-22. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of Washington, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)¹
- C. References to specific chapters and sections of the Wisconsin Statutes and Wisconsin Administrative Code were revised to reflect the numbering of the statutes and Administrative Code as of the publication of this Code.
- D. Nomenclature changes.
 - (1) References to the "Department of Health and Social Services" and "Department of Health and Family Services" were amended to read "Department of Health Services."

1. Editor's Note: In accordance with § 1-22B, the chapters, parts and sections that were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article IV. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: [Amended (added, deleted) 7-17-2018 by Ord. No. 2018-1]. Schedule A, which contains a complete description of all changes, is on file in the Town offices.

- (2) References to the "Department of Industry, Labor and Human Relations" and "Department of Commerce" were amended to read "Department of Safety and Professional Services."
- (3) In Chapter 65, Alcohol Beverages, all references to "alcoholic beverages" were amended to read "alcohol beverages."

§ 1-23. When effective.

This ordinance shall take effect upon passage and publication as required by law.

Chapter 12

CITATIONS

§ 12-1. Statutory authority.

§ 12-2. Form of citation.

§ 12-3. Schedule of deposits.

§ 12-4. Issuance of citation.

§ 12-5. Procedure.

§ 12-6. Nonexclusivity.

[HISTORY: Adopted by the Town Board of the Town of Washington. Amendments noted where applicable.]

GENERAL REFERENCES

Constable — See Ch. 19.

§ 12-1. Statutory authority.

Pursuant to § 66.0113, Wis. Stats., the Town of Washington hereby elects to use the citation method of enforcement of Town ordinances as described herein.

§ 12-2. Form of citation.

The citation shall contain the following:

- A. The name and address of the alleged violator;
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offense;
- D. The section of the ordinance violated;
- E. A designation of the offense in a manner that can readily be understood by a person making a reasonable effort to do so;¹
- F. The time at which the alleged violator may appear in court;
- G. A statement which, in essence, informs the alleged violator:
 - (1) That a cash deposit based on the schedule established by this ordinance may be made, which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - (2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.

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

- (3) That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.²
 - (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.³
 - (5) That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats.⁴
- H. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection G above has been read. Such statement shall be sent or brought with the cash deposit;
- I. Such other information as the Town deems necessary;
- J. A copy of the form of the citation to be used by the Town is on file in the Town Clerk's office.⁵

§ 12-3. Schedule of deposits. ⁶

The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Town Board, a copy of which is on file with the Town Clerk.

§ 12-4. Issuance of citation.

The following Town officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities as follows:

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- 2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).
 - 3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).
 - 4. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).
 - 5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).
 - 6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

- A. All Town ordinances: Town Constable.
- B. Motor boat regulation: County Sheriff's Deputies.

§ 12-5. Procedure.

Section 66.0113(3), Wis. Stats., relating to violator's options and procedures on default, is hereby adopted and incorporated by reference.

§ 12-6. Nonexclusivity.

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

Chapter 19

CONSTABLE

§ 19-1. Statutory authority.

§ 19-3. Nonexclusivity.

§ 19-2. Jurisdiction and duties.

[HISTORY: Adopted by the Town Board of the Town of Washington. Amendments noted where applicable.]

GENERAL REFERENCES

Citations — See Ch. 12.

§ 19-1. Statutory authority.

Pursuant to §§ 60.22(4) and 60.35, Wis. Stats., the Town Board of Supervisors of the Town of Washington hereby establishes the jurisdiction and duties of the Town Constable of the Town of Washington as described herein.

§ 19-2. Jurisdiction and duties.

The Town Constable of the Town of Washington, Shawano County, shall:

- A. Impound cattle, horses, sheep, swine and other animals at large on the highways in violation of any duly published order or ordinance adopted by the Town Board.
- B. Cause to be prosecuted all violations of law of which he has knowledge or information.
- C. Cause to be enforced and prosecuted all violations of Town ordinances of which he has knowledge or information.
- D. Act on behalf of the Town Board as directed to:
 - (1) See that Town orders and ordinances are obeyed.
 - (2) See that peace and order are maintained in the Town.
 - (3) Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 323, Wis. Stats., for emergency government.

§ 19-3. Nonexclusivity.

- A. Other ordinances. Adoption of this chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

- B. Other remedies. The jurisdiction and duties of the Town Constable, as stated herein, shall not preclude the Town Board or any other Town officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Chapter 28

FINANCE AND TAXATION

ARTICLE I

Alternative Claim Procedure for Tax Refunds

§ 28-1. Purpose and intent.

§ 28-2. Authority.

§ 28-3. Required procedures of Treasurer upon excess payment.

§ 28-4. Required procedures of Clerk upon notification from Treasurer.

§ 28-5. Issuance of disbursements from local Treasury.

§ 28-6. Mailing or delivery of refund check to taxpayer/claimant.

ARTICLE II

Duplicate Treasurer's Bond Eliminated

§ 28-7. Treasurer exempt from bond.

§ 28-8. Town obligation.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Alternative Claim Procedure for Tax Refunds

[Adopted 10-19-1998 by Ord. No. 3-1998]

§ 28-1. Purpose and intent.

It is the declared intent of this article that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this article within 15 business days of the payment. Further, it is the declared intent that this policy shall be in full force and effect upon adoption by the Town Board with the purpose of complying with § 74.03(2), Wis. Stats.

§ 28-2. Authority.

This article is adopted pursuant to the authority granted to Town Boards under § 60.44(2), Wis. Stats., to adopt an alternative claim procedure for approving financial claims against the Town which are in the nature of bills and vouchers.

§ 28-3. Required procedures of Treasurer upon excess payment.

Pursuant to § 60.34, Wis. Stats., upon receipt of tax payments in excess of the tax bill, the Town Treasurer shall deposit as soon as practicable all payments in the name of the Town in public depositories designated by the Town Board. Upon verification by the Town Treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than 10 days after depositing, the Treasurer shall notify the Town Clerk, in writing, the name and mailing address of the taxpayer for whom a refund in excess of the tax bill amount

is due, the amount of the refund in excess of the tax bill, the date payment was received, and a statement that the payment as made has cleared and not been returned as insufficient funds.

§ 28-4. Required procedures of Clerk upon notification from Treasurer.

- A. Upon written notification from the Town Treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the Town Clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount, finding the following:
- (1) Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the Treasurer's notice.
 - (2) The Town Board has authorized the refund of excess tax payments as established by the adoption of this article.
 - (3) The refund is due in the amount noticed by the Town Treasurer as a tax payment in excess of the amount of the tax bill.
 - (4) The refund is a valid claim against the Town, being a payment in excess of the tax bill amount.
- B. Further the Town Clerk shall prepare monthly, to be submitted to the Town Board at each monthly Board meeting, a list of claims paid under this procedure, listing the amount of claims, the date paid, the name of the taxpayer/claimant, and that the payment was a refund for excess tax payment.

§ 28-5. Issuance of disbursements from local Treasury.

Upon approval of a voucher (or proper authorization) by the Town Clerk under procedures listed in § 28-4 of this article, a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the Town Clerk and countersigned by the Town Treasurer and the Town Chairperson, pursuant to § 66.0607, Wis. Stats., and shall be issued not later than 15 business days from the date the tax payment was received by the Town Treasurer as noticed by the Town Treasurer in § 28-3 of this article.

§ 28-6. Mailing or delivery of refund check to taxpayer/claimant.

Upon issuance of the proper countersigned refund check, pursuant to the procedures in this article, the refund check shall be delivered to the taxpayer/claimant by the Town Clerk or Town Treasurer.¹

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

ARTICLE II

Duplicate Treasurer's Bond Eliminated
[Adopted 11-15-2016 by Ord. No. 1-2016]**§ 28-7. Treasurer exempt from bond. ²**

As provided in § 70.67(2), Wis. Stats., the Treasurer of the Town of Washington is exempt from giving the bond specified in § 70.67(1), Wis. Stats.

§ 28-8. Town obligation.

The Town hereby obligates itself to pay, in case the Town Treasurer fails so to do, all state and county taxes that the Treasurer is required to pay to the County Treasurer.

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



Chapter 47

PLAN COMMISSION

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| § 47-2. Purpose. | § 47-13. General and miscellaneous powers. |
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| § 47-9. Experts and staff. | |
| § 47-10. Rules; records. | |
| § 47-11. Chairperson and officers. | |

[HISTORY: Adopted by the Town Board of the Town of Washington 7-18-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive Plan — See Ch. 107.

§ 47-1. Title.

This chapter is entitled the "Town of Washington Plan Commission Ordinance."

§ 47-2. Purpose.

The purpose of this chapter is to establish a Town of Washington Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions through the adoption and implementation of comprehensive planning with significant citizen involvement.

§ 47-3. Authority; establishment.

The Town Board of the Town of Washington has been authorized by the Town meeting under § 60.11, Wis. Stats., to exercise village powers, and the Town has a population of less than 2,500, according to the most recent regular or special federal census, § 990.01(29), Wis. Stats. The Town Board hereby exercises village powers under § 60.22(3), Wis. Stats., and establishes a five member Plan Commission under §§ 60.62(4), 61.35 and 62.23, Wis. Stats.

The Plan Commission shall be considered the "Town Planning Agency" under §§ 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

§ 47-4. Membership.

A. The Plan Commission consists of five members:

- (1) At least one and not more than two members of the Town Board, one of whom may be the Town Board Chairperson; and
- (2) All others are citizen members. Citizen members shall not otherwise be Town officials and shall be persons of recognized experience and qualifications.

B. Where a quorum of the regular membership of the Plan Commission cannot be attained for a given meeting, the meeting will be rescheduled. Whenever a Town Supervisor(s) cannot attend a scheduled meeting, another Town Supervisor(s), who is not a regular Plan Commission member, may temporarily fill vacancies on the Plan Commission.

§ 47-5. Appointments.

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. All appointments are subject to the approval of the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment, as provided under §§ 19.01 and 60.31, Wis. Stats.

§ 47-6. Terms of office.

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified, except:

- A. Initial terms (five-member). The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- B. Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two years, as allowed under § 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two years from the previous April 30.

§ 47-7. Vacancies.

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

§ 47-8. Compensation; expenses.¹

The Town Board of the Town of Washington hereby sets a per diem allowance per meeting for citizen and Town Board members of the Plan Commission, as allowed under § 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under § 60.321, Wis. Stats.

§ 47-9. Experts and staff.

The Plan Commission may, under § 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

§ 47-10. Rules; records.

The Plan Commission, under § 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be public record under §§ 19.21-19.39, Wis. Stats.

§ 47-11. Chairperson and officers.

A. Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in §§ 47-5 and 47-6 of this chapter. The Chairperson shall, subject to Town ordinances and Commission rules:

- (1) Provide leadership to the Commission;
- (2) Set Commission meeting and hearing dates;
- (3) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (4) Preside at Commission meetings and hearings; and
- (5) Ensure that the laws are followed.

B. Vice Chairperson. The Plan Commission may elect, by vote under § 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

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

- C. Secretary. The Plan Commission shall elect, by vote under § 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

§ 47-12. Commission members as local public officials.

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, § 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, §§ 19.21-19.39, Wis. Stats.; Code of Ethics for Local Government Officials, §§ 19.42, 19.58 and 19.59, Wis. Stats.; Open Meetings, §§ 19.81-19.89, Wis. Stats.; Misconduct in Office, § 946.12, Wis. Stats.; and Private Interests in Public Contracts, § 946.13, Wis. Stats. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

§ 47-13. General and miscellaneous powers.

