

VILLAGE OF FREMONT
ORD 24-02

AN ORDINANCE TO AMEND AND DELETE
CERTAIN SECTIONS OF THE VILLAGE OF
FREMONT CODE REGARDING REFERENCES TO
THE VILLAGE OF FREMONT POLICE
DEPARTMENT AND POSITION OF POLICE CHIEF.

THE BOARD OF TRUSTEES OF THE VILLAGE OF FREMONT HEREBY ORDAIN
AS FOLLOWS:

The following sections are hereby repealed and shall be removed from the Village Code:

Sec. 19-8 Police Committee. DELETED

Chapter 134 Police Department DELETED

Sec. 212-11 Dogs and cats running at large; untagged dogs; penalty is hereby amended to read:

Dogs and cats subject to impoundment. ~~Police officers shall attempt to capture and restrain any dog or cat running at large and any untagged dog.~~ Any public safety officer, community service specialist, humane officer or health officer may impound in the animal shelter any dog found in violation of this article.

Sec. 212-12 Duty to report animal bite is hereby amended to read:

Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the ~~Police Department~~ Village Clerk's office.

Sec. 212-13 Quarantine or sacrifice of animals suspected of biting a person or being infected with rabies is hereby amended to read:

Quarantine or sacrifice of animal. ~~A police officer~~ Any public safety officer, community service specialist, humane officer or health officer may order a dog, cat or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

Sec. 212-15 Impounding and disposition of dogs and cats is hereby amended to read:

A. Impounding of dogs and cats. A ~~police~~ public safety officer or other person restraining a dog or cat running at large shall take such animal to the Village Pound. The ~~police~~ public safety officer shall attempt to identify the dog or cat and notify the owner and shall keep a public record of all such dogs and cats impounded.

B. Release of dog or cat to owner or representative. The ~~police~~ public safety officer may release the dog or cat to the owner or his representative if:

- (1) The owner or representative gives his name and address.
- (2) For dogs, presents evidence that the dog is licensed and vaccinated against rabies.
- (3) Pays the dog's or cat's boarding fee.

C. Release of dog or cat to person other than owner. If the owner of the dog or cat is unknown or does not reclaim the dog or cat within seven days, the ~~police~~ public safety officer may release the dog or cat to a person other than the owner if such person:

- (1) Gives his name and address.
- (2) For dogs, signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

Sec. 212-17 Violations and penalties is hereby amended to read at sub. B:

B. Refusal to comply with quarantine order. An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a ~~police~~ public safety officer, the pound designated by the Village Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed 60 days.

Sec. 261-3 Duties of Chief of Police is hereby renamed and amended to read:

~~Duties of the Chief of Police. Exemptions for Certain Tax-Exempt Organizations~~

It shall be the duty of the ~~Chief of Police~~ Village Clerk or his designated officer to issue a clearance certificate for solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise who represent a bona fide organization of a charitable, veteran or religious nature, which organization has received a tax exempt or tax deduction status by the Wisconsin Department of Revenue, upon said representative furnishing the ~~Chief~~ Village Clerk or his designated officer proper credentials to act. Before issuance of said certificate of clearance, the ~~Chief~~ Village Clerk may require such evidence of business and

moral responsibility that he may deem proper, provided that such investigation permits qualified personnel to act and does not prohibit.

Sec. 290-10 Enforcement and penalties is hereby amended to read at Sub. A:

A. Enforcement. The Building Inspector is ~~and the Police Department are~~ authorized to enforce the provisions of this article.

Sec. 295-4 User's permit is hereby amended to read:

As provided in § 167.10, Wis. Stats., fireworks user's permits may be issued by the Village President or other Village official designated by the Village President. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount no less than \$1,000,000. A copy of the permit, proof of insurance and a fee of \$25 shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief ~~and the Police Department~~ at least two days before the authorized use.

Sec. 324-4 Application investigation is hereby amended to read:

The Clerk-Treasurer shall notify Waupaca County Health and Human Services ~~the Health Officer, the Chief of Police and~~ the Fire Chief of each new license and permit application, and these officials shall review such application and inspect, or cause to be inspected, the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Village Board, in writing, the information derived from such investigation. No license or permit provided for in this section shall be issued without the approval of a majority of the Village Board, and no license shall be renewed without a report from the Chief of Police. The Chief shall obtain the criminal, misdemeanor and arrest records of all applicants for liquor licenses or operator's licenses and to include the same in his report.

