



City of Hillsboro

AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 12.1.5 OF THE CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN

WHEREAS, the Common Council finds that large gatherings and groups have a significant impact on the City parks through the use of park property, utilities, repair, and maintenance expenses, and that under the current ordinance the City is unable to ensure it recoups the costs associated with such uses; and,

WHEREAS, the Common Council believes the park use permit regulations should be amended to improve the park permitting procedure, to help alleviate the expense associated with large gathering using the City's park, park facilities, and park shelters, and to protect and promote the public health, safety, and welfare.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section I. Section 12.1.5 of the Code of Ordinances of the City of Hillsboro shall be repealed, amended, and re-created to read:

Section 12.1.5 Park Use Permits

- (a) **Purpose and Findings.** City parks, park facilities, and park shelters are for the nonexclusive use and enjoyment of City residents and visitors. However, the City has found that large groups and gatherings using the City's parks, park facilities and park shelters have a greater impact on the City's resources, and the Council has determined that the City needs to regulate the use of City parks, park facilities, and park shelters by large groups to help offset the costs associated with such use and for the public health, safety, and welfare.
- (b) **Permit Required.** Any person, group, or organization wishing to use or reserve a park facility or park shelter for an event shall obtain a Park Use Permit, and any person, group, or organization planning an event located within a City park that is reasonably expected to be attended by fifty (50) persons or more shall obtain a Park Use Permit. Any person, group, or organization requesting exclusive use of an entire City park or planning an event located within a City park that is reasonably expected to be attended by one hundred (100) persons or more shall obtain a

Special Park Use Permit. No permits shall be required for events sponsored by the City of Hillsboro. The Common Council shall establish a permit fee schedule.

(c) **Permit Applications.** All applications shall be made in writing on application forms available in the City Clerk's office. Park Use Permit applications must be received at least three (3) days prior to the date of the event. Special Park Use Permit applications must be received at least thirty (30) days prior to the date of the event. The applicant must submit payment of the required fee with the application. Permit applications shall contain at least the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) If the applicant is a group or organization, the name, address, and telephone number of the responsible person, officer, or representative;
- (3) The park, park facility, or park shelter that the applicant wishes to use, and whether the applicant seeks a regular use permit or special use permit;
- (4) The date and time of the event and the date and time the applicant wishes to begin use for set up, if earlier;
- (5) The nature of the event and the anticipated number of event attendees.
- (6) Details of any planned set-up or other temporary structures that may be used during the event.

The City may require additional information if necessary to evaluate the application.

(d) **Action on Application.** Completed Park Use Permit applications submitted to the City Clerk's office with the required fee will be processed by the City Clerk on a first-come first-served basis, however any Park Use Permit applications for events anticipating more than 100 attendees and all Special Park Use Permit applications shall be forwarded to the Common Council for consideration and action. Applications for a Park Use Permit or Special Park Use Permit may be denied by the City for any of the following reasons:

- (1) The application is untimely or incomplete, including non-payment of required fee.
- (2) A permit has already been issued that conflicts with the event.
- (3) A City-sponsored event will conflict with the event.
- (4) The anticipated nature of the use would violate local, state, or federal law.
- (5) The anticipated nature of the use creates a substantial risk of injury to attendees or bystanders, or of damage to property.
- (6) The anticipated nature of the use would require a level of security, utilities, and other resources that the City is unable to provide without straining the provisions of services to the rest of the City.
- (7) The applicant has outstanding invoices or charges due to the City.

The Common Council may approve or deny the permit application, or may approve the application subject to additional conditions to address any concerns or

issues the Council deems necessary for general public health, welfare, safety, and good order of the City.

- (e) **Indemnification.** The City may require the applicant to file evidence of adequate insurance or financial surety to the benefit of the City and such other third parties as may be injured or damaged as a result of the applicant's use of the City park, park facility or park shelter.
- (f) **Revocation.** At any time, the City Clerk, City Administrator, or Chief of Police may revoke an issued permit if the anticipated use may create a dangerous condition to attendees, spectators, bystanders, City employees, or property due to severe weather, natural causes, fire, or breach of the peace.
- (g) **Sales of Class B Fermented Malt Beverages.** Any person, group or organization wishing to sell Fermented Malt Beverages, as that term is defined in this Code, in any City-owned park, park facility or park shelter must also obtain a Fermented Malt Beverage license under Chapter 7.2. of this Code. Sale of such items must comply with all other local ordinances. The applicant must carry the Fermented Malt Beverage license at the event and shall present it to any authorized law enforcement officer, employee or representative of the City upon request.
- (h) **Event.** Any person, group or organization holding a Park Use Permit or Special Park Use Permit must carry or display the permit at the event and shall present it to any law enforcement office, employee, or representative of the City upon request.
 - (1) **Clean-up.** All persons, groups or organizations holding a Park Use Permit or Special Park Use Permit are responsible for cleaning up the facilities after the event, including but not limited to placing all refuse in designated trash cans and returning any benches or tables to their original location.
 - (2) **Damage to City Property.** Any person, group or organization holding a Park Use Permit or Special Park Use Permit is responsible for all damage to City property caused by any attendees. After the event, the City Clerk, shall create an invoice documenting and accounting for any damage to City property resulting from the event. Failure to pay for damage caused shall be sufficient grounds for denial of all future permit applications.
- (i) **Enforcement and Penalties.** Any authorized law enforcement officer or other City personnel charged with enforcing this Section may issue a citation to any person for failure to have the required permit.
 - (1) Any person that fails to obtain a Park Use Permit when required shall be subject to the following forfeitures upon conviction:
 - a. **First Offense.** A forfeiture of One Hundred Dollars (\$100.00) plus any damage or additional costs incurred by the City from the event, together with costs of prosecution.
 - b. **Second Offense.** A forfeiture of Two Hundred Dollars (\$200.00) plus any damage or additional costs incurred by the City from the event, together with costs of prosecution.

- (2) Any person that fails to obtain a Special Park Use Permit when required shall be subject to the following forfeitures upon conviction:
- a. First Offense. A forfeiture of Two Hundred and Fifty Dollars (\$250.00) plus any damage or additional costs incurred by the City from the event, together with costs of prosecution.
 - b. Second Offense. A forfeiture of Five Hundred Dollars (\$500.00) plus any damage or additional costs incurred by the City from the event, together with costs of prosecution.

Passed by the Common Council of the City of Hillsboro on the 16th day of February, 2015.

Approved by the City Mayor on the 16th day of February, 2015.

APPROVED:

ATTEST:



 Greg Kubarski, City Mayor



 Sheila Schraufnagel, City Clerk

Adopted: February 16, 2015.

Published: February 26, 2015.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
 COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 16th day of February, 2015, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 16th day of February, 2015.



 Sheila Schraufnagel, City Clerk



Ordinance #02-2016
City of Hillsboro

AN ORDINANCE TO CREATE SECTION 10.4.4 OF THE CODE OF ORDINANCES TO DESIGNATE AND REGULATE ALL-TERRAIN VEHICLE TRAILS AND ROUTES IN THE CITY OF HILLSBORO, WI

WHEREAS, ATV/UTV riding has become a popular recreational activity and routes have been opened in the areas surrounding the City of Hillsboro; and

WHEREAS, following months of considering the recreational and economic value and the possible dangers and public safety risks of developing a route, the Common Council has created the following ATV/UTV routes and trails in the City of Hillsboro.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 10.4.4 of the Code of Ordinances of the City of Hillsboro shall be created to read:

Section 10.4.4 Designation and Regulation of All-Terrain Vehicle Trails and Routes

- (a) **Intent.** The City of Hillsboro adopts the following all-terrain vehicle trails and routes for the operation of all-terrain vehicles and utility terrain vehicles upon roadways and city owned property throughout Hillsboro. Following due consideration of the recreational value to connect trail opportunities and weighted against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created.
- (b) **Statutory Authority.** These trails and routes are created pursuant to municipal authority under section 2.1.1 as authorized by 23.33(8)(b), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to trails and routes are adopted.
- (c) **Definitions.**
 - (1) **All-terrain vehicle (ATV).** A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires and non-pneumatic tires.

(2) **All-terrain vehicle route.** Means a highway or sidewalk designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

(3) **All-terrain vehicle trail.** Means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.

(4) **Utility terrain vehicle (UTV).** Means any of the following:

- a. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all the following:
 1. A weight, without fluids, of 2,000 pounds or less.
 2. Four or more low-pressure tires or non-pneumatic tires.
 3. A cargo box installed by the manufacturer.
 4. A steering wheel.
 5. A tail light.
 6. A brake light.
 7. Two headlights.
 8. A width of not more than 65 inches.
 9. A system of seat belts, or similar system, for restraining each occupant of the device in the event of an accident.
 10. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.
- b. A commercially designed and manufactured motor driven device to which all the following applies:
 1. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
 2. It has a width of 50 inches or less.
 3. It is equipped with a seat designed to be straddled by the operator.
 4. It travels on 3 or more low-pressure tires or non-pneumatic tires.
- c. All other applicable words or phrases defined within chapter 23.33 and 340.01 of the Wis. Stats. are incorporated within this ordinance.

(d) **Trails and Routes.**

- (1) The City of Hillsboro reserves the right to close or modify routes and trails at any time.

- (2) The City of Hillsboro or its designee shall maintain all route and trail signs within the City of Hillsboro.
- (3) All ATV/UTV routes and trails shall be signed in accordance with NR 64.12, and NR 64.12 (7)(c).
- (4) All roads, alleyways and transportation corridors listed below are designated ATV/UTV trails and routes within the City of Hillsboro:
 - a. School Road from State Hwy 33/82 to the School District parking lot entrance.
 - b. School Road from School District parking lot entrance to Mill Street.
 - c. Mill Street from School Road to Mitscher Avenue.
 - d. Klondike Avenue from Mill Street to Lake Street.
 - e. Pine Avenue from Spring Street to Madison Street.
 - f. Spring Street from Pine Avenue to Prairie Avenue.
 - g. Alleyway between High Avenue and Prairie Avenue from Spring Street to Mill Street.
 - h. Prairie Avenue from Spring Street to Mill Street.
 - i. Madison Street from Pine Avenue to High Avenue.
 - j. High Avenue from Madison Street to State Street (County Hwy HH).
 - k. Crest Avenue from E. Madison Street to end.
 - l. Wood Avenue from E. Madison Street to end.
 - m. County Highways within the City Limits, if approved by Vernon County: Mill Street (County Hwy F) from Mitscher Avenue to Pine Avenue; State Street and High Avenue (County Hwy HH) from State Hwy 33/80/82 to City Limit; and E. Madison Street (County Hwy FF) from State Hwy 33/80/82 to Wood Avenue.
- (e) **Conditions.** As a condition for the use of these trails and routes, the following conditions shall apply to all operators and passengers as applicable:
 - (1) All ATV/UTV units shall be registered in accordance with WI DNR regulations.
 - (2) All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with Wis. Stats. Chapter 346 and Wis. Stats. 23.33.
 - (3) No ATV/UTV shall be operated at a speed greater than the posted street speed limit unless posted otherwise.
 - (4) All operators of ATV's or UTV's are subject to Wis. Stats. and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.
 - (5) No ATV/UTV may be operated on any designated trail or route without fully functional headlights, taillights and brake lights. Operators must display a lighted headlight and taillight at all times while on the trail or route.
 - (6) All ATV/UTV operators shall ride single file.
 - (7) ATV/UTV's may be operated on paved roadway surfaces only.

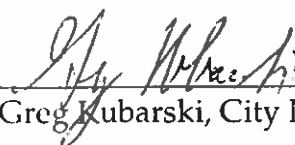
- (8) No ATV/UTV may be operated on any designated route between the hours of 10:00 p.m. and 7:00 a.m. daily, unless otherwise authorized by the Chief of Police.
 - (9) ATV/UTV's that do not meet Wisconsin State or local noise pollution requirements may not be operated on any trail or route.
 - (10) Operation within any municipal park unless specifically designated is prohibited.
 - (11) Operation on any sidewalk unless specifically designated is prohibited.
 - (12) No person shall leave or allow any ATV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (f) **Enforcement and Penalties.** This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. Wisconsin state ATV/UTV penalties as found in the Uniform State Traffic Deposit Schedule are adopted by reference.
- (g) **Severability.** The provision of this ordinance shall be deemed severable and it is expressly declared that the City of Hillsboro would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

Passed by the Common Council of the City of Hillsboro on the 20th day of June, 2016.


Approved by the City Mayor on the 20th day of June, 2016.

APPROVED:

ATTEST:



 Greg Kubarski, City Mayor



 Sheila Schraufnagel, City Clerk

Adopted: June 20, 2016.

Published: June 22, 2016.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
 COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 20th day of June, 2016, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 20th day of June, 2016.