The Plan Commission, under § 62.23(4), Wis. Stats., shall have the power:

- A. Necessary to enable it to perform its functions and promote Town planning.
- B. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- C. To recommend to the Town Board programs for public improvements and the financing of such improvements.
- D. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- E. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under § 66.0119, Wis. Stats., or other court-issued warrant.

§ 47-14. Comprehensive planning; general authority and requirements.

- A. The Plan Commission shall make and adopt a Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats., which contains the elements specified in § 66.1001(2), Wis. Stats., and follows the procedures in § 66.1001(4), Wis. Stats.
- B. The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Town Board.
- C. In this section, the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared and oversee and coordinate the preparation of the plan,

whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

§ 47-15. Procedure for adoption and recommendation of Comprehensive Plan or amendment.

The Plan Commission, in order to ensure that the requirements of § 66.1001(4), Wis. Stats., are met, shall proceed as follows:

- A. Public participation verification. Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- B. Resolution. The Plan Commission, under § 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under § 66.1001, Wis. Stats., namely that:
 - (1) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
 - (2) The Plan contains the nine specified elements and meets the requirements of those elements;
 - (3) The maps and other descriptive materials relate to the Plan;
 - (4) The Plan has been adopted by a majority vote of the entire Plan Commission, which the Clerk or Secretary is directed to record in the minutes; and
 - (5) The Plan Commission Clerk or Secretary is directed to send a copy of the Comprehensive Plan adopted by the Commission to the governmental units specified in § 66.1001(4), Wis. Stats., and Subsection C of this section.
- C. Transmittal. One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
 - (1) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

- (2) The Clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
- (3) The Wisconsin Land Council.
- (4) After September 1, 2003, the Department of Administration.
- (5) The regional planning commission in which the Town is located.
- (6) The public library that serves the area in which the Town is located.

§ 47-16. Plan implementation and administration.

- A. Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
 - (1) Zoning. A proposed Town zoning ordinance under village powers, §§ 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under § 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under Subchapter III of Ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority. Note: The Town of Washington has adopted Shawano County Zoning and is legally prohibited from adopting the above-mentioned Town zoning ordinance until such time as the Town Board would disapprove a "comprehensive revision" to the County zoning code pursuant to § 59.69(5)(d), Wis. Stats.
 - (2) Official map. A proposed official map ordinance under § 62.23(6), Wis. Stats.
 - (3) Subdivisions. A proposed Town subdivision or other land division ordinance under § 236.45, Wis. Stats.
 - (4) Other. Any other ordinance specified by the Town Board (e.g., historic preservation, design review, site plan review).
- B. Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
- C. Nonregulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose nonregulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- D. Program administration. In accordance with § 59.69(5) and Ch. 236, Wis. Stats., the Shawano County General Zoning Ordinance, and the Shawano County Subdivision Ordinance (and amendments thereto), the Town of Washington Plan Commission shall have the following roles and powers:

- (1) Zoning amendments under Shawano County Zoning.
 - (a) Recommendations. The Town Plan Commission shall review and report on any proposed amendments to the Town of Washington Zoning Map as well as proposed general text amendments to the Shawano County General Zoning Ordinance. The Plan Commission shall make a recommendation to the Town Board regarding approval/disapproval of the proposal and/or shall suggest revisions. In light of the Town Board's veto power over county zoning per § 59.69(5)(e)5., Wis. Stats., the Town Board shall retain sole responsibility for final recommendations to Shawano County.
 - (b) Initiation of petition for map/ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may draft proposals for amendments to the Town of Washington Zoning Map or Shawano County's General Zoning Ordinance for referral to the Town Board, who in turn may petition Shawano County for amendment pursuant to § 59.69(5)(e), Wis. Stats.
 - (2) Subdivision review. Proposed plats under Ch. 236, Wis. Stats., shall be referred to the Plan Commission for review and recommendation to the Town Board, which shall retain sole responsibility for final recommendations to Shawano County. Recommendations to the Town Board shall include a report on the need for public improvements (lot layout, road location and construction, stormwater facilities, etc.) and public dedications (parklands, water access, etc.).
 - (3) Conditional use permits under Shawano County Zoning. The Town Board of the Town of Washington delegates sole authority to the Town Plan Commission to make recommendations to the County Planning Development and Zoning Committee on proposed conditional use permits under any of the zoning-related ordinances administered by Shawano County, including but not limited to the General Zoning Ordinance, the Shoreland Zoning Ordinance, the Animal Waste Management Ordinance, and the Telecommunication Facilities Ordinance.
 - (4) Variances under Shawano County Zoning. The Town Board of the Town of Washington delegates sole authority to the Town Plan Commission to make recommendations to the County Board of Adjustment on proposed variances to provisions of any of the zoning-related ordinances administered by Shawano County, including but not limited to the General Zoning Ordinance, the Shoreland Zoning Ordinance, the Animal Waste Management Ordinance, and the Telecommunication Facilities Ordinance.
- E. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats., shall be consistent with that Plan. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.

§ 47-17. Referrals to Plan Commission.

- A. Required referrals under § 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) The location and architectural design of any public building.
 - (2) The location of any statue or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - (a) Street, alley or other public way;
 - (b) Park or playground;
 - (c) Airport;
 - (d) Area for parking vehicles; or
 - (e) Other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (5) All plats under the Town's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under § 236.45, Wis. Stats.
 - (6) The location, character and extent or acquisition, leasing or sale of lands for:
 - (a) Public or semi-public housing;
 - (b) Slum clearance;
 - (c) Relief of congestion; or
 - (d) Vacation camps for children.
 - (7) The amendment or repeal of any ordinance adopted under § 62.23, Wis. Stats., including ordinances relating to the Town Plan Commission; the Town Master Plan or the Town Comprehensive Plan under § 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.
- B. Required referrals under sections of the Wisconsin Statutes other than § 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) An application for initial licensure of a child welfare agency or group home under § 48.68(3), Wis. Stats.
 - (2) An application for initial licensure of a community-based residential facility under § 50.03(4), Wis. Stats.

- (3) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under § 66.0905, Wis. Stats.
 - (4) Matters relating to the establishment or termination of an architectural conservancy district under § 66.1007, Wis. Stats.
 - (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under § 66.1107, Wis. Stats.
 - (6) Matters relating to the establishment or termination of a business improvement district required to be referred under § 66.1109, Wis. Stats.
 - (7) A proposed housing project under § 66.1211(3), Wis. Stats.
 - (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under Subchapter XIII of Ch. 66, Wis. Stats.
 - (9) The adoption or amendment of a Town subdivision or other land division ordinance under § 236.45(4), Wis. Stats.
 - (10) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- C. Required referrals under this chapter. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report (see also § 47-16D of this chapter):
- (1) Any proposal, under § 59.69, Wis. Stats., for the Town to approve general county zoning so that it takes effect in the Town, or to remain under general county zoning.
 - (2) Proposed regulations or amendments relating to historic preservation under § 60.64, Wis. Stats.
 - (3) A proposed driveway access ordinance or amendment.
 - (4) A proposed Town official map ordinance under § 62.23(6), Wis. Stats., or any other proposed Town ordinance under § 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Commission.
 - (5) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to § 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under § 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under Subchapter III of Ch. 91, Wis. Stats.
 - (6) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under § 62.23(7a), Wis. Stats.

- (7) A proposed boundary change pursuant to an approved cooperative plan agreement under § 66.0307, Wis. Stats., or a proposed boundary agreement under § 66.0225, Wis. Stats., or other authority.
- (8) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under § 66.0307(7m), Wis. Stats.
- (9) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- (10) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under § 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (11) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under § 66.0435, Wis. Stats.
- (12) A proposed agreement or proposed modification to such agreement, to establish an airport affected area, under § 66.1009, Wis. Stats.
- (13) A proposed Town airport zoning ordinance under § 114.136(2), Wis. Stats.
- (14) A proposal to create environmental remediation tax incremental financing in the Town under § 66.1106, Wis. Stats.
- (15) A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (16) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- (17) A proposed county zoning ordinance or amendment.
- (18) A proposed county subdivision or other land division ordinance under § 236.45, Wis. Stats., or amendment.
- (19) A proposed intergovernmental cooperation agreement, under § 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under § 66.0305, Wis. Stats.
- (20) A proposed plat or other land division under the county subdivision or other land division ordinance under § 236.45, Wis. Stats.
- (21) A proposed county plan, under § 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (22) Any other matter deemed advisable for referral to the Plan Commission for report.

- D. Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or 30 days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty-day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty-day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty-day referral period if deemed advisable.



PART II

GENERAL LEGISLATION



Chapter 65

ALCOHOL BEVERAGES

ARTICLE I Licensing and Regulations

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| § 65-1. Purpose. | § 65-8. Regulation of licensed premises and licenses. |
| § 65-2. Statutory authority. | § 65-9. Form and expiration of licenses. |
| § 65-3. Definitions. | § 65-10. Transfer of licenses. |
| § 65-4. Licenses and permits required. | § 65-11. Revocation and suspension of licenses. |
| § 65-5. License classes and fees. | § 65-12. Nonrenewal for nonuse. |
| § 65-6. Provisional operator's license. | Letter to Town of Washington
License Holder |
| § 65-7. License requirements and restrictions. | |

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Licensing and Regulations [Adopted by the Town Board of the Town of Washington]

§ 65-1. Purpose.

The Town Board of Supervisors of the Town of Washington, Shawano County, Wisconsin, finds that it is in the best interests of the public to regulate the sale and use of alcohol beverages within the Town. Further, the adoption of this article for such regulation will promote government and good order of the Town for its commercial benefit, and for the health, safety, welfare and convenience of the public.

§ 65-2. Statutory authority.

This article is enacted pursuant to § 125.10, Wis. Stats., and the general police power of the Town Board.

§ 65-3. Definitions.

The definitions contained in § 125.02, Wis. Stats., are hereby adopted and made a part of this article by reference.

§ 65-4. Licenses and permits required.

No person, except as authorized by this article and Ch. 125, Wis. Stats., shall within the Town of Washington, serve, sell, distribute, vend, offer or keep for sale at retail or wholesale, deal or traffic in or engage in any other activity for which a license or permit is authorized under this article.

§ 65-5. License classes and fees. ¹

There shall be the following classes of licenses, which when issued by the Town Clerk under the authority of the Town Board after the payment of the appropriate fee hereinafter specified shall permit the holder to sell, deal or traffic in alcohol beverages as provided in Ch. 125, Wis. Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- A. Retail Class "B" fermented malt beverage license: \$75 per year. [Note: Fee may not exceed \$100 per year, see § 125.26(4), Wis. Stats.]
- B. Class "B Picnic" license for fermented malt beverage license for bona fide clubs, state, county or local fair associations, or agricultural societies or lodges, etc.: \$10 per day. [Note: Fee may not exceed \$10 per day, see § 125.26(6), Wis. Stats.]
- C. Operators' license – new: \$25; renewal: \$10 per year. [Note: The amount of the fee is discretionary with the Town Board. Further, the Town Board may authorize operator's license for one- or two-year periods to expire on June 30, see § 125.17(3), Wis. Stats.]
- D. Retail "Class B" intoxicating liquor license: \$75 per year. [Note: The fee may not be less than \$50 nor more than \$500 per year, see § 125.51(3)(e)1., Wis. Stats.]