Sec. 324-16 Revocation and suspension of licenses is hereby amended to read at sub. B.:

~~B. Repossession of license or permit. Whenever any license or permit shall be revoked or suspended pursuant to this subsection, the Clerk-Treasurer shall notify the licensee or permittee and the Chief of Police of such revocation or suspension and the Chief of Police or his designee shall take physical possession of the license or permit wherever it may be found and file it in the office of the Clerk-Treasurer. Revocations and suspensions shall comply with § 125.12(2), Wis. Stats. The Village Clerk shall give notice of each revocation and suspension to the person whose license is revoked or suspended. Any revocation shall be recorded by the Village Clerk, and no other license may be granted within 12 months of the date of revocation to the person who license was revoked. No part of the license fee may be refunded.~~

Sec. 324-16 Revocation and suspension of licenses, Sub. C. DELETED

Sec. 338-6 Restrictions applicable to junk dealers is hereby amended to read at Sub. E:

E. Every junk dealer shall keep a record of all copper, brass, guns, watches and other valuable materials purchased with the name and address of the person from whom purchased, the kind and quantity purchased, the serial number of the item purchased, and the date of the transaction. Such record shall be entered in a book which shall be open to inspection by ~~police officers~~ Village officials at any time.

Sec. 365-2 Massage establishment license is hereby amended to read:

A. License required. No person shall carry on the business of operating a massage establishment within the Village without a valid license issued pursuant to the provisions of this chapter for each and every such place of business.

B. Application; fee. Any person desiring to obtain a license to operate a massage establishment shall apply in writing upon a form prescribed by and filed with the Clerk-Treasurer. ~~An investigation fee of \$50 shall accompany the application to defray the costs of the investigation.~~

C. License fee. ~~The license fee shall be \$50 per year. The applicant shall pay at the time of application a fee as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk.~~

~~D. Investigation Additional Information. Applications for licenses under this chapter shall be referred to the Chief of Police who shall cause an investigation to be made and shall report his findings to the Village Board.~~

E. D. Grant or denial of license. Within 30 days of receipt of an application, the Village Board shall either grant or deny a massage license. ~~The Village Board shall grant a massage license if it finds the following: Whenever an application under this article is denied, the Village Clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. The applicant may appeal the decision to a court of competent jurisdiction.~~

~~(1) The required fees have been paid.~~

~~(2) The application conforms in all respects to the provisions of this chapter.~~

~~(3) The applicant has not knowingly made a material misstatement in the application for a license.~~

~~(4) The massage establishment, as proposed by the applicant, would comply with this Code, including, but not limited to, the Village's building, zoning and health regulations.~~

~~(5) The applicant, if an individual, or any of the stockholders of a corporation or any officers or directors if the applicant is a partnership, have not been convicted of any crime involving dishonesty, fraud, deceit or immorality, within five years prior to the date of the application.[1]~~

~~(6) The applicant has not had a massage establishment license or a massage technician permit or other similar license or permit denied or revoked for cause by~~

~~this Village or any other municipality located in or out of this state within five years prior to the date of application.~~

Sec. 36504 Massage establishment operational requirements is hereby amended to read at Sub. F:

F. For purposes of ascertaining violations of this chapter and conducting routine inspections, ~~police~~ public safety officers and the Health Officer of the Village shall have the right of entry onto the premises of any massage establishment during the hours such establishment is open for business.

Ch. 376, Minors, ART. 1, Curfew DELETED

Sec. 382-6 Mobile home park requirements is hereby amended to read at sub. B.:

B. Inspection and enforcement. No park license shall be issued until the Clerk-Treasurer shall notify the ~~Chief of Police~~, the Fire Chief and the Director of Public Works of such application, and these officials shall inspect, or cause to be inspected, such application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with this Code and state administrative rules and laws applicable thereto. These officials shall furnish to the Village Board, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for which the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents may enter on any premises on which a mobile home is located, or is about to be located, and inspect the same and all accommodations connected therewith at any reasonable time.

Sec. 397-6 Junk, certain vehicles, recreational equipment and firewood is hereby amended to read at Sub. H.:

H. Issuance of citation; action to abate. Whenever the ~~Chief of Police~~ Village Zoning Administrator shall find any such vehicle, junk or recreational equipment, as defined in Subsection B above, accumulated, stored or remaining in the open upon any property within the Village contrary to the provisions of Subsections C, D, E and F above, or firewood stored contrary to Subsection G above, he shall notify the owner of said property on which such vehicle, junk, recreation equipment or firewood is located of the violation of this section. If such vehicle, junk, recreational equipment or firewood is not removed within 10 days, the ~~Chief of Police~~ Zoning Administrator or his designee may ~~shall~~ cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle, junk, recreational equipment or firewood is located. In addition, action to abate such nuisance may be commenced, as provided in § 397-7 of this article.

Sec. 397-7 Abatement of public nuisances is hereby amended to read at Sub. A. and Sub. B.(1):

A. Enforcement. It shall be the duty of the ~~Chief of Police~~, the Fire Chief, the Zoning Administrator and the County Health Officer to enforce those provisions of this article that

come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

B. Summary abatement.

(1) Notice to owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the ~~Chief of Police~~ the officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Village shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

Sec. 408-10 Boat launching regulated is hereby amended to read at Sub. C.:

C. Launching and recovery procedure. All persons launching or recovering boats shall remove vehicles, trailers and water craft from the ramp area within 10 minutes. ~~Launching or recovering requiring more than 10 minutes shall be allowed only upon prior approval of the Police Chief.~~ If the ramp is needed for any emergency purpose, the ramp shall be vacated immediately.