Sheila Schraufnagel, City Clerk



Ordinance #01-2017
City of Hillsboro

AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 11.2.6 OF THE
CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO,
VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 11.2.6 of the Code of Ordinances of the City of Hillsboro shall be repealed, amended, and
recreated to read as follows:

Section 11.2.6 Loitering and Prowling Prohibited

(a) **Definitions.** As used in this Section:

- (1) **“Loiter”** means to sit, to stand, to lounge, to wander, to stroll aimlessly, to repeatedly return to, or to remain idly in an area for no obvious reason.
- (2) **“Prowl”** means to move about stealthily or furtively.

(b) **Prohibited Conduct.** No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm for the safety of persons or property in the vicinity.

(c) **Circumstances Under Which Alarm May Be Warranted.** Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or manifestly endeavors to conceal himself or any object.

(d) **Opportunity to Dispel Alarm.** Unless flight by the person or other circumstances makes it impracticable, prior to any arrest for an offense under this Section, a peace officer shall afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting the identity of the person and the purpose of the person’s presence or conduct.

(e) **Affirmative Defenses.** No person shall be convicted of an offense under this Section if the officer did not comply with subsection (d) above, or if it appears at trial that the explanation given by the person was true and, if believed by the officer at the time, would have dispelled the alarm.

Passed by the Common Council of the City of Hillsboro on the 20th day of February,
2017.

Approved by the City Mayor on the 20th day of February, 2017.

APPROVED:


Greg Kubarski, City Mayor

ATTEST:


Sheila Schraufnagel, City Clerk

Adopted: February 20, 2017.

Published: February 22, 2017.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 20th day of February, 2017, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 20th day of February, 2017.


Sheila Schraufnagel, City Clerk



Ordinance #02-2017
City of Hillsboro

AN ORDINANCE TO AMEND SECTION 10.4.4 (d)(4) OF THE CODE OF ORDINANCES TO DESIGNATE AND REGULATE ALL-TERRAIN VEHICLE TRAILS AND ROUTES IN THE CITY OF HILLSBORO, WI

WHEREAS, ATV/UTV riding has become a popular recreational activity and routes have been opened in the areas surrounding the City of Hillsboro; and

WHEREAS, the City of Hillsboro wishes to open all City of Hillsboro streets to the ATV/UTV route to provide greater access to city residents.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 10.4.4 (d)(4) of the Code of Ordinances of the City of Hillsboro shall be amended to read:

Section 10.4.4 Designation and Regulation of All-Terrain Vehicle Trails and Routes

(d) Trails and Routes.

- (4) All City of Hillsboro streets and alleys are designated ATV/UTV trails and routes, not including streets that are also designated as county highways, state trunk highways, or connecting highways unless Vernon County and/or the Department of Transportation approves the designation.

Passed by the Common Council of the City of Hillsboro on the 15th day of May, 2017.

Approved by the City Mayor on the 15th day of May, 2017.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: May 15 , 2017.

Published: May 17 , 2017.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 15th day of May , 2017, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 15th day of May , 2017.



Sheila Schraufnagel, City Clerk



Ordinance #03-2017
City of Hillsboro

AN ORDINANCE TO REPEAL AND REPLACE SECTION 7.1.21 OF THE CODE OF ORDINANCES TO REGULATE THE KEEPING OF BEES IN THE CITY OF HILLSBORO, WI

WHEREAS, the City of Hillsboro has not allowed the keeping of bees within the limits of the city; and

WHEREAS, the City of Hillsboro recognizes the importance of bees in the ecosystem and the growing popularity of beekeeping as a hobby, and

WHEREAS, the Common Council wishes to allow the keeping of bees within the City of Hillsboro under certain regulations and permitting.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 7.1.21 of the Code of Ordinances of the City of Hillsboro shall be repealed and replaced to read:

Section 7.1.21 Keeping of Bees

- (a) **Regulations for the Keeping of Bees.** It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep bees in or upon any premises within the corporate limits of the City unless the bees are kept in accordance with the following regulations:
- (1) The person must hold a valid Beekeeping Permit from the City.
 - (2) No bees shall be intentionally kept and maintained other than honey bees.
 - (3) No hive shall exceed twenty (20) cubic feet in volume.
 - (4) Bee hives, stands or boxes shall only be permitted on residential lots within the City limits.
 - (5) No more than five (5) hives may be kept on a zoning lot.

- (6) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.
 - (7) If bee colonies are kept within fifty (50) feet of any property boundary of the property on which the hive, stand or box is located, a flyway barrier that will prevent bees from flying through it, no less than six (6) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either natural planting or artificial.
 - (8) The beekeeper shall conspicuously post a durable sign including the words "Honey Bee Hive" within the area containing any bee hive, stand or box.
 - (9) An ever-present supply of water shall be provided for all hives.
 - (10) The bees and equipment shall be kept in accordance with state law.
- (b) **Beekeeping Permit Application.** The City will provide the application form for a Beekeeping Permit.
- (1) The application shall include the applicant's name, address, phone number, and at least one emergency contact that is different from the applicant.
 - (2) The application shall include a detailed lot diagram of the beekeeping equipment and structures, including distances to property lines and from nearby structures on neighboring properties.
 - (3) An applicant shall pay the applicable fee for a beekeeping permit as set by the Common Council. The applicant or owner of the permitted property may not have any outstanding taxes or unpaid fees owed to the City.
 - (4) Only the owner of the proposed permitted real property or an occupant of the proposed permitted real property with the owner's written permission is eligible to apply for a beekeeping permit.
 - (5) Applicant shall provide written consent from at least eighty (80) percent of the owners of real estate situated within one hundred (100) feet from the applicant's proposed permitted property.
- (c) **Beekeeping Permit.**
- (1) All beekeeping permits shall expire on March 31st of the year following issuance. Permits are non-transferable between permit holders.
 - (2) The City Administrator, after consulting with the Health Office and the Hillsboro Police Department, shall either approve, conditionally approve, or deny the permit application within thirty (30) days of the submission of a complete and valid application. The City Administrator is directed to consider the following: compatibility of adjacent property uses; health concerns of adjacent residents; the

applicant's compliance or lack thereof with respect to the regulations herein and other City regulations or permits; and other factors that may be relevant to safeguarding the public health and the general welfare and preventing nuisances. Any approved permit shall specify in writing any restrictions, conditions, or prohibitions deemed necessary to safeguard public health and the general welfare. The City Administrator shall notify the applicant of its decision in writing addressed to the applicant.


- (3) Any person aggrieved by the City Administrator's decision regarding a beekeeping permit may appeal in writing to the Common Council within twenty (20) days after the City Administrator's decision. The Council shall review the decision at its next regularly scheduled meeting and after considering the application and the factors specified above, the Council may uphold, amend, or overturn the decision of the City Administrator.

Passed by the Common Council of the City of Hillsboro on the 17th day of July, 2017.

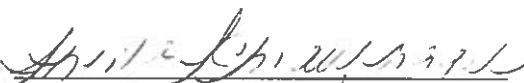
Approved by the City Mayor on the 17th day of July, 2017.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: July 17, 2017.

Published: July 19, 2017.

CERTIFICATION

STATE OF WISCONSIN)
))
COUNTY OF VERNON)

SS.

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 17th day of July, 2017, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 17th day of July, 2017.

April Schuyler, City Clerk



Ordinance #04-2017
City of Hillsboro

AN ORDINANCE TO AMEND SECTION 7.1.13 OF THE CODE OF ORDINANCES TO REGULATE THE KEEPING OF CHICKEN AND FOWL IN THE CITY OF HILLSBORO, WI

WHEREAS, the City of Hillsboro has allowed the keeping of no more than two fowl within the limits of the city; and

WHEREAS, the Common Council wishes to continue to allow the keeping of chicken and fowl within the City of Hillsboro under certain regulations and permitting.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

SECTION I. The title to Section 7.1.13 shall be re-titled to "Prohibited and Protected Animals; Reptiles and Insects; Farm Animals; Keeping of Chickens"

SECTION II. Section 7.1.13(e) of the Code of Ordinances of the City of Hillsboro shall be repealed and replaced to read as follows:

- (e) **Farm Animals; Miniature Pigs.** Except as provided in Section 7.1.22 regarding miniature pigs, Section 7.1.13(f) regarding chickens, and except on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl, or more than two (2) rabbits.

SECTION III. Section 7.1.13(f) of the Code of Ordinances of the City of Hillsboro shall be created to read as follows:

- (f) **Keeping of Chickens.** The following regulations will govern the keeping of chickens in residential zoning districts and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:
 - (1) **Number.** No more than six (6) hens shall be allowed on any residential lot.
 - (2) **Setbacks.** Coops and cages housing chickens shall be kept at least twenty-five (25) feet from any dwelling or occupied structure other than the property owner's dwelling. Coops and cages shall not be located within ten

(10) feet from any side or rear lot line. Coops and cages shall not be located in the front yard.

- (3) **Enclosure.** Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessible for cleaning. The coop shall allow at least two (2) square feet and one (1) nesting box per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. The coop and outdoor enclosure shall be kept in good repair at all times.
- (4) **Sanitation.** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- (5) **Slaughtering.** There shall be no slaughtering of chickens.
- (6) **Roosters.** It shall be unlawful for any person to keep roosters.
- (7) **General Care Requirements.** Chickens must be properly cared for.
 - a. Food must be provided daily and must be proper for chickens in accordance with Wis. Stat. 951.13(1). All feed shall be stored so as to keep out rodents and other wildlife.
 - b. Clean water must be provided at all times and changed daily in accordance with Wis. Stat. 951.13(2).
- (8) **Permit.** A permit shall be required to keep chickens in the City of Hillsboro. The City will provide the application form for a Chicken Keeping Permit.
 - a. The application shall include the applicant's name, address, phone number, and at least one emergency contact that is different from the applicant.
 - b. The application shall include a detailed lot diagram and description of any coops, cages or outdoor enclosures, providing dimensions and precise location of these enclosures in relation to property lines and adjacent properties. If applicant proposes to use a mobile coop and/or a chicken run, the dimensions of the structure(s) shall be provided and the area of requested placement areas shall be provided.
 - c. The application fee or the renewal permit fee as set by the Common Council. The applicant or owner of the permitted property may not have any outstanding taxes or unpaid fees owed to the City.
 - d. Only the owner of the proposed permitted real property or an occupant of the proposed permitted real property with the owner's written permission is eligible to apply for a chicken keeping permit.


- e. Permits shall be reviewed on an annual basis. All chicken keeping permits shall expire on March 31st of the year following issuance. Permits are non-transferable between permit holders.
- f. The City Administrator shall either approve, conditionally approve, or deny the permit application within thirty (30) days of the submission of a complete and valid application. The City Administrator is directed to consider the following: compatibility of adjacent property uses; health concerns of adjacent residents; the applicant's compliance or lack thereof with respect to the regulations herein and other City regulations or permits; and other factors that may be relevant to safeguarding the public health and the general welfare and preventing nuisances. Any approved permit shall specify in writing any restrictions, conditions, or prohibitions deemed necessary to safeguard public health and the general welfare. The City Administrator shall notify the applicant of its decision in writing addressed to the applicant.
- g. Any person aggrieved by the City Administrator's decision regarding a chicken keeping permit may appeal in writing to the Common Council within twenty (20) days after the City Administrator's decision. The Council shall review the decision at its next regularly scheduled meeting and after considering the application and the factors specified above, the Council may uphold, amend, or overturn the decision of the City Administrator.

Passed by the Common Council of the City of Hillsboro on the 17th day of July, 2017.


Approved by the City Mayor on the 17th day of July, 2017.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: July 17, 2017.


Published: July 17, 2017.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 17th day of July, 2017, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 17th day of July, 2017.



City Clerk



**Ordinance #05-2017
City of Hillsboro**

AN ORDINANCE TO AMEND SECTION 10.4.4 (d)(4) OF THE CODE OF ORDINANCES TO DESIGNATE AND REGULATE ALL-TERRAIN VEHICLE TRAILS AND ROUTES IN THE CITY OF HILLSBORO, WI

WHEREAS, ATV/UTV riding has become a popular recreational activity and routes have been opened in the areas surrounding the City of Hillsboro; and

WHEREAS, the State of Wisconsin approved 2017 AB 485 and 2017 SB 392 to amend Wis. Stats. 23.33(11)(am)(4.), which allows municipalities to enact an ordinance to authorize the operation of ATV's and UTV's on a state highway with a speed limit of 35 mph or less.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 1. Section 10.4.4 (d)(4) of the Code of Ordinances of the City of Hillsboro, under the heading "Trails and Routes" shall be amended to read:

- (4) All City of Hillsboro streets and alleys are designated ATV/UTV trails and routes, not including streets that are also designated as county highways, state trunk highways, or connecting highways unless Vernon County and/or the Department of Transportation approves or is required to approve the designation. Per Wis. Stats. 23.33 (11) (am) (4.), all highways that have a speed limit of 35 miles per hour or less and that are located within the territorial boundaries of the City of Hillsboro shall also be designated ATV/UTV trails and routes.