§ 65-6. Provisional operator's license. ²

A provisional operator's license may be issued by the Town Clerk in accordance with § 125.17(5), Wis. Stats., only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the Town Board. A provisional license expires 60 days after its issuance or when a regular operator's license is issued to the holder, whichever is sooner. The fee for a provisional operator's license shall be \$15.

§ 65-7. License requirements and restrictions.

- A. Application procedure. All applications for a license authorized under this article and Ch. 125, Wis. Stats., shall be made in writing on forms prescribed by the State Department of Revenue, as approved by the Town Board. The application shall describe the physical premises, including every room and storage space, to be covered by the license. All

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

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

applications shall be signed and sworn to by the applicant as provided by § 887.01, Wis. Stats.

- B. Filing of application. All applications shall be filed with the Town Clerk. At the time of filing, the applicant shall pay to the Town Clerk the cost of publication of the application and the annual fee for the license as established in § 65-5 of this article. All applications must be on file with the Town Clerk at least 15 days before the Town Board may grant or deny the application. [Note: See § 125.04(3)(f), Wis. Stats.]
- C. Qualifications of applicants.³
- (1) Natural persons. Licenses and permits related to alcohol beverages, issued to natural persons under this article, may be issued only to persons who fulfill all of the following requirements:
 - (a) Do not have an arrest or conviction record, subject to §§ 111.321, 111.322, 111.335 and 125.12(1)(b), Wis. Stats.
 - (b) Have been residents of this state continuously for at least 90 days prior to the date of application.
 - (c) Have attained the legal drinking age.
 - (d) Have submitted proof under § 77.61(11), Wis. Stats.
 - (e) Have successfully completed within the two years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the educational approval board. This subsection does not apply to an applicant who held, or who was an agent appointed and approved under § 125.04(6), Wis. Stats., of a corporation or limited liability company that held, within the past two years, a Class "A," "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.
 - (2) Criminal offenders. No license or permit related to alcohol beverages may, subject to §§ 111.321, 111.322 and 111.335, Wis. Stats., be issued under this article to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.
 - (3) Corporations and limited liability companies. No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under Subsection C(1)(a) and (d) and (2), unless the agent of the entity appointed under § 125.04(6), Wis. Stats., and the officers and directors, or members or managers, of the entity meet the qualifications of Subsection C(1)(a) and (c) and (2) and unless the agent of the entity appointed under § 125.04(6), Wis. Stats., meets the qualifications under Subsection C(1)(b) and (e). The

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

requirement that the entity meet the qualifications under Subsection C(1)(a) and (2) does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

- D. Inspection of application and premises. The Town Clerk shall notify the Health Officer and Building Inspector of all license and permit applications. These officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. These officials shall furnish to the Town Board in writing the information derived from such investigation. No license or renewal of license provided for in this article shall be issued without an inspection or reinspection of the premises and a report as herein required.
- E. Health and sanitation requirements. No license shall be issued for any premises which does not conform to the sanitary, safety and health requirements of the State Department of Safety and Professional Services pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health Services applicable to restaurants and to all such ordinances and regulations adopted by the Town.
- F. Delinquent taxes, assessments, claims, etc.
 - (1) Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims are delinquent and unpaid.
 - (2) Persons. No initial or renewal alcohol beverage license shall be granted to any person:
 - (a) Delinquent in payment of any taxes, assessments or other claims to the Town.
 - (b) Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.
 - (c) Delinquent in payment to the state of any state taxes owed.
- G. Location or premises.
 - (1) No retail Class "A" or "B" fermented malt beverage license or liquor license shall hereafter be issued for premises less than 300 feet from any established public or parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the boundary of such school, church or hospital to the closest entrance to such premises.
 - (2) Issuance for sales in dwellings prohibited. No license shall be issued to any person for the purpose of possessing, selling or offering for sale any alcohol beverages in any dwelling, house, flat or residential apartment.

§ 65-8. Regulation of licensed premises and licenses.

- A. Posting licenses. Licenses issued under this article shall be posted and displayed as provided by § 125.04(10), Wis. Stats. Failure to post a license as required therein shall be a presumption of operating without a license.
- B. Gambling and disorderly conduct prohibited. Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time or on any such premises.
- C. Employment of minors. No retail Class "B" licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any alcohol beverage.
- D. Safety and sanitation requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which it is used.
- E. Closing hours. No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:
 - (1) If a Retail Class "A" license, between 9:00 p.m. and 8:00 a.m.
 - (2) If a Retail Class "B" license, between 1:00 a.m. and 8:00 a.m., except as provided in this subsection. During that portion of each year for which the standard time is advanced under § 175.095, Wis. Stats., the closing hours shall be between 2:00 a.m. and 8:00 a.m., and on January 1 the closing hours shall be between 3:00 a.m. and 8:00 a.m. Between 12:00 midnight and 8:00 a.m., no person may sell fermented malt beverages on Class "B" licensed premises in an original package, container or bottle or for consumption away from the premises.
 - (3) Hotels and restaurants whose principal business is furnishing of food and lodging to patrons, bowling alleys and golf courses may remain open for the conduct of their regular business but may not sell intoxicating liquors or fermented malt beverages during prohibited hours as specified above. [Note: See § 125.32(3)(d), Wis. Stats., for authority of municipality to impose more restrictive hours than those as provided above, which are the maximum under Wisconsin Statutes.]
- F. Quotas. The number of persons and places that may be granted a retail "Class B" liquor license under this article in the Town is limited as provided in § 125.51(4), Wis. Stats.
- G. Violations by agents and employees. A violation of this article by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

§ 65-9. Form and expiration of licenses. ⁴

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

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

licensee and, unless sooner revoked, shall expire on June 30 thereafter, except as otherwise provided.

§ 65-10. Transfer of licenses.

- A. From place to place. Every alcohol beverage license may be transferred to another place or premises within the same municipality. Transfers shall be approved by the Town Board upon application on blanks furnished by the State Department of Revenue and the payment of a fee of \$10. Proceedings considering such a transfer shall be conducted in the same manner and form as the original application. No retail licensee is entitled to more than one transfer during the license year. [Note: See § 125.04(12)(a), Wis. Stats.]
- B. From person to person. Licenses issued under this article may be transferred to another person only under the terms and conditions as provided by § 125.04(12)(b), Wis. Stats.

§ 65-11. Revocation and suspension of licenses.

- A. Grounds for revocation or suspension. A license issued under this article may be suspended or revoked by the Town Board under the procedures described herein upon the finding of a violation of this article or Ch. 125, Wis. Stats.
- B. Procedure. A license may be revoked or suspended pursuant to § 125.12(2), Wis. Stats.
- C. Automatic revocation. Any license issued under this article shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this section or violation of Ch. 125, Wis. Stats., or any other state or federal alcohol beverage law.
- D. Effect of revocation of license. When a license is revoked under this section, the revocation shall be recorded by the Clerk and no other license issued under this article may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee for any license so revoked may be refunded.
- E. Repossession of license. Whenever any license under this section shall be revoked or suspended, the licensee shall surrender the license to the Town Clerk. The Town Clerk or Constable shall have the right to take physical possession of the suspended or revoked license wherever it may be found and file it in the Clerk's office.

§ 65-12. Nonrenewal for nonuse.

All existing Retail Class "B" fermented malt beverage and Retail "Class B" intoxicating liquor licenses in the Town of Washington and all licenses hereafter issued by the Town under this article shall be issued under the express conditions that the premises remain open for a minimum of 60 days per year. Failure to be open for a minimum of 60 days during a year shall be grounds for nonrenewal for the following license year.

ALCOHOL BEVERAGES

65 Attachment 1

Town of Washington — Shawano County — “Town of Vacation and Dairyland”

To whom it may concern:
(Town of Washington License Holder)

Basic Qualifications to Get an Alcohol License

- Must be 21 years of age
- Resident of Wisconsin for 90 days
- Must have state seller's permit
- Must have Federal Employer Identification Number
- Must complete a responsible server training course
- Pass a background check (no felony convictions)

Non-Issuance or Revocation of Alcohol Beverage License or Operator Permits Could Be Enforced For the Listed Reasons, Which Is Not Complete and Is Intended For *Information Only*

Convicted/Charged of Alcohol Beverage Violation Under Local, County or Wisconsin Statutes

- Non-licensed server
- Selling to underage person
- Allowing underage person on premises
- Open/selling after hours
- Allowing unlawful activities on premises
- Numerous calls to/from law enforcement
- Nonpayment of liquor invoices

Convicted/Charged of Controlled Substance Laws, Local, County or State Statutes

- Possession of drug paraphernalia
- Possession of illegal controlled substance
- Possession of drugs with intent to deliver

Convicted/Charged of Any Felony or History of Such

If you have any questions, please contact the Town of Washington Clerk.

Kara Skarlupka
Town of Washington Clerk
N6593 Lake Crest Drive
Cecil, WI 54111
715-851-6592

Chapter 72

ANIMALS

ARTICLE I Dog Control

§ 72-1. Statutory authority; purpose.

§ 72-2. Definitions.

§ 72-3. General licensing of dogs.

§ 72-4. Restrictions on keeping of dogs.

§ 72-5. Incorporation of rabies control program.

§ 72-6. Number of dogs.

§ 72-7. Kennel permits.

§ 72-8. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 173.

ARTICLE I Dog Control

[Adopted by the Town Board of the Town of Washington]

§ 72-1. Statutory authority; purpose.

Pursuant to Ch. 174, Wis. Stats., and the police power of the Town of Washington, this article is enacted to regulate the keeping and licensing of dogs within the Town.

§ 72-2. Definitions.

In this article, unless the content or subject matter requires otherwise, the following definitions shall be applicable:

AT LARGE — To be off the premises of the owner and not under the control of some person either by leash or other physical means of restraining a dog, but a dog within an automobile of its owner or in an automobile of any person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

OFFICER — A designated officer appointed by the Town Board of the Town of Washington to enforce this article.

OWNER — Any person owning, harboring, or keeping a dog, and the occupant of any premises on which a dog remains or to which the dog customarily returns daily for a period of 10 days, is presumed to be harboring or keeping the dog within the meaning of this section.

§ 72-3. General licensing of dogs. ¹

It shall be unlawful for any person in the Town of Washington to own, harbor or keep any dog more than five months of age without complying with Ch. 174, Wis. Stats.

§ 72-4. Restrictions on keeping of dogs.

It shall be unlawful for any person within the Town of Washington to own, harbor or keep any dog which:

- A. Is at large within the Town of Washington;
- B. Habitually pursues any vehicle upon any public street or highway in the Town of Washington;
- C. Assaults or attacks any person off the premises of the owner(s);
- D. Habitually barks or howls to reasonable annoyance of any person or persons;
- E. Kills, wounds or worries any domestic animal;
- F. Is over five months of age and has not been issued a valid license under the provisions of this article and/or Ch. 174, Wis. Stats.;²
- G. Is known by the owner to be infected with rabies or to have been bitten by an animal known to have been infected with rabies, and said owner fails to quarantine the dog as required by § 95.21, Wis. Stats.

§ 72-5. Incorporation of rabies control program.

Section 95.21, Wis. Stats., is hereby incorporated by reference and made a part of this article. Any provisions of this article shall be read in conjunction with § 95.21, Wis. Stats.; however, it is the intent to make this article more restrictive, pursuant to § 95.21(9), Wis. Stats.