Sec. 415-5 Loud and unnecessary noise is hereby amended to read at Sub. B.:

B. Public address systems and amplifiers. No person shall use or operate any public address system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood between the hours of 9:00 p.m. and 6:00 a.m. unless a special permit is obtained from the Village Board. This permit may be applied for up to twice per month Memorial Day weekend through Labor Day to extend the time until 12:00 midnight, but no later. ~~At the discretion of the Chief of Police, he may have an officer assigned to the premises at the owner's expense.~~

Sec. 462-2 Excavations and openings is hereby amended to read at Sub. G.:

G. Emergency excavations authorized. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall immediately notify the Village President or the Chair of the Village Streets Committee or

the Chair of the Sewer Committee ~~the Police Chief~~ and shall apply for an excavation permit not later than the end of the next succeeding business day.

Sec. 492-2 Official Traffic Map and control devices; prohibited signs, signals and markers is hereby renamed "Official traffic signs and signals" and amended to read:

A. Authority to procure and erect signs and signals. The Village President or designee, in conjunction with the Chair of the Village Streets Committee or his designee, is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signals, signs and markings conforming to the rules of the State Department of Transportation giving notice of the provisions of this section as required by state law. Signs shall be erected in such location and manner as the Village President or designee of the Village of Fremont shall determine will best effect the purposes of this section and give adequate warning to users of the streets, highways, and roads.

B. Removal of unofficial signs and signals. The Village President or designee shall have the authority granted by § 349.09, Wis. Stats., and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this section or § 346.41, Wis. Stats. Any charge imposed on the premises for removal of such an illegal sign, signal or device shall be reported to the Village Board of Trustees at its next regular meeting for review and certification.

Sec. 492-4 Stop and yield signs is hereby amended to read at Sub. B.:

B. Designation of temporary stop signs. Under circumstances that create a temporary traffic hazard and the ~~Chief of Police~~ Village President or designee deems public safety requires it, the ~~Chief~~ Village President or designee, with the cooperation of the Director of Public Works, may erect temporary stop signs. Such signs shall be removed when the traffic hazard no longer exists.

Sec. 492-5, Sub. A, Parking standing or stopping DELETED

Sec. 492-7 Abandoned vehicles, is hereby amended to read at Sub. E.:

E. Removal and impoundment or sale. Any vehicle found abandoned in violation of this chapter ~~shall~~ may be impounded by the ~~Police Department~~ Village until lawfully claimed or disposed of as provided in this section. If the ~~Chief of Police~~ Village Board ~~or his duly authorized representative~~ determines that towing costs and storage charges for 10 days, as provided in Subsection F below, would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Village in coordination with the Waupaca County Sheriff's Department ~~Chief of Police~~ that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid in accordance with Subsection H below.

Sec. 492-7 Abandoned vehicles, is hereby amended to read at Sub. G.:

G. Notice to owner. ~~The police officer removing or causing the removal of any vehicle found in violation of this section shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and Village shall, within 10 days after removing or causing the removal of any vehicle found in violation of this section thereafter,~~ notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in § 342.40(3), Wis. Stats., and shall state that the failure of the owner or lienholder to exercise their right to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

Sec. 492-7 Abandoned vehicles, is hereby amended to read at Sub. N.:

N. Exemption. Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall, within 12 hours of such occurrence, notify the ~~Police Department~~ Village of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the Village together with a fee for the cost of towing and junking charges and shall be exempt from the provisions of this section. ~~When so requested by the owner or person in charge of a vehicle, the Chief of Police shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the contractor engaged by the Village for towing of disabled vehicles. The provisions of Subsection K above shall apply to any vehicle removed under this subsection.~~

Sec. 492-12 Violations and penalties is hereby amended to read at Sub. D.:

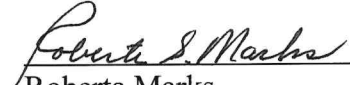
Forfeitures for Village parking violations. The forfeiture for all Village parking violations shall be \$50 if paid within five days and \$75 if paid after five days, but less than 15 days. After 15 days, a citation shall be issued. ~~Vehicles of repeat offenders shall be towed away at the discretion of the Police Department.~~

Sec. 492-13(C)(2) is hereby repealed and DELETED.

Any other references to the Village of Fremont Police Department and/or the position of Police Chief shall be removed to the extent that they are inconsistent with this Ordinance pursuant to Sec. 1-16 of the Village Code.

This ordinance shall become effective upon passage and publication as required by law.

Adopted this 23 day of April 2024.



Roberta Marks
Village President

Attest:


Megan Wunderlich
Clerk/Treasurer