Section 2. The City Clerk shall send a complete copy of the City's ATV ordinance (Section 10.4.4) as revised to all the agencies as required under Wis. Stat. §23.33(11)(b).

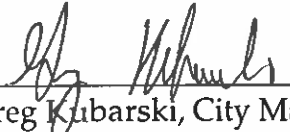
Section 3. This ordinance shall be effective when passed and published as required by law.

Passed by the Common Council of the City of Hillsboro on the 18th day of December, 2017.

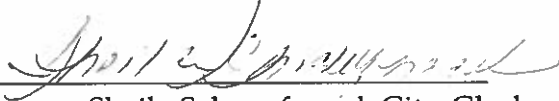
Approved by the City Mayor on the 18th day of December, 2017.

APPROVED:

ATTEST:



 Greg Kubarski, City Mayor



 Sheila Schraufnagel, City Clerk

Adopted: December 18, 2017.

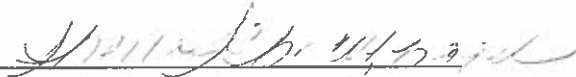
Published: January 3, ~~2017~~ 2018

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
 COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 18th day of December, 2017, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 18th day of December, 2017.



 Sheila Schraufnagel, City Clerk



Ordinance #01-2018
City of Hillsboro

AN ORDINANCE TO CREATE SECTION 10.4.4 (d)(5) OF THE CODE OF ORDINANCES TO DESIGNATE AND REGULATE ALL-TERRAIN VEHICLE TRAILS AND ROUTES IN THE CITY OF HILLSBORO, WI

WHEREAS, ATV/UTV riding has become a popular recreational activity and routes have been opened in the areas surrounding the City of Hillsboro; and

WHEREAS, the City of Hillsboro approved ATV and UTV use all State Highways that have a speed limit of 35 miles per hour or less and that are located within the city, but also needs to regulate the crossing of bridges on the State Highways within the city.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 1. Section 10.4.4 (d)(5) of the Code of Ordinances of the City of Hillsboro, under the heading "Trails and Routes" shall be created to read:

- (5) In accordance with Wis. Stat. 23.33 (11)(am)(3), the operation of ATV's and UTV's is permitted on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and is located within the territorial boundaries of the City of Hillsboro, regardless of whether the City of Hillsboro has jurisdiction over the highway, provided that a person crossing a bridge shall do all the following:
- a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing;
 - b. Stay as far to the right of the roadway or shoulder as practicable;
 - c. Stop the vehicle prior to the crossing;
 - d. Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder; and
 - e. Exit the highway as quickly and safely as practicable after crossing the bridge.

Section 2. The City Clerk shall send a complete copy of the City's ATV ordinance (Section 10.4.4) as revised to all the agencies as required under Wis. Stat. §23.33(11)(b).

Section 3. This ordinance shall be effective when passed and published as required by law.

Passed by the Common Council of the City of Hillsboro on the 15th day of January, 2018.

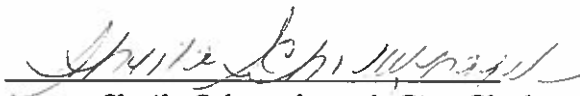
Approved by the City Mayor on the 15th day of January, 2018.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: January 15, 2018.


Published: January 17, 2018.

CERTIFICATION

STATE OF WISCONSIN)
) SS.
COUNTY OF VERNON)

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 15th day of January, 2018, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 15th day of January, 2018.



Sheila Schraufnagel, City Clerk



**Ordinance #02-2018
City of Hillsboro**

**AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 11.5.9 OF THE
CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN**

WHEREAS, the City of Hillsboro has regulated the purchase and possession of tobacco products; and

WHEREAS, the Common Council would like to include the same regulations for the purchase and possession of nicotine products and vaping paraphernalia.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 11.5.9 of the Code of Ordinances of the City of Hillsboro shall be repealed, amended, and recreated to read as follows:

**Section 11.5.9 Purchase or Possession of Tobacco,
Nicotine Products and Vaping Paraphernalia.**

- (a) **Definition of Tobacco and Nicotine Products.** For the purposes of this Section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco. "Nicotine product" has the same meaning as defined by Sec. 134.66(1)(f), Wis. Stats.
- (b) **Prohibition Against Sale of or Availability of Cigarettes, Tobacco Products, and Nicotine Products.**
 - (1) **Prohibition.** It shall be a violation of this Section for any retailer to sell or give cigarettes, tobacco products, or nicotine products to any person under the age of eighteen (18) except as provided in Sec. 254.92(2), Wis. Stats. A vending machine operator is not liable for the purchase of cigarettes, tobacco products, or nicotine products from his/her vending machine by a person under eighteen (18) years of age if the vending machine operator was unaware of the purchase.
 - (2) **Vending Machine Requirements.** The maintenance or keeping by retailers of vending machines dispensing cigarettes, tobacco products, or nicotine products within the City of Hillsboro limits shall be in strict conformity with the requirements of Sec.134.66, Wis. Stats., the provisions of which are incorporated herein by reference.
 - (3) **Vending Machine Placement.** No retailer shall place a vending machine dispensing cigarettes, tobacco products or nicotine products within five hundred (500) feet of any school. The operator of any such vending machine which is located within five hundred

(500) feet of a school as of the effective date of this Section and which is so placed pursuant to a written agreement binding upon the vending machine operator may leave it there subject to the requirement, however, that he/she shall cause said vending machine(s) to be removed no later than May 1, 1993, or the date of expiration of the written agreement related thereto, whichever occurs first.

- (4) **Restrictions on Manufacturers.** No manufacturer, distributor, jobber, sub jobber, or retailer, or their employees or agents, may provide cigarettes, tobacco products, or nicotine products for nominal or no consideration to any person under the age of eighteen (18).
- (5) **Notice Requirements.** Retailers and vending machine operators shall comply with the posting and notice requirements set forth at Sec. 134.66, Wis. Stats.
- (6) **Conformity With State Law.** It is the intention of the City that this Subsection shall conform strictly with Sec. 134.66, Wis. Stats. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision were never adopted.

(c) **Prohibition Against Use and Purchase of Cigarettes, Tobacco Products and Nicotine Products to Persons Under the Age of Eighteen (18) Years.**

- (1) **Definitions.** The definitions set forth at Sec. 254.911, Wis. Stats., are incorporated herein by reference.
- (2) **Purchase Prohibitions.** No person under the age of eighteen (18) years may do any of the following:
 - a. Buy or attempt to buy any cigarette or tobacco product, except in accord with Sec. 254.92(2), Wis. Stats.
 - b. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
 - c. Buy or attempt to buy any nicotine product, except in accord with Sec. 254.92(2), Wis. Stats.
- (3) **Seizure of Tobacco and Nicotine Product.** A law enforcement officer in whose presence a violation of Subsection (c)(2) occurs shall seize any cigarette, tobacco product, or nicotine product involved therein.
- (4) **Conformity With State Law.** It is the intention of the City that this Subsection shall conform strictly with Secs. 254.92 and 134.66, Wis. Stats. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision were never adopted.

(d) **Prohibition Against the Purchase or Possession of Vaping Product and E-liquids by Persons Under the Age of Eighteen (18) Years.**

- (1) **Definitions.**
 - a. "Vaping Product" means any device, regardless of shape or size, that employs a mechanical heating element, battery, or electronic circuit and that can be used to heat or dispense a liquid solution to a vapor that is intended for human consumption through inhalation. The term includes, but is not limited to, any device marketed as a e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or under any similar product name or descriptor.
 - b. "E-liquid" means a liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product.
- (2) **Prohibitions.** No person under the age of eighteen (18) years may do any of the following:
 - a. Buy or attempt to buy any vaping product or e-liquid, except in accord with Sec. 254.92(2), Wis. Stats.

- b. Possess any vaping product or e-liquid.
- (5) **Seizure of Vaping Product or E-Liquid.** A law enforcement officer in whose presence a violation of Subsection (d)(2) occurs may seize any vaping product or e-liquid.

State Law Reference: Secs. 134.66 and 254.92, Wis. Stats.

Passed by the Common Council of the City of Hillsboro on the 19th day of February, 2018.


Approved by the City Mayor on the 19th day of February, 2018.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: February 19, 2018.

Published: February 28, 2018.

CERTIFICATION

STATE OF WISCONSIN)
) SS.
COUNTY OF VERNON)

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 19th day of February, 2018, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 19th day of February, 2018.



Sheila Schraufnagel, City Clerk



**Ordinance #03-2018
City of Hillsboro**

**AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 11.3.9 OF THE
CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN**

WHEREAS, the smoking of tobacco products and vaping of other substances indoors causes recognized adverse health effects on not only the individuals smoking but also on others; and

WHEREAS, smoking and vaping adversely affects among other things, health, safety, comfort and employee production; and

WHEREAS, the popularity of e-cigarettes and vape pens has grown since the passage of the statewide smoking ban as an alternative tobacco use; and

WHEREAS, the Common Council feels it is appropriate to regulate vaping in public buildings and facilities owned by the City of Hillsboro.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO,
VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 11.3.9 of the Code of Ordinances of the City of Hillsboro shall be repealed, amended, and recreated to read as follows:

Section 11.3.9 Regulation of Smoking and Vaping.

- (a) **State Statute Adopted.** The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as is fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (b) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the City.** In recognition of a need to protect the health and comfort of the public and City employees from the detrimental effects of smoking, pursuant to the authority granted to the City by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the City of Hillsboro, except in designated areas.
- (c) **Vaping Prohibited Within or Upon All Buildings and Equipment Owned, Leased or**


Rented by the City. In recognition of a need to protect the health and comfort of the public and City employees from the detrimental effects of vaping, vaping is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the City of Hillsboro, except in designated areas. "Vaping" means the use of an electronic delivery device that creates an aerosol or vapor, in any manner or in any form or the use of any oral smoking device. "Electronic Delivery Device" shall mean any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product and include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

- (d) **State Statutes Adopted.** The provisions contained in Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made a part of this Section as though set forth in full.
- (e) **Penalty.** Any person who violates this Section shall be subject to a forfeiture of One Hundred Dollars (\$100.00). Each separate incident or occurrence shall be a separate offense.

Passed by the Common Council of the City of Hillsboro on the 19th day of February, 2018.

Approved by the City Mayor on the 19th day of February, 2018.

APPROVED:



Greg Kubarski, City Mayor

ATTEST:



Sheila Schraufnagel, City Clerk

Adopted: February 19, 2018.

Published: February 28, 2018.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 19th day of February, 2018, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 19th day of February, 2018.



Sheila Schraufnagel, City Clerk



Ordinance #04-2018
City of Hillsboro

AN ORDINANCE TO AUTHORIZE THE LEASE OF A PORTION OF PUBLIC STREET TO DUANE WHITAKER BY THE CITY OF HILLSBORO.

WHEREAS, pursuant to Wis. Stats. Section 66.0915(4), the City may lease a street or any portion thereof for a period of up to ninety-nine (99) years; and

WHEREAS, Duane Whitaker intends to purchase property to operate a business located in Hillsboro and the building on the property encroaches into the public street known as Garden Street and Mr. Whitaker desires to lease a portion of the public street to resolve the encroachment of the building for the purpose of operating his business; and

WHEREAS, the City has determined that it is in the best public interest to encourage the growth of said business operations by leasing to Duane Whitaker that portion of Garden Street occupied by the existing building;

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:


1. It is in the best public interest to Lease to Duane Whitaker that portion of Garden Street currently occupied by the existing structure of the adjacent property that Duane Whitaker will be acquiring for his business.
2. The City finds that the encroachment of the existing structure does not substantially interfere with the public purpose for which Garden Street is used; and
3. City officials are authorized to enter into a ninety-nine (99) year Lease with Duane Whitaker upon his acquisition of the aforementioned property for that portion of the public street known as Garden Street currently occupied by the

existing encroaching structure on terms satisfactory to the City Administrator and the City Attorney.

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

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: April 16, 2018.

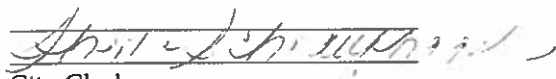
Published: April 25, 2018.

CERTIFICATION

STATE OF WISCONSIN }
 }
COUNTY OF VERNON } SS.

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 16th day of April, 2018, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 16th day of April, 2018.