§ 72-6. Number of dogs. ³

It shall be unlawful for any person to keep more than two domestic dogs over five months of age in a residential or mobile zone or for any person to keep more than five domestic dogs over five months of age in any other zone of the Town of Washington unless a kennel permit has been issued both by the County of Shawano and by the Town of Washington under this article.

§ 72-7. Kennel permits. ⁴

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

The Town Board of the Town of Washington may grant kennel permits as required in § 72-6.

§ 72-8. Violations and penalties. ⁵

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

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

Chapter 80

BOATING AND WATERWAYS

ARTICLE I

Fire Lanes and Boat Landings

- § 80-1. Statutory authority; purpose.
- § 80-2. Definitions.
- § 80-3. Restrictions applicable.
- § 80-4. Restriction of hours.
- § 80-5. Restriction of use.
- § 80-6. Notice.
- § 80-7. Violations and penalties.

ARTICLE II

Speed Limit on White Clay Lake

- § 80-8. Statutory authority; purpose.
- § 80-9. Definitions.
- § 80-10. Speed of motorboats restricted.
- § 80-11. Violations and penalties.

ARTICLE III

Bulkhead Lines

- § 80-12. Statutory authority.
- § 80-13. Establishment of bulkheads.

ARTICLE IV

Watercraft Launching Fee

- § 80-14. Purpose.
- § 80-15. Definitions.

- § 80-16. Permit required.

- § 80-17. Permit fee.

- § 80-18. Monitoring, enforcement and penalties.

ARTICLE V

Pensaukee Lake

- § 80-19. Applicability and enforcement.

- § 80-20. Intent.

- § 80-21. State boating and safety laws adopted.

- § 80-22. Definitions.

- § 80-23. Controlled area.

- § 80-24. Posting requirements.

- § 80-25. Violations and penalties.

ARTICLE VI

Washington Lake

- § 80-26. Applicability and enforcement.

- § 80-27. Intent.

- § 80-28. State boating and safety laws adopted.

- § 80-29. Definitions.

- § 80-30. Controlled area.

- § 80-31. Hours of operation.

- § 80-32. Posting requirements.

- § 80-33. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Fire Lanes and Boat Landings**[Adopted by the Town Board of the Town of Washington]****§ 80-1. Statutory authority; purpose.**

In order to promote public welfare and safety, protection of public property, and general public good, it is necessary to restrict the use of fire lanes and boat landings as provided herein pursuant to the police power of the Town of Washington.

§ 80-2. Definitions.

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

BOAT LANDING — Those parcels of land owned by the Town and designated as boat landings for the purpose of loading and unloading boats.

FIRE LANE — Those strips of land from public highways to the water's edge owned by the Town by means of dedication to the Town or purchase and not reserved for highway purposes.

§ 80-3. Restrictions applicable.

The restrictions of hours and use as provided herein are applicable for all fire lanes and boat landings in the Town of Washington.

§ 80-4. Restriction of hours.

No person may enter, use or remain on any Town fire lane or boat landing between the hours of 10:00 p.m. and 5:00 a.m., except for the purposes of gaining access to the lake or unloading a boat. During the restricted hours stated in this section, the time a person remains on the fire lane or boat landing shall be restricted to not more than 10 minutes.

§ 80-5. Restriction of use.

No person may enter, use or remain on the following public property for any other purpose than as described herein:

- A. Fire lanes shall be restricted to use by pedestrians only for the purpose of gaining access to a navigable body of water.
- B. No person may operate a motor vehicle on a fire lane.
- C. Boat landings shall be used as areas for loading and unloading boats, parking of vehicles, and related activities. Such boat landings shall not be used for picnics, parties or activities not related to loading and unloading boats.

§ 80-6. Notice.

Notice of restrictions of hours and use applicable under this article may be given by means of a sign on the parcel of property or by verbal notice from an officer of the Town of Washington.

§ 80-7. Violations and penalties. ¹

Persons who remain on fire lanes or boat landings in violation of this article after having received notice of such violation shall be subject to the penalty provided in § 1-4 of this Code.

ARTICLE II**Speed Limit on White Clay Lake**

[Adopted by the Town Board of the Town of Washington]

§ 80-8. Statutory authority; purpose.

In order to promote public health, safety and welfare, the Town of Washington adopts these regulations regarding the operation of motorboats within the Town pursuant to § 30.77(3), Wis. Stats., and the police power of the Town.

§ 80-9. Definitions.

The words and phrases defined in § 30.50, Wis. Stats., and amendments subsequently adopted thereto, are incorporated herein by reference.

§ 80-10. Speed of motorboats restricted.

No person shall operate a motorboat on White Clay Lake in the Town of Washington in excess of 15 mph.

§ 80-11. Violations and penalties. ²

Any person violating any provisions of this article shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

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

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

ARTICLE III

Bulkhead Lines**[Adopted by the Town Board of the Town of Washington]****§ 80-12. Statutory authority.**

Whereas § 30.11(3), Wis. Stats., authorizes towns to establish bulkhead lines.

§ 80-13. Establishment of bulkheads.

The following bulkhead lines are established in the Town of Washington:

- A. The bulkhead line of that part of the west shore of Shawano Lake, hereinafter described and more particularly shown on the attached map, is established and determined as set forth in the following description and the attached map³, subject to the approval of the Department of Natural Resources, namely:

Commencing at the South sixteenth corner of the Southwest Quarter of Section 24, Township 27 North, of Range 16 East, Shawano County, Wisconsin; thence S. 88° -15' W. along the Section line 189.00 feet to the Southeast corner of Lot 1, Certified Survey Map No. 473, in Volume 2, page 171, Shawano County Records; thence N. 03° -11' W. along the East line of the said Lot 1 221.52 feet to the normal high water line of Shawano Lake and the place of beginning; thence S. 52°-50'-13" W. 130.20 feet to the normal high water line of Shawano Lake and the terminal point of the said bulkhead line.

ARTICLE IV

Watercraft Launching Fee**[Adopted 1-19-1998 by Ord. No. 1-1998]****§ 80-14. Purpose.**

The purpose of this article is to set a uniform watercraft launching fee at all watercraft launching sites within the Town of Washington, owned and controlled by the Town of Washington in the interest of watercraft recreation to supplement funding of development and maintenance of Town launching sites.

§ 80-15. Definitions.

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

LAUNCHING FEE — Charge to launch watercraft.

LAUNCHING SITE — Area used to launch watercraft. Namely:

- A. SWAN ACRE — Shawano Lake.
B. KORTH — Korth Lake.

3. Editor's Note: The map is on file in the Town offices, where it can be viewed during normal business hours.

C. WHITE CLAY — White Clay Lake.

D. PENSUKKEE — Pensaukee Lake.

WATERCRAFT — All watercraft used or capable of being used for transportation on water.

§ 80-16. Permit required.

No person shall launch a watercraft at a Town of Washington launching site without paying the applicable daily or annual fee.

§ 80-17. Permit fee. ⁴

- A. The watercraft launching fees are set by the Town Board.
- B. Daily fee envelopes are available at launch sites' self-service registration stations and must be displayed in the windshield of the towing vehicle.
- C. Annual fee stickers are available from the Town Treasurer or an approved vender and must be displayed on the tongue of the watercraft trailer or on the rear of the towing vehicle in the area of the hitch.
- D. Daily fees are honored only at the site of purchase on the day of purchase; annual fee stickers are honored at all Town of Washington launching sites for the season of purchase.

§ 80-18. Monitoring, enforcement and penalties.

- A. This article shall be monitored by the Town of Washington, its designated representatives, Town Constable and the Shawano County Sheriff Department, and shall be enforced by the Town Constable or the Shawano County Sheriff Department. Penalties shall be as provided in § 1-4 of this Code.⁵
- B. The owner of the towing vehicle involved in a violation of this article shall be liable for the violation. It shall be no defense that the owner was not operating the vehicle at the time of the violation.

ARTICLE V

Pensaukee Lake

[Adopted 6-19-2000 by Ord. No. 4-2000]

§ 80-19. Applicability and enforcement.

- A. The provisions of this article shall apply to the waters of the west lake of the Pensaukee Lake Chain.

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

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

- B. This article shall be enforced by the officers of the Town of Washington and Shawano County.

§ 80-20. Intent.

The intent of this article is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

§ 80-21. State boating and safety laws adopted.

State boating laws as found in §§ 30.50 to 30.71, Wis. Stats., are adopted by reference.

§ 80-22. Definitions.

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

SLOW-NO-WAKE — That speed at which a boat moves as slowly as possible while still maintaining steerage control.

§ 80-23. Controlled area.

No person shall operate a boat faster than slow-no-wake in the waters of Pensaukee Lake beginning in the first lake and ending at the end of the channel entering the second lake at any time.

§ 80-24. Posting requirements.

The Town of Washington shall place and maintain a copy of this article at all public access points within the jurisdiction of the Town of Washington.

§ 80-25. Violations and penalties.

Wisconsin state boating penalties, as found in § 30.80, Wis. Stats., and deposits, as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

ARTICLE VI
Washington Lake
[Adopted 4-17-2006 by Ord. No. 4-2006]

§ 80-26. Applicability and enforcement.

- A. The provisions of this article shall apply to the waters of Washington Lake and the channel connecting Washington Lake and Shawano Lake.

- B. This article shall be enforced by the officers of the Towns of Washington and Wescott and Shawano County, Wisconsin.

§ 80-27. Intent.

The intent of this article is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of water resources.

§ 80-28. State boating and safety laws adopted.

State boating laws as found in §§ 30.50 through 30.71, Wis. Stats., are adopted by reference.

§ 80-29. Definitions.

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

SLOW-NO-WAKE — That speed at which a boat moves as slowly as possible while still maintaining steerage control.

§ 80-30. Controlled area.

No person shall operate a boat faster than slow-no-wake in the waters of the channel connecting Washington Lake and Shawano Lake at any time.

§ 80-31. Hours of operation.

No person shall operate a boat faster than slow-no-wake in the waters of Washington Lake between the hours of 6:00 p.m. and 9:00 a.m. local time on Washington Lake.

§ 80-32. Posting requirements.

The Town of Washington shall place and maintain a synopsis of this article at all public access points within the jurisdiction of the Town of Washington pursuant to the requirements of § NR 5.15, Wis. Adm. Code.

§ 80-33. Violations and penalties.

Wisconsin state boating penalties, as found in § 30.80, Wis. Stats., and deposits, as established in the Uniform Deposit and Bail schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.



Chapter 87

BRUSH, GRASS AND WEEDS

ARTICLE I **Noxious Weeds**

§ 87-1. Title and purpose.

§ 87-2. Authority.

§ 87-3. Designation of noxious weeds.

§ 87-4. Town Weed Commissioner.

§ 87-5. Noxious weed destruction.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Noxious Weeds**

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)]

§ 87-1. Title and purpose.

This article is entitled the "Town of Washington Noxious Weed Ordinance." The purpose of this article is to provide for the control of noxious weeds in the Town.

§ 87-2. Authority.

The Town Board of the Town of Washington, Shawano County, Wisconsin, has the specific authority under §§ 66.0407 and 66.0517, Wis. Stats., and has the general authority under its village powers under § 60.22, Wis. Stats., to adopt this article.

§ 87-3. Designation of noxious weeds.

See Ch. NR 40, Wis. Adm. Code, Invasive Species Identification, Classification and Control.

§ 87-4. Town Weed Commissioner.

The Town Chairperson will act as the Town Weed Commissioner, with the assistance of UWEX agricultural agent, and the Weed Commissioner shall have the powers and duties to investigate and destroy noxious weeds in the Town as provided in § 66.0517(3)(a), Wis. Stats. The following provisions are established in regard to the performance of the office of Weed Commissioner:

- A. The Weed Commissioner shall present to the Town Treasurer an account of noxious weed investigation and destruction activities performed by the Weed Commissioner. The account shall specify by separate items each activity of investigation and destruction performed and for each activity of destruction the amount chargeable to each piece of land, describing the land.

- B. After the account of the Weed Commissioner is paid by the Treasurer under Subsection A, the account shall be filed with the Town Clerk. The Clerk shall enter the amount chargeable for the destruction of weeds to each tract of land in the next tax roll in a column headed, "For the Destruction of Weeds," as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under Ch. 74, Wis. Stats., except in case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under Ch. 74, Wis. Stats.

§ 87-5. Noxious weed destruction.

- A. Under § 66.0407(3), Wis. Stats., and this article, a person owning, occupying, or controlling land shall destroy all noxious weeds on the land.
- B. If after publication of the notice required under § 66.0407(4), Wis. Stats., the Town Weed Commissioner determines after investigation of the conditions on the land that the persons owning, occupying, or controlling the land have failed to destroy all noxious weeds on the land, the Town Board may cause to be served upon any or all of those persons a copy of the notice required under § 66.0407(4), Wis. Stats., together with a statement commanding that the noxious weeds upon the land shall be destroyed within seven days of the receipt of the notice or the person shall be subject to a forfeiture as provided in the Town of Washington Noxious Weed Ordinance. The notice and statement shall be served by registered or certified mail.
- C. Any person upon whom a notice to destroy weeds is served under Subsection B may request a hearing before the Town Board to challenge the reasonableness of the Board's command to destroy weeds. The request for hearing shall be in writing and shall be filed with the Town Clerk on or before the expiration of the time to destroy the weeds as stated in the notice under Subsection B. In the event that a request for hearing is filed, the Town Board shall set a time and place for the hearing, not less than five days after the date the request for hearing is received by the Town Clerk, and notice of the time and place of the hearing shall be served upon the person requesting the hearing. No citation or complaint for the recovery of a forfeiture under this section may be issued until the completion of the hearing. Every notice issued under Subsection B shall contain a clear statement of the right to request a hearing as provided under this subsection.
- D. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section as determined by the Town Board shall, upon conviction, be subject to the penalties provided in § 1-4 of this Code. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Chapter 107

COMPREHENSIVE PLAN

§ 107-1. Authority.

§ 107-4. Public hearing and notice.

§ 107-2. Procedures.

§ 107-5. Adoption of Plan.

**§ 107-3. Resolution recommending
adoption of Plan.**

[HISTORY: Adopted by the Town Board of the Town of Washington 9-13-2008 by Ord. No. 9-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. 47.

§ 107-1. Authority.

Pursuant to §§ 60.22(3) and 62.23(2) and (3), Wis. Stats., the Town of Washington is authorized to prepare and adopt a comprehensive plan as defined in §§ 66.1001(1)(a) and 66.1001(2), Wis. Stats.

§ 107-2. Procedures.

The Town Board of the Town of Washington has adopted and followed written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by § 66.1001(4)(a), Wis. Stats.

§ 107-3. Resolution recommending adoption of Plan.

The Plan Commission of the Town of Washington, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the document entitled "Town of Washington Comprehensive Plan," containing all of the elements specified in § 66.1001(2), Wis. Stats.

§ 107-4. Public hearing and notice.

The Town of Washington has held at least one public hearing on this chapter, in compliance with the requirements of § 66.1001(4)(d), Wis. Stats., and provided numerous other opportunities for public involvement per its adopted public participation strategy and procedures.

§ 107-5. Adoption of Plan.

The Town Board of the Town of Washington, Wisconsin, does, by enactment of this chapter, formally adopt the document entitled "Town of Washington Comprehensive Plan," pursuant to § 66.1001(4)(c), Wis. Stats.

Chapter 110

CONSTRUCTION CODES, UNIFORM

ARTICLE I Uniform Dwelling Code

§ 110-1. Authority.

§ 110-2. Purpose.

§ 110-3. Scope.

**§ 110-4. Wisconsin Uniform Dwelling
Code adopted.**

§ 110-5. Building Inspector.

§ 110-6. Building permit required.

§ 110-7. Building permit fee.

§ 110-8. Violations and penalties.

§ 110-9. Effective date.

ARTICLE II Preliminary Construction Permits

§ 110-10. Purpose.

§ 110-11. Issuance of permit.

§ 110-12. Permit fee.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Uniform Dwelling Code [Adopted 6-19-2000 by Ord. No. 6-2000]

§ 110-1. Authority.

These regulations are adopted under the authority granted by § 101.65, Wis. Stats.

§ 110-2. Purpose.

The purpose of this article is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

§ 110-3. Scope. [Amended 6-18-2001 by Ord. No. 6-2001]

The scope of this article includes the construction and inspection of one- and two-family dwellings, other residential outbuildings, garages, etc. In performing his duties, the Building Inspector will apply standards for the Uniform Dwelling Code in effect at the time of the construction project.

§ 110-4. Wisconsin Uniform Dwelling Code adopted.

The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, Wis. Adm. Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this article.

§ 110-5. Building Inspector.

There is hereby created the position of Building Inspector, who shall administer and enforce this article and shall be certified by the Department of Safety and Professional Services, Industry Services Division, as specified by § 101.66(2), Wis. Stats., in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and EDC Plumbing.

§ 110-6. Building permit required.

- A. No person shall alter, in excess of \$2,000 value in any twelve-month period, build, add onto or alter any building within the scope of this article without first obtaining a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Re-siding, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.
- B. Any original connection to electric service or reconnection to electric service is subject to this article with the following exemptions: **[Added 6-18-2001 by Ord. No. 6-2001]**
 - (1) The reconnection has occurred where the cause of disconnection was related to nonpayment of a utility bill.
 - (2) The reconnection is due to any type of repair not involving the service panel.

§ 110-7. Building permit fee.

The building permit fees shall be determined by resolution.

§ 110-8. Violations and penalties.¹

The enforcement of this article and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Penalties shall be as provided in § 1-4 of this Code.

§ 110-9. Effective date.

This article shall be effective January 1, 2001, upon passage and publication as provided by law.

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

ARTICLE II

Preliminary Construction Permits
[Adopted 7-21-2003 by Ord. No. 7-2003]**§ 110-10. Purpose.**

The purpose of this article shall be to authorize the issuance of a preliminary construction permit by the Town Building Inspector, allowing for the construction of footings and basements for one- or two-family residential dwellings in the Town prior to final plan and zoning approval by the Building Inspector for such dwellings.

§ 110-11. Issuance of permit.

A preliminary construction permit may be issued by the Building Inspector upon the following:

- A. Submission to the Building Inspector of building plans that meet the specifications under Article I, Uniform Dwelling Code, and Town zoning requirements for one- or two-family residential dwelling.
- B. Payment of the preliminary construction permit fee established hereunder.
- C. Signature by the property owner of a preliminary construction permit waiver, release and acknowledgement form that shall indemnify and hold harmless the Town from and against any and all liability, claims, losses or other damages that may result from the construction of any improvements to the property prior to final approval of the building plans and zoning requirements for such construction by the Building Inspector.

§ 110-12. Permit fee.

The fee for the preliminary construction permit shall be \$50. This fee shall be in addition to any and all fees that may otherwise be applicable to the proposed construction.



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Chapter 116

DRIVEWAYS

§ 116-1. Purpose.

§ 116-4. Order for removal.

§ 116-2. Town driveways.

§ 116-5. Violations and penalties.

§ 116-3. Driveway permit.

[HISTORY: Adopted by the Town Board of the Town of Washington 7-21-2008 by Ord. No. 7-2008. Amendments noted where applicable.]

§ 116-1. Purpose.

The purpose of this chapter shall be to authorize the issuance of a permit by a member of the Town Board of Supervisors allowing for the maximum drainage with proper maintenance of existing, or the proper location/installation of new driveways in the Town.

§ 116-2. Town driveways.

Town driveways shall conform with the following specifications:

- A. New commercial and agriculture driveways shall have a maximum top of 50 feet with three-foot to one-foot end slopes; if needed, the issuing authority will determine the culvert pipe diameter; with the installation of apron end walls an option if deemed necessary.
- B. New residential driveways shall have a maximum top of 20 feet with three-foot to one-foot end slopes; if needed, the issuing authority will determine the culvert pipe diameter; with the installation of apron end walls an option if deemed necessary.
- C. Location and distances between driveways shall be determined for proper drainage and in the best interest of the traveling public.
- D. Change in use may require a permit (example, agricultural to residential).
- E. Minor repairs to existing driveways may be determined by the Town Board not to need a permit, but moving or extending existing driveways shall be considered a new installation.

§ 116-3. Driveway permit.

A Town Board member, upon the following, may issue a driveway permit:

- A. A request by a property owner to install, replace or repair a driveway (entrance) from any Town road to his property.

§ 116-4. Order for removal.

The Town Board may issue an order for removal of any driveway installed, repaired, moved, or extended without a permit or deemed in noncompliance with this chapter.

§ 116-5. Violations and penalties. ¹

Any person violating any provisions of this chapter shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

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

Chapter 155

MOBILE HOMES AND MOBILE HOME PARKS

ARTICLE I Numbering of Mobile Homes

- § 155-1. Definitions.**
- § 155-2. Numbering required.**
- § 155-3. Violations and penalties.**

ARTICLE II Monthly Parking Permit Fee

- § 155-4. Adoption of statute provisions.**
- § 155-5. Parking fees.**
- § 155-6. License required; fees.**
- § 155-7. Responsibilities of licensees, owners and occupants.**
- § 155-8. Violations and penalties.**
- § 155-9. Effective date; interpretation.**

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Numbering of Mobile Homes [Adopted 6-19-1995 by Ord. No. 3-1995]

§ 155-1. Definitions.

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

PRIVATE MOBILE HOME PARK — A privately owned parcel where an occupied home is placed for living purposes and the owner of such parcel charges a fee for parking and other services.

§ 155-2. Numbering required.

- A. All owners of private mobile home parks shall cause each home located on their premises to be numbered in a sequence so that they can be easily located by emergency personnel and others when called to the parks.
- B. Parks with more than one roadway or street shall cause them to be numbered or named for the same purpose as stated above.
- C. This article is not to be interpreted to affect occupied mobile homes where the occupant is also the owner of the parcel on which it is situated or where such home is numbered under the county or Town E-911 ordinance.

§ 155-3. Violations and penalties.¹

Any person violating any provision of this article shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

ARTICLE II**Monthly Parking Permit Fee**

[Adopted 4-21-1998 by Ord. No. 2-1998]

§ 155-4. Adoption of statute provisions.

The provisions of § 66.0435, Wis. Stats., and the definitions therein are herein adopted by reference.

§ 155-5. Parking fees.