City Clerk



Ordinance #05-2018
City of Hillsboro

AN ORDINANCE TO AMEND AND CREATE SECTION 10.4.4 (e) (13)-(15) OF THE CODE OF ORDINANCES TO DESIGNATE AND REGULATE ALL-TERRAIN VEHICLE TRAILS AND ROUTES IN THE CITY OF HILLSBORO, WI

WHEREAS, ATV/UTV riding has become a popular recreational activity and routes have been opened in the areas surrounding the City of Hillsboro; and

WHEREAS, the City of Hillsboro wishes to create more uniform rules with Vernon County and address certain operating concerns that have occurred in the City.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 10.4.4 (e) (13)-(15) of the Code of Ordinances of the City of Hillsboro shall be amended to read:

Section 10.4.4 Designation and Regulation of All-Terrain Vehicle Trails and Routes

- (e) **Conditions.** As a condition for the use of these trails and routes, the following conditions shall apply to all operators and passengers as applicable:
- (13) All ATV/UTV operators must carry liability insurance coverage.
 - (14) ATV/UTV operators shall be 16 years of age or older.
 - (15) ATV/UTV operators and passengers under 18 years of age shall wear protective headgear of the type required by Wisconsin Statute §347.485(1)(a).

Passed by the Common Council of the City of Hillsboro on the 15th day of October, 2018.

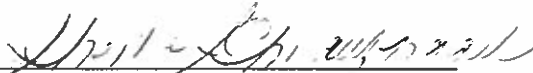
Approved by the City Mayor on the 15th day of October, 2018.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: October 15, 2018.

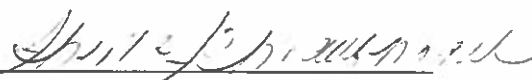
Published: October 24, 2018.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 15th day of October, 2018, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 15th day of October, 2018.



Sheila Schräufnagel, City Clerk



Ordinance #06-2018
City of Hillsboro

AN ORDINANCE TO AMEND AND CREATE SECTION 7.2.5 OF THE CODE OF ORDINANCES TO REMOVE PRORATED LIQUOR LICENSE FEES IN THE CITY OF HILLSBORO, WI

WHEREAS, the Common Council issues fermented malt beverage, liquor and wine licenses to regulate the sale of intoxicating beverages in the City of Hillsboro; and

WHEREAS, the Common Council wishes to end the practice of prorating fees for fermented malt beverage and intoxicating liquor licenses issued less than twelve (12) months.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 7.2.5 of the Code of Ordinances of the City of Hillsboro shall be amended to read:

Section 7.2.5 License Fees.

There shall be the following classes of licenses which, when issued by the City Clerk under the authority of the Common Council after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal or traffic in intoxicating liquors or fermented malt beverages as provided in Section 7.2.4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be set by the City Council from time to time.
- (b) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be set by the City Council from time to time.
- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be per event and set by the City Council from time to time.
- (d) **Temporary "Class B" Wine License.** The fee for this license shall be per event and set by the City Council from time to time. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be set by the City Council from time to time.
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be set by the City Council from time to time.
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be set by the City Council from time to time.
- (h) **Reserve "Class B" Intoxicating Liquor License.** The fee for an initial issuance of a Reserve "Class B" license shall be set by the City Council from time to time, except that the fee for the initial issuance of a Reserve "Class B" license to a bona fide club or lodge

situated and incorporated in the state for at least six (6) years is the fee established in Section 7.2.5(g) for such a club or lodge. The annual fee for renewal of a Reserve "Class B" license is the fee established in Section 7.2.5(g).

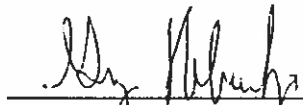
- (i) **"Class B" License for Full-Service Restaurants and Hotels.** The initial annual fee for a "Class B" license for a full-service restaurant that has a seating capacity of three hundred (300) or more persons, or a hotel that has one hundred (100) or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of one hundred fifty (150) or more persons or a banquet room which will accommodate four hundred (400) or more persons, is set by the City Council from time to time. Thereafter, the annual renewal fee is set by the City Council from time to time.
- (j) **"Class C" Wine License.** The annual fee for this license shall be set by the City Council from time to time.

Passed by the Common Council of the City of Hillsboro on the 19th day of November, 2018.

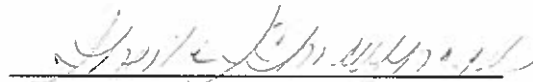
Approved by the City Mayor on the 19th day of November, 2018.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: November 19, 2018.

Published: November 28, 2018.

CERTIFICATION

STATE OF WISCONSIN)

) SS.

COUNTY OF VERNON)

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 19th day of November, 2018, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 19th day of November, 2018.



Sheila Schraufnagel, City Clerk



**Ordinance #01-2019
City of Hillsboro**

**AN ORDINANCE ESTABLISHING THE CITY OF HILLSBORO COMPREHENSIVE
OUTDOOR RECREATION PLAN 2019 – 2024**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON
COUNTY, WISCONSIN, AS FOLLOWS:

WHEREAS, the Common Council deems it in the best interest of the City of Hillsboro to establish a written Comprehensive Outdoor Recreation Plan; and

WHEREAS, the City received a grant from the University of Wisconsin – Madison in 2011 to draft a Land Use and Recreation Plan; and

WHEREAS, the Common Council approved the first Comprehensive Outdoor Recreation Plan in 2012 for years 2012 – 2017; and

WHEREAS, the City is required by the State of Wisconsin Department of Natural Resources to adopt a Comprehensive Outdoor Recreation Plan to be eligible for state funding and grants; and


WHEREAS, the Common Council supports the adoption of the updated City of Hillsboro Comprehensive Outdoor Recreation Plan 2019 – 2024 which will promote the improvement of park facilities and the provision for a comprehensive recreation program within the City.

NOW THEREFORE, it is hereby ordained, the City of Hillsboro Comprehensive Outdoor Recreation Plan (CORP) 2019 – 2024 attached is hereby approved.

Passed by the Common Council of the City of Hillsboro on the 18th day of March, 2019.

Approved by the City Mayor on the 18th day of March, 2019.

APPROVED:



Greg Kubarski, City Mayor

ATTEST:



Sheila Schraufnagel, City Clerk

Adopted: March 18, 2019.

Published: March 27, 2019.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 18th day of March, 2019, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 18th day of March, 2019.



Sheila Schraufnagel, City Clerk

Ordinance No. 02-2019

**An Ordinance Regarding Building, Plumbing,
Electrical and HVAC Codes**

The Common Council of the City of Hillsboro, Vernon County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Title 15, Chapter 1 of the City of Hillsboro Code of Ordinances regarding building, plumbing, electrical and HVAC Codes is adopted to read as follows:

Title 15 ▶ Chapter 1

Building, Plumbing, Electrical, and Heating and Ventilation Code

15-1-1	Building Code Established
15-1-2	Building Permits and Inspection
15-1-3	State Uniform Dwelling Code Adopted
15-1-4	Construction Standards; Codes Adopted
15-1-5	New Methods and Materials
15-1-6	Unsafe Buildings
15-1-7	Disclaimer on Inspections
15-1-8	Garages
15-1-9	Regulation and Permit for Razing Buildings
15-1-10	Basements; Excavations
15-1-11	Discharge of Clear Waters
15-1-12	Regulations for Moving Buildings
15-1-13	Construction Sites; Maintaining Clean Streets
15-1-14	Duplex Service Connections
15-1-15	Fees
15-1-16	Penalties and Violations

Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the City of Hillsboro" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope; Applicability; Statutory Authority.**
 - (1) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the City of Hillsboro, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any

15-1-1

alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City of Hillsboro and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

- (2) **Applicability.** This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and accessory buildings. Not included are children's play structures and agricultural buildings on agricultural zoned parcels.
- (3) **Statutory Authority.** These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.
- (d) **City Building Code Positions.** The Common Council elects that this Chapter be administered by two (2) different designated authorities representing the City of Hillsboro:
 - (1) **UDC Administration.** Construction requiring inspection by a Wisconsin Uniform Dwelling Code (UDC) certified building inspector under contract with the City.
 - (2) **Non-UDC Administration.** Construction not required by state law or this Chapter to be inspected by a UDC-certified building inspector, permits for which may be issued by another City-designated Building Inspector or other City official.

Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- (1) **General Permit Requirements.** No building of any kind shall be moved within or into the City of Hillsboro and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the City, with necessary plan review and inspections provided by the City's UDC-Certified Building Inspector, in the case of UDC projects requiring plan review and inspections or lesser projects requiring issuance of just a non-UDC administrative building permit to assist in documenting changes to properties and their valuations.
- (2) **Residential Administrative Building Permit.** Since the Common Council has elected, per Section 15-1-1(d), to have a City official or employee other than the City's UDC-Certified Building Inspector issue administrative building permits for non-UDC projects, an administrative building permit may be issued and is required for any non-structural work with a value of One Thousand Dollars (\$1,000.00 – market value of material and labor) or more unless a Uniform Dwelling Code (UDC) building permit

is issued. The following are examples of projects requiring an administrative building permit if structural changes are involved in the case of a residence:

- a. New roofing.
- b. New siding.
- c. New windows.
- d. Sheds over one hundred (100) square feet.

- (3) **Residential UDC Building Permit.** A UDC building permit with inspections is required if a person structurally alters a residential building. If a person moves a building within or into the City of Hillsboro, or builds, installs, or assembles a building within the scope of this Chapter, he/she shall first obtain a building permit for such work from the UDC Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions of such systems shall require permits. An electric service upgrade or installation of a new electrical panel requires a permit, regardless of cost.
- (4) **Commercial Building Permit.** A building permit is required for all new construction, alterations or additions of commercial buildings or building mechanical systems.

(b) **Exceptions to Building Permit Requirements.**

- (1) **Minor Repairs.** The UDC Building Inspector may authorize minor repairs or alterations without a permit that do not change the occupancy, use, area, structural strength, room arrangement, fire protection, access to or efficiency of any existing stairways or exits, light or ventilation of the building.
- (2) **Cabinetry.** Repair, refinishing or replacement of interior surfaces and installation of cabinetry shall be exempt from permit requirements.
- (3) **Restoration.** Restoration or repair of an installation to its previous Code-compliant condition as determined by the UDC Building Inspector is exempt from permit requirements.
- (4) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
 - a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
 - b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access

15-1-2

to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.

- (c) **Application; Appropriate Application/Inspection Official.** Application for a building permit shall be made in writing upon a form furnished by the City, its Building Inspector or designee and shall state the name and address of the owner of the land and also the owner of the building if different, contact information (email address and fax, mailing address, telephone and cellphone numbers), the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector or designee may require. Applications for new one- and two-family residences and additions to existing structures shall be submitted to the UDC-certified Building Inspector or designee. All other applications for building permits shall be to the City's Non-UDC Official or Building Inspector.
- (d) **Submission of Plans.**
 - (1) **Basic Application Information.** Two (2) sets of building plans shall be submitted to the UDC Building Inspector or designee for any work which expands the size of a building, involves a new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the UDC Building Inspector for the City Assessor. The UDC Building Inspector may require the owner or contractor to submit plans for any construction, building moving, or demolition project when the UDC Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.
 - (2) **Erosion Control Plan.** A construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site shall also be filed if needed for the project.
 - (3) **Scale.** Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot].
 - (4) **Filing of Plans.** One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the UDC Building Inspector. Plans for buildings involving the State (Commercial) Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services (SPS). One (1) plan shall be submitted which shall remain on file in the office of the UDC Building Inspector. All plans and specifications shall be signed by the designer.
 - (5) **Additional UDC Requirements.** Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
 - (6) **Foundation Elevation and Location Confirmation.** The UDC Building Inspector shall issue its preliminary building permit as a result of the above submittals, subject, however, to the owner confirming the actual elevations and location of the foundation

once it is installed. No further construction work can be completed on the new building until submission of a recertification of the foundation elevations and location, confirming that the foundation elevations and location conform with the original permit and application regulations.

- (e) **Permit Issuance – New Non-UDC Projects.** If the Building Inspector or designee in the case of non-UDC projects determines that the building will comply with all applicable ordinances of the City and all applicable laws and orders of the State of Wisconsin, the Building Inspector or his/her designee (or Non-UDC administrative official) may issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector or designee.
- (f) **Approval of Plans; Permit Issuance for UDC Projects.**
- (1) **Preliminary Foundation Permit.** The UDC Building Inspector shall issue the requested building permit for UDC projects as a preliminary permit to construct the foundation if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. A preliminary permit is valid for six (6) months. A preliminary permit may be extended for a specific time frame upon the UDC Building Inspector's approval and payment of appropriate fees.
 - (2) **Recertification; Final Building Permit Issuance.** Upon completion of the foundation, the owner or contractor shall submit data identifying setbacks and elevations. Said information shall be submitted to the UDC Building Inspector who shall review it to determine that local setback and elevation requirements are satisfied. If the existing foundation conforms to the local requirements, a final building permit shall be issued and it shall be posted at the job site in a visible location from the street. A final building permit may be extended for a specific time frame upon the UDC Building Inspector's approval and payment of appropriate fees.
 - (3) **Right of Inspection Access.** By accepting a permit, the applicant, owner or contractor grants the UDC Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
 - (4) **Building Permits Conditioned Upon Compliance with Codes.** All permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable building codes, zoning ordinances and setback requirements on constructing the building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants.