- A. There is hereby imposed on each occupied, non-exempt mobile home located in the Town of Washington a monthly parking fee as determined in accordance with § 66.0435, Wis. Stats. Said fees shall be paid to the Town of Washington Treasurer on or before the 10th day of the month following the month for which such fees are due.
- B. If payment is not received from the court owner (or mobile home owner if applicable) by the Town Treasurer by the 10th day of the month following the month for which such fees are due, the 2% collection fee is rescinded and a 1.5% service charge will be added to the amount due. **[Added 12-21-1998 by Ord. No. 2-1998 Addendum]**

§ 155-6. License required; fees.

It shall be unlawful for any person to establish or operate upon property owned or controlled by him within the Town of Washington a mobile home park without having first secured a license thereof from the Town Clerk. The application for such license shall be accompanied by a fee of \$2 for each space in the existing or proposed park but not less than \$25. Such application, when made, shall be made to the Town Board and must first be approved by the Board before the Clerk shall issue said mobile home park license. A mobile home park shall comply with Ch. SPS 326, Wis. Adm. Code, which is hereby adopted by reference.

§ 155-7. Responsibilities of licensees, owners and occupants.

- A. Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park of land within five days after arrival of such home on forms furnished by the Town Clerk in accordance with § 66.0435(3)(c)2., Wis. Stats.

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

- B. Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Town of Washington Treasurer as provided in § 155-5. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, non-exempt mobile home therein and to remit such fees to the Town of Washington Treasurer as provided in § 155-5.
- C. A permit for each non-exempt mobile home is required. Any person, firm or corporation who intends to move a mobile home into the jurisdiction of the Town of Washington, and which will be parked outside of a mobile home park is hereby required to make application for a mobile home permit to the Town Clerk. The cost for such permit is \$5. Such permit shall expire on the first day of each year, but may be renewed upon request. The \$5 permit fee is required to be paid for the original permit, but may not be required for the renewal of the permit. If a mobile home is to be moved from one location to another, application for a new permit is required before the unit is moved. Such permit shall require the \$5 permit fee to be paid the same as if an original application for such permit is made.

§ 155-8. Violations and penalties.²

Any person violating any provision of this article shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

§ 155-9. Effective date; interpretation.

This article shall take effect May 1, 1998, and all ordinances or parts of ordinances inconsistent with or contrary hereto are hereby repealed, except nothing in this article shall be interpreted so as to conflict with state laws or orders regulating mobile homes or mobile home parks, or any of the requirements of any ordinance of the Town of Washington not mentioned or made inapplicable by the express terms of this article.

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



Chapter 164

NOISE

ARTICLE I Compression Brakes

§ 164-1. Prohibited.

§ 164-2. Defense.

§ 164-3. Emergency vehicle.

§ 164-4. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Compression Brakes

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. IV)]

§ 164-1. Prohibited.

No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of the motor vehicle.

§ 164-2. Defense.

It shall be an affirmative defense to prosecution under this article that compression brakes were applied in an emergency and were necessary for the protection of persons or property.

§ 164-3. Emergency vehicle.

Emergency vehicles shall be exempt from this article.

§ 164-4. Violations and penalties.

Any person violating any provision of this article shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.



Chapter 173

NUISANCES

§ 173-1. Public nuisances prohibited.

§ 173-2. Definitions.

§ 173-3. Adoption of statute provisions.

§ 173-4. Abatement of public nuisances.

§ 173-5. Cost of abatement.

§ 173-6. Junked automobiles and appliances.

§ 173-7. Trees and shrubs.

§ 173-8. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Washington at time of adoption of Code (see Ch. 1, General Provisions, Art. IV). Amendments noted where applicable.]

GENERAL REFERENCES

Alcohol beverages — See Ch. 65.

Animals — See Ch. 72.

Noxious weeds — See Ch. 87, Art. I.

Uniform Construction Codes — See Ch. 110.

Abandoned vehicles — See Ch. 245.

§ 173-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

§ 173-2. Definitions.

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

PUBLIC NUISANCE — A thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.
- C. Greatly offend the public morals or decency.
- D. Unlawfully and substantially interfere with, obstruct, or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

PUBLIC NUISANCES AFFECTING HEALTH — The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such

enumeration shall not be construed to exclude other health nuisances coming within the definition of "public nuisance," above:

- A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed or are attracted.
- D. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans which are not flytight.
- F. All noxious weeds and other rank growth of vegetation.
- G. All animals running at large, including but not limited to dogs and cats.
- H. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensitivities or to threaten or cause substantial injury to property in the Town.
- I. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- J. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- K. All abandoned wells should be securely covered or secured from public use.
- L. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- M. Smoking regulations. The Town Board hereby adopts § 101.123, Wis. Stats., as amended, by reference.

PUBLIC NUISANCES AFFECTING PEACE AND SAFETY — The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of the definition of "public nuisance":

- A. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

- B. All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town, relating to materials and manner of construction of buildings and structures within said district.
- C. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- D. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk. Any such obstruction which falls within a vision clearance triangle extending 25 feet horizontally along each street line from their intersection and within a vertical clearance of six feet shall be presumed to be a violation of this subsection. Despite such presumption, the Town Board may except trees from the requirements of this section when such trees have been defoliated to provide a vertical clearance of six feet and when, in the discretion of the Town Board, such trees by their size or number do not constitute an obstruction which would affect traffic safety to a point where removal would be advisable.
- E. All limbs of trees which project over and less than eight feet above the surface of a public sidewalk, or 14 feet above the surface of the portion of the street or alley traveled by vehicles.
- F. All use or display of fireworks, except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- G. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- H. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- I. All loud, discordant and unnecessary noises or vibrations of any kind.
- J. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- K. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town, or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- L. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- M. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

- N. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- O. Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

PUBLIC NUISANCES OFFENDING MORALS AND DECENCY — The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of "public nuisance":

- A. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- B. All gambling devices and slot machines not approved by Ch. 945, Wis. Stats.
- C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code.
- D. Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

PUBLIC NUISANCES, OTHER — The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending the comfort, health, repose or safety of the public, but such enumeration shall not be construed to exclude other nuisances within the definition of "public nuisance":

- A. All owners or occupants of property located within a residential district of the Town who fail to keep their premises free of litter, trash or rubbish.
- B. All owners or occupants of property located within a residential district of the Town who allow their property to accumulate trash, litter or rubbish.
- C. "Litter" as used in this section includes, but is not limited to, trash and wastepaper lying scattered about, and an untidy accumulation of objects of any kind.
- D. "Trash" as used in this section includes, but is not limited to, some thing(s) or object(s) worth little or nothing, and some thing(s) or object(s) in a crumbled, broken or inoperable condition.
- E. "Rubbish" as used in this section includes, but is not limited to, waste materials and refuse of every character and kind, collected or accumulated.

- F. Boarded up windows and doors, except when required to secure a building due to damaged windows or doors, and then only for a repair period of not more than 60 days; reasonable time extensions may be granted by the Building Inspector or Town Board when presented with documentation that a time extension is necessary.
- G. The term "outdoor wood furnace" means an outdoor accessory structure designed to heat air or water through a wood fire and then transmit that heated air or water to the principal building for direct use and/or heating the principal building. This use shall meet the following performance standards:
- (1) The outdoor wood furnace shall be set back from all property lines and roads a distance equal to the minimum required yards for principal buildings.
 - (2) The outdoor wood furnace shall be separated by at least 200 feet from any dwelling unit on the adjacent property.
 - (3) On parcels less than five acres in area, if the outdoor wood furnace is less than 500 feet from any dwelling unit on an adjacent property, the smoke stack shall be required to be raised to the height of the roof line of the dwelling that the furnace serves and a Class A (triple wall) chimney pipe shall be installed to facilitate the dispersion of smoke.
 - (4) A conditional use permit will be required from the Town of Washington Plan Commission.
 - (5) All existing units will be grandfathered in.
 - (6) The fee shall be as shown on the fee schedule for the Town of Washington.

§ 173-3. Adoption of statute provisions.

The provisions of Ch. 823, Wis. Stats., relating to nuisances, as said chapter is later renumbered, amended or repealed and recreated, exclusive of any provisions thereof relating to the penalty to be imposed, is hereby adopted and made a part of this chapter by reference.

§ 173-4. Abatement of public nuisances.

- A. Enforcement. It shall be the duty of the Shawano County Sheriff's Department, Town Building Inspector and Shawano County Health Department to enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does in fact exist.
- B. Summary abatement.

- (1) Notice to owner. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Board may direct the Shawano County Sheriff's Department to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that, unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
 - (2) Abatement by Town. If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- C. Review by Town Board and Town Attorney. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he or she shall discuss this situation with the Town Board and Town Attorney, and said persons shall then decide what course of action to take in handling the matter.
- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin, nor as prohibiting an action to be commenced in the Circuit Court for Shawano County seeking a forfeiture.

§ 173-5. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

§ 173-6. Junked automobiles and appliances.

- A. Storage of automobiles restricted.
- (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers or appliances shall be stored or allowed to remain in the open upon public or private property within the Town for a period exceeding five days if upon public property, or for a period exceeding 30 days if upon private property.

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

APPLIANCE — Any stove, washer or refrigerator which is no longer operable in the sense for which it was manufactured.

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS — Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

MOTOR VEHICLE — As defined in § 340.01(35), Wis. Stats.

UNLICENSED MOTOR VEHICLES, TRUCK BODIES, TRACTORS OR TRAILERS — Motor vehicles, truck bodies, tractors or trailers which do not bear lawful, current license plates.

- C. Whenever the Town Board or Shawano County Sheriff's Department shall find any such vehicles or appliances placed or stored in the open upon public property within the Town, they shall cause such vehicle or appliance to be removed by a junk or salvage yard and stored in such junk or salvage yard subject to reclamation by the owner for a period of 30 days, at the end of which time such junk or salvage yard shall dispose of such vehicle or appliance.
- D. Whenever the Town Board shall find any vehicles or appliances as described herein placed or stored in the open upon private property within the Town, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this section. If said vehicle or appliance is not removed within five days, the Shawano County Sheriff's Department shall cause to be issued a warrant for the arrest of the property owner of the property upon which said vehicle or appliance is stored.
- E. Any person who shall be adjudicated to have violated any of the provisions of this section shall be subject to a penalty as provided in § 1-4 of this Code. Each day that a violation of this section continues shall be deemed a separate offense.

§ 173-7. Trees and shrubs.

- A. Dead or diseased tree removal on private property. The Town shall have the right to cause the removal of any dead, hazardous or diseased trees on private property within the Town when such trees constitute a hazard to life and/or property, including, but not limited to, utility lines, or harbor insects or disease which constitutes a potential threat to other trees within the Town. The Town Forester shall notify, in writing, the owners of such trees. The Forester shall also have the authority to issue citations as necessary. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of said owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice. The Forester shall have the authority to enter upon private property at all reasonable times for the purpose of carrying out the provisions of this section.

B. Oak wilt and Dutch elm disease control. The purpose of this section is for the protection of public and private property to control the spread of oak wilt fungus, also known as "Ceratocystis fagacearum," and Dutch elm disease, also known as "Ceratostomella ulmi."