15-1-2

- (5) **Partial Building Permit.** In case adequate plans are presented for only a part of a UDC-classified building, the UDC Building Inspector, at his/her discretion, may issue a permit for only that part of the building before receiving the plans and specifications for the entire building.
- (g) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Common Council, unless the Common Council has authorized the use of a private road.
- (h) **Utilities Required.**
 - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical connection is presented to the UDC Building Inspector.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (i) **Waiver of Plans; Minor Repairs.**
 - (1) **Waiver.** If the UDC Building Inspector finds that the character of the work is sufficiently described in the application and involves structural work, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
 - (2) **Minor Repairs.** The UDC Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than Two Thousand Five Hundred Dollars (\$2,500.00), as determined by the UDC Building Inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (j) **Inspections.**
 - (1) The following UDC inspections shall be requested forty-eight (48) hours (business work days) in advance by the applicant/contractor or property owner as applicable:
 - a. Footing/foundation.
 - b. Rough carpentry, HVAC, electric and plumbing.
 - c. DRAINTILE/basement floor.
 - d. Underfloor plumbing/electric service.

- e. Insulation.
 - f. Final carpentry, HVAC, electric and plumbing.
 - g. Erosion control.
- (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.
 - (3) Buildings shall be inspected at such times and in such manner as may be necessary to insure compliance with the laws, codes, ordinances, rules and orders applicable thereto.
 - (4) Electrical, plumbing or HVAC installations shall not be enclosed nor any structural portion of any building or structure be covered or concealed prior to completion of required inspections and approval by the UDC Building Inspector.
 - (5) After approval is granted by the UDC Building Inspector, no portion of any work covered by the inspection or included in such approval shall be altered or changed, except as specifically authorized by the UDC Building Inspector.
 - (6) The provisions and regulations of SPS 320.10, Wis. Adm. Code, with regard to inspections of one (1) or two (2) family dwellings are hereby made a part of this Chapter.
 - (7) The permit applicant or an authorized representative shall request inspections after each phase of construction is completed. However, construction may proceed if the inspection has not taken place by the end of the second business day following the day of notification or as otherwise agreed between the applicant and the UDC Building Inspector.
- (k) **Inspection Warrants.** If the UDC Building Inspector is denied access to inspect a property, he/she may request the City Attorney to seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.
- (l) **Payment of Fees.** All fees shall be paid to the City Clerk. Upon presentation of the Clerk's receipt showing that the fees prescribed by this Chapter have been paid, the Inspector or his/her designee, upon entering upon the application the number of the receipt, shall issue to the owner, or his/her agent, a building permit.
- (m) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof. Building permits for new one (1) or two (2) family dwellings shall expire two (2) years from the date of issuance thereof. Projects with expired permits and without an occupancy permit must be renewed.
- (n) **Revocation of Permits.**
- (1) **Grounds for Revocation.** The UDC Building Inspector or the Common Council may revoke any building, plumbing or electrical permit, HVAC construction or installation, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

15-1-2

- a. Whenever the UDC Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the UDC Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the UDC Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) **Permit Revocation.** The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
- (3) **Permit Revocation Placard.** A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the UDC Building Inspector.
- (4) **Construction Unlawful Following Permit Revocation.** After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the UDC Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the UDC Building Inspector may require for the preservation of life and safety.
- (o) **Report of Violations.** City officers shall report at once to the UDC Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (p) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (q) **Change of Use Occupancy Permit.** It shall be unlawful to change the use of any building, structure or premises without first obtaining from the UDC Building Inspector an approval of such change in the occupancy or use and a certificate of occupancy.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

(a) Adoption of Codes.

- (1) **Wisconsin Administrative Codes Adopted.** The following Wisconsin Administrative Codes and subsequent revisions pertaining to construction activity are adopted by reference for municipal enforcement and incorporated herein:

SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured Home Communities
SPS 360-366	Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code
SPS 367	Rental Unit Energy Efficiency
SPS 375-379	Buildings Constructed Prior to 1914
SPS 381-387	Uniform Plumbing Code

- (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the UDC Building Inspector.
- (3) **Adoption of Additional Codes.** By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code*®, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - IECC.** The *International Energy Conservation Code*®, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - IMC.** The *International Mechanical Code*®, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - IFGC.** The *International Fuel Gas Code*®, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) **Violations; Amendments.** Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two

15-1-3

- (2) family dwellings in the City of Hillsboro. A copy of these administrative code provisions and any future amendments shall be kept on file in the UDC Building Inspector's Office.
- (b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- (c) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the UDC Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) Roof Coverings — Whenever more than thirty-five percent (35%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
 - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **UDC Building Inspector.** The State-certified inspector who performs UDC inspections in the City of Hillsboro. For purposes of this Chapter, the title shall also include the official performing plumbing, electrical and HVAC plan reviews and inspections.
 - (4) **Department.** The Wisconsin Department of Safety and Professional Services.
 - (5) **Dwelling.**
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;
or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
 - (6) **Minor Repair.** A repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement,

light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

- (7) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (8) **Person.** An individual, partnership, firm or corporation.
- (9) **Uniform Dwelling Code (UDC).** Those Administrative Code provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

SPS 320	Administration and Enforcement
SPS 321	Construction Standards
SPS 322	Energy Conservation
SPS 323	Heating, Ventilating and Air Conditioning
SPS 324	Electrical Standards
SPS 325	Plumbing

(e) **Method of Enforcement.**

- (1) **UDC Certified Inspector to Enforce.** The UDC Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The UDC Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.10, Wis. Adm. Code.
- (2) **Subordinates.** The UDC Building Inspector may appoint, as necessary, subordinates.
- (3) **Duties.** The UDC Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection Powers.** The UDC Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the UDC Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The UDC Building Inspector shall perform all administrative tasks required by the State under the Uniform Dwelling Code. In addition, the UDC Building Inspector shall keep a record of all applications for building permits and shall regularly number each permit in the order of its issue. Also, a record showing the

number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Commercial Building Code Adopted.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. SPS 360-366, Wis. Adm. Code, incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Codes and amendments thereto shall be kept on file with the UDC Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Chs. H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City of Hillsboro. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) SPS 324, Wis. Adm. Code, and the currently adopted version of the National Electric Code, are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (c)(1) above.
- (d) **Conflicts.** If, in the opinion of the UDC Building Inspector, the provisions of the State Commercial Building Code adopted by Subsection (a) of this Section and/or the Uniform Dwelling Code adopted in Section 15-1-3, shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the UDC Building Inspector and the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 New Methods and Materials.

- (a) **Approval Requirements for New Methods and Materials.** All materials, methods of construction and devices designed for use in buildings or structures covered by this Section

and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

- (b) **Manufacturer's Installation Requirements.** Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

Sec. 15-1-6 Unsafe Buildings.

- (a) **Determination; Order.** Whenever the UDC Building Inspector, Common Council or agent finds any building or part thereof within the City of Hillsboro to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Secs. 66.0413 and 823.21, Wis. Stats.
- (b) **Alterations or Repair When Not Permitted.** When any existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Chapter or other municipal ordinances of the City of Hillsboro, has deteriorated from any cause whatsoever to the extent that it is considered a menace to public safety and welfare, the Common Council may order that such building or structure be vacated and thereafter demolished and debris removed from the premises.
- (c) **Extent of Deterioration.** The Common Council and its professional consultants shall determine the amount and extent of deterioration of any existing building or structure.

Sec. 15-1-7 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the City of Hillsboro. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The

inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-8 Garages.

(a) Construction Standards.

(1) **Detached Garages.** New construction detached garages on concrete slabs shall comply with the following standards when greater than two hundred (200) square feet and serve one and two family dwellings: Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten (10) wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) SPS 322, Wis. Adm. Code, shall not apply.

(2) **Other Residential Detached Accessory Buildings.** Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow Subsection (b)(2) above and/or SPS 321, Wis. Adm. Code.

(b) **Pole Buildings.** Pole buildings shall be designed through structural analysis to meet the design standards of the zoning district in which it is located. These design standards shall also include architectural appearance and dimensional standards as required by zoning districts.

(c) **Garages in Commercial/Industrial Districts.** Garages or structures erected on parcels zoned commercial or industrial shall be constructed as a commercial code-compliant building.

Sec. 15-1-9 Regulation and Permit for Razing Buildings.

(a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the City of Hillsboro shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.

(b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:

- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
- (2) The name, address and telephone number of the contractor(s) performing the demolition work;

- (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the City provided that a written copy of the opinion is delivered

to the City Clerk at least forty-eight (48) hours before filling of the excavation commences.

- (4) After all razing operations have been completed, the foundation shall be filled at least six (6) inches above the adjacent grade, the property raked clean, and all debris hauled away. All resulting vacant areas shall be properly graded and seeded or planted to restore it to a natural condition. Other restoration plans may be accepted by the Common Council.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
 - (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
 - (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
 - (3) All debris must be hauled away at the end of each day for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
 - (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
 - (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-10 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close

proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.

- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than forty-five (45) days shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0703, Wis. Stats.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks of delivery/placement.

Sec. 15-1-11 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City of Hillsboro and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains

15-1-11

and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (c) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City of Hillsboro to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his/her designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Sec. 15-1-12 Regulations for Moving Buildings.

(a) **General Requirements.**

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the City of Hillsboro without first obtaining a permit therefor from the Building Permit and upon the payment of the required fee to the City Clerk. Every such permit issued by the Building Inspector for building moving shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by the Public Works Operator with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City of Hillsboro, shall be paid to the Building Inspector or Clerk prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Common Council.

- (b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the City that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted

to repair, alter or move such building within or into the City of Hillsboro. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the City Assessor.

- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the City Clerk, who shall direct City Public Works personnel to inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the City of Hillsboro and to establish it upon a location within the City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the City of Hillsboro to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **Bond.**
 - (1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Hillsboro in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal

15-1-12

sureties to be approved by the City of Hillsboro or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) **Insurance.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary. The City of Hillsboro shall be an additional named insured.
- (h) **Common Council Approval.**
 - (1) No such permit shall be issued unless it has been found as a fact by the Common Council by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the City or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Common Council,

which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Common Council, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the City of Hillsboro. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Common Council to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the City. The Common Council may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Common Council shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of City Clerk who shall send a copy of it to the Building Inspector.

Sec. 15-1-13 Construction Sites; Maintaining Clean Streets.

City streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The City of Hillsboro will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-7.

Sec. 15-1-14 Duplex Service Connections.

Each unit of a duplex shall have separate water and sewer service connections.

Sec. 15-1-15 Fees.

- (a) **Building Code Fees.** Fees for building, electrical, plumbing, HVAC and other related permits shall be as established pursuant to Section 1-3-1.

15-1-15

- (b) **Double Fees.** If a required permit is not obtained prior to commencement of construction, fees shall be doubled.
- (c) **Payment of Impact Fees as Condition of Building Permit Validity.** All required impact fees, unless expressly excepted in this Section, are to be paid to the City Clerk within fourteen (14) days of the issuance of a building permit by the City of Hillsboro. Impact fee payments shall be the responsibility of the owner of record of the subject parcel at the time the impact fee is imposed on that parcel.

Sec. 15-1-16 Penalties and Violations.

- (a) **Violations.** Any building or structure in the City of Hillsboro erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of Section 1-1-7 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) **Compliance; Penalties.**
 - (1) **Notice of Noncompliance.** If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.21, Wis. Adm. Code.
 - (2) **Stop-Work Orders.** If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) **Each Day a Separate Offense.** Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City of Hillsboro from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

- (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter, the Uniform Dwelling Code, or other applicable Codes adopted and incorporated in this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) **Appeals.**
 - (1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the UDC Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.
 - (2) **Board of Appeals Review.** Any person feeling aggrieved by an order or a determination of the Building Inspector and/or other City official administering this Chapter may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Hillsboro charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Hillsboro as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

SECTION II. SEVERABILITY.

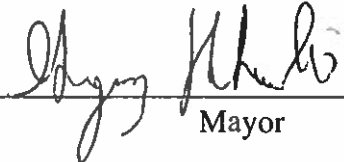
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 21st day of October, 2019.

CITY OF HILLSBORO, WISCONSIN



Mayor



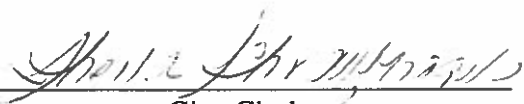
City Clerk

INTRODUCED: _____
ADOPTED: 10/21/2019
PUBLISHED: 10/30/2019

State of Wisconsin:
County of Vernon:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the City of Hillsboro Common Council on the 21st day of October, 2019 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 21st day of October, 2019



City Clerk

ORDINANCE No. 03-2019

**AN ORDINANCE REGARDING LOCAL JURISDICTION OVER
COMMERCIAL ELECTRICAL INSTALLATIONS AND INSPECTIONS**

The Common Council of the City of Hillsboro, Vernon County, Wisconsin, do ordain as follows:

SECTION I. AMENDMENT OF PROVISIONS.

Section 15-1-4 of the City of Hillsboro Code of Ordinances is amended to read as follows:

**Sec. 15-1-4 Commercial Electrical Wiring Installations
Jurisdiction; Construction Codes Adopted.**

- (a) **State Electrical Code Adopted – One- and Two-Family Dwellings.**
- (1) SPS 324, Wis. Adm. Code, and the current version of the National Electric Code, are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings. Any future amendments, revisions and/or modifications of said SPS 324, Wis. Adm. Code, provisions are intended to be made a part of this Chapter.
 - (2) Subject to any exceptions set forth in this Chapter, the Electrical Code, Volume 1 and Rules of the Electrical Code, Volume 2 of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Chapter and shall apply to all buildings, except those covered in Subsection (a)(1) above.
- (b) **Local Jurisdiction – Commercial Electrical Wiring Installations and Inspections.**
- (1) SPS 316, Wis. Adm. Code, is hereby adopted by reference in its entirety and made a part of this Chapter. Any future amendments, revisions and/or modifications of said SPS 316, Wis. Adm. Code, provisions adopted by reference are intended to be made a part of this Chapter.
 - (2) Per SPS 316.011(1), Wis. Adm. Code, the City of Hillsboro elects to locally exercise jurisdiction over the permitting and inspections of commercial electrical wiring installations, alterations, reconstructions and extensions involving:
 - a. Public buildings;
 - b. Farms;

- c. Places of employment;
 - d. Campgrounds;
 - e. Recreational vehicle parks;
 - f. Public marinas, piers, docks, and wharves;
 - g. Manufactured home communities; and
 - h. Other locations as established by local ordinance.
- (c) **State Plumbing Code Adopted.**
- (1) The provisions and regulations of Ch. 145, Wis. Stats., and H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, are hereby adopted and made a part of this Chapter by reference and shall extend over and govern the installation of plumbing installed, repaired or altered in the City of Hillsboro.
 - (2) Any future amendments, revisions and/or modifications of said Wisconsin Statutes and Wisconsin Administrative Code herein adopted by reference are intended to be made a part of this Chapter.
- (d) **Portions of State Commercial Building Code Adopted.** SPS 360 through SPS 366, Wis. Adm. Code, (Wisconsin Commercial Building Code) are hereby adopted by reference and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said SPS 360-366, Wis. Adm. Code, incorporated herein by reference are intended to be made part of this Chapter.

SECTION II SEVERABILITY.

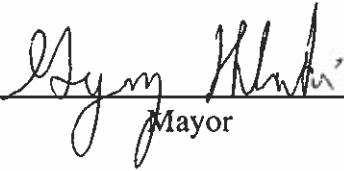
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision had not been adopted.

SECTION III EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 21st day of October, 2019.

CITY OF HILLSBORO, WISCONSIN



Mayor



City Clerk

INTRODUCED: _____

PASSED: 10/21/2019

PUBLISHED: 10/30/2019
(POSTED)

State of Wisconsin :
County of Vernon:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Common Council of the City of Hillsboro on the 21st day of October, 2019, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 21st day of October, 2019



City Clerk



**CITY OF HILLSBORO
ORDINANCE NO. 01-2020**

AN ORDINANCE ANNEXING CERTAIN TERRITORY AND INCORPORATING THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HILLSBORO, PURSUANT TO THE PROVISIONS OF WISCONSIN STATUTES, SECTION 66.0223.

Whereas, the City of Hillsboro is the owner of the territory described in the attached Exhibit "A" which is located in the Town of Hillsboro, Vernon County, Wisconsin, and desires to annex said property and incorporate the same within the corporate boundaries of the City of Hillsboro pursuant to Wisconsin Statutes Section 66.0223.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1.

1. Annexation of Territory.

There is hereby annexed to the City of Hillsboro, County of Vernon, State of Wisconsin, and incorporated within the corporate boundaries thereof, the following territory adjoining the present corporate boundaries of the City, currently owned by the City of Hillsboro: See Exhibit "A".

2. Zoning.

The property in Exhibit "A" is to be zoned as CON-Conservancy.

3. New Corporate Limits.

The corporate limits of the City of Hillsboro are hereby extended and increased so as to include and embrace within the City of Hillsboro, the territory described in Section 1 hereof, and such territory is hereby declared to be a part of the City of Hillsboro.

4. Accuracy of Map of Annexed Territory.

A. The map attached to this ordinance as Exhibit "A" is an accurate map of the territory annexed, and such map is adopted as the official map of the territory annexed, and the City Clerk of the City of Hillsboro, is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provision of this ordinance.

B. The City Clerk of the City of Hillsboro is authorized and directed to file certified copies of this Ordinance and copies of the plat showing the boundaries of the territory annexed with the Secretary of Administration and other appropriate offices and departments as required by Wis. Stat. sec. 66.0223.

5. Population.

The Board has determined that the population of the annexed territory is zero (0).


Section 2.

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

Passed and approved on this 18th day of May, 2020.

APPROVED:

ATTEST:



 Greg Kubarski, Mayor



 Sheila Schraufnagel, City Clerk

Adopted: May 18, 2020.

Published: May 20, 2020.

STATE OF WISCONSIN }
 } SS.
 COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 18th day of May, 2020 and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 18th day of May, 2020.



 Sheila Schraufnagel, City Clerk



Ordinance #02-2020
City of Hillsboro

AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 7.2.31 OF THE
CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN

WHEREAS, a recent change to Wis. Stats Sec. 125.17 allows the Common Council to authorize a designated municipal official to issue operator's licenses; and,

WHEREAS, the Common Council determines that authorizing the City Clerk to issue operator's licenses in certain circumstances will improve the efficiency of City government.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO,
VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 7.2.31 of the Code of Ordinances of the City of Hillsboro shall be repealed, amended, and recreated to read as follows:

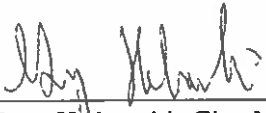
Section 7.2.31 Procedure for Operator's License Issuance

- (a) Application for an operator's licenses shall be made in writing on forms to be obtained from the City Clerk. Applicants must be eighteen (18) years of age or older. Operator's licenses issued under this section are only valid within the City of Hillsboro.
- (b) All applications are subject to a background investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant has complied with all regulations, ordinances, and laws that substantially relate to the licensed activity. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided or held an operator's license concerning the applicant's arrest and conviction record for offenses that may substantially relate to the licensed activity.
- (c) If the result of the background investigation discloses no record of offenses that may substantially relate to the licensed activity and the Chief of Police recommends approval, the City Clerk may issue the operator's license to the applicant as the authorized designee of the Common Council.
- (d) If the background investigation discloses an arrest and conviction record with offenses that may substantially relate to the licensed activity, the City Clerk shall forward the application to the Common Council for approval or denial.

Passed by the Common Council of the City of Hillsboro on the 18th day of May, 2020.

Approved by the City Mayor on the 18th day of May, 2020.

APPROVED:


Greg Kubarski, City Mayor

ATTEST:


Sheila Schraufnagel, City Clerk

Adopted: May 18, _____, 2020.


Published: May 20, _____, 2020.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 18th day of May, 2020, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 18th day of May, _____, 2020 .



City Clerk



CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN

ADOPTION OF RESIDENTIAL AND COMMERCIAL BUILDING CODES

ORDINANCE NO. 03 - 2020

The Common Council of the City of Hillsboro, Vernon County, Wisconsin, do ordain as follows:

Section 15.1.2 (a) (1) - Permit Required

No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.

- 1) The construction which shall require a building permit includes, but is not limited to:
 - a) New 1 & 2 family and commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
 - b) Additions increase the physical dimensions of a building including decks.
 - c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
 - d) Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit except as noted below.
 - e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
 - f) Any HVAC for new construction or remodeling.
 - g) Any plumbing for new construction or remodeling.
 - h) Any new or re-wired electrical service, including services for agricultural buildings.

Section 15.1.3 (a) (1) - Adoption of State Codes

- 1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

Section 15.1.17 - Certified Municipality Status

- 1) Certified Municipality. The City has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

- a) Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.

- b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 1. A new building or structure containing less than 50,000 cubic feet of total volume.
 2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 4. An alteration of a space involving less than 100,000 cubic feet of total volume.
 5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 6. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

- c) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
 1. Building permit application
 2. Application for review - SBD-118
 - a. Fees per Table SPS 302.31-2 and SPS 302.31
 - b. Fees apply to all commercial projects
 3. Four sets of plans
 - a. Signed and sealed per SPS 361.31
 - b. One set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance

Section 15.1.18 - Building-HVAC-Electrical-Plumbing Inspector

- 1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- 2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the

Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

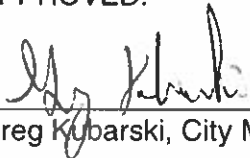
Section 15.1.16 - Violations and Penalties

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Passed by the Common Council of the City of Hillsboro on the 21st day of September, 2020.

Approved by the City Mayor on the 21st day of September, 2020.

APPROVED:



Greg Kubarski, City Mayor

ATTEST:



Sheila Schraufnagel, City Clerk

Adopted: September 21, 2020.

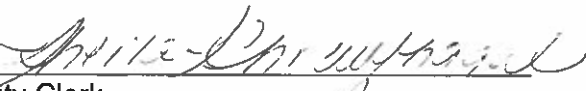
Published: September 23, 2020.

CERTIFICATION

STATE OF WISCONSIN }
 } SS.
COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 21st day of September, 2020, and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 21st day of September, 2020.



City Clerk



**Ordinance #04-2020
City of Hillsboro**

**AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 7.4.1 – 7.4.10 OF
THE CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN RELATING
TO THE REGULATION OF TRANSIENT MERCHANTS AND MOBILE FOOD
ESTABLISHMENTS**

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO,
VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 7.4.1 – 7.4.10 of the Code of Ordinances of the City of Hillsboro shall be repealed, amended,
and recreated to read as follows:

Section 7.4.1 Registration Required.

The purpose of the Chapter is to protect the residents of the City of Hillsboro in direct consumer transactions and solicitation activities. It shall be unlawful for any person, business or organization to engage in such activities within the City of Hillsboro without being registered for that purpose as provided herein.

Section 7.4.2 Definitions.

In this Chapter the following definitions shall be applicable:

- (a) **Transient Merchant.** Any individual who engages in the retail sale of merchandise at any place in the City of Hillsboro temporarily, and who does not intend to become a permanent merchant of such place. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other the sale of produce or other perishable at retail or wholesale products by a resident of this state.
- (b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
 - (1) Has continuously operated an established place of business within the City of Hillsboro; or
 - (2) Has continuously resided in the City and does business from his/her residence.
- (c) **Merchandise.** Personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations

required by the seller for the retention of merchandise by a donor or prospective customer.

- (d) **Charitable Organization.** Shall include any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such registered under Sec. 440.42, Wis. Stats. Examples are, but not limited to, Boy/Girl Scouts, United Way, American Heart Association, etc.
- (e) **Clerk.** The City of Hillsboro Clerk or their designee.

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- (f) **Person.** All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.
 - (g) **Solicitor.** Any person who plans, conducts, manages, or carries on any campaign or drive in the City of Hillsboro for the purpose of soliciting contributions, travels from residence to residence for or on behalf of any charitable organization or other person, organization, or who engages in the business of, or holds himself/herself out to persons in the State as independently engaged in the business of soliciting contributions for such purpose.
 - (h) **Goods.** Personal property of any kind, and shall include goods provided incidental to services offered or sold.
 - (i) **Direct Seller.** Any individual who, for himself/herself, or for a partnership, association, organization or business, sells goods or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association, organization or business, and shall include, but not be limited to, peddlers and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a prospective customer or donor.

Section 7.4.3 Exemptions.

The following shall be exempt from all provisions of this Chapter:

- (a) **Regular Delivery Routes.** Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) **Wholesalers.** Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) **Agricultural Products.** Any person selling Wisconsin agricultural products which the person has grown;
- (d) **Deliveries by Permanent Merchants.** Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) **Requested Home Visits.** Any person who has an established place of business where the merchandise being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) **Prior Sales Transactions.** Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) **Services Not Offering Merchandise.** Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) **Auctions; Sales Authorized by Statute.** Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) **Charitable Organizations; Limited Exemption.** Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization shall be exempt from fees imposed by this Chapter, provided that there is submitted to the City Clerk proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., and the charitable solicitors register with the City under this Chapter. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) **Alleged Transient Merchants.** Any person who claims to be a permanent merchant, but

against whom complaint has been made to the City Clerk that such person is a transient merchant, provided that there is submitted to the City Clerk proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this City for at least one (1) year prior to the date complaint was made.