- (1) Prohibition of trimming, cutting, pruning or injuring oak trees from April 1 to October 1 of each year. No person shall trim, cut, prune or injure any oak or elm tree in the Town between April 1 and October 1 of each year without obtaining a written permit from the Forester, except a person may girdle and/or trench an infected tree to prevent the spread of the disease.
- (2) Prohibition of transporting any infected wood or bark into or within the Town. No person shall transport any wood or bark infected with fungus into or within the Town limits from April 1 to October 1, except a person may transport infected wood to a site designated by the Town for disposal upon a permit issued under this section for transportation of such wood, except this prohibition does not apply to anyone who transports such material through the Town and who does not unload or leave such material in the Town.
- (3) Handling of infected wood or bark. Any infected tree that has been cut and the wood is to be used as fuel wood or to be salvaged for other purposes shall be debarked or completely enclosed with a plastic tarp or stored indoors in a closed building from April 1 to October 1.
- (4) Permit procedure. Any person seeking a permit from the Forester to trim, cut or prune any oak or elm tree in the Town limits or transport infected wood or bark within the Town between April 1 and October 1 of each year shall submit a written statement from the Town Forester stating that the oak or elm tree proposed to be trimmed, cut or pruned is not infected with fungus or in the proximity of any trees which are infected with fungus which would promote the spread of the disease. The written statement shall be dated within 15 days of application to the Clerk.
- (5) Permit issuance. Upon application for a permit with proper written statement of the Town Forester, the Clerk may issue a permit to trim, cut or prune and/or transport within the Town. The permit shall allow trimming, cutting or pruning within 20 days of issuance of the permit. Any person trimming, cutting or pruning oak or elm trees shall comply with all conditions of the permit as required in the statement of the Forester.

§ 173-8. Violations and penalties.

Any person who shall violate the provisions of this chapter shall, upon conviction, be subject to the penalty provided in § 1-4 of this Code; provided, however, that such person shall not be subject to such penalty if such nuisance is abated in accordance with the provisions for same as set out in this chapter.

Chapter 184

PUBLIC NUDITY

§ 184-1. Definitions.

§ 184-3. Violations and penalties.

§ 184-2. Contact prohibition.

[HISTORY: Adopted by the Town Board of the Town of Washington 6-19-1995 by Ord. No. 2-1995. Amendments noted where applicable.]

§ 184-1. Definitions.

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

NUDITY — The showing or exposing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or of the female breasts with less than a fully opaque covering of any portion thereof below the top of the nipple.

PUBLIC — Any place of accommodation or amusement which shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, campgrounds, private clubs and any place where accommodations, goods, or services are available either free or for a consideration.

§ 184-2. Contact prohibition.

There shall be no contact between a patron, owner, employee, customer or bystander with a paid or amateur dancer during or shortly after a dance or other performance where clothing is or has recently been removed, either by direct, physical contact or the placing of money or other thing of value in the remaining clothing or body part of said dancer or performer.

- A. This chapter is not to be interpreted as restricting the proper use of a bathroom facility by a male or female in an enclosed area where said person is of the same sex designated for such room, and is not engaged in for any sexual or exhibitionist purpose to or in front of or adjacent to other persons.
- B. This chapter is not to be interpreted to prevent activities in rooms privately rented in a hotel, motel, resort or camper if at a campgrounds, if the person(s) involved rented such private facility or own it and has not invited or allowed members of the public, who are not members of the immediate family to be at such location.

§ 184-3. Violations and penalties. ¹

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code. Pursuant to Wisconsin state statute and Town ordinance, violation constitutes sufficient grounds for Board consideration of license

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

suspension, revocation, or nonrenewal where such violation occurred in conjunction with or related to the activity for which licensed.

Chapter 195

RECREATIONAL VEHICLES, STORAGE OF

§ 195-1. Times permitted; penalty.

§ 195-3. Recreational vehicle permit.

§ 195-2. Definitions.

§ 195-4. Exceptions.

[HISTORY: Adopted by the Town Board of the Town of Washington at time of adoption of Code (see Ch. 1, General Provisions, Art. IV). Amendments noted where applicable.]

§ 195-1. Times permitted; penalty.

For the purpose of the health and safety of the community, the Town Board is desirous of regulating the length of time during which recreational vehicles may be placed, parked, kept, stored or located within the street right-of-way or the front yard setback of properties within the Town of Washington.

- A. Recreational equipment and vehicles. No person shall place, park, keep, store or locate any recreational equipment or unoccupied recreational vehicle, as defined in § 195-2 of this chapter, on any street right-of-way or within any front setback, including driveways, for a period of more than 48 hours during any seven-day period without a recreational vehicle permit from the Town, as set forth in § 195-3 of this chapter.
- B. No temporary or permanent living is allowed in any described definitions to exceed more than 10 days. The penalty after 10 days will be \$75 daily.

§ 195-2. Definitions.

For the purpose of this chapter, a "recreational vehicle" shall be defined as the following:

CLASS A MOTOR HOME — A motor vehicle exceeding 21 feet in length, designed to be operated upon a highway, for use as a mobile dwelling, equipped with sleeping, cooking, eating and bathroom facilities.

CLASS B MOTOR HOME — A van-type vehicle exceeding 21 feet in length, designed to be operated upon a highway, for use as a mobile dwelling, equipped with sleeping, cooking, eating and bathroom facilities.

CLASS C MOTOR HOME — A van-type motor vehicle with an attached cab section, designed to be operated upon a highway, for use as a mobile dwelling, equipped with sleeping, cooking, eating and bathroom facilities.

FIFTH-WHEEL TRAILER — A mobile home, designed to be used as a mobile dwelling, equipped with sleeping, cooking, eating and bathroom facilities, designed to be towed by a motor vehicle with a flatbed frame so that the trailer hitch is bolted to the flatbed frame of the towing vehicle.

FOLDING TENT CAMPER — A lightweight unit with sides that collapse for towing and storage that is designed to be towed by a car, van or pickup by means of a bumper or frame hitch.

LARGE BOAT — Any watercraft that exceeds 18 feet in length.

LARGE TRAILER — Any trailer, the bottom of which exceeds eight feet by five feet in size.

SMALL BOAT — A boat of less than 18 feet in length, including, but not limited to, canoes, kayaks, jet skis and other personal watercraft.

TENT — A portable lodge made of skins, canvas, or strong cloth, stretched and sustained by poles, used for shelter.

TOY HAULER — Enclosed trailer with living quarters and room for transportation of recreational equipment.

TRAVEL TRAILER — A temporary mobile dwelling unit, designed to be towed by a car, van or pickup by means of a bumper or frame hitch.

TRUCK CAMPER — A temporary dwelling unit loaded, placed or attached upon the bed or chassis of a pickup truck or similar motor vehicle.

UTILITY TRAILER — A trailer with a bottom less than eight feet by five feet in size.

§ 195-3. Recreational vehicle permit.

Upon application to and approval by the Town Clerk, a recreational vehicle permit may be issued for recreational vehicle storage within a street right-of-way or front yard setback for such duration as shall be authorized and approved by the Town Clerk in conjunction with the Town Chairman. No more than five three-day permits for recreational vehicles may be issued for any tax parcel in the Town during a calendar year.

§ 195-4. Exceptions.

The provisions of this chapter shall not apply to parcels from which recreational equipment or recreational vehicles are displayed for sale and sold by a commercial enterprise regularly engaged in the sale of such equipment or vehicles; this also includes a business approved through a conditional use permit.

Chapter 218

SNOWMOBILES, ALL-TERRAIN VEHICLES AND UTVS

§ 218-1. Purpose.

§ 218-4. Routes open all year.

§ 218-2. Applicability; enforcement.

§ 218-5. Violations and penalties.

**§ 218-3. All-terrain vehicle, UTV,
snowmobile and similar vehicle
routes.**

[HISTORY: Adopted by the Town Board of the Town of Washington at time of adoption of Code (see Ch. 1, General Provisions, Art. IV). Amendments noted where applicable.]

§ 218-1. Purpose.

The purpose of this chapter is to establish an all-terrain/snowmobile vehicle recreation consistent with public rights and interests.

§ 218-2. Applicability; enforcement.

The provisions of this chapter shall apply to the streets and roadways so designated within the jurisdiction of the Town. The provisions of this chapter shall be enforced by the Shawano County Sheriff's Department, the Department of Natural Resources, and the Wisconsin State Patrol.

§ 218-3. All-terrain vehicle, UTV, snowmobile and similar vehicle routes.

The area designated as an all-terrain/snowmobile vehicle route shall be as designated by the Town of Washington.

§ 218-4. Routes open all year.

As designated by the Town of Washington.

§ 218-5. Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

Chapter 227

SOLID WASTE

ARTICLE I **Recycling, Composting and Resource** **Recovery**

- § 227-1. Title.**
- § 227-2. Purpose.**
- § 227-3. Statutory authority.**
- § 227-4. Abrogation and greater restrictions.**
- § 227-5. Interpretation.**
- § 227-6. Applicability.**
- § 227-7. Administration.**
- § 227-8. Effective date.**
- § 227-9. Definitions.**
- § 227-10. Separation of recyclable materials.**
- § 227-11. Separation requirements exemption.**
- § 227-12. Care of separated recyclable materials.**
- § 227-13. Management of lead acid batteries, major appliances, waste oil and yard waste.**
- § 227-14. Preparation and collection of recyclable materials.**
- § 227-15. Responsibilities of owners or designated agents of multiple-family dwellings.**
- § 227-16. Responsibilities of owners or designated agents of nonresidential facilities and properties.**
- § 227-17. Prohibitions on disposal of recyclable materials.**
- § 227-18. Enforcement.**

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Recycling, Composting and Resource Recovery** **[Adopted 12-20-1993 by Ord. No. 2-1994]**

- § 227-1. Title.**
"Recycling Ordinance for the Town of Washington."

- § 227-2. Purpose.**

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 287.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

§ 227-3. Statutory authority.

This article is adopted as authorized under § 287.09(3)(b), Wis. Stats., and Ch. NR 544, Wis. Adm. Code.

§ 227-4. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply.

§ 227-5. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544, Wis. Adm. Code, standards in effect on the date of the adoption of this article, or in effect on the date of the most recent text amendment to this article.

§ 227-6. Applicability.

The requirements of this article apply to all persons within the municipality.

§ 227-7. Administration.

The provisions of this article shall be administered by the municipality.

§ 227-8. Effective date.

The provisions of this article shall take effect on January 1, 1994.

§ 227-9. Definitions.

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

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related products.

HDPE — High density polyethylene plastic containers marked by the SPI code No. 2.

LDPE — Low density polyethylene plastic containers marked by the SPI code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

MIXED OR OTHER PLASTIC RESIN TYPES — Plastic containers marked by the SPI code No. 7.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPER — A newspaper and other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

PERSON — Includes any individual, corporation, partnership, association, "local governmental unit" as defined in § 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate plastic containers marked by the SPI code No. 1.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, "hazardous waste" as defined in § 291.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or "high-volume industrial waste" as defined in § 289.01(17), Wis. Stats.

PP — Polypropylene plastic containers marked by the SPI code No. 5.

PS — Polystyrene plastic containers marked by the SPI code No. 6.

PVC — Polyvinyl chloride plastic containers marked by the SPI code No. 3.

RECYCLABLE MATERIALS — Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bimetal containers.

SOLID WASTE — As specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — As specified in § 289.01(35), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

§ 227-10. Separation of recyclable materials.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.
- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines or other materials printed on similar paper.
- K. Newspapers or other materials printed on newsprint.
- L. Office paper.
- M. Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types.
- N. Steel containers.
- O. Waste tires.

§ 227-11. Separation requirements exemption.