- (k) **Persons Licensed by Examining Boards.** Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) **City Authorized Events.** This Chapter does not apply to transient merchants while doing business at special events authorized by the Common Council.
- (m) **Resident Minors; School Extracurricular Activities Fundraising.** Minors under the age of eighteen (18) who are residents of the Hillsboro School District, and any other person regardless of age who is a participant in or is raising money for local school extracurricular programs, youth programs, or local sports organizations.
- (n) **School Fundraising.** Any groups or individual selling merchandise for the primary purpose of raising funds for a public or private school engaged in the education of children from kindergarten through high school or any extracurricular group affiliated with such a school.
- (o) **Estate Sales.** Any family member holding an estate sale of the personal property of a deceased member of their family.
- (p) **Garage Sales.** Any person holding an occasional sale of personal property items from their residence.
- (q) **Political or Religious Activities.** Any individual engaged in proselytizing, canvassing, campaigning or pamphleteering regarding political or religious views and not engaged in selling any merchandise or soliciting any funds or services.

Section 7.4.4 Registration.

It shall be unlawful for any direct seller, transient merchant or solicitor to engage in direct sales or solicitation for contributions of money or other items of value within the City of Hillsboro without registration as provided herein:

- (a) **Registration Information.** Applicants for registration must complete and return to the City Clerk a registration form furnished by the Clerk which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant represents or is employed by, or whose merchandise is being sold;
 - (4) Temporary address and telephone number from which business will be conducted, if any;
 - (5) Copy of current driver's license or other form of current photographic identification;
 - (6) Nature of business to be conducted and a brief description of the merchandise offered and any services offered;
 - (7) Proposed method of delivery of merchandise, if applicable;
 - (8) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (9) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (10) Place where applicant can be contacted for at least seven (7) days after leaving this City;
 - (11) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offense and the place of conviction.
- (b) **Identification and Certification.** Applicants shall present to the City Clerk for examination:
 - (1) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (2) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.

(c) Registration Fee.

- (1) At the time of filing applications, a total fee set by the City Council from time to time shall be paid to the City Clerk to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form. The primary applicant shall pay a registration fee plus a CIB investigation fee as set by the City Council; each assistant under the application shall also be required to pay the CIB fee.
- (2) The applicant shall sign a statement appointing the City Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fee and the signing of said statement, the City Clerk shall register the applicant as a transient merchant and date the entry. Registration fees shall be paid prior to the registration and prior to sales or solicitation activities starting. The registration fee shall be doubled in the event such activity commenced prior to registration approval.
- (4) Said registration shall be valid for a period of thirty (30) days from the date of entry, subject to subsequent refusal as provided in Sec. 7.4.5(b) below.
- (5) No registration fee shall be charged to a charitable organization, its agents or employees. Solicitors of funds or donations for charitable or other organizations from outside Vernon County shall comply with all disclosure and registration requirements above, but shall be exempt from the registration fee; such applicants, however, shall each pay the CIB fee.

Section 7.4.5 Investigation.

- (a) Upon receipt of each application, the City Clerk may refer it immediately to the Police Department for an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral. (Note: This waiting period is necessary in order to complete the investigation process).
- (b) The City Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7.4.4(b) above.

Section 7.4.6 Appeal.

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Common Council or, if none has been adopted, under the provisions of Secs. 68.07 through 68.16, Wis. Stats.

Section 7.4.7 Regulation of Sales or Solicitation Practices.

- (a) **Prohibited Practices.** Transient merchants, direct sellers and solicitors shall:
- (1) ***Sales Prohibited.*** A transient merchant shall be prohibited from calling at any dwelling or other place on Sundays or holidays or between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
 - (2) ***Misrepresentation.*** A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise being offered will be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
 - (3) ***Use of Public Property.*** No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
 - (4) ***Sales From Private Property.*** Without express approval from the Common Council, sales activities shall not be conducted from a public right-of-way or public parking lot. Sale of items from private property shall only be as permitted by the City Zoning Code. Other than for occasional garage sales, any person engaged in temporary sales activity from private property shall be required to first register as required by Sections 7.4.4 and 7.4.5; included in, but not limited to, such regulated activities are sales of Christmas trees, food products, fireworks, art works and sports paraphernalia.
 - (5) ***Noise.*** No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
 - (6) ***Refuse.*** No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.
- (b) **Disclosure Requirements.**

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- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
 - (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Secs. 423.203(1), (2) and (3), Wis. Stats.
 - (3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (c) **Farm Produce and Other Merchandise Sold on Public Property.**
- (1) No person may display, market or sell farm or garden produce, or other merchandise on City streets, alleys, sidewalks or public property within the City except:
 - a. Vendors or exhibitors selling produce and similar food products at City-sponsored Farmers Markets.
 - b. Vendors or exhibitors in connection with a special civic function or otherwise sanctioned by the Common Council.
 - c. Vendors that are issued a Special Event Vending Permit.
- (d) **Special Event Vending Permit.**
- (1) **Permit Required.** There shall be a daily charge as set by the City Council for a special event vending permit. The Common Council will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.
 - (2) **Exclusive Vending Rights During Special Events.**
 - a. During a special event the Common Council may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Common Council for the special event.
 - b. To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Common Council may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Common Council shall take precedence.
 - c. For each such specific day during which certain or all vending permits have been declared to be not valid, the Common Council may by separate resolution and after public hearing, authorize the sponsor of a special event to select

vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Common Council at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Common Council as to any specific day during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.

- d. No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.

Section 7.4.9 Mobile Food Establishments.

- (a) **Purpose.** The purpose of this Section is to establish standards for mobile food vending activities with the objective of protecting the public health, safety, and welfare, while accommodating a variety of commercial uses within appropriate areas of the City of Hillsboro which promote an active and social pedestrian, business, and tourism environment. This section also recognizes the importance of conventional restaurant establishments (“brick and mortar”) in the City given their investment, property taxes generated, and the ongoing vitality of the community; such establishments are generally open to serve the needs of the public throughout the calendar year. An overall objective of this Section is to provide a positive business climate in the City of Hillsboro which provides fair business opportunities for both conventional fixed location restaurants and mobile food vending operations offering the public a variety of food choices.
- (b) **Permit Required.** No person shall operate a mobile food establishment in the City of Hillsboro without obtaining a permit under this Section.
- (c) **Definitions.**
 - (1) **Mobile Food Establishment.** A restaurant or retail food establishment as the term defined in Wis. Stats. §97.30(1)(c) where food is sold to members of the general public from a movable vehicle, push cart, trailer, or boat which periodically or continuously changes location including movable concession stands and similar temporary stations not operating from a permanent building licensed as a restaurant including those designed to operate as temporary food establishments or traveling retail food establishments as those terms are used in Wis. Admin. Code Chap. §ATCP 75 “Appendix” (the “Wisconsin Food Code”). Mobile food establishment does not include a vehicle which is used solely to transport or deliver food, a common carrier regulated by the state or federal government, or an establishment under hire, contract or special request to provide food service to a private group, organization or business and is not serving to members of the general public provided the establishment is in full compliance with all state and county food and health code requirements.
 - (2) **Mobile Desserts Establishment.** A mobile food establishment that serves individual portions of ice cream, ice milk, frozen custard, frozen yogurt, dessert mix, sundaes, or other frozen desserts that are prepackaged and totally enclosed in a wrapper or container having been manufactured, prepared or wrapped in a licensed food establishment.
- (d) **License Application Requirements.**
 - (1) Applications to operate a mobile food establishment unit shall be filed by the owner of the unit with the City Clerk on a form prescribed by the City Clerk. Applications shall provide the following information:
 - a. Name, address and telephone number of the person, firm, association or corporation that owns the unit.
 - b. Birth date, height, weight, color of hair and eyes of the applicant.
 - c. The length of time for which the right to conduct business is desired.
 - d. Make, model and license number of any vehicle to be used in the operation of the unit.
 - e. A statement as to whether the applicant has been arrested or convicted of any crime or ordinance violation as well as the nature of each offense and the place of arrest or conviction, if applicable.

- f. The location or locations from which the unit will be operated.
 - g. A copy of the applicant's valid food and beverage license issued by the State of Wisconsin or agent health department.
 - h. The three locations where applicant conducted business immediately preceding the application including identification of any licenses or permits required and the governmental entity that issued such license or permit.
 - i. A copy of any authorization required under subsection.
 - j. A driver's license or some other proof of identity as may be reasonably required.
- (2) **Background Investigation.** Upon receipt of the application, the City Clerk shall forward the application to the Police Department and/or any other applicable municipal departments to review the application, conduct a background investigation, and make a recommendation regarding issuance of a license.
- (3) **Application Determination.** Following review of the application for compliance with the requirements of this Section and receipt of law enforcement authority's recommendation, the City Clerk shall issue the mobile food establishment license, deny the application, or issue with conditions.
- (4) **Application Denials.** An application for a mobile food establishment license may be denied when it is determined that:
- a. The application contains material omission or materially inaccurate statement.
 - b. The applicant is under eighteen (18) years of age.
 - c. The applicant has been convicted of any felony, misdemeanor, or ordinance offense which substantially relates to the licensed activity.
 - d. The circumstances of a pending criminal charges against the applicant substantially related to the licensed activity.
 - e. The applicant has failed to comply with any regulatory requirement of this Section and that, in the City's sole discretion, there is a public safety, health, or general welfare reason that supports the denial of the license application.
 - f. Complaints of a material nature have been received against the applicant in other communities in which the applicant conducted similar business.
- (5) **Appeals.** If the City Clerk denies an application for a mobile food establishment license, the applicant may file a written appeal request with the City Clerk within fifteen (15) days after the City has mailed a notice of denial to the applicant. If the applicant files a timely appeals request, the City Clerk shall schedule an appeals hearing before the Common Council, or designated committee thereof. Following such hearing, the Common Council, or designated committee thereof, may only approve the application of appeal if the applicant is qualified under this Section, and conditions may be placed on such approval.
- (6) Permits may be issued on an annual basis, effective from January 1 through December 31 of the same year, or on a single event basis. Permits issued on a single event basis, if operating as part of a Special Event Vending permitted under section 7.4.7(d) shall be effective for the duration of the Special Event. Single event permits for operations not contractually connected to a Special Event under section 7.4.7 (d) may be effective for a period not exceeding 48 consecutive hours.
- (7) The permit fee shall be as established by the Common Council.
- (e) **Regulations.** Mobile food establishment units operating within the City of Hillsboro shall comply with all of the following:
- (1) Mobile food establishments shall comply with all state and county food and health code requirements applicable to the unit and related food and beverage license.

- (2) All state, county and City of Hillsboro permits shall be conspicuously displayed on the mobile food establishment while in operation.
 - (3) Mobile food establishment units shall not obstruct any public street, sidewalk, trail access or visibility of cross walks, street corners, driveways or intersections and operators shall take affirmative steps to direct unit customers waiting for service to refrain from causing any such obstructions.
 - (4) Mobile food establishments shall only operate in Common Council-designated public right-of-way locations or municipal parking lots. Such locations are not reserved and may be used on a "first come/first used" basis. Mobile food establishments shall at all times comply with applicable traffic and parking regulations in such locations.
 - (5) Mobile food establishments may operate from any space on private property where permitted by the property owner and which does not otherwise create a traffic hazard.
 - (6) Mobile food establishments may operate from any space on private property only in non-residential properties zoned commercial or industrial.
 - (7) Mobile food establishments shall not operate in public parks, boat landings and recreational areas unless permitted under a Special Event Vending Permit in Section 7.4.7(d), or as authorized as part of a community, civic, or promotional event specifically authorized by the Common Council.
 - (8) Mobile food establishments shall operate only between the hours of 7:00 a.m. and 10:00 p.m.
 - (9) Mobile food establishments shall provide at least one leak proof container for the deposit of waste. Mobile food establishment operators are required to remove or otherwise properly dispose of all waste, liter or garbage generated by their operations and patrons on a daily basis including that which may be reasonably seen from the location of operation on the ground or otherwise not in a proper disposal container.
 - (10) Licensed mobile food establishment operator must be present at all times when the unit is in operation.
 - (11) Mobile dessert establishments (i.e., ice cream trucks) may vend curbside from public right-of-way locations in any zoning district. Mobile dessert establishments shall comply with all other licensing, fees and regulatory provisions of this Section.
- (f) **Exemptions.** No permit shall be required for a mobile food establishment operating in authorized events as identified in this subsection. Notwithstanding this subsection, mobile food establishments shall comply with all of the regulations set forth in subsection unless the regulation is inconsistent with any approval granted by the City of Hillsboro for the authorized event triggering the exemption. Mobile food establishments exempt from the permit requirement of this section are those mobile food establishments:
- (1) Operated by tax-exempt, non-profit organizations granted exemption under Section 501(c)(3) of the Internal Revenue Service Code or other educational institutions, churches, religious, educational or benevolent associations or youth organizations operating not for profit for local benefit for the area including, but not limited to, the City of Hillsboro, to raise funds for such purposes.
 - (2) Operated by the City of Hillsboro.
 - (3) Not required to obtain a license under Wis. Admin. Code §ATCP 75.09(9).

Section 7.4.10 Suspension or Revocation of Registration and Permits.

- (a) Registration and permits may be revoked by a City law enforcement officer, Mayor, City Administrator or City Clerk if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling or solicitation.
- (b) Provided a written request is filed with the City Clerk within ten (10) days of such revocation, an appeals hearing shall be held before the Common Council or committee thereof. Written notice of the hearing shall be served personally or pursuant to Section 7.4.4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.
- (c) The Police Department shall report to the City Clerk all convictions for violations of this Chapter and the City Clerk shall note any such violation on the record of the registrant convicted.

Section 7.4.10 Penalties.

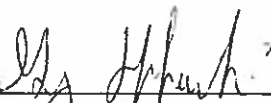
- (a) **Penalties.** A licensee who violates any provisions of this Chapter, or any condition of license, regulation or order made hereunder, shall be subject to penalties found in Section 1.1.7, and be subject to possible license suspension or revocation.

Passed by the Common Council of the City of Hillsboro on the 21st day of September, 2020.

Approved by the City Mayor on the 21st day of September, 2020.

APPROVED:

ATTEST:



 Greg Kubarski, City Mayor



 Sheila Schraufnagel, City Clerk

Adopted: September 21, 2020.

Published: September 23, 2020.

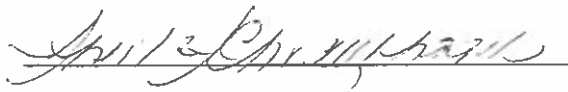
CERTIFICATION

STATE OF WISCONSIN }
 } SS.
 COUNTY OF VERNON }

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Hillsboro on the 21st day of September, 2020, and that said Ordinance has not been repealed or

amended, and is now in full force and effect.

Dated this 21st day of September, 2020.

A handwritten signature in cursive script, appearing to read "April E. ...", written over a horizontal line.

City Clerk



**Ordinance #01-2021
City of Hillsboro**

AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 10.1.21(a) OF THE CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN

WHEREAS, the Common Council has determined that it is in the best interest of the City to regulate heavy traffic on non-commercial alleys, and pursuant to the authority under sec. 349.17, Wis. Stats., the Council desires to place additional restrictions on heavy traffic in non-commercial alleys.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 1. Section 10.1.21(a) of the Code of Ordinances of the City of Hillsboro, under the heading "Definition" shall be amended to read as follows:

- (a) **Definitions.** For purposes of this section,
 - (1) "Heavy traffic" shall be defined as any vehicle or combination of vehicles that satisfies all of the following criteria:
 - a. Does not operate completely on pneumatic tires;
 - b. Is designed or used for transporting property of any nature that either:
 - (i) Has a gross weight of more than fifteen thousand (15,000) pounds; or
 - (ii) If traveling on a non-commercial alley, has a gross weight of more than eight thousand (8,000) pounds.
 - c. Is not a motor bus, school bus, or recreational motor home vehicle.
 - (2) "Non-commercial alley" shall mean any alley that does not abut or provide access to a property legally used for commercial purposes.

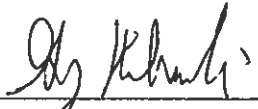
Section 2. This ordinance shall be effective when passed and published as required by law.

Passed by the Common Council of the City of Hillsboro on the 19th day of July, 2021.

Approved by the City Mayor on the 19th day of July, 2021.

APPROVED:

ATTEST:



Greg Kubarski, City Mayor



Sheila Schraufnagel, City Clerk

Adopted: July 19, 2021.

Published: July 28, 2021.



**Ordinance #02-2021
City of Hillsboro**

**AN ORDINANCE TO REPEAL, AMEND, AND RE-CREATE SECTION 10.1.21(a) OF
THE CODE OF ORDINANCES OF THE CITY OF HILLSBORO, WISCONSIN**

WHEREAS, the Common Council has determined that it is in the best interest of the City to regulate heavy traffic on non-commercial alleys, and pursuant to the authority under sec. 349.17, Wis. Stats., the Council desires to place additional restrictions on heavy traffic in non-commercial alleys.

NOW, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HILLSBORO, VERNON COUNTY, WISCONSIN, AS FOLLOWS:

Section 1. Section 10.1.21(a) of the Code of Ordinances of the City of Hillsboro, under the heading "Definition" shall be amended to read as follows:

- (a) **Definitions.** For purposes of this section,
- (1) "Heavy traffic" shall be defined as any vehicle or combination of vehicles that either:
 - a. Does not operate completely on pneumatic tires; or
 - b. Is designed or used for transporting property of any nature that either has a gross weight of more than fifteen thousand (15,000) pounds or if traveling on a non-commercial alley, has a gross weight of more than eight thousand (8,000) pounds, and is not a motor bus, school bus, or recreational motor home vehicle.
 - (2) "Non-commercial alley" shall mean any alley that does not abut or provide access to a property legally used for commercial purposes.

Section 2. This ordinance shall be effective when passed and published as required by law.

Passed by the Common Council of the City of Hillsboro on the 16th day of August 2021.

Approved by the City Mayor on the 16th day of August 2021.

APPROVED:



Greg Kubarski, City Mayor

ATTEST:



Sheila Schraufnagel, City Clerk

Adopted: August 16, 2021.

Published: August 25, 2021.



**City of Hillsboro
Ordinance Number 03-2021**

AN ORDINANCE ADOPTING NEW ALDERMANIC DISTRICTS IN THE CITY OF HILLSBORO.

WHEREAS, Per Wis. State Stat. 62.08, the City of Hillsboro shall redistrict the boundaries of its aldermanic districts, so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population; and

WHEREAS, Per Wis. State Stat. 5.15, the City of Hillsboro must adopt aldermanic districts with each proposed division specifying the approximate location of the territory from which each ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.

NOW THEREFORE, BE IT ORDAINED, that the City of Hillsboro, Vernon County does hereby create and adopt the following aldermanic districts:

BE IT FURTHER ORDAINED, by the City Council of the City of Hillsboro, that all elections hereafter conducted in the City, Wards 1, 2, 3, and 4 shall be combined, pursuant to the provisions of 5.15(6)(b), Stats. for the purpose of facilitating the use of a common polling place for all 1, 2, 3, and 4 wards, 123 Mechanic Street.

Ward 1/Aldermanic District 1. with a population of 352 - That part of the City of Hillsboro lying northerly of a line commencing at the intersection of Wernick Avenue and County Road F (a.k.a. Mitscher Avenue), then south on County Road F (Mitscher Avenue) to Maple Street, thence east on Maple Street to Park Avenue, thence south on Park Ave to Mechanic Street, thence southeast on Mechanic Street to Pine Avenue, thence northeast on Pine Avenue to Madison Street, thence southeast on Madison Street to High Avenue, thence northeast on High Avenue to State Street, thence southeast on State Street to State Highway 33 (a.k.a. Water Avenue), thence northeast on State Highway 33 (Water Avenue) to the north border of the City of Hillsboro; and also a non-contiguous parcel of land located in the NW ¼-NW ¼ and NE ¼-NW ¼, Section 25, T14N, R1E, City of Hillsboro, Vernon County, Wisconsin, which is bounded by a line described as follows: Beginning at the northwest corner of Section 25, T14N, R1E; thence N88°14'21"E, 1269.87 feet along the north line of the NW ¼-NW ¼ of Section 25, T14N, R1E; thence S0°12'57"E, 66.02 feet; thence N88°14'21"E, 136.51 feet; thence S47°54'41"E, 1625.56 feet; thence S0°22'23"E, 47.81 feet to the northerly right-of-way of County Road "HH"; thence along the arc of a curve on said northerly right-of-way, concave to the north, having a radius of 1604.10 feet (the chord of which bears S81°08'50"W, 247.18 feet) a distance of 247.42 feet;

thence S85°31'58"W, 148.13 feet along said northerly right-of-way; thence along the arc of a curve on said northerly right-of-way, concave to the south, having a radius of 11493.14 feet (the chord of which bears S84°51'52"W, 268.08 feet) a distance of 268.09 feet; to the easterly line of lands recorded in Vernon County Register of Deeds Document #280885; thence N8°05'32"W, 161.44 feet along the easterly line of said lands to the northeast corner thereof; thence S81°42'37"W, 214.47 feet along the north line of said lands to the northwest corner thereof; thence S4°13'06"W, 158.84 feet along the west line of said lands to a point on the north right-of-way line of said County Road "HH"; thence along the arc of a curve on said northerly right-of-way, concave to the south, having a radius of 531.22 feet (the chord of which bears S74°25'35"W, 31.18 feet) a distance of 31.19 feet to the south line of the NE ¼-NW ¼ of said Section 25 ; thence S88°14'45"W, 336.73 feet along said south line to the southwest corner thereof; thence S88°14'45"W, 1339.52 feet along the south line of the NW ¼-NW ¼ of said Section 25 to the southwest corner of said NW ¼-NW ¼; thence N0°03'32"W, 1321.89 feet along the west line of said NW ¼-NW ¼ to the point of beginning.

Ward 2/Aldermanic District 2, with a population of 312 – That part of the City of Hillsboro bounded by the following line: commencing at the intersection of Wernick Avenue and County Road F (a.k.a. Mitscher Avenue), then south on County Road F (Mitscher Avenue) to Maple Street, thence east on Maple Street to Park Avenue, thence south on Park Ave to Mechanic Street, thence southeast on Mechanic Street to Pine Avenue, thence southwest on Pine Avenue to Spring Street, thence southeast on Spring Street to High Avenue, thence southwest on High Avenue to Lake Street, thence northwest on Lake Street to Klondike Avenue, thence north on Klondike Avenue to the north border of the City of Hillsboro.

Ward 3/Aldermanic District 3, with a population of 318 – That part of the City of Hillsboro bounded by the following line: commencing at the west border of the City of Hillsboro where it intersects with State Highway 80 (a.k.a. Water Avenue), thence easterly on State Highway 80 (Water Avenue) to High Avenue, thence northeast on High Avenue to Lake Street, thence northwest on Lake Street to Klondike Avenue, thence north on Klondike Avenue to the north border of the City of Hillsboro.

Ward 4/Aldermanic District 4, with a population of 415 – That part of the City of Hillsboro lying southerly and easterly of the following described line: commencing at the west border of the City of Hillsboro where it intersects with State Highway 80 (a.k.a. Water Avenue), thence easterly on State Highway 80 (Water Avenue) to High Avenue, thence northeast on High Avenue to Spring Street, thence northwest on Spring Street to Pine Avenue, thence northeast on Pine Avenue to Madison Street, thence southeast on Madison Street to High Avenue, thence northeast on High Avenue to State Street, thence southeast on State Street to State Highway 33 (a.k.a. Water Avenue), thence northeast on State Highway 33 (Water Avenue) to the north border of the City of Hillsboro.

BE IT FURTHER ORDAINED, by the City Council of the City of Hillsboro, that all elections hereafter conducted in the City, Wards 1, 2, 3, and 4 shall be combined, pursuant to the provisions of 5.15(6)(b), Stats. for the purpose of facilitating the use of a common polling place for all 1, 2, 3, and 4 wards. 123 Mechanic Street.

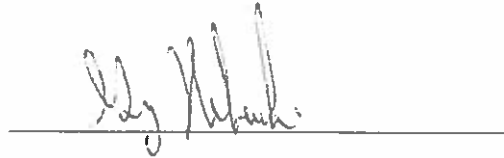
PASSED AND ADOPTED this 15th day of November, 2021.

ATTEST:

APPROVED:



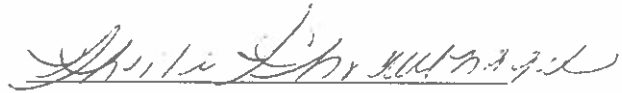
SHEILA SCHRAUFNAGEL, City Clerk



GREG KUBARSKI, Mayor

CERTIFICATION

I hereby certify that the above RESOLUTION was duly adopted by the Common Council of the City of Hillsboro, Vernon County, Wisconsin, by at least a majority vote of the members-elect of the Common Council on the 15th day of November, 2021, and approved by the Mayor on the 15th day of November, 2021.



Sheila Schraufnagel, City Clerk