The separation requirements of § 227-10 do not apply to the following:

- A. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that

recovers the materials specified in § 227-10 from solid waste in as pure a form as is technically feasible.

- B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in § 227-10 for which a variance or exemption has been granted by the Department of Natural Resources under §§ 287.07(7)(d) or 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.

§ 227-12. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with § 227-10 shall be clean and kept free of contaminants, such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

§ 227-13. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- A. Lead acid batteries shall be returned to place of purchase.¹
- B. Major appliances shall be returned to place of purchase or contact hauler for recycling.
- C. Waste oil shall be disposed of at a proper oil recycling facility. Waste oil may not be mixed with any other solvents or materials.
- D. Yard waste shall be the responsibility of the individual resident. Yard waste may not be mixed with garbage or be placed at curb.

§ 227-14. Preparation and collection of recyclable materials.

Except as otherwise directed by the Solid Waste Management Board, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in § 227-10E through O:

- A. Aluminum containers shall be rinsed, crushed when possible and placed in commingled bag.
- B. Bimetal containers shall be rinsed, have labels removed and be crushed when possible. Place in commingled bag.

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

- C. Corrugated paper or other container board shall be broken down and bundled. All loose foreign material must be removed. Keep separate from other recyclables. No plastic lined or waxed cardboard or food containers accepted.
- D. Foam polystyrene packaging shall be crushed and placed in blue bag.
- E. Glass containers shall be clean with all lids and caps removed. Place in commingled bag.
- F. Magazines or other materials printed on similar paper shall be bundled with other paper and kept separate from other recyclables.
- G. Newspapers or other materials printed on similar paper shall be bundled with other paper and kept separate from other recyclables.
- H. Office paper shall be bundled with other paper and kept separate from other recyclables.
- I. Plastic containers shall be prepared and collected as follows:
 - (1) Plastic containers made of PETE, including soda and drink bottles, shall be cleaned and rinsed with all caps and rings removed. Place in bag.
 - (2) Plastic containers made of HDPE, including bottles and tubs, shall be cleaned, rinsed with all caps and rings removed. Place in commingled bag.
 - (3) Plastic containers made of PVC, shall be cleaned and rinsed with all caps and rings removed. Place in bag.
 - (4) Plastic containers made of LDPE shall be cleaned and rinsed with all caps removed. Place in commingled bag.
 - (5) Plastic containers made of PP shall be cleaned. Rinse. Remove caps and rings. Place in commingled bag.
 - (6) Plastic containers made of PS shall be cleaned. Rinse. Remove all caps and rings. Place in commingled bag.
 - (7) Plastic containers made of mixed or other plastic resin types shall be cleaned. Rinse. Caps and rings removed. Place in commingled bag.
- J. Steel containers shall be cleaned. Remove lids and place in center of can. Labels removed. Crush when possible. Place in commingled bag.
- K. Waste tires shall be taken to tire dealer for proper disposal or recycled through hauler for a fee.

§ 227-15. Responsibilities of owners or designated agents of multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do all of the following for recycling the materials specified in § 227-10E through O:

- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in § 227-10E through O from solid waste in as pure a form as is technically feasible.

§ 227-16. Responsibilities of owners or designated agents of nonresidential facilities and properties.

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in § 227-10E through O:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in § 227-10E through O from solid waste in as pure a form as is technically feasible.

§ 227-17. Prohibitions on disposal of recyclable materials.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in § 227-10E through O which have been separated for

recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 227-18. Enforcement.

- A. Any authorized officer, employee or representative of the municipality may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this article. No person may refuse access to any authorized officer, employee or authorized representative of the municipality who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this article may be issued a citation by the municipality to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- C. Penalties for violating this article may be assessed as follows:
 - (1) Any person who violates § 227-17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this article, except § 227-17, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Chapter 245

VEHICLES, ABANDONED

§ 245-1. Definitions.

§ 245-4. Disposal.

§ 245-2. Abandonment prohibited.

§ 245-5. Report.

§ 245-3. Notification of owner and lienholders.

[HISTORY: Adopted by the Town Board of the Town of Washington 7-28-2004 by Ord. No. 7-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 173.

§ 245-1. Definitions.

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this chapter, whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal or county official pursuant to municipal or county ordinance.

§ 245-2. Abandonment prohibited.

Any vehicle in violation of this chapter shall be impounded until lawfully claimed or disposed of, except if it is deemed by a duly authorized municipal or county representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the municipality or county prior to expiration of the impoundment period upon determination by the Town Board or the Sheriff, whoever has jurisdiction, that the vehicle is not stolen or otherwise wanted for evidence or other reason. An abandoned vehicle constitutes a public nuisance.

§ 245-3. Notification of owner and lienholders.

Any vehicle which is deemed abandoned by a duly authorized municipal or county representative shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim

the vehicle under this section shall be deemed a waiver of the right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholders may be sold.

§ 245-4. Disposal.

The municipality or county may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for each such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized municipal or county representative, in which event any and all bids may be rejected. If all bids are rejected or no bid is received, the municipality or county may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.

§ 245-5. Report.

- A. Upon sale of an abandoned vehicle, the municipality or county shall supply the purchaser forms to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.
- B. Within five days after the sale or disposal of a vehicle as provided, the County shall advise the Division of Motor Vehicles, Madison, Wisconsin, of the sale or disposition of such vehicle on a form supplied by the Division of Motor Vehicles.

Chapter 256

VEHICLES AND TRAFFIC

ARTICLE I Parking

§ 256-1. Statutory authority; purpose.

§ 256-2. Definitions.

**§ 256-3. Parking prohibited at all times
from November 15 to April 15.**

§ 256-4. Parking prohibited at all times.

§ 256-5. Violations and penalties.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Parking

[Adopted by the Town Board of the Town of Washington]

§ 256-1. Statutory authority; purpose.

In order to promote the public safety, general welfare, and convenience, it is necessary that the following parking restrictions be adopted for the public good pursuant to § 349.13, Wis. Stats., and the police power of the Town of Washington.

§ 256-2. Definitions.

The following words and phrases have designated meanings unless a different meaning is expressly provided:

- A. The words and phrases defined in Ch. 340, Wis. Stats., and amendments thereto, are incorporated herein by reference.

§ 256-3. Parking prohibited at all times from November 15 to April 15.

From November 15 to April 15 of each year, except temporarily for the purpose of and while actually engaged in loading and unloading or receiving or discharging passengers on property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle upon any of the following highways or parts of highways:

None.

§ 256-4. Parking prohibited at all times.

No person shall at any time park or leave a vehicle standing or parked in violation of any of the following provisions:

- A. No vehicle shall be parked upon a fire lane of public access to any lake or park ground in any manner which blocks or obstructs access by other vehicles on the fire lane or public right-of-way.
- B. No vehicle shall be parked on any private property or private driveway without the consent of the property owner.
- C. No vehicle shall obstruct or block any access to a private driveway, or hydrant, or a private mailbox.
- D. No vehicle shall be parked in a location marked or designated by the Town Board as a no-parking area.

§ 256-5. Violations and penalties. ¹

Any person violating any provision of this article shall, upon conviction thereof, be subject to the penalty provided in § 1-4 of this Code.

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

APPENDIX



DERIVATION TABLE

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of Town's Code to 2018 Code.

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the Town's Code have been included in the 2018 Code, or the reason for exclusion.

§ DT-1. Derivation Table of Town's Code to 2018 Code.

REP = Repealed effective with adoption of Code; see Ch. 1, Art. IV.
NI = Not included in Code but saved from repeal.
NLP = New legislation is pending.

Chapter/Title From Town Code	Location in 2018 Code
Ch. 1, Parking Regulations	Ch. 256
Ch. 2, Access to Lakes from Fire Lanes and Town Boat Landings	Ch. 80, Art. I
Ch. 3, Dog Control	Ch. 72, Art. I
Ch. 4, Defining and Prohibiting Public Nuisances	NLP; see Ch. 173
Ch. 5, Alcoholic Beverages	Ch. 65, Art. I
Ch. 6, Cable Communications System Franchise	NI
Ch. 7, Motor Boat Regulations	Ch. 80, Art. II
Ch. 8, Dumping and Waste Disposal	REP
Ch. 9, Jurisdiction and Duties of Town Constable	Ch. 19
Ch. 10, Enforcement of Town Ordinances by Issuance of Citations for Violations	Ch. 12
Ch. 11, Bulkhead Ordinance	Ch. 80, Art. III
Ch. 20, Construction and Effect of Ordinances	
20.01 to 20.03	Ch. 1, Art. I
20.04	Ch. 1, Art. II
20.05 to 20.07	NLP; see Ch. 1, Art. IV



DISPOSITION LIST

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Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Washington reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the original publication of the Code was Ord. No. 1-2016, adopted November 15, 2016.

§ DL-1. Disposition of legislation.

KEY:

NCM = Not Code material (legislation is not general or permanent in nature).

Enactment	Adoption Date	Subject	Disposition
Ord. No. 2-1994	12-20-1993	Solid waste: recycling, composting and resource recovery	Ch. 227, Art. I
Ord. No. 2-1995	6-19-1995	Public nudity	Ch. 184
Ord. No. 3-1995	6-19-1995	Mobile homes and mobile home parks: numbering of mobile homes	Ch. 155, Art. I
Ord. No. 1-1998	1-19-1998	Boating and waterways: watercraft launching fee	Ch. 80, Art. IV
Ord. No. 2-1998	4-21-1998	Mobile homes and mobile home parks: monthly parking permit fee	Ch. 155, Art. II
Ord. No. 2-1998 Addendum	12-21-1998	Mobile homes and mobile home parks: monthly parking permit fee	Ch. 155, Art. II
Ord. No. 3-1998	10-19-1998	Finance and taxation: alternative claim procedure for tax refunds	Ch. 28, Art. I
Ord. No. 4-2000	6-19-2000	Boating and waterways: Pensaukee Lake	Ch. 80, Art. V

Enactment	Adoption Date	Subject	Disposition
Ord. No. 6-2000	6-19-2000	Uniform Construction Codes: Uniform Dwelling Code	Ch. 110, Art. I
Ord. No. 6-2001	6-18-2001	Uniform Construction Codes: Uniform Dwelling Code amendment	Ch. 110, Art. I
Ord. No. 7-2003	7-21-2003	Uniform Construction Codes: preliminary construction permits	Ch. 110, Art. II
Ord. No. 7-2004	7-28-2004	Abandoned vehicles	Ch. 245
	7-18-2005	Plan Commission	Ch. 47
Ord. No. 2-2006	2-14-2006	Boating and waterways: Washington Lake	Superseded by Ord. No. 4-2006
Ord. No. 4-2006	4-17-2006	Boating and waterways: Washington Lake	Ch. 80, Art. VI
Res. No. 7-2002	2-19-2007	Building permit fee schedule	NCM
Res. No. 4-2008	4-21-2008	Approving transfer of cable license	NCM
Ord. No. 7-2008	7-21-2008	Driveways	Ch. 116
Ord. No. 9-2008	9-13-2008	Comprehensive Plan	Ch. 107
Ord. No. 4-2011	4-18-2011	Comprehensive Plan amendment	NCM
Ord. No. 1-2016	11-15-2016	Finance and taxation: duplicate Treasurer's bond eliminated	Ch. 28, Art. II
Ord. No. 2018-1	7-17-2018	Adoption of Code	Ch. 1, Art. IV

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